

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 28, 2005

05-2750

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

PRESENT: [14] Miller, Hill, Garcia, Medrano, Oakley, Thornton Reese, Salazar, Chaney,
Fantroy, Griffith, Koop, Natinsky, Rasansky, Hunt

ABSENT: [1] Blaydes

The meeting was called to order at 9:29 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 7:24 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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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 28, 2005

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 28, 2005

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2751

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: Billy MacLeod, 2524 Elm St.
SUBJECT: Can't we all just get along and well done

SPEAKER: Linda Bates, 4144 Tram Dr.
SUBJECT: Corruption at City of Dallas, W.R. Greyson Co., Texas Vermiculite Site, DHA

SPEAKER: Joyce Archuleta, 743 Genoa Ave.
SUBJECT: Mayor proposal for stronger power

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Ken Green, 3011 Fairview Ave.
REPRESENTING: Crosstown Neighborhood
SUBJECT: Neighborhood Mow-clean

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

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: Citizens Organized for Representative Democracy
SUBJECT: Hitler's helper

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2752

Item 1: Approval of Minutes of the September 14, 2005 City Council Meeting

Councilmember Oakley moved to approve the minutes, as corrected by the city secretary.

The city secretary stated the Official Action sheet had approved as part of the consent agenda was an error for consent agenda item 11. The Official Action sheet should have stated that the city secretary announced that the city manager had deleted the item from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Blaydes absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2753

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-46 and addendum addition consent agenda items 1-7, were presented for consideration.

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

Councilmember Rasansky requested that consent agenda item 33 and addendum addition 3 be considered as individual items. Mayor Miller stated that consent agenda item 33 and addendum addition 3 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda items 27 and 33 and addendum addition 3 which would be considered later in the meeting.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Blaydes absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2754

Item 2: Authorize a contract for roof replacement and asbestos abatement at Fire Station No. 18 located at 660 North Griffin - Certified/LVI Environmental, lowest responsible bidder of two - \$132,428 - Financing: Capital Construction Funds (\$107,580), 1998 Bond Funds (\$24,848)

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2755

Item 3: Authorize a contract for the reconstruction of street paving and storm drainage improvements on Prairie Creek Road from Military Parkway to Cedar Run Drive - SYB Construction Company, Inc., lowest responsible bidder of four - \$1,048,623 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2756

Item 4: Authorize a contract for streetscape improvements on Akard Street from Pacific Avenue to Ross Avenue, Ervay Street from Pacific Avenue to Ross Avenue and streetscape and minor street improvements on Ervay Street, St. Paul Street and Pacific Avenue adjacent to the Republic Center - Texas Standard Construction, Ltd., lowest responsible bidder of two - \$1,619,260 - Financing: 2003 Bond Funds (\$1,583,985), City Center TIF District Funds (\$35,275)

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2757

Item 5: Authorize an increase in the contract with J. N. Kent Construction Company, Inc. for modifications to the lobby area, men's rest room, front of the building, landscaping, structural support for operable partition, interior painting and coordination of asbestos abatement at Tommie M. Allen Recreation Center located at 7071 Bonnie View Road - \$70,045, from \$504,784 to \$574,829 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2758

Item 6: Authorize a Project Specific Agreement with Dallas County for the design and construction of bicycle and pedestrian enhancements on Kiestwood Trail from Kiest Park to Cockrell Hill Road - \$432,500 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2759

Item 7: Authorize a Project Specific Agreement with Dallas County for the design and construction of paving and storm drainage improvements at various intersections - \$500,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2760

Item 8: Authorize (1) street paving, storm drainage, water and wastewater main improvements for Street Group 03-441; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and (2) a benefit assessment hearing to be held on November 9, 2005, to receive citizens' comments - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2761

Item 9: Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, of a tract of land containing approximately 14,276 square feet of land located near the intersection of Arturo and Lakeland Drives from the Skyline White Rock Lions Club for the Ash Creek Drainage project - \$149,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2762

Item 10: An ordinance abandoning easements to Sandlin-Mountain Hollow, Ltd., the abutting owner, containing approximately 100,888 square feet of land located near the intersection of Eagle Ford Drive and Camp Wisdom Road, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26111.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2763

- Item 11. An ordinance granting a private license to Meadows Foundation, Incorporated for the use of approximately 45 square feet of land to maintain the existing decorative street lights located in the rights-of-way of Swiss Avenue and Texas, Liberty and Floyd Streets - Revenue: \$1,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26112.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2764

Item 12: An ordinance granting a private license to Ruben Martinez for the use of approximately 125 square feet of land to install, use and maintain a sanitation dumpster on a portion of 7th Street right-of-way located near its intersection with Edgefield Avenue - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26113.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2765

Item 13: An ordinance granting a private license to Leis 'Ohana Hui Family Partnership, Ltd. for the use of approximately 1,730 square feet of land to use and maintain existing landscaping and irrigation systems on and under a portion of Broom Street right-of-way located near its intersection with Lamar Street - Revenue: \$1,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26114.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2766

Item 14: An ordinance abandoning easements to Wildwood Development Company I, Ltd., the abutting owner, containing approximately 12,479 square feet of land located near the intersection of Clarkwood Drive and Clark Road, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26115.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2767

Item 15: Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 2 tracts of land for the construction of the Northwest Rail Operating Facility located near the intersection of Abernathy Avenue and Lombardy Lane - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2768

Item 16: Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 2 tracts of land for the construction of the Southeast Corridor Line Section (SE-2) located near the intersection of Elam Road and Buckner Boulevard - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2769

Item 17: Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 7 tracts of land for the construction of the Southeast Corridor Line Section (SE-1) located near the intersection of South Boulevard and Trunk Avenue, Grand and Trunk Avenues and Birmingham and Trunk Avenues - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2770

Item 18: Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 2 tracts of land for the construction of the Northwest Corridor Line Section (NW-3) located near the intersection of Royal Lane and Grissom Lane - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2771

Item 19: A resolution declaring approximately 13,649 square feet of undevelopable City-owned land unwanted and unneeded located near the intersection of Marlborough Avenue and Clarendon Drive and authorizing its sale to Antonio Montoya, the abutting owner - Revenue: \$11,000

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

05-2772

Item 20: A resolution declaring approximately 2,174 square feet of undevelopable City-owned land unwanted and unneeded located near the intersection of Lemmon Avenue and Lovers Lane and authorizing its sale to MSC-I, Ltd., the abutting owner - Revenue: \$48,915

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2773

Item 21: Authorize (1) the acceptance of amended proposals from SouthFair Community Development Corporation for the development of 4 unimproved properties obtained through the House Bill 110 process, and (2) a time extension for the development and execution of correction deeds and amended deed restrictions - Financing: No cost consideration to the City

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2774

Item 22: Authorize a thirty-six-month service contract for parking lot cleaning with the lowest responsible bidder of five - Harman Commercial Services - Not to exceed \$353,080 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2775

Item 23: Authorize the purchase of a replacement regenerative air sweeper to maintain the parking structures at Dallas Love Field, from Tymco International, through the Houston Galveston Area Council, a Texas local government cooperative purchasing program - Not to exceed \$65,894 - Financing: Aviation Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2776

Item 24: Authorize the purchase of hydraulic spreading, pulling, and cutting tools and associated attachments used to extricate persons trapped in vehicles and pneumatic lifting and shoring equipment to be used with collapsed buildings and cave-ins while searching for survivors, from the only bidder - Metro Fire Apparatus Specialist, Inc. - Not to exceed \$145,944 - Financing: 2004 Terrorism Response Equipment Grant Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2777

Item 25: Authorize a thirty-six-month price agreement for the installation of new fencing and repair of existing fencing at City facilities with the lowest responsible bidders of three - United Fence Contractors, Inc., dba Richardson Bros. Fence Co. in the amount of \$12,386,184, and Superior Concrete Fence of Texas, Inc. in the amount of \$110,417 - Total not to exceed \$12,496,601 - Financing: Current Funds (\$11,124,836) and Water Utilities Current Funds (\$1,371,765) (subject to annual appropriations)

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2778

Item 26: Authorize a thirty-six-month service contract for yard waste grinding services at the McCommas Bluff Landfill and Northwest Transfer Station with the lowest responsible bidder of four - Texas Tree and Landscape - Not to exceed \$900,000 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2779

Item 27: Authorize a thirty-six-month service contract for removal of illegally dumped litter on streets, sump areas, creeks and rights-of-way with the lowest responsible bidder of six - Urban Landscaping & Irrigation - Not to exceed \$119,040 - Financing: Current Funds (subject to annual appropriations)

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

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

Deputy Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Chaney.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2780

Item 28: Authorize the purchase of heavy equipment from the lowest responsible bidders of six - Conley Lott Nichols Machinery in the amount of \$153,696, Roadrunner Traffic Supply, Inc. in the amount of \$25,725, Barnsco, Inc. in the amount of \$61,688 and Stewart & Stevenson in the amount of \$59,237 - Total not to exceed \$300,346 - Financing: Current Funds (\$241,109), Water Utilities Current Funds (\$59,237)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2781

Item 29: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Fletcher & Springer, L.L.P. for legal representation of the City in the lawsuits styled Cruz et al. v. City of Dallas et al., Civil Action No. 3:02-CV-0649-K, Jenkins v. DeLaPaz, et al., Civil Action No. 3:04-CV-0810-K, Everett et al. v. Larsen, et al., Civil Action No. 3:04-CV-0192-K, Chavez et al. v. DeLaPaz et al., Civil Action No. 3:04-CV-0510-K and Gwyn v. City of Dallas et al., Civil Action No. 3:02-CV-2121-K - Not to exceed \$80,000, from \$25,000 to \$105,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2782

Item 30: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Brown & Hofmeister, L.L.P. for legal services necessary for representation of the City of Dallas in the lawsuits styled Victor Alvarado DeLeon v. Mark DeLaPaz, et al., Civil Action No. 3:02-CV-1097-K, Chavez, et al. v. DeLaPaz, et al., Civil Action No. 3:04-CV-0510-K, L. Dwaine Lord v. City of Dallas, et al., Civil Action No. 3:02-CV-1636-K - Not to exceed \$135,000, from \$400,000 to \$535,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2783

Item 31: Authorize settlement of a claim filed by Marcus Clark, Claim No. 20050792 - \$6,000
- Financing: Current Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2784

Item 32: Authorize settlement of a claim filed by Shirley K. Jones and Michael Kelly, Claim
No. 20042231 - \$10,634 - Financing: Current Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2785

Item 33: Authorize an amendment to Resolution No. 01-2043 previously approved on June 27, 2001 to allow for reimbursements to wireless service providers (WSPs) as required by Texas State Health and Safety Code Chapter 771.0711 (g) for Phase I and II E911 wireless service and remove the not to exceed amount of \$2,000,000 payable to WSPs and reference to agreements between the City and WSPs - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda 33 be considered as an individual item. Mayor Miller stated that consent agenda 33 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 33 was brought up for consideration.

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

Deputy Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Koop and unanimously adopted. (Rasansky abstain; Blaydes absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2786

Item 34: An ordinance granting an IM Industrial Manufacturing District on the west side of Goodnight Lane at Glenda Lane and a resolution accepting deed restrictions volunteered by the applicant Z045-241(WE) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26116.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2787

Item 35: Authorize Business Assistance Center (BAC) contracts with (1) Greater Dallas Hispanic Chamber of Commerce in an amount not to exceed \$80,000 to continue management and operation of BAC #1 located at 4622 Maple Avenue; (2) InnerCity Community Development Corporation in an amount not to exceed \$80,000 to continue management and operation of BAC #2 located at 4907 Spring Avenue; (3) Greater Dallas Hispanic Chamber of Commerce in an amount not to exceed \$80,000 to establish and operate BAC #3 located within the West Dallas targeted area; (4) MBA Consultants, Inc. in an amount not to exceed \$80,000 to continue management and operation of BAC #5 located at 1201 W. Camp Wisdom; (5) Greater Dallas Asian American Chamber of Commerce Multi-Ethnic Education and Economic Development Center in an amount not to exceed \$80,000 to continue management and operation of BAC #6 located at 1327 N. Peak Street; and (6) Dallas Fashion Incubator, Inc. in amount not to exceed \$80,000 to continue management and operation of BAC #7 located at 1623 Main - Total not to exceed \$480,000 - Financing: 2003-04 Community Development Grant Funds (\$80,000) and 2005-06 Community Development Grant Funds (\$400,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2788

Item 36: Authorize (1) a contract with the Southern Dallas Development Corporation located at 351 W. Jefferson Blvd, with four renewal options to administer the Southern Dallas Economic Development Programs which include the Business Revolving Loan Program, the Professional and Technical Assistance Program, and the Demonstration Loan Program for the purpose of providing loans, job opportunities by creating/retaining a minimum of forty jobs, and community and economic development revitalization within the 332 U. S. Department of Housing and Urban Development federally-approved census tracts in the amount of \$566,000, (2) an allocation of \$566,000 to the Business Revolving Loan Program, and (3) any unexpended balances of program income from prior contracts be retained and rolled over to continue the Business Revolving Loan Program - Total not to exceed \$566,000 - Financing: 2005-06 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2789

Item 37: Authorize a contract with SER Child Development Center targeting the West Dallas community to continue the operation and implementation of the Proyecto Training Apprenticeship Program, a job training program for low to moderate income persons working in the child care industry who seek further training, career advancement and better wages in the child care industry, and to address the needs related to early child development and education for bilingual youths for the period of November 1, 2005 through October 31, 2006 - Not to exceed \$80,000 - Financing: 2005-06 Community Development Grant Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2790

Item 38: Authorize a public hearing to be held on October 12, 2005 to receive citizens' comments concerning the creation of City of Dallas Reinvestment Zone No. 61 located at 9314 W. Jefferson; and at the close of the public hearing consideration of (1) an ordinance creating City of Dallas Reinvestment Zone No. 61; and (2) a business personal property tax abatement agreement with Vought Aircraft Industries, Inc. - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2791

Item 39: Authorize the acceptance of grant funds from Department of State Health Services for the City of Dallas' Immunization Initiative Program for the period September 1, 2005 through August 31, 2006 - Not to exceed \$243,761 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2792

Item 40: Authorize (1) the acceptance of grant funds from the U.S. Department of Education to provide low-performing high school students with computer-assisted instruction/training and supplementary educational instruction at the Martin Luther King Community Technology Center for the period August 15, 2005 through July 31, 2006, and (2) execution of the grant agreement - Not to exceed \$357,749 - Financing: U.S. Department of Education Grant Funds (\$328,250) and In-Kind Contributions (\$29,499)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2793

Item 41: Authorize a twelve-month contract, with two twelve-month renewal options, with YMCA of Metropolitan Dallas for the provision of a Positive Enrichment for Hispanic Youth Program for children ages 8 through 19 for the period October 1, 2005 through September 30, 2006 - Not to exceed \$76,000 - Financing: 2004-05 Community Development Grant Funds (\$38,000) and 2005-06 Community Development Grant Funds (\$38,000)

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2794

Item 42: Authorize a twelve-month contract, with two twelve-month renewal options, with YWCA of Metropolitan Dallas for the provision of a Teen Parenting Assistance Program - Oak Cliff for low-to-moderate income persons for the period October 1, 2005 through September 30, 2006 - Not to exceed \$75,000 - Financing: 2004-05 Community Development Grant Funds (\$37,500) and 2005-06 Community Development Grant Funds (\$37,500)

Approved as part of the consent agenda.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2795

Item 43: Authorize the designation of seven census tracts comprising three Neighborhood Investment Program target areas for a minimum of three years, beginning October 1, 2005 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2796

Item 44: Ratify the Eisenhower Protocol agreement with other municipalities for the purpose of supporting the development of multimodal transportation networks, transportation infrastructure investments, and to recognize the positive input that interstate highways have on the City of Dallas - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2797

Item 45: Ratify the Friendship and Cooperation Protocol agreement between the City of Dallas and the Port Authority of Manzanillo 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

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2798

Item 46: Authorize (1) the acceptance of a grant the from the U.S. Department of Housing and Urban Development for the Fair Housing Assistance Program to process, investigate and conciliate housing discrimination complaints and to provide fair housing education and outreach for the period October 1, 2005 through September 30, 2006; and (2) the execution of any and all documents related to the grant - \$192,600 - Financing: U.S. Department of Housing and Urban Development, Fair Housing Assistance Program Comprehensive Funding Approach Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2799

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 47-48, were presented for consideration.

Agenda item 48 was removed from the consent zoning docket, to be considered as an individual hearing.

Agenda item 47: Zoning Case Z045-250 (MM)

~~Agenda item 48: Zoning Case Z045-258 (WE)~~ **[Considered individually]**

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

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

Councilmember Oakley moved to close the public hearing, accept the recommendations of the city plan commission in the consent zoning case and pass the ordinance with the following changes: approval for a 10 year period, with eligibility for automatic renewals for additional ten year periods, subject to a development plan and conditions and deed restrictions submitted by the applicant as presented as part of the consent zoning docket.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Blaydes absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2800

Item 47: Zoning Case Z045-250 (MM)

Zoning Case Z045-250 (MM), an application for and an ordinance granting a Specific Use Permit for a Community Service Center on property zoned an R-5(A) Single Family District on the northeast corner of Norwich Street and Homeland Street.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26117.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2801

Item 48: Zoning Case Z045-258 (WE)

The consent zoning docket, consisting of agenda items 47-48, were presented.

Deputy Mayor Pro Tem Garcia requested that consent zoning docket item 48 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 48 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Deputy Mayor Pro Tem Garcia's request.

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

A public hearing was called on zoning case Z045-258 (WE), an application for and an ordinance granting an amendment to Specific Use Permit No. 1388 for a public or private school on property zoned an MF-2(A) Multifamily District on the northeast corner of 10th Street and Tyler 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, revised conditions and Traffic Management Plan.)

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

The following individual addressed the city council regarding zoning case Z045-258 (WE):

William Hopkins, 2011 Leath St.

Deputy Mayor Pro Tem Garcia moved to close the public hearing, accept the recommendation of the city plan commission with the following changes:

"1. Amend the Traffic Management Plan to provide that ingress and egress for student drop-off and pick-up is limited to F and G as shown on the site plan.

2. Amend Condition No. 3 to read as follows:

TIME LIMIT: This specific use permit terminates on September 28, 2010.

3. Amend Condition No. 5 to read as follows:

INGRESS AND [E]GRESS: Ingress and egress must be provided in the locations [as] shown on the attached site plan and must comply with the attached Traffic Management Plan. No other ingress or egress is permitted.

4. Amend Condition No. 10 to read as follows:

OFF-STREET PARKING: A minimum of 77 off-street parking spaces must be provided in the location shown on the attached site plan, and pass the ordinance.

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

Assigned ORDINANCE NO. 26118.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2802

Item 49: Public Hearing – Zoning Case Z045-201 (DW)

A public hearing was called on zoning case Z045-201 (DW), an application for the renewal of Specific Use Permit No. 1546 for a commercial amusement (inside) use for a dance hall on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the southeast side of McKinney Avenue, southwest of Clyde Lane.

(The city plan commission recommended denial.)

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

Paul Rich, 3500 Oak Lawn Ave., representing the applicant
Hector Hinojosa, 2912 McKinney Ave., representing the applicant

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

Scott Brosi, 3030 McKinney Ave.
Sandra Kincaid, 3030 McKinney Ave.
Michelle Naiger, 3954 Rochelle Dr.
Bob Spurgin, 3020 Oak Grove Ave.
Leslie Rossi, 3030 McKinney Ave.
Rico Rossi, 3030 McKinney Ave.
Keith Schmidt, 3030 McKinney Ave.

Councilmember Hunt moved to close the public hearing and accept the recommendation of the city plan commission.

Motion seconded by Councilmember Natinsky.

Councilmember Medrano moved to substitute for Councilmember Hunt's motion a motion to overrule the city plan commission's recommendation and grant the application for the renewal of SUP 1546 for a commercial amusement use for a dance hall for 3 years.

Motion seconded by Deputy Mayor Pro Tem Garcia.

During discussion, Councilmember Hunt called for a point of order as to whether or not a motion that is contrary to the original motion is in order.

The city attorney advised the council that a substitute motion that is the exact opposition to the main motion is out of order in accordance with Roberts Rule of Order.

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05-2802

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Mayor Miller called the vote on the original motion:

Voting Yes: [9] Miller, Thornton Reese, Chaney, Fantroy, Griffith, Koop, Natinsky,
Rasansky, Hunt

Voting No: [5] Hill, Garcia, Oakley, Salazar, Medrano

Absent: [1] Blaydes

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2803

Item 50: Public Hearing – Zoning Case Z045-242 (MM)

A public hearing was called on zoning case Z045-242 (MM), an application for an amendment to Planned Development District No. 16 for Local Retail-3 District uses for personal service, retail, commercial and office uses on the east side of Preston Road, north of LBJ Freeway with consideration given to and an ordinance amending Planned Development District No. 16 to Chapter 51A Development Code standards for RR Regional Retail District uses.

(The city plan commission recommended approval of amending Planned Development District No. 16 to RR Regional Retail District uses and Chapter 51A standards, subject to a development plan, landscape plan, and conditions in lieu of the requested PD amendment.)

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

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

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

Assigned ORDINANCE NO. 26119.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2804

Item 51: Public Hearing – Zoning Case Z045-262 (WE)–DALLAS INDEPENDENT SCHOOL DISTRICT

A public hearing was called on Zoning Case Z045-262 (WE), an application for and an ordinance granting a Planned Development District for a public school other than an open-enrollment charter school and RR Regional Retail District uses on property zoned an LI Light Industrial District and an RR Regional Retail District on both sides of Chevrolet Drive, south of Chenault Street.

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

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

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

“Sec. 51P-733.109 STUDENT DROP-OFF AND PICK-UP.

For a public school other than an open-enrollment charter school:

- (1) School buses must access the property using the driveways on Chevrolet Drive as shown on the development plan. All other vehicles used for the pick-up or drop-off of students must access the property using the east and west driveways on Chenault Street as shown on the development plan.
- (2) All queuing of vehicles for the drop-off and pick-up of students must be inside the property. No drop-off or pick-up of students is permitted in the right-of-way Chenault Street or Dilido Road.
- (3) An administrator must manage traffic during peak morning and afternoon hours to ensure an orderly traffic operation for the drop-off and pick-up of students” and pass the ordinance.

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

Assigned ORDINANCE NO. 26120.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2805

Item 52: Public Hearing – Zoning Case DCA 045-009 - DEVELOPMENT CODE AMENDMENTS

A public hearing was called on zoning case DCA 045-009, a public hearing to consider amendments to Chapter 51 and 51A of the Dallas Development Code to establish a Neighborhood Prevailing Standards Overlay and a Neighborhood Stabilization Overlay.

(The city plan commission recommended approval.)

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

Keller Webster, 6931 Colfax Ave.
Peter Urrutia, 8201 N. Stemmons Frwy., representing Metro Texas Association of Realtors
Paul Cauduro, 6609 Bitmore, Plano; representing Homebuilder Association
Kay Weeks, 5935 Lupton Dr., representing Metro Texas Association of Realtors
Jeremy Lawson, 6815 Gason Ave.
Tracy Glover, 2702 McKinney Ave.
Richard Aubin, 4324 Santa Barbara Dr.
Jimmy Langkop, 11017 Aladdin Dr.
Kenny Manuelson, 4053 Santa Barbara Dr.
Eugene Thomas, 5654 Winding woods Trl.
Diane Benjamin, no address given

Councilmember Oakley moved to extend the time for each side for 20 minutes and to give the opponents an additional 45 seconds.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Blaydes absent)

The following individuals addressed the council in opposition:

David Youngs, 6138 Vickery Blvd.
Cleave Buchanan, 6159 Velasco
Jay Wysong, 5530 Vanderbilt Ave.
Bill Shields, 5623 Alta
Charles Langerfield, 1608 Val Meadow
Cheryl Williams, 6840 Galeridge

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

Melissa Babcock, 7828 Idlewood Ln.

Patty Walker, 5021 Wanovah Dr.

David Marquis, 3110 W. Kiest Blvd.

Wendy Seever, 4006 Berry St.

Jason English, 4125 Sperry

Lee Simpson, 7199 Greentree Ln., representing White Rock Neighborhood Association

Aaron Dyer, 14407 Overview Cir.

Michelle Mew, 4814 Purdue

Melanie Van Landingham, 6311 Lake Shore

Jerri Arbuckle, no address given, representing Dallas Homeowners League

Israel Monroe, 6860 South Ridge Dr.

Ken Lampkin, 6014 Lanoak Ave.

Carl Franks, 6330 Desco

Councilmember Oakley moved to postpone the application for thirty days and continue the public hearing at that time.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2806

Item 53: BENEFIT ASSESSMENT HEARING

A benefit assessment hearing to receive citizens' comments on street paving, storm drainage and water main improvements on Houston School Road from Wheatland Road to Camp Wisdom Road, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with Ed Bell Construction Company, lowest responsible bidder of five - \$4,449,000 - Financing: 2003 Bond Funds (\$3,688,330), Water Utilities Capital Improvement Funds (\$726,450), and Water Utilities Capital Construction Funds (\$34,220)

Appearing in opposition to the proposed improvements or the assessments:

Rebecca Sneed, 8015 Houston School Rd.
Reginald Harris, no address given
Juanita Haynes, 7303 Houston School Rd.

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

The following individual addressed the city council regarding the benefit assessment:

William Hopkins, 2011 Leath St.

Councilmember Fantroy moved to close the public hearing, pass the ordinance levying the assessments and approve the resolution authorizing the contract.

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

Assigned ORDINANCE NO. 26121.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2807

Item 54: BENEFIT ASSESSMENT HEARING

A benefit assessment hearing to receive citizens' comments on sidewalk paving, alley paving and wastewater main improvements, for Project Group 03-3002, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with VAS Engineering & Construction, lowest responsible bidder of five (list attached) - \$480,451 - Financing: 2003 Bond Funds (\$397,116), Water Utilities Capital Construction Funds (\$83,335)

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

Councilmember Koop moved to close the public hearing, pass the ordinance levying the assessments and approve the resolution authorizing the contract.

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

Assigned ORDINANCE NO. 26122.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2808

Item 55: MISCELLANEOUS HEARING

A public hearing to receive citizens' comments concerning the creation of City of Dallas Reinvestment Zone No. 62 located at 18325 Waterview; and at the close of the public hearing consideration of (1) an ordinance creating Reinvestment Zone No. 62, (2) a real property tax abatement agreement with Prime Art and Jewel, Inc.; and (3) a rebate of development fees paid to the City in conjunction with improvements made at 18325 Waterview up to \$10,000 - Revenue: First year revenue estimated at \$11,156; five-year revenue estimated at \$56,000; (Estimated revenue foregone for five-year abatement estimated at \$56,000)

No one addressed the city council regarding the item.

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

Motion seconded by Councilmember Koop and unanimously adopted. (Hill, Thornton, Chaney absent when vote taken; Blaydes absent)

Assigned ORDINANCE NO. 26123.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2809

Deep Ellum Public Improvement District

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

- Item 56: * A public hearing to receive citizens' comments regarding the annual assessment rate for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District for the purpose of providing supplemental services and improvements, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 57: * An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Deep Ellum Public Improvement District (District); approving, adopting and filing with the City Secretary the 2005 assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2006; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

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.

No one addressed the city council regarding Deep Ellum Public Improvement District.

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

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

Assigned ORDINANCE NO. 26124.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2810

Dallas Downtown Improvement District

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

- Item 58: * A public hearing to receive citizens' comments regarding the annual assessment rate for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 59: * An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Dallas Downtown Improvement District; approving, adopting and filing with the City Secretary the assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2006; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - \$200,000 - Financing: Current Funds (subject to annual appropriations)

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

The following individual addressed the city council Dallas Downtown Improvement District:

Marvin Crenshaw, 5134 Malcolm X Blvd.

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

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

Assigned ORDINANCE NO. 26125.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2811

Preston Hollow North Public
Improvement District

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

- Item 60: * A public hearing to receive citizens' comments regarding the annual assessment rate for the Preston Hollow North Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 61: * An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services to property in the District; approving, adopting and filing with the City Secretary the 2005 assessment roll; closing the hearing and levying assessments for the cost of certain services to be provided in the District during 2006; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

The city secretary stated that by approval of Councilmember Rasansky's motion on addendum items 10 and 11; the public hearing on item 60 has been canceled and item 61 regarding consideration of the ordinance has not been approved.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2812

Prestonwood Public Improvement District

Note: Item Nos. 62 and 63 must
be considered collectively.

- Item 62: * A public hearing to receive citizens' comments regarding the annual assessment rate for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 63: * An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District; approving, adopting and filing with the City Secretary the 2005 assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2006; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding Prestonwood Public Improvement District.

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

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

Assigned ORDINANCE NO. 26126.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2813

South Side Public Improvement District

Note: Item Nos. 64 and 65 must be considered collectively.

- Item 64: * A public hearing to receive citizens' comments regarding the annual assessment rate for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 65: * An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the South Side Public Improvement District (District); approving, adopting and filing with the City Secretary the 2005 assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2006; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding South Side Public Improvement District.

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

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

Assigned ORDINANCE NO. 26127.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2814

Uptown Public Improvement District

Note: Item Nos. 66 and 67 must be considered collectively.

- Item 66: * A public hearing to receive citizens' comments concerning the annual assessment rate for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 67: * An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Uptown Public Improvement District; approving, adopting and filing with the City Secretary the 2005 assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2006; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding Uptown Public Improvement District.

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

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

Assigned ORDINANCE NO. 26128.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2815

Vickery Meadow Public
Improvement District

Note: Item Nos. 68 and 69 must
be considered collectively.

- Item 68: * A public hearing to receive citizens' comments concerning the annual assessment rate for the Vickery Meadow Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 69: * An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Vickery Meadow Public Improvement District; approving, adopting and filing with the City Secretary the 2005 assessment roll; closing the hearing and levying assessments for the cost of certain services and/or improvements to be provided in the District during 2006; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding Vickery Meadow Public Improvement District.

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

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

Assigned ORDINANCE NO. 26129.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2816

Unimproved Property at 2614 Merlin

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

Item 70: * A public hearing to receive citizens' comments on an amended proposal from SouthFair Community Development Corporation, a qualified non-profit organization, to consider changes and time extension for the development of the unimproved property at 2614 Merlin obtained through the House Bill 110 process - Financing: No cost consideration to the City

Item 71: * Authorize (1) the acceptance of an amended proposal from SouthFair Community Development Corporation for the development of the unimproved property at 2614 Merlin obtained through the House Bill 110 process, and (2) a time extension for the development and execution of a correction deed and amended deed restrictions - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Chaney moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2817

2005-06 Consolidated Plan Reprogramming Budget #1

- Item 72: * A public hearing to receive citizens' comments on the proposed FY 2005-06 Consolidated Plan Reprogramming Budget #1 to appropriate \$1,600,000 of Section 108 Intown Housing Program Income - Financing: No cost consideration to the City
- Item 73: * Authorize adoption of the final FY 2005-06 Consolidated Plan Reprogramming Budget #1 to appropriate \$1,600,000 of Section 108 Intown Housing Program Income - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Lorelee Bartos, 3211 Culver

Councilmember Oakley moved to close the public hearing and authorize the adoption.

Motion seconded by Deputy Mayor Pro Tem Garcia.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2818

Item 74: 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 2005-2007 board term updated through September 28, 2005.

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

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

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

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

05-2862 ASC ANIMAL SHELTER COMMISSION
05-2863 EHC ENVIRONMENTAL HEALTH COMMISSION
05-2864 LMC LANDMARK COMMISSION
05-2865 PAR PARK AND RECREATION BOARD
05-2866 YAC YOUTH COMMISSION

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CITY OF DALLAS, TEXAS

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September 28, 2005

05-2819

Item 75: Authorize hardship relief for property located at 9440 Marsh Lane from the West Northwest Highway moratorium on the acceptance of applications for building permits and certificates of occupancy for non-residential properties within 500 feet of the north or south right-of-way line of West Northwest Highway, from Stemmons Freeway to Mixon Drive - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

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

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2820

Item 76: An ordinance abandoning a portion of Ridgecrest Road to the Dallas Independent School District, the abutting owner, containing approximately 20,833 square feet of land located near its intersection with Eastridge Drive, and authorizing the quitclaim - Revenue: \$104,000 plus the \$20 ordinance publication fee

Councilmember Griffith moved to pass the ordinance.

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

Assigned ORDINANCE NO. 26130.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2821

Item 77: A resolution authorizing the sale of approximately 26,079 square feet of City-owned land located near the intersection of Parnell Street and Sanger Avenue to the Dallas Independent School District - Revenue: \$58,678

Councilmember Chaney moved to approve the resolution.

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

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2822

Item 78: FY 2005-06 Budget Items

- . * Final reading and adoption of appropriation ordinances for the proposed FY 2005-06 City of Dallas Operating, Grants, & Trusts and Capital Budgets - Financing:
No cost consideration to the City

The following individuals addressed the city council regarding the item:

Marcelo Migoni, 6718 Umphress Rd.
Leonardo Forte, 718 Eli Ave.
Ayeesha Lusk, 221 Stoneport Dr.
Ogbas Neguse, 10404 Lone St.
Kenneth Parker, 1633 Nob Hill
Cesar Rios, 1201 E. 8th St.
Ronald Wright, 11308 Erica, Balch Springs

Councilmember Thornton Reese moved to add the following amendment to the FY 2005-06 proposed budget:

“Decrease the Mow Clean of Private Property budget by \$150,000. That the \$150,000 be designated for non-profit organizations to contract to mow lots.”

Motion seconded by Councilmember Chaney.

Councilmember Chaney moved to add the following amendment to the FY 2005-06 proposed budget:

“The South Dallas Fair Park Trust Fund Budget would not be decreased to fund surveillance cameras at Fair Park.”

Motion seconded by Councilmember Thornton Reese.

After discussion, Mayor Miller called the vote on Councilmember Thornton Reese’s motion:

Voting Yes: [12] Hill, Garcia, Oakley, Thornton Reese, Salazar, Chaney, Fantroy,
Griffith, Koop, Natinsky, Rasansky, Hunt

Voting No: [2] Miller, Natinsky

Absent: [1] Blaydes

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-2822

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After discussion, Mayor Miller called the vote on Councilmember Chaney's amendment:

Voting Yes:	[7]	Hill, Medrano, Thornton Reese, Salazar, Chaney, Fantroy, Hunt
Voting No:	[7]	Miller, Garcia, Oakley, Griffith, Koop, Natinsky, Rasansky
Absent:	[1]	Blaydes

Mayor Miller declared the motion failed.

Councilmember Oakley moved to approve the Final reading and adoption of the appropriation ordinances for the proposed FY 2005-06 City of Dallas Operating, Grants & Trusts and Capital Budgets as amended.

Motion seconded by Councilmember Natinsky.

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

Voting Yes:	[12]	Miller, Hill, Garcia, Medrano, Thornton Reese, Salazar, Chaney, Fantroy, Griffith, Koop, Natinsky, Hunt
Voting No:	[2]	Chaney, Rasansky
Absent:	[1]	Blaydes

Assigned ORDINANCE NOS. 26131 and 26132.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2823

Item 79: FY 2005-06 Budget Items

- * An ordinance setting the tax rate for FY 2005-06 at 74.17¢ per \$100 valuation and levying ad valorem taxes for the City of Dallas, Texas for FY 2005-06 - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Garcia moved to approve that property taxes be increased by the adoption of the tax rate of 74.17¢.

Motion seconded by Councilmember Natinsky.

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

Voting Yes:	[12]	Miller, Garcia, Medrano, Oakley, Thornton Reese, Salazar, Chaney, Fantroy, Griffith, Koop, Natinsky, Hunt
Voting No:	[1]	Rasansky
Absent:	[1]	Blaydes
Absent when vote taken:	[1]	Hill

Assigned ORDINANCE NO. 26133.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2824

Item 80: FY 2005-06 Budget Items

- * An ordinance amending Chapters 15C, 15D, 16, 17, 18, and 28 of the Dallas City Code to revise and establish various fees for City services - Estimated Revenue: \$9,511,327 - General Fund

Councilmember Oakley moved to pass the ordinance.

Motion seconded by Councilmember Fantroy.

Councilmember Rasansky requested that the questions be divided so that the ambulance fees could be voted on separately.

Motion seconded by Councilmember Salazar.

After discussion, Mayor Miller called the vote on Councilmember Rasansky's motion:

Voting Yes:	[6]	Miller, Medrano, Salazar, Chaney, Koop, Rasansky
Voting No:	[7]	Garcia, Oakley, Thornton Reese, Fantroy, Griffith, Natinsky, Hunt
Absent:	[1]	Blaydes
Absent when vote taken:	[1]	Hill

Mayor Miller declared the motion failed.

Mayor Miller called the vote on the original motion:

Voting Yes:	[11]	Miller, Garcia, Medrano, Oakley, Thornton Reese, Chaney, Fantroy, Griffith, Koop, Natinsky, Hunt
Voting No:	[3]	Salazar, Chaney, Rasansky
Absent:	[1]	Blaydes
Absent when vote taken:	[1]	Hill

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 26132.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2825

Item 81: FY 2005-06 Budget Items

- * An ordinance amending Chapter 49 of the Dallas City Code to adjust rates for water and wastewater services for Dallas and customer cities, effective October 1, 2005 - Estimated Revenue: \$25,845,000

Councilmember Oakley moved to pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Garcia.

After discussion, Mayor Miller called the vote on the motion

The city secretary announced that Mayor Pro Tem Hill entered the room after all councilmembers had cast their vote electronically and voiced his vote in favor of the motion. The city secretary announced the following vote:

Voting Yes:	[11]	Miller, Hill, Garcia, Medrano, Oakley, Salazar, Fantroy, Griffith, Koop, Natinsky, Hunt
Voting No:	[3]	Thornton Reese, Chaney, Rasansky
Absent:	[1]	Blaydes

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 26135.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2826

Item 82: FY 2005-06 Budget Items

- * Authorize (1) position changes; and (2) approval of revised salary schedules for fiscal year 2005-06

Councilmember Oakley moved to pass the item.

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

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2827

Item 83: FY 2005-06 Budget Items

- * Authorize (1) termination of the contract with Humana Insurance Company for claims processing administration, Preferred Provider Organization network access, utilization review, large-case management, 24-hour nurse line service, prescription drug services, COBRA and Flexible Spending Account administration, effective December 31, 2005, and (2) a forty-eight-month contract, with two twelve-month renewal options, for claims processing administration, Preferred Provider Organization network access, utilization review, large-case management, 24-hour nurse line service, prescription drug services, COBRA and Flexible Spending Account administration with the most advantageous proposer of six - United HealthCare of Texas, Inc. - Not to exceed \$13,662,546 - Financing: Employee Benefits Current Funds (subject to annual appropriations)

The city secretary announced that the city manager had deleted agenda item 83 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2828

Item 84: FY 2005-06 Budget Items

- * Authorize a forty-eight-month contract, with two twelve-month renewal options, for enrollment services and customer support for participants in the City's Employee and Retiree Health Benefits Plan, with the most advantageous proposer of two - Deloitte Consulting Outsourcing, LLP - Not to exceed \$1,760,000 - Financing: Employee Benefits Current Funds (subject to annual appropriations)

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2829

Item 85: FY 2005-06 Budget Items

- * Authorize the purchase of insurance policies from various insurance companies for property, fine arts, boiler and machinery, and money and securities, with the most advantageous proposer of five - Arthur J. Gallagher Risk Management Services, Inc. - Not to exceed \$2,650,000 - Financing: Current Funds (subject to appropriations)

Councilmember Natinsky moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Garcia.

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

Voting Yes:	[10]	Miller, Garcia, Medrano, Oakley, Salazar, Fantroy, Griffith, Koop, Natinsky, Hunt
Voting No:	[1]	Rasansky
Absent:	[1]	Blaydes
Absent when vote taken:	[3]	Hill, Thornton Reese, Chaney

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2830

Item 86: FY 2005-06 Budget Items

- * Authorize (1) adoption of the 2006 Employee and Retiree Health Benefits Plan, including the Flexible Benefits (Section 125) Plan; and (2) approval of the proposed health coverage premium rates - Financing: Employee Benefits Current Funds

The city secretary announced that the city manager had deleted agenda item 86 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2831

Item 87: FY 2005-06 Budget Items

- * Authorize a revision to the City of Dallas Financial Management Performance Criteria to extend the term of the revenue bonds from 20 years to 30 years - Financing: No cost consideration to the City

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2832

Item 88: FY 2005-06 Budget Items

- * Authorize a first amendment to the lease agreement with MOKS, LLC for the continued use of an office and warehouse building containing approximately 7,975 square feet of space located at the intersection of Irving and Turtle Creek Boulevards for the period of November 1, 2005 through October 31, 2006 - Not to exceed \$46,125 - Financing: Current Funds (subject to annual appropriations)

Deputy Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2833

Item 89: FY 2005-06 Budget Items

- * Authorize a thirty-six-month professional services contract with Hamline University to promote long-term, sustainable environmental stewardship through water conservation and recycling education among local area school-age children - Not to exceed \$668,390 - Financing: Current Funds (\$334,195), Water Utilities Current Funds (\$334,195) (subject to annual appropriations)

The following individual addressed the city council regarding the item:

Susan Gregory, 7045 Greentree Ln, representing Prevention Awareness and Toxic Free Habits (PATH)

Deputy Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Fantroy.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2834

Item 90: Toilet Replacement Pilot Program

- * Authorize a thirty-six-month price agreement for toilets, shower heads, and aerators for the toilet replacement pilot program with the lowest responsible bidder of two - Niagara Conservation Corporation - Not to exceed \$267,638 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Deputy Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Salazar.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2835

Item 91: Toilet Replacement Pilot Program

- * Authorize the issuance of toilet installation rebates to encourage replacement of toilets installed prior to 1993 with ultra-low flow toilets to reduce water consumption - Not to exceed \$39,000 - Financing: Water Utilities Current Funds (subject to appropriations)

Deputy Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Thornton Reese.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2836

Item 92: MISCELLANEOUS

- * Authorize payment to Dallas County for processing and housing City prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County previously approved on June 11, 1997 by Resolution No. 97-1995, for the period October 1, 2005 through September 30, 2006 - \$6,547,988 - Financing: Current Funds (subject to appropriations)

Councilmember Medrano moved to approve the item.

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

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2837

Item 93: FY 2005-06 Budget Items

- * Authorize the second twelve-month renewal option to the contract with The Bethlehem Foundation to provide a family stabilization program to address the problems of economically disadvantaged persons in the southern sector of Dallas for the period October 1, 2005 through September 30, 2006 - Not to exceed \$65,000 - Financing: Current Funds (subject to appropriations)

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2838

Item 94: FY 2005-06 Budget Items

- * Authorize the second twelve-month renewal option to the contract with Homeward Bound, Inc. to provide residential substance abuse treatment to low-income and uninsured adults for the period October 1, 2005 through September 30, 2006 - Not to exceed \$99,442 - Financing: Current Funds (subject to appropriations)

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2839

Item 95: FY 2005-06 Budget Items

- * Authorize a contract with the Martin Luther King, Jr. Family Clinic to provide pediatric health care services for the period October 1, 2005 through September 30, 2006 - Not to exceed \$62,000 - Financing: Current Funds (subject to appropriations)

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2840

Item 96: FY 2005-06 Budget Items

- * Authorize the second twelve-month renewal option to the contract with Nexus Recovery Center, Inc. to provide residential substance abuse treatment services for low-income, uninsured adult females for the period October 1, 2005 through September 30, 2006 - Not to exceed \$60,600 - Financing: Current Funds (subject to appropriations)

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2841

Item 97: FY 2005-06 Budget Items

- * Authorize the second twelve-month renewal option to the contract with Turtle Creek Manor, Inc. to provide residential substance abuse treatment for low-income and uninsured adults for the period October 1, 2005 through September 30, 2006 - Not to exceed \$116,838 - Financing: Current Funds (subject to appropriations)

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2842

Item 98: FY 2005-06 Budget Items

- * Authorize the first twelve-month renewal option to the contract with Resource Center of Dallas, Inc. to provide citywide HIV/AIDS education, outreach, and prevention program targeting primarily high-risk Hispanic populations for the period October 1, 2005 through September 30, 2006 - Not to exceed \$59,452 - Financing: Current Funds (subject to appropriations)

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2843

Item 99: FY 2005-06 Budget Items

- * Authorize an Interlocal Agreement with Dallas County Health and Human Services Department for the continuation of the AIDS Investigation Program for the period October 1, 2005 through September 30, 2006 - Not to exceed \$44,484 - Financing: Current Funds (subject to appropriations)

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2844

Item 100: FY 2005-06 Budget Items

- * Authorize an Interlocal Agreement with University of Texas Southwestern Medical Center at Dallas for the continuation of a Minority AIDS Outreach Program for the period October 1, 2005 through September 30, 2006 - Not to exceed \$58,500 - Financing: Current Funds (subject to appropriations)

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2845

Item 101: FY 2005-06 Budget Items

- * Authorize a twelve-month contract, with two twelve-month renewal options, with Dallas Jewish Coalition, Inc. dba Vogel Alcove Childcare Center for the Homeless for the provision of child care for homeless and low-to-moderate income families for the period October 1, 2005 through September 30, 2006 - Not to exceed \$74,985 - Financing: 2005-06 Community Development Grant Funds (\$43,985) and Current Funds (\$31,000) (subject to appropriations)

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2846

Item 102: FY 2005-06 Budget Items

- * Authorize a contract renewal with the University of Texas Southwestern Medical Center at Dallas for the required services of a Medical Director - Not to exceed \$133,282 - Financing: Current Funds (subject to appropriations)

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2847

Item 103: FY 2005-06 Budget Items

- * Authorize payment to the Dallas County Community College District and the University of Texas Southwestern Medical Center at Dallas for mandatory emergency medical services training of emergency medical technicians and paramedics for the period October 1, 2005 through September 30, 2006 - Not to exceed \$175,380 - Financing: Current Funds (subject to appropriations)

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2848

Item 104: FY 2005-06 Budget Items

- * Authorize (1) the application for and acceptance of the Comprehensive Selective Traffic Enforcement Program, Overtime Enforcement Grant in the amount of \$1,200,000 from the Texas Department of Transportation for a citywide traffic enforcement campaign for the period of October 1, 2005 through September 30, 2006, (2) a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$337,288, and (3) execution of the grant agreement - Total not to exceed \$1,537,288 - Financing: Texas Department of Transportation Grant Funds (\$1,200,000), Current Funds (\$337,288) (subject to appropriations)

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2849

Item 105: FY 2005-06 Budget Items

- * Authorize Supplemental Agreement No. 2 to the professional services contract with Alan Plummer and Associates, Inc., for additional engineering services to investigate recycled water scenarios in the east fork of the Trinity River watershed that are of mutual interest and benefit for the City and the North Texas Municipal Water District - \$100,000, from \$1,482,207 to \$1,582,207 - Financing: Water Utilities Capital Construction Funds (subject to appropriations)

Councilmember Oakley moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Hill, Chaney, Fantroy absent when vote taken; Blaydes absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2850

Item 106: Authorize hardship relief for property located at 3006 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 item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2851

Closed Session

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

- City of Dallas, Texas v. Hanover Insurance Company, Cause No. 04-11911-G
- Zereth Chaney, Individually and as Representative of the Estate of Dorothy Chaney, Deceased v. City of Dallas, Cause No. 02-11731-A -
- City of Dallas v. Beazer Homes Texas v. Raj Sharma, Cause No. 04-12777-G
- Jamie L. Patterson v. Donald M. Lehman and City of Dallas, Cause No. 05-02936-C
- Harold Cox, et al. v. City of Dallas, et al., Civil Action No. 3:98-CV-0291-H, and legal issues associated with properties in Dallas near the Trinity River owned by Metropolitan Sand and Gravel Co., LLC
- Legal issues associated with public hearings scheduled for October 11 and 12, 2005 in Dallas to be conducted jointly by the Texas House Criminal Jurisprudence Committee and the Texas House Committee on General Investigating & Ethics

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

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

- City of Dallas, Texas v. Hanover Insurance Company, Cause No. 04-11911-G
- Zereth Chaney, Individually and as Representative of the Estate of Dorothy Chaney, Deceased v. City of Dallas, Cause No. 02-11731-A -
- Jamie L. Patterson v. Donald M. Lehman and City of Dallas, Cause No. 05-02936-C
- Harold Cox, et al. v. City of Dallas, et al., Civil Action No. 3:98-CV-0291-H, and legal issues associated with properties in Dallas near the Trinity River owned by Metropolitan Sand and Gravel Co., LLC
- Legal issues associated with public hearings scheduled for October 11 and 12, 2005 in Dallas to be conducted jointly by the Texas House Criminal Jurisprudence Committee and the Texas House Committee on General Investigating & Ethics

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2852

Addendum addition 1: Authorize (1) a contract for Phase II, preservation, at Lake Cliff Tower located at 329 E. Colorado Boulevard with Mid-Continental Restoration Company, Inc., lowest responsible bidder of four, in an amount not to exceed \$1,137,500; (2) a contract for Phase III, roofing and flashing removal, at Lake Cliff Tower with Mid-Continental Restoration Company, Inc., only bidder, in an amount not to exceed \$248,825; (3) a contract for Phase IV, concrete coring and cutting and structural modifications, at Lake Cliff Tower with Mid-Continental Restoration Company, Inc., only bidder, in an amount not to exceed \$798,500; (4) assignment of the contracts to Top Dog - Oak Cliff, L.P. for construction management; and, (5) payment to Top Dog - Oak Cliff, L.P. in an amount not to exceed \$375,175 for design, reimbursables and construction management - Total not to exceed \$2,560,000 - Financing: Oak Cliff TIF District Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2853

Addendum addition 2: Authorize the purchase of ten portable cardiac monitors/defibrillators for pre-hospital use to administer emergency life saving treatments to medical patients from Medtronic Physio-Control, Corp. - Sole Source - Not to exceed \$130,225 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2854

Addendum addition 3: Authorize the purchase of mobile printers, cradles, and warranties to be used in police vehicles from Dell, Inc. through the Department of Information Resources, State of Texas GoDirect Program contract - Not to exceed \$354,033 - Financing: Municipal Court Technology Funds

Councilmember Rasansky requested that addendum addition 3 be considered as an individual item. Mayor Miller stated that addendum addition 3 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 3 was brought up for consideration.

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.

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Thornton Reese and unanimously adopted. (Miller, Rasansky abstain; Blaydes absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2855

Addendum addition 4: Authorize a six-month price agreement for hot mix asphalt with the lowest responsible bidder of three - APAC-Texas, Inc. - Not to exceed \$422,580 - Financing: Current Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2856

Addendum addition 5: Authorize (1) the continuation of a temporary unit price increase in the price agreement for liquid ferric sulfate for the period of October 1, 2005 through December 31, 2005, with General Chemical Performance Products LLC in an amount not to exceed \$91,823, from \$17,360,995 to \$17,452,818; and, (2) a twenty-four-month price agreement for liquid ferric sulfate with the lowest responsible bidder of two, General Chemical Performance Products LLC in an amount not to exceed \$12,500,000 - Total not to exceed \$12,591,923 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2857

Addendum addition 6: Authorize the purchase of two laboratory devices, an inductively coupled plasma-mass spectrometer, and a gas chromatograph, with software for the purpose of detecting and analyzing the level of contaminants in the water and soil from the lowest responsible bidder of two - Agilent Technologies - Not to exceed \$246,515 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2858

Addendum addition 7: Authorize (1) the acceptance of Shelter Plus Care Grant Funds from the U.S. Department of Housing and Urban Development to provide tenant based rental assistance for permanent housing for homeless veterans with disabilities for the period October 23, 2005 through October 22, 2006; and (2) execution of the grant agreement - Not to exceed \$85,560 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2859

Addendum addition 8: Authorize (1) a development agreement with Dallas Center for the Performing Arts Foundation, Inc., an independent non-profit foundation, for the construction and development of a first-class multi-venue performing arts complex in the Downtown Arts District, consisting of the Winspear Opera House, the Wyly Theater, the Grand Plaza, a 600-space underground parking garage, Annette Strauss Artist Square and supporting infrastructure beginning on or before December 31, 2006, in the amount of \$17,779,070, and, (2) a use agreement with Dallas Center for the Performing Arts Foundation, Inc., for the long-term possession, operation, maintenance and use of a first-class multi-venue performing arts complex in the Downtown Arts District, consisting of the Winspear Opera House, the Wyly Theater, the Grand Plaza, a 600-space underground parking garage, Annette Strauss Artist Square and supporting infrastructure annually beginning in September 2009 in an amount not to exceed \$2,500,000, with a limited cost escalator - Total not to exceed \$20,279,070 - Financing: 2003 Bond Funds (\$17,779,070); Current Funds (\$2,500,000) (subject to annual appropriations)

The city secretary announced that Councilmember Rasansky had deferred consideration of addendum addition 8 until the next voting meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Later in the meeting, Councilmember Rasansky moved to suspend the rules in accordance with Section 10.1 of the City Council Rules of Procedure in order to consider the agenda item.

Motion seconded by Deputy Mayor Pro Tem Garcia.

Mayor Miller called the vote on the motion to suspend the rules:

Voting Yes: [14] Miller, Hill, Garcia, Medrano, Oakley, Thornton Reese, Salazar,
Chaney, Fantroy, Griffith, Koop, Natinsky, Rasansky, Hunt
Voting No: [0]
Absent: [1] Blaydes

Mayor Miller announced that as two-thirds of all of the members of the council had voted to suspend the rules, to allow consideration of addendum addition 8.

Councilmember Rasansky moved to undefer the item.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Blaydes absent).

Councilmember Hunt moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Blaydes absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

September 28, 2005

05-2860

Addendum addition 9: A motion to reconsider Agenda Item Nos. 81 and 82, previously approved on September 14, 2005, which authorized the creation of the Preston Hollow North Public Improvement District (PID), approved the PID Service Plan and the management contract with Preston Hollow North Homeowners Association, Inc.; and authorized the benefit assessment hearing to be held on September 28, 2005, and at the close of that hearing, consideration of the ordinance levying assessments on property in the Preston Hollow North Public Improvement District - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

David Chorte, 6806 Waggoner Ave.

Councilmember Rasansky moved to approve the item.

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

Note: If Addendum Item No. 9 passes, Council will consider Addendum Item Nos. 10 and 11.

September 28, 2005

05-2861

Preston Hollow North
Public Improvement District

Note: Item Nos. 10 and 11 must
be considered collectively.

Addendum addition 10: * A public hearing to receive citizens' comments concerning the creation of the Preston Hollow North Public Improvement District, (Preston Hollow North PID), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District, and at the close of the hearing, consideration of (1) a resolution creating the Preston Hollow North PID for a period of seven years, (2) the Preston Hollow North PID Service Plan detailing supplemental security and security related services, to be funded by assessments on real property and real property improvements in the District; and (3) a management contract with the Preston Hollow North Homeowners Association, Inc., as the management entity for the Preston Hollow North PID - Financing: No cost consideration to the City

Addendum addition 11: * Authorize (1) Preston Hollow North Public Improvement District Service Plan for 2006; (2) a public hearing to be held on September 28, 2005 to receive citizens' comments concerning the annual assessment rate for the Preston Hollow North Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Preston Hollow North Public Improvement District for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing; and (3) consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services in the District, approving, adopting and filing with the City Secretary the assessment roll; closing the hearing and levying assessments for the cost of certain services to be provided in the District during 2006; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

Councilmember Rasansky moved with regards to addendum items number 10 and 11:

- (1) that the Preston Hollow North Public Improvement District (PID) not be created,
- (2) that the Preston Hollow North PID Service Plan not be approved,
- (3) that the management contract with the Preston Hollow North Homeowners Association, Inc., not be approved; and
- (4) that the public hearing regarding the assessment for the PID, therefore, not be held and
- (5) that the ordinance levying assessments not be approved.

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 28, 2005

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS