

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

05-3220

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

PRESENT: [15 Miller, Hill, Garcia, Medrano, Oakley, Thornton Reese, Salazar, Chaney,
Fantroy, Griffith, Blaydes, Koop, Natinsky, Rasansky, Hunt

ABSENT: [0]

The meeting was called to order at 9:17 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 7:00 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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3221

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: Sydney Kay, 5718 Harvest Hill
SUBJECT: Homeless Assistance Center

SPEAKER: Carolyn Watts, 3526 Colonial Ave.
SUBJECT: Security

SPEAKER: Larry Reveals, 1500 N. Blue Grove, Rd., **Lancaster, TX**
SUBJECT: Court Issue

MICROPHONE - END OF MEETING:

SPEAKER: Charles A. Goodlow Jr., 922 Wood River Rd., (Dist. 4) (Not Given)
SUBJECT: Illegal drug activity on the streets of Grand, South, Cleveland, Park Row, Emery, Colonial, Wellington, Coleman in South Dallas Area

SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
SUBJECT: Linebarger, Goggins, Blair and Sampson, LLP: No bid contract with the City

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3222

Item 1: Approval of Minutes of the October 26, 2005 City Council Meeting

The city secretary stated that the October 26, 2005 City Council Meeting Minutes would be ready for the City Council's approval at the next voting agenda meeting.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3223

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-49 and addendum addition consent agenda items 1-9 were presented for consideration.

Councilmember Griffith requested that consent agenda item 3 be considered as an individual item. Mayor Miller stated that consent agenda item 3 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griffith's request.

Councilmember Rasansky requested that consent agenda items 6, 24, 32, and 41 and addendum addition items 1 and 6 be considered as individual items. Mayor Miller stated that consent agenda items 6, 24, 32, and 41 and addendum addition items 1 and 6 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Mayor Miller requested that consent agenda item 38 be considered as an individual item. Mayor Miller stated that consent agenda item 38 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Miller's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda items 3, 6, 24, 32, 38, and 41 and addendum addition items 1 and 6 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3224

Item 2: Authorize a professional services contract with Good, Fulton and Farrell Architects for the development of a strategic plan for maintenance and service centers - \$188,000 - 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

November 9, 2005

05-3225

Item 3: Authorize a professional services contract with CamargoCopeland Architects, LLP to provide schematic design, design development, preparation of construction bid documents, bid evaluation and construction administration for the Homeless Assistance Center to be located near the intersection of St. Louis Street and St. Paul Street - \$1,638,234 - Financing: 2003 Bond Funds

Councilmember Griffith requested that consent agenda 3 be considered as an individual item. Mayor Miller stated that consent agenda 3 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griffith's request.

Later in the meeting, agenda item 3 was brought up for consideration.

Councilmember Griffith moved to postpone action on the item until the December 5, 2005 Briefing Meeting of the City Council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3226

Item 4: Authorize a contract for the construction of a new parking area, removal of the existing playground, disc golf course improvements, Americans with Disabilities Act accessible drinking fountain, erosion control improvements and a new screen structure for existing portable rest rooms at B.B. Owen Park located at 10700 Kingsley Road - Texas Standard Construction, Ltd., lowest responsible bidder of four - \$166,900 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3227

Item 5: Authorize a contract for the construction of a new parking area, renovation of the existing parking area, renovation of the existing ball fields and site demolition at Beckley-Saner Park located at 114 West Hobson - Irri-Con, lowest responsible bidder of three - \$461,062 - Financing: Current Funds (\$18,000) and 2003 Bond Funds (\$443,062)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3228

Item 6: Authorize Supplemental Agreement No. 1 to the design/build contract with Harrison, Walker and Harper, LP to establish the Guaranteed Maximum Price for the construction of a kitchen, rest room, and dining area renovation for the DeGolyer House at the Dallas Arboretum, Phase I, located at 8525 Garland Road - \$594,898, from \$134,602 to \$729,500 - Financing: 2003 Bond Funds

Councilmember Rasansky requested that consent agenda 6 be considered as an individual item. Mayor Miller stated that consent agenda item 6 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 6 was brought up for consideration.

Councilmember Griffith 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 Rasansky voting "No". (Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3229

Item 7: Authorize (1) an increase in the contract with Tiseo Paving Company for the construction of paving, storm drainage, landscaping and irrigation improvements on Merrifield Road from Grady Niblo Road to Kiest Boulevard in the amount of \$154,148, from \$2,437,365 to \$2,591,513, (2) the receipt and deposit of funds from Dallas County in an amount not to exceed \$77,074, and (3) an increase in appropriations in the amount of \$77,074 in the Capital Projects Reimbursement Fund - Total not to exceed \$154,148 - Financing: 2003 Bond Funds (\$77,074), Capital Projects Reimbursement Funds (\$77,074)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3230

Item 8: Authorize an additional payment to Dallas County for the City's share of construction costs for paving and drainage improvements on Regal Row from the CRI & P Railroad to Interstate Highway 35E - \$16,386 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3231

Item 9: Authorize (1) alley paving, storm drainage, water and wastewater main improvements for Alley Group 03-1119; provide for partial payment of alley 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 January 11, 2006, to receive citizens' comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3232

Item 10: Authorize (1) alley paving, storm drainage, water and wastewater main improvements for Alley Group 03-1120; provide for partial payment of alley 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 January 11, 2006, to receive citizens' comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3233

Item 11: Authorize a Development Participation Agreement with Len-Mac Development, Inc. for the design and construction of paving and drainage improvements at the intersection of Northwest Highway and Capri Drive - \$39,200 - Financing: 1995 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

November 9, 2005

05-3234

Item 12: Authorize (1) sidewalk paving improvements for Sidewalk Group 03-127; 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 January 11, 2006, to receive citizens' comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3235

Item 13: Authorize (1) street paving, storm drainage, and water main improvements for Britton Avenue from E. McVey Avenue to E. Saner Avenue; 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 January 11, 2006, to receive citizens' comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3236

Item 14: Authorize (1) an Interlocal Agreement with the City of Duncanville for the construction of a new 96-inch water transmission main, and (2) a contract with the City of Duncanville for the construction of the 96-inch water transmission main at Wintergreen Road from U. S. Highway 67 to Main Street - \$4,956,180 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3237

Item 15: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of improved property with a single family home approximately 18,580 square feet of land located near the intersection of Arturo and Lakeland Drives from Ian Buttridge for the Ash Creek Drainage Project - \$135,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3238

Item 16: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of 4 parcels of land containing a total of approximately 9,163 square feet of land located near the intersection of Houston School Road and Killough Boulevard for the Houston School Road Project - \$5,828 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3239

Item 17: Authorize settlement in lieu of proceeding further with condemnation of Texas Rosewin Midway, Inc. for a tract of land containing approximately 5,704 square feet for the Oak Cliff Arts Incubator/Cultural Center Project located near the intersection of Jefferson Boulevard and Madison Avenue - \$395,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3240

Item 18: An ordinance granting a private license to Dragon Property Fund #2, Ltd. for the use of approximately 598 square feet of land to install and maintain 5 awnings, and 3 stairways on and over portions of Dragon and Howell Streets rights-of-way located at their intersection - Revenue: \$6,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26151.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3241

Item 19: Authorize the quitclaim of 10 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders - Revenue: \$163,650

Approved as part of the consent agenda.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3242

Item 20: Authorize (1) the discharge of the secured, no-interest, forgivable note with Boys & Girls Clubs of Greater Dallas, Inc. (East Dallas Branch) in the amount of \$90,000, and (2) the release of lien on real property located at 4804 and 4816 Worth Street - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3243

Item 21: Authorize (1) the discharge of the secured, no-interest, forgivable note with A. C. Craig Resource Center in the amount of \$100,000, and (2) the release of lien on real property located at 6820 Lake June Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3244

Item 22: Authorize (1) the discharge of the secured, no-interest, forgivable note with I Am That I Am in the amount of \$35,000, and (2) the release of lien on real property located at 4937 Veterans Drive - 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

November 9, 2005

05-3245

Item 23: Authorize a twenty-four-month master agreement extension to participate in the U.S. Communities Government Purchasing Alliance Administrative Agreement for the purchase of systems furniture, freestanding furniture, seating and filing equipment - Not to exceed \$4,000,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3246

Item 24: Authorize a thirty-six-month master agreement with SBC DataComm, through the Department of Information Resources, State of Texas GoDirect Program contract for Cisco telephone equipment and Smart Net maintenance services - Not to exceed \$700,000 - Financing: Current Funds

Councilmember Rasansky requested that consent agenda 24 be considered as an individual item. Mayor Miller stated that consent agenda 24 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 24 was brought up for consideration.

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

Councilmember Thornton Reese moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3247

Item 25: Authorize a professional services contract to design and manage the replacement of the Airport Access Control System at Dallas Love Field - URS Corporation, most advantageous proposer of nine - \$588,665 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3248

Item 26: Authorize the purchase of twelve months of access to an on-line newspaper database service for Dallas Public Library patrons from NewsBank, Inc. - Sole Source - Not to exceed \$105,025 - 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

November 9, 2005

05-3249

Item 27: Authorize a twenty-four-month master agreement for grounds maintenance equipment with the lowest responsible bidders of six - Professional Turf Products, Inc. in the amount of \$481,610, Austin Turf and Tractor in the amount of \$431,300, Four Brothers Outdoor Power in the amount of \$270,056, Luber Brothers, Inc. in the amount of \$149,072, Landmark Equipment, Inc. in the amount of \$63,532, and Poston Equipment Sales, Inc. in the amount of \$42,898 - Total not to exceed \$1,438,468 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3250

Item 28: Authorize a forty-eight-month master agreement for ballistic vests, alterations, and accessories for police officers with the lowest responsible bidders of six - U.S. Armor Corp. in the amount of \$82,481, C&G Police Supply dba C&G Wholesale in the amount of \$1,343,041, and Second Chance Body Armor, Inc. in the amount of \$21,625 - Total not to exceed \$1,447,147 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3251

Item 29: Authorize a thirty-six-month master agreement for emergency road flares with the lowest responsible bidder of five - Orion Safety Products - Not to exceed \$534,960 - 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

November 9, 2005

05-3252

Item 30: Authorize a six-month master agreement for cold patch material with the lowest responsible bidder of three - APAC-Texas, Inc. - Not to exceed \$576,000 - Financing: Current Funds (\$21,600), Water Utilities Current Funds (\$554,400)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3253

Item 31: Authorize a twenty-four-month master agreement for all software and hardware upgrades and maintenance of the Supervisory Control and Data Acquisition system at the White Rock Lake Pump Station which monitors the flow of drinking water throughout the City - ModComp, Inc. - Sole Source - Not to exceed \$139,200 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3254

Item 32: Authorize a twenty-four-month master agreement for water bill envelopes with the lowest responsible bidder of two - Advantage Resources Services, Inc. - Not to exceed \$178,702 - Financing: Water Utilities Current Funds

Councilmember Rasansky requested that consent agenda 32 be considered as an individual item. Mayor Miller stated that consent agenda 32 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 24 was brought up for consideration.

Councilmember Thornton Reese moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3255

Item 33: Authorize renewal of the Interlocal Agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas, for the provision of forensic, drug, toxicological, environmental, and physical evidence analysis and other similar medical/forensic analytical services, provided to the Dallas Police and Fire Departments, for the period of November 1, 2005 through October 31, 2006 - \$2,246,289 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3256

Item 34: Ratify the emergency purchase of metal detection services at the Dallas Convention Center and Reunion Arena during the Hurricanes Katrina and Rita relief efforts - D & L Entertainment Services, Inc. - \$254,747 - Financing: Convention and Event Services Current Funds (to be fully reimbursed by the Federal Emergency Management Agency)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3257

Item 35: Ratify the emergency purchase of cots and food catering used for the Hurricane Katrina relief efforts - W. W. Grainger, Inc. in the amount of \$160,196 and Eddie Deen & Company, Inc. in the amount of \$83,440 - Total not to exceed \$243,636 - Financing: Current Funds (to be fully reimbursed by the Federal Emergency Management Agency)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3258

Item 36: Authorize payment of a final judgment to Robert T. Baskett, attorney for Defendant David Llewellyn, in the lawsuit styled City of Dallas v. David Llewellyn, and F. Ray Hill, Civil Service Board Member, in his official capacity, Ross Coulter, Adjunct Board Member, in his official capacity, and James R. Kanaman, Sr., Adjunct Board Member, in his official capacity, Cause No. 04-10816-L - Not to exceed \$7,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3259

Item 37: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Fanning Harper & Martinson, P.C. 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. Gouge, Civil Action No. 3:04-CV-2245-K, Everett, et al. v. Larsen, et al., Civil Action No. 3:04-CV-0192-K, and Chavez, et al. v. DeLaPaz, et al., Civil Action No. 3:04-CV-0510-K - Not to exceed \$75,000, from \$25,000 to \$100,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3260

Item 38: Authorize a public hearing to be held on December 14, 2005 to receive citizens' comments concerning the creation of City of Dallas Reinvestment Zone No. 63 located at 3400 W. Illinois Avenue; and at the close of the public hearing, consideration of (1) an ordinance creating City of Dallas Reinvestment Zone No. 63; and (2) a real property tax abatement and infrastructure cost participation agreement with SWC Westmoreland SC, Ltd. - Financing: No cost consideration to the City

Mayor Miller requested that consent agenda 38 be considered as an individual item. Mayor Miller stated that consent agenda 38 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Miller's request.

Later in the meeting, agenda item 38 was brought up for consideration.

Deputy Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Blaydes.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3261

Item 39: Authorize the acceptance of a grant from the Department of State Health Services for the continuation of community and rural health services for the period September 1, 2005 through August 31, 2006 - Not to exceed \$196,600 - 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

November 9, 2005

05-3262

Item 40: Authorize (1) a third amendment to the contract with the Texas Commission on Environmental Quality to accept additional grant funds to operate and maintain whole air samplers; and, (2) an extension to the term of the contract through June 30, 2006 - Not to exceed \$173,600, from \$347,200 to \$520,800 - Financing: Texas Commission on Environmental Quality Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3263

Item 41: Authorize a contract with Hughes, LP, for the termination of the Intown Housing Section 108 loan deed restrictions for the Kirby Building located at 1509 Main - Estimated Revenue: \$570,000 with tax abatements or \$426,000 without tax abatements (\$10,000 per unit)

Councilmember Rasansky requested that consent agenda 41 be considered as an individual item. Mayor Miller stated that consent agenda 41 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 41 was brought up for consideration.

Councilmember Hunt moved to approve the item.

Motion seconded by Councilmember Koop.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3264

Item 42: Authorize (1) a public hearing to be held on December 14, 2005 to receive citizens' comments on the proposed private sale by quitclaim deed of 11 unimproved properties acquired by the taxing authorities from the Sheriff's Sale, to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization; and, at the close of the public hearing, (2) consideration of approval of the sale of these properties - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3265

Item 43: Authorize (1) a public hearing to be held on January 11, 2006 to receive citizens' comments on a proposed amendment to the City of Dallas FY 2005-06 Urban Land Bank Demonstration Program Plan to increase the list of properties in the plan that may become eligible for sale to the Land Bank and are located in (a) neighborhoods designated within the City of Dallas Neighborhood Investment Program, (b) neighborhoods with active Community Housing Development Organization Neighborhood Investment projects; and, (c) other neighborhoods identified by the City as being in need of new housing development; and, at the close of the public hearing, (2) consideration of the amendment to the City of Dallas FY 2005-06 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3266

Item 44: Authorize adoption of the City's Investment Policy regarding funds under the City's control and the investment strategies for each of the funds under the City's management - 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

November 9, 2005

05-3267

Item 45: Authorize payment of annual fees and continuation of arrangements for providing specialized municipal-related services to the City (list attached) - Not to exceed \$902,876 - Financing: Current Funds (\$509,116) and Water Utilities Current Funds (\$393,760)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3268

Item 46: Authorize twelve-month contracts with Dallas Arboretum and Botanical Society, Inc. in the amount of \$342,050, Texas Discovery Gardens in the amount of \$88,645 and Dallas Audubon Society, Inc. dba Audubon Dallas in the amount of \$35,000 to provide services and programs within the City of Dallas - Total not to exceed \$465,695 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3269

Item 47: A resolution endorsing the continuation of the Dallas Police Department's Police and Constables in Partnership Program for increased traffic enforcement and crime reduction efforts to include Northwest, Southwest, and Central Dallas (portions of City Council Districts 1, 2, 3, 6, 7, and 14) with Dallas County Constable Precinct 5, and Southwest and Northwest Dallas (portions of City Council Districts 3, 6, and 8) with Dallas County Constable Precinct 4, Northeast, Central, Northwest, and North Central Dallas (portions of City Council Districts 2, 6, 7, 9, 10, 11, 12, 13, and 14) with Dallas County Constable Precinct 3, and continuing the program in Southwest, Central, and Southeast Dallas (portions of City Council Districts 1, 2, 3, 4, 5, 7, 8, and 14) with Dallas County Constable Precinct 1 for the period January 1, 2006 through December 31, 2006 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3270

Item 48: Authorize (1) the Dallas Police Department to expend funds for overtime, in the amount of \$500,000, to be reimbursed from various federal and state law enforcement agencies for FY 2005-06 in exchange for the participation of the Dallas Police Department in federal and state investigations, and (2) a City contribution of pension and Federal Insurance Contributions Act cost in the amount of \$141,100 - Total not to exceed \$641,100 - Financing: Current Funds (\$500,000 to be reimbursed from various federal and state law enforcement agencies)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3271

Item 49: Authorize a Local Agreement with the Collin County Criminal District Attorney to share a seventy/thirty percent split of the proceeds received by the Collin County Criminal District Attorney for cash, negotiable instruments, or income from the sale of all contraband forfeited under Chapter 59 of the Texas Code of Criminal Procedure for the period November 1, 2005 through October 31, 2006 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3272

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 50-54, were presented for consideration.

~~Agenda item 50: Zoning Case Z045-265 (MM)~~ **[Considered individually]**

~~Agenda item 51: Zoning Case Z045-278 (RB)~~ **[Considered individually]**

Agenda item 52: Zoning Case Z045-281 (DW)

Agenda item 53: Zoning Case Z045-285 (MM)

Agenda item 54: Zoning Case Z045-286 (MM)

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 Koop moved to close the public hearing, accept the recommendation of the city plan commission in the consent zoning cases and pass the ordinances, 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 Councilmember Fantroy and unanimously adopted. (Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3273

Item 50: Zoning Case Z045-265 (MM)

The consent zoning docket, consisting of agenda items 50-54, were presented.

Councilmember Rasansky requested that consent zoning docket item 50 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 50 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting zoning docket item 50 was brought up for consideration.

A public hearing was called on zoning case Z045-265 (MM), an application for and an ordinance granting an amendment to Specific Use Permit No. 405 for a Child-care Facility and Private School on property zoned an R-16(A) Single Family District on the southeast corner of Northaven Road and Quincy Lane.

(The city plan commission recommended approval, for a permanent time period, subject to a site/landscape plan and conditions.)

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

The following individual addressed the city council regarding zoning case Z045-265 (MM):

William Hopkins, 2011 Leath St.

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

Motion seconded by Councilmember Salazar.

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

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

Assigned ORDINANCE NO. 26155.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3274

Item 51: Zoning Case Z045-278 (RB)

The consent zoning docket, consisting of agenda items 50-54, were presented.

Councilmember Rasansky requested that consent zoning docket item 50 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 50 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting zoning docket item 50 was brought up for consideration.

Theresa O'Donnell, director of development service, reminded the city council that in accordance with subparagraph (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the council in that a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of development services.

A public hearing was called on zoning case Z045-278 (RB), an application for and an ordinance granting a Planned Development District for a Child-care facility and R-16(A) Single Family District Uses on property zoned an R-16(A) Single Family District, with retention of Specific Use Permit No. 49 for a Private school, on the west line of Midway Road, north of Royal Lane with consideration given to the granting of a Specific Use Permit for a Child-care facility.

(The city plan commission recommended approval of a Planned Development District for a Child-care facility and R-16(A) Single Family District uses, subject to a development plan and conditions, and approval of the retention of Specific Use Permit No. 49.)

Councilmember Rasansky moved to postpone the application until the December 14, 2005 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Councilmember Salazar and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3275

Item 52: Zoning Case Z045-281 (DW)

Zoning Case Z045-281 (DW), an application for and an ordinance granting a Specific Use Permit for a Bank or Savings and Loan Office with Drive-in Window Service on property zoned an HC Heavy Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southeast side of McKinney Avenue, southwest of Maple-Routh Connection.

(The city plan commission recommended approval, for an 18-month period, subject to a site plan and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26156.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3276

Item 53: Zoning Case Z045-285 (MM)

Zoning Case Z045-285 (MM), an application for and an ordinance granting a Specific Use Permit for a General Merchandise or Food Store, 100,000 square feet or more, on property zoned a CR Community Retail District, on the northeast corner of Marsh Lane and West Northwest Highway.

(The city plan commission recommended approval, for a permanent time period, subject to a site plan, landscape plan, and conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26157.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3277

Item 54: Zoning Case Z045-286 (MM)

Zoning Case Z045-286 (MM), an application for and an ordinance granting an NO(A) Neighborhood Office District on property zoned an R-10(A) Single Family District on the southeast corner of the intersection of Forest Lane and Cromwell Drive.

(The city plan commission recommended approval.

Approved as part of the consent zoning docket.

Assigned ORINANCE NO. 26158.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3278

Item 55: Public Hearing – Zoning Case Z045-239 (WE)

Theresa O'Donnell, director of development services, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of development services.

A public hearing was called on zoning case Z045-239 (WE), an application for a Planned Development District for R-7.5(A) Single Family District uses on property zoned an A(A) Agricultural District and an R-10(A) Single Family District, north of Middlefield Road, east of St. Augustine Road and an ordinance granting an R-10(A) Single Family District and a resolution accepting deed restrictions volunteered by the applicant.

(The city plan commission recommended approval of an R-10(A) Single Family District, subject to deed restriction volunteered by the applicant in lieu of a Planned Development District for R-7.5(A) District uses.)

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

Mary Gaida, 3311 Bicentennial Ln.
Jo Autrey, 3627 Middlefield, **Balch Springs, TX**
Jeri Arbuckle, no address given, representing Dallas Homeowners League

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

Karl Crawley, 900 Jackson St.

The following individual addressed the city council regarding the item:

William Hopkins, 2011 Leath St.

Councilmember Fantroy moved to close the public hearing, accept the recommendation of the city plan commission and the ordinance and deed restriction to come back at a later date.

Motion seconded by Councilmember Chaney and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3279

Item 56: Public Hearing – Zoning Case Z045-287 (DW)

A public hearing was called on zoning case Z045-287 (DW), an application for and an ordinance granting a Planned Development District for MU-3 Mixed Use District uses on property zoned an MU-3 Mixed Use District on the north side of Forest Lane, west of Abrams Road.

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

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

Rick Gonzales, 4263 S. Cresthaven Rd.

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

John Christon, 9628 Heatherdale
Susan Parma 9620 Rocky Brand
Alan Walne 10020 Caribou Trail
Joe Curtis 9310 Raeford
Pauline Dixon 11924 Oberlin
James D. Christon, 15900 Dooley Rd.
David Matula, 9609 Robin Meadow

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

Approval of a planned development district, with the revised development plan, elevations, and landscape plan provided to the council at this hearing, and the following revised condition: for a general merchandise or food store 100,000 square feet or more use, a minimum of one space per 225 square feet of floor area must be provided in the locations shown on the development plan and pass the ordinance.

Motion seconded by Councilmember Fantroy.

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

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Mayor Miller declared the item adoption on a divided voice vote, with Mayor Miller voting “No.”

Assigned ORDINANCE NO. 26159.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3280

Item 57: Public Hearing – Zoning Case Z045-272 (WE)

Theresa O’Donnell, director of development service, reminded the city council that in accordance with subparagraph (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the council in that a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of development services.

A public hearing was called on zoning case Z045-272 (WE), an application for a Specific Use Permit for a child-care facility on property zoned an R-7.5(A) Single Family District on the east line of Greenspan Avenue, south of Midvale Drive and north of High Fall Drive .

(The city plan commission recommended denial. Note: This item was considered by the City Council at a public hearing on October 26, 2005, and was taken under advisement until November 9, 2005, with the public hearing open.)

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

Larry Ray, 1316 Rusticwood Dr., **DeSoto, TX**
Shirley Ray, 1316 Rusticwood Dr., **DeSoto, TX**

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

Mayor Pro Tem Hill moved to close the public hearing; overrule the recommendation of the city plan commission and grant the Specific Use Permit for a child-care facility with the ordinance and conditions to come back at a later date.

Motion seconded by Councilmember Thornton Reese.

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

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Voting Yes: [15] Miller, Hill, Garcia, Medrano, Oakley, Thornton Reese, Salazar,
Chaney, Fantroy, Griffith, Blaydes, Koop, Natinsky, Rasansky, Hunt

Voting No: [0]

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3281

Item 58: Public Hearing - DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

A public hearing was called on consideration of an amendment to Chapter 51 of the Dallas City Code, to correct use restrictions dealing with the alcoholic beverage use and restaurant without drive in service use which dates back to 1997 when these uses were call forwarded to Chapter 51A and an ordinance granting the amendment.

(The city plan commission recommended approval.)

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

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

Motion seconded by Councilmember Salazar and unanimously adopted.

Assigned ORDINANCE NO. 26160.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3282

Item 59: Public Hearing - DEVELOPMENT CODE AMENDMENTS - UNDER ADVISEMENT- INDIVIDUAL

A public hearing was called 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 and an ordinance granting the amendments.

(The city plan commission recommended approval. Note: This item was considered by the City Council at public hearings on September 28, and October 26, 2005, and was taken under advisement until November 9, 2005, with the public hearing open.)

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

Peter Urrutia, 8201 N. Stemmons Frwy.
Earl Lively, 6219 Joyce Way
Dennis Wheeler, 6228 Vickery Blvd.
Diane Benjamin, 6530 Waggoner Dr.
Gene Langkop, 8427 Craig Hill Ave.
John Hofker, 7189 Greentree Ln.
Ron Holland, 5111 Ash Ln.
Elizabeth Babcock, 7828 Idlewood Ln.
Steve Collins, 6114 Northwood
Terry Walt, 7207 Fisher Rd.
Paul Cauduro, 5816 W. Plano Pkwy., **Plano, TX**, representing Home Builders Association of Greater Dallas

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

Sonya Gomez, 6170 Vickery Blvd.
Gaye Hopkins, 6030 Monticello
Dwayne Jones, 2922 Swiss Ave., representative Preservation Dallas
Melanie VanLandingham, 6311 Lakeshore Dr.
John Pouncy, 4006 Sperry
David Thornton, Vanderbilt Ave.
Danielle Benarides, 4030 Sperry
Jason English, 4125 Sperry
Jeri Arbuckle, no address given, representing Dallas Homeowners League
Ken Lampkin, 6014 Llano Ln.
Jordan L. Schweitzer, 5626 Mercedes

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05-3282

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Councilmember Rasansky moved to close the public hearing and postpone action on the item until the December 5, 2005 Briefing Meeting of the City Council

Motion seconded by Councilmember Blaydes.

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

Voting Yes: [6] Miller, Salazar, Griffith, Blaydes, Natinsky, Rasansky

Voting No: [9] Hill, Garcia, Medrano, Oakley, Thornton Reese, Chaney, Fantroy, Koop, Hunt

Mayor Miller declared the motion failed.

Mayor Miller stated the item was back on the table.

Councilmember Oakley moved to close the public hearing, approve the concept of the ordinance with the approval of the ordinance after the city council had been briefed.

Motion seconded by Councilmember Rasansky.

During the debate, Councilmember Oakley withdrew his motion.

Councilmember Hunt moved to close the public hearing and follow the recommendation of the City Plan Commission and pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Garcia.

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

Voting Yes: [11] Miller, Hill, Garcia, Medrano, Oakley, Thornton Reese, Chaney, Fantroy, Griffith, Koop, Hunt

Voting No: [4] Salazar, Blaydes, Natinsky, Rasansky

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 26162.

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3283

Item 60: BENEFIT ASSESSMENT HEARINGS

A benefit assessment hearing to receive citizens' comments on street paving, storm drainage, water and wastewater main improvements on Street Group 03-441, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with North Texas Contracting, Inc., lowest responsible bidder of three - \$5,565,571 - Financing: 2003 Bond Funds (\$3,752,621), Water Utilities Capital Improvement Funds (\$1,785,750), and Water Utilities Capital Construction Funds (\$27,200)

No one appeared in opposition to or in favor of the proposed improvements on Street Group 03-0441.

The following individual addressed the city council regarding the proposed improvements on Street Group 03-0441.

Jurline Hollins, 2832 Marjorie Ave.
William Hopkins, 2011 Leath

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

Motion seconded by Councilmember Koop and unanimously adopted.

Assigned ORDINANCE NO. 26162.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3284

Municipal Setting Designation at
3110 Thomas Avenue

Note: Item Nos. 61 and 62 must
be considered collectively.

- Item 61: * A public hearing to receive citizens' comments on a proposed municipal setting designation ordinance prohibiting the use of groundwater beneath property owned by Block 588 Condominium Development, Ltd. located at 3110 Thomas Avenue and the adjacent streets - Financing: No cost consideration to the City
- Item 62: * An ordinance authorizing support of the issuance of a municipal setting designation to Block 588 Condominium Development, Ltd. by the Texas Commission on Environmental Quality and prohibiting use of groundwater beneath the designated property as potable water - Revenue: \$7,500 plus the \$20 ordinance publication fee

The city secretary reminded the city council that pursuant to Section 51A-6.108(g)(3) of the Dallas Development Code, the applicant or a licensed representative of the applicant who is familiar with the application must be present and available to answer questions.

The city secretary called for the applicant or a licensed representative of the applicant to come forward.

Mike Marcum, 8327 Heatherland, **Spring TX**

No one addressed the city council in opposition to or in favor of the Municipal Setting Designation.

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

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

Assigned ORDINANCE NO. 26163.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3285

Item 63: A public hearing to receive citizens' comments concerning a proposed increase in taxicab rates of fare, and at the close of the hearing, authorize an ordinance amending Chapter 45 of the Dallas City Code to revise taxicab rates of fare - Financing: No cost consideration to the City

No one addressed the city council regarding the proposed increase in taxicab rates of fare.

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

Motion seconded by Councilmember Natinsky and unanimously adopted.

Later in the meeting, Councilmember Salazar moved to reconsider the item.

Motion seconded by Councilmember Hunt and unanimously adopted.

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

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

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

Assigned ORDINANCE NO. 26164.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3286

05-3287

Item 64: 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 November 9, 2005.

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

Deputy Mayor Pro Tem Garcia moved to appoint Fernando Dubove, Visual, Performing or Literary Arts, to the Cultural Affairs Commission; Lawrence M. Wolfish, Citizen at large, to the Judicial Nominating Commission; W. Brian Keith, Urban Planner and Doug Edwards, Citizen at large, to the Landmark Commission; and Sydney K. Kay, to the Senior Affairs Commission.

Motion seconded by Councilmember Medrano and unanimously adopted.

Councilmember Blaydes moved to appoint Frank S. Nuchereno to the Reinvestment Zone Nine Board (Vickery Meadow).

Motion seconded by Councilmember Griffith and unanimously adopted.

Deputy Mayor Pro Tem Garcia moved to appoint all the nominees to "individual appointment" positions in the report who meet all qualifications for service to the boards and commissions of the city for the term ending August 31, 2007.

Motion seconded by Councilmember Medrano and unanimously adopted.

Councilmember Blaydes moved to appoint James Christopher Wells, vice chair, Cultural Affairs Commission.

Motion seconded by Councilmember Hunt and unanimously adopted.

Deputy Mayor Pro Tem Garcia moved to appoint Frances Rizo, vice chair, to the Community Development Commission.

Motion seconded by Councilmember Chaney and unanimously adopted.

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05-3286

05-3287

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Councilmember Fantroy moved to appoint Carol Ann Brandon, vice chair, City Plan and Zoning Commission.

Motion seconded by Councilmember Chaney and unanimously adopted.

Councilmember Hunt moved to appoint June Leftwich, vice chair, Municipal Library Board.

Motion seconded by Councilmember Natinsky and unanimously adopted.

Deputy Mayor Pro Tem Garcia moved to appoint Delia Jasso, vice chair, Park and Recreation Board.

Motion seconded by Councilmember Fantroy and unanimously adopted.

Councilmember Chaney moved to appoint Mary Hasan, vice chair, to the South Dallas/Fair Park Trust Fund Board.

Motion seconded by Councilmember Thornton Reese and unanimously adopted.

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

05-3308 CAC CULTURAL AFFAIRS COMMISSION
05-3309 CDC COMMUNITY DEVELOPMENT COMMISSION
05-3310 CPC CITY PLAN AND ZONING COMMISSION
05-3311 CPR DALLAS CITIZENS POLICE REVIEW BOARD
05-3312 EHC ENVIRONMENTAL HEALTH COMMISSION
05-3313 JNC JUDICIAL NOMINATING COMMISSION
05-3314 LMC LANDMARK COMMISSION
05-3315 MLB MUNICIPAL LIBRARY BOARD
05-3316 MLK MARTIN LUTHER KING JR COMMUNICT CENTER BOARD
05-3317 PAR PARK AND RECREATION BOARD
05-3318 RZO9 REINVESTMENT ZONE NINE BOARD (VICKERY MEADOW)
05-3319 SAC SENIOR AFFAIRS COMMISSION
05-3320 Board Officers

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3288

Item 65: Authorize a Historic Development Program tax abatement for the U.S. Post Office Building located at 404 N. Ervay Street for ten years on the value of the structure only - Estimated revenue foregone for a ten-year abatement: \$243,479

The following individual addressed the city council regarding the Historic Development Program tax abatement.

Shawn Todd, 4308 Belclaire Ave.

Councilmember Hunted moved to approve the item.

Motion seconded by Councilmember Blaydes.

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

Voting Yes	[13]	Hill, Garcia, Medrano, Oakley, Thornton Reese, Salazar, Chaney, Fantroy, Griffith, Blaydes, Koop, Natinsky, Hunt
Voting No	[2]	Miller, Rasansky

Mayor declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3289

Item 66: An ordinance abandoning a portion of an alley to the Dallas Independent School District, the abutting owner, containing approximately 2,481 square feet of land located near the intersection of Haskell and McKinney Avenues, and authorizing the quitclaim - Revenue: \$94,278 plus the \$20 ordinance publication fee

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

Councilmember Hunt moved to pass the ordinance.

Motion seconded by Councilmember Medrano and unanimously adopted. (Blaydes abstain; Garcia, Chaney absent when vote taken)

Assigned ORDINANCE NO. 26165.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3290

Item 67: An ordinance authorizing the issuance and sale of \$187,235,000 City of Dallas, Texas General Obligation Bonds, Series 2005; accepting the bids and awarding the sale of the bonds; approving the Preliminary Official Statement; and enacting other provisions in connection therewith - Not to exceed \$402,167 - Financing: Bond Funds - Interest Earnings (To be considered before 12:00 noon)

Councilmember Griffith moved to approve the bond ordinance authorizing the issuance and sale of \$179,810,00 City of Dallas, Texas General Obligation bonds, Series 2005; accepting the bids and awarding the sale of the bonds; approving the Preliminary Official Statement; and enacting other provisions in connection therewith to Morgan Keegan & Company, Inc., being the best bid.

Motion seconded by Councilmember Natinsky and unanimously adopted.

Assigned ORDINANCE NO. 26152.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3291

Item 68: An ordinance authorizing the issuance and sale of \$6,320,000 City of Dallas, Texas Combination Tax and Revenue Certificates of Obligation, Series 2005; accepting the bids and awarding the sale of the obligations; approving the Preliminary Official Statement; and enacting other provisions in connection therewith - Not to exceed \$56,447 - Financing: 2005 Combination Tax and Revenue Certificates of Obligation - Interest Earnings (To be considered before 12:00 noon)

Councilmember Griffith moved to approve the bond ordinance authorizing the issuance and sale of \$6,320,000 City of Dallas, Texas Combination Tax and Revenue Certificates of Obligation, Series 2005, accepting the bids and awarding the sale of the obligations; approving the Preliminary Official Statement, and enacting other provisions in connection therewith to LaSalle Financial Services, Inc., being the best bid.

Motion seconded by Councilmember Blaydes and unanimously adopted.

Assigned ORDINANCE NO. 26153.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3292

Item 69: An ordinance authorizing the issuance and sale of \$32,180,000 City of Dallas, Texas Equipment Acquisition Contractual Obligations, Series 2005; accepting the bids and awarding the sale of the obligations; approving the Preliminary Official Statement; and enacting other provisions in connection therewith - Not to exceed \$97,784 - Financing: 2005 Equipment Acquisition Contractual Obligations - Interest Earnings (To be considered before 12:00 noon)

Councilmember Griffith moved to pass the bond ordinance authorizing the issuance and sale of \$32,180,000 City of Dallas, Texas Equipment Acquisition Contractual Obligations, Series 2005, accepting the bids and awarding the sale of the obligations; approving the Preliminary Official Statement; and enacting other provisions in connection therewith to LaSalle Financial Services, Inc. , being the best bid.

Motion seconded by Councilmember Fantroy and unanimously adopted.

Assigned ORDINANCE NO. 26154.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3293

Item 70: Authorize a twelve-month master agreement for automobiles, light trucks, vans and utility trucks with the lowest responsible bidders of fifteen - B & C Body Co. in the amount of \$212,928, Baby Jack II Automotive LTD in the amount of \$6,086,700, Baby Jack Ford LTD in the amount of \$1,275,194, Dallas Dodge in the amount of \$65,409, Friendly Chevrolet in the amount of \$843,364, Lynn Smith Chevrolet in the amount of \$307,648, Master International in the amount of \$507,005, Metro Ford Trucks Sales, Inc. in the amount of \$333,014, Rush Truck Center in the amount of \$2,347,236, Southwest International in the amount of \$1,671,489, and Westway Ford in the amount of \$1,546,927 - Total not to exceed \$15,196,914 - Financing: 2005 Equipment Acquisition Contractual Obligation Notes (\$14,285,553), Building Inspection Current Funds (\$494,781), Current Funds (\$416,580)

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

Councilmember Koop moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Rasansky abstain; Garcia, Chaney absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3294

Item 71: Authorize a twelve-month master agreement for heavy equipment with the lowest responsible bidders of seven - American Materials Handling, Inc. in the amount of \$48,089, Equipment Southwest, Inc. in the amount of \$147,000, and Stewart & Stevenson in the amount of \$23,094 - Total not to exceed \$218,183 - Financing: 2005 Equipment Acquisition Contractual Obligation Notes

Councilmember Koop moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3295

Item 72: A resolution extending the City Council's decision deadline for Atmos Energy Corp., Mid-Tex Division's proposed new Gas Reliability Infrastructure Program Rate Adjustment from November 18, 2005 to January 2, 2006 - Financing: No cost consideration to the City

Councilmember Koop moved to approve the resolution.

Motion seconded by Councilmember Salazar and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3296

Item 73: Authorize adoption of the Lower Five Mile Creek Flood Plain Management Study -
Financing: No cost consideration to the City

Councilmember Koop moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted.

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November 9, 2005

05-3297

Closed Session

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

- Legal issues involved with red-light camera technology
- Dallas Independent School District v. Calvary Hill Cemetery, et al.,
Cause No. cc-03-9682-d

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.)

- Dallas Independent School District v. Calvary Hill Cemetery, et al.,
Cause No. cc-03-9682-d

No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3298

Addendum addition 1: Authorize (1) a contract for abatement and selective demolition at the Fidelity Union Life Buildings located at 1507 Pacific Avenue, 1511 Bryan Street and 318 N. Akard Street with Certified/LVI Environmental Services, Inc., lowest responsible bidder of two, in an amount not to exceed \$8,288,000, (2) assignment of the contract to Hamilton Fidelity Development, LP, (3) payment to Hamilton Fidelity Development, LP for design, reimbursables and construction management in an amount not to exceed \$712,000, and (4) the establishment of appropriations in the amount of \$9,000,000 in the City Center TIF District Funds - Total not to exceed \$9,000,000 - Financing: City Center TIF District Funds

Councilmember Rasansky requested that addendum addition 1 be considered as an individual item. Mayor Miller stated that addendum addition 1 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 1 was brought up for consideration.

Councilmember Hunt moved to approve the item.

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 Rasansky voting "No." (Hill, Thornton Reese, Salazar absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3299

Addendum addition 2: Authorize a contract for channel relocation, drainage swale, bank restoration and stabilization improvements associated with the Margaret Hunt Hill Bridge at the Woodall Rodgers Extension - The Holbrook Company, Inc., lowest responsible bidder of six - \$426,690 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3300

Addendum addition 3: An ordinance abandoning portions of alley rights-of-way to Baylor Health Care System, the abutting owner, containing approximately 8,654 square feet of land located near the intersection of Washington Avenue and Junius Street, and authorizing the quitclaim and providing for the dedication of approximately 4,316 square feet of land needed for an alley turnout - Revenue: \$94,749 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26166.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3301

Addendum addition 4: Authorize a thirty-six-month service contract for volunteer coordinator services with the only bidder - Volunteer Center of North Texas - Not to exceed \$213,750 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3302

Addendum addition 5: Authorize a thirty-six-month master agreement for Spanish language materials for the Dallas Public Library from the annual Guadalajara Book Fair and for assistance with communication during the Fair with the only bidder - Brodart Co. - Not to exceed \$177,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3303

Addendum addition 6: Authorize a contract for the design, fabrication and installation of a new cable television distribution system at City Hall with the most advantageous proposer of two - NCO-Corp - Not to exceed \$398,500 - Financing: Public Educational and Governmental Access Funds

Councilmember Rasansky requested that addendum addition 6 be considered as an individual item. Mayor Miller stated that addendum addition 6 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 6 was brought up for consideration.

Councilmember Natinsky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3304

Addendum addition 7: Authorize settlement of the lawsuit styled Zereth Chaney, Individually and as Representative of the Estate of Dorothy Chaney, Deceased v. City of Dallas, Cause No. 02-11731-A - \$220,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3305

Addendum addition 8: Authorize the City Auditor's 2005-06 Annual Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3306

Addendum addition 9: Authorize Supplemental Agreement No. 3 to the contract with CGI-AMS to (1) implement a software upgrade to the City's financial and accounting system to provide additional training and technical support for the Advantage Financial 3 application, and (2) extend the term of the contract through December 31, 2005 - Not to exceed \$121,000, from \$2,981,325 to \$3,102,325 - Financing: 2004 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

November 9, 2005

05-3307

Addendum addition 10: Authorize the fourth and final year of the contract with Deloitte Consulting Outsourcing, LLC, in association with Lawson Associates, Inc. and Business Software, Inc., to provide the annual hosting and maintenance for the Human Resources Information System - Not to exceed \$957,369, from \$10,053,356 to \$11,010,725 - Financing: Current Funds

Councilmember Salazar moved to approve the item.

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

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

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS