

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, DECEMBER 14, 2005

05-3465

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

PRESENT: [14] Miller, Garcia, Medrano, Oakley, Thornton Reese, Salazar, Chaney,
Fantroy, Griffith, Blaydes, Koop, Natinsky, Rasansky, Hunt
ABSENT: [1] Hill

The meeting was called to order at 9:18 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 4:39 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, DECEMBER 14, 2005

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, DECEMBER 14, 2005

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3466

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: Steven Meeks, 1700 E. Lakeview Dr.
SUBJECT: City Services

SPEAKER: Albert Parker, 6318 Elam Rd.
SUBJECT: A reality issue

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Racism against the Mayor, Dallas County, FBI, West Dallas Lead settlement

OPEN MICROPHONE - END OF MEETING:

SPEAKER: Ron Holland, 5111 Ash Ln.
SUBJECT: Neighborhood Overlays

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3467

Item 1: Approval of Minutes of the October 25, and November 9, 2005 City Council Meeting

Councilmember Oakley moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3468

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-93 and addendum addition consent agenda items 1-19, were presented for consideration.

The city secretary announced that the city manager had deleted agenda items 8, 37, 52, 53, 73 and addendum addition 6 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

The city secretary requested that consent agenda items 23, 24, 71 and 72 be considered as individual items to allow citizens to speak. Mayor Miller stated that consent agenda items 23, 24, 71 and 72 would be considered as individual items later in the meeting to allow citizens to speak, there being no objection voiced to the city secretary's request.

Councilmember Rasansky requested that consent agenda items 35, 46, 69, 78, 91, 92, 93, and addendum addition items 1, 3, 4, 5, 8, 9 and 15 be considered as individual items. Mayor Miller stated that consent agenda items 35, 46, 69, 78, 91, 92, 93, and addendum addition items 1, 3, 4, 5, 8, 9 and 15 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Koop requested that consent agenda item 50 be considered as an individual item. Mayor Miller stated that consent agenda item 50 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Koop's request.

Councilmember Oakley requested that consent agenda item 68 be considered as an individual item. Mayor Miller stated that consent agenda item 68 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Oakley's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda items 8, 37, 52, 53, 73 and addendum addition 6 which were deleted, and consent agenda items 23, 24, 35, 46, 50, 68, 69, 71, 72, 78, 91, 92, 93 and addendum addition items 1, 3, 4, 5, 8, 9, and 15 which would be considered later in the meeting.

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

Later in the meeting, Councilmember Oakley moved to reconsider the consent agenda.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-3468

Page 2

Councilmember Oakley moved to place consent agenda items 23 and 24 back on the regular consent agenda and remove consent agenda item 75 from the consent agenda to be acted on individually.

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

Councilmember Rasansky requested that consent agenda item 75 be considered as individual items. Mayor Miller stated that consent agenda 75 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky 's request.

Councilmember Oakley moved to approve the consent agenda with the exception of consent agenda items 8, 35, 37, 46, 50, 52, 53, 68, 69, 71, 72, 73, 75, 78, 91, 92, 93, and addendum addition, 1, 3, 4, 5, 6, 8, 9, and 15.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3469

Item 2: Authorize a professional services contract with Pacheco Koch Consulting Engineers, Inc. for the design of paving, street lights, boundary and topographic survey for the Tenth Street Historic District pedestrian improvements - \$147,780 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3470

Item 3: Authorize a professional services contract with Bridgefarmer & Associates, Inc. to provide engineering services for the design of the Beckley Avenue and Commerce Street intersection improvements - \$191,900 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3471

Item 4: Authorize a professional services contract with HDR Engineering, Inc., for hydrologic and engineering services to evaluate the water supply yield of Lake Ray Hubbard and the East Fork of the Trinity River - \$170,000 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3472

Item 5: Authorize a contract for roof replacement and asbestos abatement at Fire Station No. 41 located at 5920 Royal Lane - Roof Management Services, Inc., lowest responsible bidder of three - \$59,881 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3473

Item 6: Authorize a contract for the construction of alley paving, storm drainage, and wastewater improvements on the alley between Stichter Avenue and Aberdeen Avenue from Edgemere Road to Thackery Street - Admiral Construction Company, lowest responsible bidder of five - \$193,032 - Financing: 2003 Bond Funds (\$91,412), Water Utilities Capital Construction Funds (\$100,495), and Water Utilities Capital Improvement Funds (\$1,125)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3474

Item 7: Authorize (1) a contract for the construction of paving, drainage, landscape, streetscape, lighting, and water and wastewater infrastructure improvements for The West Side at State-Thomas (Block 582) bounded by State, Hall and Hugo Streets in Tax Increment Financing Reinvestment Zone Number One (State-Thomas TIF District) with Texas Standard Construction, LLP, lowest responsible bidder of four, in an amount not to exceed \$523,530, (2) assignment of the construction contract to J. G. Moore & Co., Inc. for construction administration, and, (3) payment to J. G. Moore & Co., Inc. in an amount not to exceed \$132,200 for design, construction administration, street lighting and testing - Total not to exceed \$655,730 - Financing: State-Thomas TIF District Funds (advance from J. G. Moore & Co., Inc. to the State-Thomas TIF District Fund)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3475

Item 8: Authorize (1) a contract for the construction of streetscape improvements, water adjustments and lighting for the Gables at West Village Project located at 3107 Blackburn Street located in Tax Increment Financing Reinvestment Zone Number Two (Cityplace Area TIF District) with Texas Standard Construction, LLP., lowest responsible bidder of three, in an amount not to exceed \$224,357, (2) assignment of the construction contract to Gables Realty Limited for construction administration, and, (3) payment to Gables Realty Limited in an amount not to exceed \$54,900 for design, construction administration, testing and lighting - Total not to exceed \$279,257 - Financing: Cityplace TIF District Funds (advance from Gables Realty Limited to the Cityplace TIF District Fund)

The city secretary announced that the city manager had deleted agenda item 8 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3476

Item 9: Authorize a contract for the construction of slope improvements to stabilize the levee and adjacent landfill slopes at the McCommas Bluff Landfill - L. D. Kemp Excavating, Inc., lowest responsible bidder of four - Not to exceed \$1,560,240 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3477

Item 10: Authorize (1) a decrease in the contract with Chamberlin Dallas, Ltd. for storm drainage replacement and window curb removal at the J. Erik Jonsson Central Library in an amount not to exceed (\$104,954), (2) an increase in the contract with Chamberlin Dallas, Ltd. for repairs to existing storm drainage lines and modifications to existing window curbs, landscaping and soil removal at the Central Library in an amount not to exceed \$67,467, and, (3) an increase in the contract with Chamberlin Dallas, Ltd. for water infiltration repairs at the Dallas Museum of Art in an amount not to exceed \$51,525 - Total net increase in the amount of \$14,038, from \$2,336,123 to \$2,350,161 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3478

Item 11: Authorize (1) a decrease in the contract with Texas Roof Management, Inc. to omit limestone panel removal at the Dallas Museum of Art in an amount not to exceed (\$75,000), and, (2) an increase in the contract with Texas Roof Management, Inc. for alternate flashing and sealant details at the Dallas Museum of Art in an amount not to exceed \$78,177 - Total net increase in the amount of \$3,177, from \$1,178,774 to \$1,181,951 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3479

Item 12: Authorize an increase in the contract with Rimrock Enterprises, Inc. for additional dredging and erosion control at the Hall Street Pond in Robert E. Lee Park within Turtle Creek Parkway - \$119,718, from \$479,247 to \$598,965 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3480

Item 13: Authorize an increase in the contract with Rimrock Enterprises, Inc. for additional dredging, erosion control, and retaining walls to protect the existing trees at Twin Lakes Park located at 7400 Campbell Road - \$91,161, from \$498,848 to \$590,009 - Financing: 1998 Bond Funds (\$14,181) and Capital Construction Funds (\$76,978)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3481

Item 14: Authorize (1) Supplemental Agreement No. 2 to the contract with Santiago Calatrava SA for engineering and design services to continue the design of the IH-30 signature bridge across the Trinity River in an amount not to exceed \$5,829,000, from \$6,000,000 to \$11,829,000; (2) the receipt and deposit of funds from Dallas County in an amount not to exceed \$5,914,500; and, (3) an increase in appropriations in the amount of \$5,914,500 in the IH-30 Bridge Donation Fund - Total not to exceed \$5,914,500 - Financing: IH-30 Bridge Donation Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3482

Item 15: Authorize an increase in the contract with Archer Western Contractors, Ltd. for implementation of additional best management practices in sandblasting application for Forney Dam improvements - \$203,500, from \$45,781,900 to \$45,985,400 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3483

Item 16: Authorize an increase in the contract with Archer Western Contractors, Ltd. for additional work to address lagoon road repairs, the relocation of existing buried sample and utility lines to accommodate new work, the replacement of damaged ozone off-gas piping, and repair to the existing forebay structure associated with the East Side Water Treatment Plant process improvements, Phase II, including the installation of ozone treatment - \$168,303, from \$34,718,581 to \$34,886,884 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3484

Item 17: Authorize (1) alley paving, storm drainage, water and wastewater main improvements for Alley Group 03-1121; 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 25, 2006, to receive comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3485

Item 18: Authorize (1) street paving, storm drainage, water and wastewater improvements for Chalmers Street south from W. Brooklyn Avenue to Gladstone Street; 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 25, 2006, to receive comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3486

Item 19: Authorize (1) street paving, storm drainage, water and wastewater improvements for Haines Avenue from Wickford Street to W. Colorado Boulevard; 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 25, 2006, to receive comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3487

Item 20: Authorize (1) the cancellation of the City of Dallas Bicycle Safety Program from the 2003 Bond Program, and (2) the termination of the Local Project Advanced Funding Agreement with the Texas Department of Transportation for the development of the City of Dallas Bicycle Safety Program - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3488

Item 21: Authorize funding for the City of Dallas' local participation costs for the construction of Congestion Mitigation Air Quality intersection improvement projects - \$500,000 -
Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3489

Item 22: Authorize a Project Specific Agreement with Dallas County for participation in design, right-of-way acquisition, and construction of paving, drainage, water and wastewater main improvements on La Prada Drive from Larry Drive to Millmar Drive - \$53,417 - Financing: 2003 Bond Funds (\$40,000), Water Utilities Capital Improvement Funds (\$13,417)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3490

Kelly Boulevard from Michaelangelo Drive
to Rosemeade Parkway

Note: Item Nos. 23 and 24
must be considered collectively.

- Item 23. * Authorize (1) payment to the Texas Department of Transportation for the local share of construction of paving and storm drainage improvements on Kelly Boulevard from Michaelangelo Drive to Rosemeade Parkway, (2) the receipt and deposit of funds from the City of Carrollton in an amount not to exceed \$304,375, and (3) an increase in appropriations in the amount of \$304,375 in the Capital Projects Reimbursement Fund - Total not to exceed \$608,750 - Financing: 1998 Bond Funds (\$304,375), Private Funds (\$304,375)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3491

Kelly Boulevard from Michaelangelo Drive
to Rosemeade Parkway

Note: Item Nos. 23 and 24
must be considered collectively.

Item 24. * Authorize a Local Project Advanced Funding Agreement with the Texas Department of Transportation for water and wastewater improvements on Kelly Boulevard from Michaelangelo Drive to Rosemeade Parkway - \$7,000 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3492

Item 25: Authorize a Memorandum of Agreement with the North Central Texas Council of Governments for the Woodall Rodgers Extension (Spur 366) from IH 35E across the Trinity River to the intersection of Beckley Avenue and Singleton Boulevard - \$22,000,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3493

Item 26: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Clyde L. Hargrove, Trustee of a 31-acre tract of land near the intersection of Houston School and Wintergreen Roads for the Wintergreen Intermediate Pump Station Project - \$630,000 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3494

Item 27: 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 8,192 square feet located near the intersections of Rosemeade Parkway and Midway Road, Trinity Mills and Midway Roads and Dallas North Tollway and Frankford Road for the Congestion Mitigation and Air Quality Intersection Improvement Program - \$55,434 - Financing: 1995 Bond Funds (advanced to Dallas County)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3495

Item 28: Authorize settlement in lieu of proceeding further with condemnation of a tract of land containing approximately 2,140 square feet from DFW Convenience Stores, L.P. for the Northwest Highway Paving Improvements project located near the intersection of Northwest Highway and Shiloh Road - \$62,630 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3496

Item 29: Authorize the acquisition of 2442 Macon Street improved with an occupied single-family residence, a vacant lot at 5208 Bexar Street, 5402 Bexar Street improved with an occupied commercial building, 2448 Starks Avenue and 5300 Bexar Street improved with a car wash, and 5302 Bexar Street improved with an occupied commercial building, for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program - \$272,115, including estimated closing costs of \$10,000 - Financing: 2002-03 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3497

Item 30: Authorize the sale by quitclaim deed of approximately 21,883 square feet of land from portions of 3 unimproved properties acquired by the taxing authorities from a Sheriff's Sale to Dallas County - Revenue: \$1,235

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3498

Item 31: A resolution declaring 6 vacant City-owned lots unwanted and unneeded and authorize their private sale through the Land Transfer Program, a program for the sale of tax-foreclosed, seized and surplus property for the development of low and moderate income affordable housing - Revenue: \$6,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3499

Item 32: An ordinance abandoning a portion of an alley to AP/APH Stoneleigh, L.P. and Kodiak Investment Group, L.C., the abutting owners, containing approximately 5,007 square feet of land located near the intersection of Wolf Street and Maple Avenue, and authorizing the quitclaim - Revenue: \$234,077 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26168.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3500

Item 33: An ordinance repealing Ordinance No. 21565 and Ordinance No. 22007 and granting a new private license to The Grape Building Joint Venture for the use of approximately 698 square feet of land to maintain an existing sidewalk café, awning and planter boxes on and over a portion of Greenville Avenue right-of-way located near its intersection with Vickery Boulevard - Revenue: \$1,067 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26169.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3501

Item 34: Authorize the release of non-tax City liens against 1 privately held vacant property located at 1338 Waweenoc Avenue, in exchange for Presbyterian Housing Program, Inc. providing an unsecured promissory note in the amount of the non-tax liens, estimated to be \$10,674, paying all delinquent taxes, penalties and interest on the property, and providing affordable housing on the property for a low-income household in accordance with the City's Land Transfer Policy and Program Statement - Estimated revenue foregone: \$10,674

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3502

Item 35: Authorize an amendment to Resolution No. 05-2250, previously approved on August 10, 2005, to (1) provide for the subordination of the City's non-tax liens estimated at \$477,593 in favor of Wachovia Bank, NA, at closing of Wachovia Bank's pre-development loan to Sphinx Development Corporation (SDC) or its single asset entity (SAE) for the acquisition of 1201 S. Ewing Avenue; (2) provide for SDC or its SAE to execute a promissory note in the amount of non-tax liens at closing of the predevelopment loan; (3) require that Sphinx Development Corporation execute an unconditional personal guaranty to the City in the amount of the non-tax liens at closing of the predevelopment loan, to be released upon completion of construction and initial occupancy; and, (4) provide for the release of the non-tax City liens at the time SDC or its SAE closes its construction loan - Estimated revenue foregone: \$477,593

Councilmember Rasansky requested that consent agenda item 35 be considered as an individual item. Mayor Miller stated that consent agenda item 35 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 35 was brought up for consideration.

Councilmember Oakley 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". (Thornton Reese absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3503

Item 36: Authorize a three-year extension of the lease agreement with A. E. Boone for approximately 15,714 square feet of office space located at 5510 South Westmoreland Road, Suite 200, to be used by the Water Utilities Pretreatment and Laboratory Services Division from February 1, 2006 to January 31, 2009 - \$384,679 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3504

Item 37: Authorize a twelve-month extension to the service contract for full service, support and enhancement of the Applicant Tracking System software for grading, managing and reporting civil service and other applicant information for the period of November 1, 2005 through October 31, 2006 - Unified Data Systems, Inc. - Sole Source - \$47,849 - Financing: Current Funds

The city secretary announced that the city manager had deleted agenda item 37 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3505

Item 38: Authorize an increase in the contract for replacement of both handrails on four moving walks and one handrail on five moving walks at Dallas Love Field - United Elevator Service - Not to exceed \$92,760, from \$951,486 to \$1,044,246 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3506

Item 39: Authorize a twenty-four-month master agreement for flashlights and batteries, with the lowest responsible bidders of seven - Elect-A-Van Service, Inc. dba EVS Supply in the amount of \$70,370, and Catrina Craft dba Construction Tool and Supply in the amount of \$34,653 - Total not to exceed \$105,023 - Financing: Water Utilities Current Funds (\$42,504), Aviation Current Funds (\$10,000), Convention and Event Services Current Funds (\$2,000) and Current Funds (\$50,519)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3507

Item 40: Authorize a sixty-month service contract, with one sixty-month renewal option, to provide public access cable television services that allow the general community to utilize public access channels in accordance with the City's franchises and in accordance with federal, state and local laws, with the most advantageous proposer of two - Dallas Community Television, Inc. - Not to exceed \$2,625,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3508

Item 41: Authorize a thirty-six-month master agreement for uniform rentals and laundry service, with the best value bidder of two - Unifirst Corporation - Not to exceed \$394,485 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3509

Item 42: Authorize the purchase of two replacement landfill compactors to be used at the McCommas Bluff Landfill from Holt Texas LTD. through Buyboard, a Texas local government cooperative purchasing program - Not to exceed \$1,373,008 - Financing: 2004 Equipment Acquisition Contractual Obligation Notes (\$1,300,000), 2003 Equipment Acquisition Contractual Obligation Notes (\$73,008)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3510

Item 43: Authorize a thirty-six-month master agreement for liquid cationic polymer to be used for water treatment and clarification, with the lowest responsible bidder of two - Polydyne, Inc. - Not to exceed \$3,845,000 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3511

Item 44: Authorize a thirty-six-month master agreement for plumbing supplies and pipe fittings for the transportation of water and sewage, with the lowest responsible bidders of two - Triangle Supply; Subsidiary of Ferguson Enterprise in the amount of \$341,103, and Hughes Supply, Inc. in the amount of \$159,542 - Total not to exceed \$500,645 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3512

Item 45: Authorize a six-month master agreement for anhydrous ammonia and hydrofluosilicic acid to be used for water treatment and disinfecting, with the lowest responsible bidders of five - Pencco, Inc. in the amount of \$221,400 and Air Gas, Inc. in the amount of \$367,675 - Total not to exceed \$589,075 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3513

Item 46: Ratify an emergency engineering services contract for repairs to the Iron Bridge Pump Station including an investigation of the two major electrical failures, a redesign of the electrical switchgear and the power feed into the pump station for two new main breakers, and a new pump motor switchgear - Carter & Burgess, Inc. - \$649,948 - Financing: Water Utilities Capital Improvement Funds

Councilmember Rasansky requested that consent agenda item 46 be considered as an individual item. Mayor Miller stated that consent agenda item 46 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 46 was brought up for consideration.

Deputy Mayor Pro Tem Garcia 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 Rasansky voting "No". (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3514

Item 47: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Hunton & Williams, L.L.P. for representation of the City of Dallas in the lawsuit styled Kevin Ellis, et al. v. Eddie Crawford, et al., Civil Action No. 3:03-CV-2416-D - Not to exceed \$50,000, from \$25,000 to \$75,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3515

Item 48: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Joe C. Tooley, Attorneys and Counselors, for additional legal services and related expenses necessary in the lawsuit styled Kevin Ellis, et al. v. Eddie Crawford, et al., Civil Action No. 3:03-CV-2416-D and any other proceeding related to the subject matter of this lawsuit - Not to exceed \$50,000, from \$25,000 to \$75,000
- Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3516

Item 49: Authorize Supplemental Agreement No. 1 to the professional services contract with The Carter Law Firm, P. C. for additional legal services and related expenses necessary in the lawsuit styled Dora Saucedo-Falls v. David Kunkle, Randy Hampton, and City of Dallas, Civil Action No. 3:05-CV-0730-N and any other proceeding relating to the subject matter of this lawsuit - Not to exceed \$50,000, from \$50,000 to \$100,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3517

Item 50: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Thompson & Knight, L.L.P. for legal services and related expenses in connection with the acquisition of real property and associated property interests related to the Mercantile Complex in the Downtown Connection TIF District - Not to exceed \$75,000, from \$25,000 to \$100,000 - Financing: Downtown Connection TIF District Funds

Councilmember Koop requested that consent agenda item 50 be considered as an individual item. Mayor Miller stated that consent agenda item 50 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Koop's request.

Later in the meeting, agenda item 50 was brought up for consideration.

Councilmember Koop announced that she had filed with the city secretary a conflict of interest form but the property that was involved with item 50 had been sold therefore, she no longer had a conflict and could participate in the discussion and voting on this item.

Mayor Miller announced that Councilmember Koop conflict of interest had been resolved and that she would be participating in the discussion and voting on this item.

Deputy Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3518

Item 51: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Joe C. Tooley, Attorneys and Counselors, for additional legal services necessary in the lawsuit styled Victor Alvarado DeLeon v. Mark DeLaPaz, et al., Civil Action No. 3:02-CV-1097-K - Not to exceed \$75,000, from \$50,000 to \$125,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3519

Item 52: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Carrington Coleman Sloman & Blumenthal, L.L.P., for additional legal advice and counsel concerning aviation law matters - Not to exceed \$75,000, from \$25,000 to \$100,000 - Financing: Current Funds

The city secretary announced that the city manager had deleted agenda item 52 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3520

Item 53: An ordinance amending Chapter 1 of the Dallas City Code to comply with changes in state law requiring a culpable mental state for certain ordinance violations -
Financing: No cost consideration to the City

The city secretary announced that the city manager had deleted agenda item 53 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3521

Item 54: Authorize settlement of the lawsuit styled Goldie Runnels as Next Friend of Marcus Runnels v. The City of Dallas, Eddie Saenz, Individually and Stanton Chambers, Individually, Civil Action No. 3:05-CV-0358-B - Not to exceed \$8,750 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3522

Item 55: Authorize settlement of the lawsuit styled Shametria Spencer and Michael Franks v. City of Dallas and Eddie Wallace, Cause No. 04-10140-A - Not to exceed \$24,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3523

Item 56: Authorize a replacement housing payment for homeowner, Roland Edwards, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$75,000 - Financing: 2005-06 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3524

Item 57: Authorize a replacement housing payment for homeowner, Wardell Kesse, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$75,000 - Financing: 2005-06 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3525

Item 58: Authorize an increase in the replacement housing payment for homeowner, David R. Sanders, from \$22,500 to \$77,500, due to the inability to find a decent, safe and sanitary replacement house for the \$22,500 previously approved on January 23, 2002 by Resolution No. 02-0329 - Not to exceed \$55,000, from \$22,500 to \$77,500 - Financing: 2003-04 Community Development Grant Funds (\$8,065), 2004-05 Community Development Grant Funds (\$29,500) and 2005-06 Community Development Grant Funds (\$17,435)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3526

Item 59: Authorize the initial planning for a possible major sports celebration in honor of the Dallas Cowboys, Dallas Mavericks, and/or Dallas Stars, should either team win their respective championship, in accordance with the Policy Statement of Major Sports Celebrations previously approved on December 8, 1993 by Resolution No. 93-4570 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3527

Item 60: An ordinance amending Chapter 52 of the Dallas City Code making amendments to reflect House Bill 265, relating to the time for processing municipal building permits; and making amendments to reflect Senate Bills 574 and 848, relating to vesting of development rights under Texas Local Government Code Chapter 245 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26170.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3528

Item 61: An ordinance amending Chapter 53 of the Dallas City Code to adopt the 2003 edition of the International Building Code, with local amendments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26171.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3529

Item 62: An ordinance amending Chapter 54 of the Dallas City Code to adopt the 2003 edition of the International Plumbing Code, with local amendments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26172.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3530

Item 63: An ordinance amending Chapter 55 of the Dallas City Code to adopt the 2003 edition of the International Mechanical Code, with local amendments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26173.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3531

Item 64: An ordinance amending Chapter 56 of the Dallas City Code to adopt the 2005 edition of the National Electrical Code, with local amendments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26174.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3532

Item 65: An ordinance amending Chapter 57 of the Dallas City Code to adopt the 2003 edition of the International Residential Code with local amendments as the Dallas One- and Two-Family Dwelling Code and amending Chapter 52, Administrative Procedures for the Construction Codes, of the Dallas City Code by making an editorial change to Section 104.1.2 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26175.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3533

Item 66: An ordinance amending Chapter 59 of the Dallas City Code to adopt the 2003 edition of the International Energy Conservation Code, with local amendments - Financing:
No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26176.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3534

Item 67: An ordinance amending Chapter 60 of the Dallas City Code to adopt the 2003 edition of the International Fuel Gas Code, with local amendments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26177.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3535

Item 68: An ordinance granting a Planned Development District for Single Family Uses, Private Streets and an Accessory Community Center (private) on the southwest corner of Clark Road and Panavision Trail subject to a conceptual plan, conditions and an avigation easement, release, indemnification and disclosure agreement volunteered by the applicant - Z045-220 - Financing: No cost consideration to the City

Councilmember Oakley requested that consent agenda item 68 be considered as an individual item. Mayor Miller stated that consent agenda item 68 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Oakley's request.

Later in the meeting, agenda item 68 was brought up for consideration.

Councilmember Oakley moved to accept the avigation easement, release, indemnification and disclosure agreement volunteered by the applicant and to approve the ordinance for a planned development district with the following changes to the landscaping provisions:

- (b) A landscape plan must be submitted with the development plan [~~and approved by the city plan commission~~] before issuance of any building permit to authorize work in this district. The landscape plan must provide a minimum of three trees per lot, each a minimum caliper of two inches, with a minimum of one tree located on each lot. The trees must be species listed in Section 51A-10.134(b) or Mountain Laurel. Trees required by this subsection that are not planted on a lot must be planted in the areas labeled on the conceptual plan as common area A,B,C, or D, in the private streets parkway (i.e. within the street right-of-way but outside of paved portion of the street), or in the Clark Road parkway adjacent to the Property, subject to all city licensing and permit requirements. In addition to the tree planting requirements in this subsection, native trees must be preserved as indicated on the conceptual plan.

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

Assigned ORDINANCE NO. 26178.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3536

Item 69: An ordinance authorizing a correction to the subarea map and use charts of Ordinance No. 25960 that amended Planned Development District No. 298, the Bryan Area Special Purpose District, in an area generally bounded by Roseland Avenue, Fitzhugh Avenue, Gaston Avenue, Good Latimer Expressway and Central Expressway - Z045-169 - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 69 be considered as an individual item. Mayor Miller stated that consent agenda item 69 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 69 was brought up for consideration.

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

Councilmember Koop moved to pass the ordinance.

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

Assigned ORDINANCE NO. 26179.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3537

Item 70: An ordinance granting a CR Community Retail District on property zoned an R-10(A) Single Family District on the northeast corner of St. Augustine Road and Interstate 20 subject to deed restrictions volunteered by the applicant - Z045-211 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26180.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3538

Item 71: Authorize adoption of the Bachman Lake/W. Northwest Highway Needs Assessment Study and approval of the study recommendations - Financing: No cost consideration to the City

The city secretary requested that consent agenda item 71 be considered as an individual item to allow citizens to speak. Mayor Miller stated that consent agenda item 71 would be considered as an individual item later in the meeting to allow citizens to speak, there being no objection voiced to the city secretary's request.

The following individual addressed the city council regarding the item:

Roxann Staff, 6964 Tokalon

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3539

Item 72: A resolution approving the City of Dallas Public Improvement District policy for the creation, renewal, administration and management of Public Improvement Districts in accordance with the provisions of Chapter 372 of the Texas Local Government Code, Public Improvement Districts in Municipalities - Financing: No cost consideration to the City

The city secretary requested that consent agenda item 72 be considered as an individual item to allow citizens to speak. Mayor Miller stated that consent agenda item 72 would be considered as an individual item later in the meeting to allow citizens to speak, there being no objection voiced to the city secretary's request.

The following individual addressed the city council regarding the item:

Tracy Curts, 2808 McKinney Ave., representing Uptown Public Improvement District

Councilmember Hunt moved to approve the resolution with the following changes:

That Section 3 be deleted and replaced with the following. Section 3. That the Prestonwood PID established by Resolution No. 97-1515, on May 14, 1997 and renewed by Resolution No. 04-2328, on August 11, 2004, shall continue to be renewed and administered until such time the City Council deems it appropriate not to pursue renewal in accordance with Chapter 372 of the Texas Local Government Code.

That the Public Improvement District (PID) Policy be amended by substituting Exhibit A in the resolution.

Specifically, the following substantive changes will be made to Exhibit A:

Page 1 - Title page is deleted.

Page 2 – Background information is deleted.

Page 3 - (page 1 on the revised version) – This page is modified to note the November 7, 2005 Economic Development and Housing Committee recommendation on the PID policy.

Page 4 – (page 2 on the revised version) – This page is modified to include the following language. “That the Prestonwood PID shall continue to be renewed and administered until such time the City Council deems it appropriate not to pursue renewal in accordance with Chapter 372 of the Texas Local Government Code.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-3539

Page 2

Page 5 (page 3 on the revised version) – This page modified to include clarification on the requirements for PID petitions. “PID petitions shall include this sentence: “The person signing represents that he or she is the property owner or is authorized to execute this petition on behalf of the property owners.”

Page 7 (page 5 on the revised version) – This page is modified to include clarification on the requirement for recording documents. “This practice will not involve separately recording documents for each parcel with a PID.”

Page 8 (page 6 on the revised version) – The sentence, “The City of Dallas will not participate financially in any additional PID, excluding the DID.” Is replaced with, “Property owned by the city of Dallas shall not be subject to assessment by and PID, excluding the Downtown Improvement District.” A clarification is made to the paragraph on application fees. “The application fee will not be counted as part of the 15% maximum for administrative expenses in a PID budget.”

Page 9 This page is modified to clarify the requirement for a legal description of a prospective PID. “This practice will not require that the applicant provide property surveys.”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3540

Item 73: Authorize (1) a public hearing to be held on January 11, 2006 to receive comments on amendments to the City Center TIF Tax Increment Financing District Project Plan and Reinvestment Zone Financing Plan (Plan), to (a) increase the City's participation in the City Center TIF District from 61% to 90% beginning in the 2006 tax year, (b) amend the City Center TIF District boundary to exclude 1603 Commerce Street, 1607 Commerce Street, 1609 Commerce Street, 1616 Main Street, 1618 Main Street and 1622 Main Street (Neiman Marcus), (c) define disbursement of affordable housing funds, and (d) make corresponding modifications to the Plan and Ordinance Nos. 22802 and 23034 to implement such Plan amendments for the City Center TIF District in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311); and at the close of the hearing, (2) consideration of an ordinance amending Ordinance Nos. 22802 and 23034 to reflect all such Plan amendments - Financing: No cost consideration to the City

The city secretary announced that the city manager had deleted agenda item 73 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3541

Item 74: An ordinance (1) approving the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Ten, (Southwestern Medical TIF District); and (2) authorizing a participation agreement with Dallas County for the Southwestern Medical TIF District - Financing: No cost consideration to the City

The city secretary announced that the city manager had deleted agenda item 8 from the agenda in accordance with Subsection 7.11 of the City Councils Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3542

Item 75: An ordinance (1) approving the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Nine, (Vickery Meadow TIF District); and (2) authorizing a participation agreement with Dallas County for the Vickery Meadow TIF District - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 75 be considered as an individual item. Mayor Miller stated that consent agenda item 75 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 75 was brought up for consideration.

Councilmember Griffith moved to pass the ordinance.

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 Mayor Miller and Councilmember Rasansky voting "No". (Thornton Reese absent when vote taken; Hill absent)

Assigned ORDINANCE NO. 26181.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3543

Item 76: Authorize the application for and acceptance of grant funds from the Department of State Health Services for the continuation of maternal and child health services for the period January 1, 2006 through August 31, 2006 - Not to exceed \$297,725 - Financing: Department of State Health Services

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3544

Item 77: Authorize an Interlocal Agreement with Denton County for the reimbursement of costs associated with ambulance and related services within Denton County for the period of October 1, 2005 through September 30, 2006 - Revenue: \$12,975

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3545

Item 78: Authorize (1) adoption of the 2006 Employee and Retiree Health Benefits Plan, including the Flexible Benefits (Section 125) and Flexible Spending Plans; and (2) approval of the proposed health coverage premium rates - Financing: Employee Benefits Current Funds

Councilmember Rasansky requested that consent agenda item 78 be considered as an individual item. Mayor Miller stated that consent agenda item 78 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 78 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3546

Item 79: An ordinance amending Chapter 34 of the Dallas City Code to (1) clarify that the personnel rules do not convey a private cause of action to any employee; (2) eliminate a requirement that exempt employees be suspended in increments equal to full work weeks; (3) provide that the personnel rules and city administrative directives take precedence over departmental rules; (4) revise requirements, procedures, and timelines for the city employee grievance and appeal process; (5) apply grievance and appeal procedures to sworn members of the police and fire departments; (6) require the orders of a trial board or administrative law judge to conform to any court ruling relating to an appeal before the trial board or administrative law judge; and (7) eliminate the right of certain managerial employees to appeal demotions and discharges - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26182.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3547

Item 80: Authorize the acceptance of a grant from the U.S. Department of Homeland Security, through its agent, Governor's Division of Emergency Management, under the 2005 Homeland Security Grant Program to purchase equipment and services to prevent, respond to, and recover from acts of terrorism and natural disasters - Not to exceed \$1,050,000 - Financing: U.S. Department of Homeland Security, Governor's Division of Emergency Management Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3548

Item 81: Authorize the acceptance of a Loan Star Libraries Grant from the Texas State Library and Archives Commission for improving access to public library resources and services for Dallas residents for the period September 1, 2005 through August 30, 2006; and execution of the grant agreement - \$116,868 - Financing: Loan Star Libraries Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3549

Item 82: Authorize the acceptance of an award from the Bill and Melinda Gates Foundation to replace the Dallas Public Library public access computers and software for the period of November 30, 2005 through December 30, 2008 - Not to exceed \$136,500 - Financing: Bill and Melinda Gates Foundation

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3550

Item 83: Authorize application for and acceptance of a grant from the Texas Commission on the Arts for general operation and project support to arts and cultural organizations in the City of Dallas for the period September 1, 2005 through August 31, 2006, and execution of the grant agreements - Not to exceed \$45,073 - Financing: Texas Commission on the Arts Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3551

Item 84: An ordinance denying Atmos Energy Corp., Mid-Tex Division's proposed new Gas Reliability Infrastructure Program Rate Adjustment and setting Gas Reliability Infrastructure Program rates to be charged by Atmos Energy Corp. Mid-Tex Division
- Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26183.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3552

Item 85: Authorize approval of (1) the City of Dallas 401(k) Retirement Savings Plan As Amended and Restated effective December 31, 2005, and, (2) the initial trust agreement with Fidelity Management Trust Company - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3553

Item 86: Authorize approval of (1) the 457 Deferred Compensation Plan for City Employees of the City of Dallas As Amended and Restated effective December 31, 2005, and, (2) the initial trust agreement with Fidelity Management Trust Company - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3554

Item 87: Authorize approval of (1) the 457 Deferred Compensation Plan for Part-Time, Seasonal, Temporary Employees and City Councilmembers As Amended and Restated effective December 31, 2005, and, (2) the initial trust agreement with Fidelity Management Trust Company - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3555

Item 88: Authorize (1) an amendment to the 2005-06 Fair Housing Assistance Program grant from the U.S. Department of Housing and Urban Development to increase the grant for the implementation of an education and outreach program to inform persons displaced by Hurricanes Katrina and Rita of their fair housing rights and responsibilities, and (2) execution of the amended grant agreement - Not to exceed \$41,000, from \$192,600 to \$233,600 - Financing: U.S. Department of Housing and Urban Development, Fair Housing Assistance Program Comprehensive Funding Approach Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3556

Item 89: Authorize application for and acceptance of the Enhanced Ballistic Evidence Analysis and Identification Program grant from the United States Department of Justice, National Institute of Justice, for technical equipment and personnel for the National Integrated Ballistics Information Network site, for the period January 1, 2006 through December 31, 2006 - \$95,000 - Financing: U.S. Department of Justice, National Institute of Justice, Enhanced Ballistic Evidence Analysis and Identification Program Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3557

Item 90: Authorize an Interlocal Agreement with the Texas Department of Transportation to allow the City to contract temporary freeway lane closures during major events at Fair Park - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3558

Item 91: Authorize a thirty-year contract with Combine Water Supply Corporation to continue providing treated water with a net change of \$0 in revenue resulting from an offset by lost revenue from a reduction of water sales in the existing contract for the period of December 15, 2005 through December 14, 2035 - Total Estimated Revenue: \$5,012,477

Councilmember Rasansky requested that consent agenda item 91 be considered as an individual item. Mayor Miller stated that consent agenda item 91 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 91 was brought up for consideration.

Councilmember Fantroy moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3559

Treated Water for the City of Ovilla

Note: Item Nos. 92 and 93 must be considered collectively.

Item 92. * Authorize a thirty-year contract to continue providing treated water to the City of Ovilla with a net change of \$0 in revenue resulting from offset by lost revenue from a reduction of water sales in the existing contract for the period of December 15, 2005 through December 14, 2035 - Total Estimated Revenue: \$27,579,283

Item 93: * Authorize an option to the thirty-year contract with the City of Ovilla to allow for the size of a water transmission main to be changed from 16" to 30" between Danieldale Road and Wintergreen Road - \$352,200 - Financing: Water Utilities Capital Improvement Funds

Councilmember Rasansky requested that consent agenda items 92 and 93 be considered as individual items. Mayor Miller stated that consent agenda items 92 and 93 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting agenda items 92 and 93 were brought up for consideration.

Councilmember Oakley moved to approve the items.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3560

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 94-103 and addendum addition 20, were presented for consideration.

Agenda items 94, 102 and 103 were removed from the consent zoning docket, to be considered as individual hearings.

~~Agenda item 94: Zoning Case Z045-214 (RB) [Considered individually]~~
Agenda item 95: Zoning Case Z045-270 (MM)
Agenda item 96: Zoning Case Z045-292 (WE)
Agenda item 97: Zoning Case Z045-293 (MM)
Agenda item 98: Zoning Case Z045-298 (JH)
Agenda item 99: Zoning Case Z045-300 (RB)
Agenda item 100: Zoning Case Z045-301 (RB)
Agenda item 101: Zoning Case Z045-302 (RB)
~~Agenda item 102: Zoning Case Z045-307 (DW) [Considered individually]~~
~~Agenda item 103: Zoning Case Z045-280 (RB) [Considered individually]~~
Addendum addition 20: Zoning Case Z045-308 (WE)

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.

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

William Hopkins, 2011 Leath St.

Councilmember Oakley 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 Koop and unanimously adopted. (Thornton Reese absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3561

Item 94: Zoning Case Z045-214 (RB)

The consent zoning docket, consisting of agenda items 94-103, was presented.

Councilmember Oakley requested that consent zoning docket item 94 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 94 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Oakley's request.

Later in the meeting, zoning docket item 94 was brought up for consideration.

A public hearing was called on zoning case Z045-214 (RB), an application for and a ordinance granting a Specific Use Permit for a Mini-warehouse on property located within the S-10 Subdistrict of the South Zone of Planned Development District No. 521 for Mixed Uses on the west line of Clark Road, south of Camp Wisdom Road.

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

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

Councilmember Oakley moved to postpone the application until the January 25, 2006 voting agenda meeting of the city council and to continue the public hearing at that time.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3562

Item 95: Zoning Case Z045-270 (MM)

Zoning Case Z045-270 (MM), an application for and an ordinance granting an O-2 Office Subdistrict on property zoned an O-1 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east corner of McKinney Avenue and Elizabeth Street, and a resolution accepting the deed restrictions volunteered by the applicant.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26184.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3563

Item 96: Zoning Case Z045-292 (WE)

Zoning Case Z045-292 (WE), an application for and an ordinance granting a CR Community Retail District on property zoned an MF-1(A) Multifamily District on the west line of Webb Chapel Road, north of Northwest Highway.

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26185.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3564

Item 97: Zoning Case Z045-292 (MM)

Zoning Case Z045-292 (MM), an application for and an ordinance granting an amendment to Specific Use Permit No. 1550 for a medical clinic or ambulatory surgical center and an in-patient rehabilitation facility that provides post-surgical rehabilitation services for patients of the medical clinic or ambulatory surgical center on property zoned Tract 1 and Tract 3 within Planned Development District No. 260, north of Park Lane on the west side of North Central Expressway.

(The city plan commission recommended approval , subject to revised conditions.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26186.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3565

Item 98: Zoning Case Z045-298 (JH)

Zoning Case Z045-298 (JH), an application for and an ordinance granting a CR Community Retail District on property zoned an R-7.5(A) Single Family District on the northwest corner of Military Parkway and Prairie Creek Road .

(The city plan commission recommended approval.)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26187.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3566

Item 99: Zoning Case Z045-300 (RB)

Zoning Case Z045-300 (RB), an application for and an ordinance granting a Specific Use Permit for a Railroad passenger station on property located within the Subdistrict 12 portion of Planned Development District No. 298, the Bryan Area Special Purpose District, within the eastern portion of the Good-Latimer Expressway right-of-way, between Pacific Avenue and Swiss Avenue.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26188.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3567

Item 100: Zoning Case Z045-301 (RB)

Zoning Case Z045-301 (RB), an application for and an ordinance granting a Specific Use Permit for a Transit passenger station or transfer center on property zoned a CS Commercial Service District with Historic Overlay No. 33 for Fair Park on the east line of Parry Avenue, between Commerce Street and First Avenue.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26189.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3568

Item 101: Zoning Case Z045-302 (RB)

Zoning Case Z045-302 (RB), an application for and an ordinance granting an amendment to the Subdistrict D portion of Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, on the north line of Tilden Street, east of Beckley Avenue.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26190.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3569

Item 102: Zoning Case Z045-307 (DW)

The consent zoning docket, consisting of agenda items 94-103, was presented.

Deputy Mayor Pro Tem Garcia requested that consent zoning docket item 102 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 102 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 102 was brought up for consideration.

A public hearing was called on zoning case Z045-307 (DW), an application for and an ordinance granting an amendment to Specific Use Permit No. 1570 for an open-enrollment charter school and private recreation, center, club or area on property zoned an MF-2(A)-D Multifamily District with a Liquor Control Overlay and an RR Regional Retail District with a portion within Historic Overlay No. 90 for Oak Cliff Methodist Church on the northwest corner of Jefferson Boulevard and Marsalis Avenue.

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

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

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

“To change the maximum number of classrooms from 15 to 11” and pass the ordinance.

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

Assigned ORDINANCE NO. 26191.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3570

Item 103: Zoning Case Z045-280 (RB)

The consent zoning docket, consisting of agenda items 94-103, was presented.

Councilmember Hunt requested that consent zoning docket item 103 be removed from the consent zoning docket to be called as an individual hearing. Mayor Miller stated that consent zoning docket item 103 would be removed from the consent zoning docket to be called as an individual hearing, there being no objection voiced to Councilmember Hunt's request.

Later in the meeting, zoning docket item 103 was brought up for consideration.

A public hearing was called on zoning case Z045-280 (RB), an application for and an ordinance granting a Planned Development District for certain CR Community Retail District Uses and Multifamily Uses on property zoned an NS(A) Neighborhood Service District and an IR Industrial Research District on the southwest corner of Mockingbird Lane and Haggard Way.

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

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

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

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

Assigned ORDINANCE NO. 26192.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3571

Item 104: Public Hearing – Zoning Case Z045-278 (RB) - UNDER ADVISEMENT - INDIVIDUAL

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 51A4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city 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 has been signed by the owners of 20 percent or more of either the land in the area of the request of 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 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. Note: This item was considered by the City Council at a public hearing on November 9, 2005, and was taken under advisement until December 14, 2005, with the public hearing open.)

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

Kirk Williams, 5400 Renaissance Tower, representing the applicant

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

Councilmember Rasansky moved to close the public hearing and follow the city plan commission recommendation for approval of this request with the following changes to the CPC recommendation, and with the ordinance to become effective after receipt by the city secretary of a revised development plan that complies with the revised conditions and publication of the ordinance thereafter.

1. permitted floor area is reduced to 22,500 square feet
2. permitted number of stories is reduced to one
3. required parking is reduced to 50 spaces
4. street trees are required along Midway, with a minimum size of 4 caliper inches and planted 20 feet on center

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

05-3571

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5. maximum height for light standards is 10 feet
6. sign illumination is prohibited
7. a brick and masonry fence is required along the western Property line and a masonry wall or a metal or wood fence is required to the north and east of the main building in the locations shown on the development plan.

The revised development plan must include a turnaround on the western part of the Property with a minimum 30 foot radius” and pass the ordinance.

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

Assigned ORDINANCE NO. 26193.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3572

Item 105: Public Hearing - FLOODPLAIN APPLICATION

A public hearing to receive comments regarding the application for a fill permit and removal of the floodplain (FP) prefix from 0.64 acres of land, zoned Single-Family Residential (R-10A), currently in the floodplain of McKamy Branch and located on the east side of Preston Road and on the north side of McKamy Branch, Fill Permit 05-10 - Financing: No cost consideration to the City.

The following individual addressed the city council regarding the floodplain application:

Kirk Williams, 5400 Renaissance Tower, representing the applicant

Councilmember Natinsky moved to hold the item until January 25, 2006 with the public hearing left open, to allow time for city staff to review an engineering study being prepared by the neighboring property owners.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3573

Item 106: Public Hearing - FLOODPLAIN APPLICATION

A public hearing to receive comments regarding the application for a fill permit and removal of the floodplain (FP) prefix from 15.31 acres of a 32.06 total acre tract of land, zoned Light Industrial District, currently in the 100-year floodplain of the Trinity River located on Pemberton Hill Road, south of Elam Road and north of Loop 12 at the Trinity River, Fill Permit 05-07 - Financing: No cost consideration to the City.

The following individuals addressed the city council regarding the floodplain:

Charles Allen, 304 Lyman Cir.

Mike Boyd, 8080 Park Lane, representing the applicant

Councilmember Blaydes moved to postpone the application until the January 25, 2006 voting agenda meeting of the city council and continue the hearing at that time.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3574

Item 107: Public Hearing – FLOODPLAIN APPLICATION

A public hearing to receive comments regarding the application for a fill permit and removal of the floodplain (FP) prefix from 4.5 acres of a total 14.7 acre tract of land, zoned R-1ac(A) - Single Family 1 Acre District, currently in the 100-year floodplain of White Rock Creek, located on the south side of the 5800 block of Keller Springs Road and White Rock Creek, Fill Permit 05-08 - Financing: No cost consideration to the City.

The following individual addressed the city council regarding the floodplain:

Kirk Williams, 5400 Renaissance Tower, representing the applicant

Councilmember Koop moved to close the public hearing and approve the application.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3575

Item 108: Public Hearing – FLOODPLAIN APPLICATION

A public hearing to receive comments regarding the application for a fill permit and removal of the floodplain (FP) prefix from 1.46 acres of land, zoned Townhouse 1(A), currently in the 100-year floodplain of Renner Creek, located on the northwest corner of Hillcrest Road and Frankford Road, Fill Permit 05-09 - Financing: No cost consideration to the City

No one addressed the city council regarding the floodplain.

Councilmember Natinsky moved to close the public hearing and approve the application with the following changes:

Subject to the requirement that the flood plain area be dedicated as a flood way easement/commentary and the maintenance of this area be stipulated to be the responsibility of the homeowners association.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3576

Item 109: MISCELLANEOUS HEARING

A public hearing to receive comments regarding an amendment to the CBD Streets and Vehicular Circulation Plan to delete Jack Evans Street from Woodall Rodgers to Ross Avenue and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City.

No one addressed the city council regarding the amendment:

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

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

Assigned ORDINANCE NO. 26194.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3577

Private Sale of Unimproved Properties

Note: Item Nos. 110 and 111
must be considered collectively.

Item 110: * A public hearing to receive 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, Inc., a qualified non-profit organization - Financing: No cost consideration to the City

Item 111: * Authorize the private sale, as provided for by Section 34.015 of the Texas Property Tax Code, by quitclaim deed of 11 unimproved properties acquired by the taxing authorities from a Sheriff's Sale to qualified non-profit organizations - Revenue: \$12,076

The following individual addressed the city council regarding the private sale:

Ron Holland, 5111 Ash Ln.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3578

Reinvestment Zone No. 63

Note: Item Nos. 112, 113, and 114 must be considered collectively.

Item 112: * A public hearing to receive comments concerning the creation of a reinvestment zone for commercial tax abatement, to be known as City of Dallas Reinvestment Zone No. 63, incorporating property at 3400 W. Illinois Avenue, for the purpose of granting a real property tax abatement to SWC Westmoreland SC, Ltd. and at the close of the hearing, authorize an ordinance establishing City of Dallas Reinvestment Zone No. 63 for property at 3400 W. Illinois Avenue, for the purpose of granting a real property tax abatement to SWC Westmoreland SC, Ltd., establishing the boundaries of the Reinvestment Zone and providing for an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding Reinvestment Zone No. 63.

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

Motion seconded by Councilmember Medrano.

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". (Thornton Reese absent when vote taken; Hill absent)

Assigned ORDINANCE NO. 26201.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3579

Note: Item Nos. 112, 113, and 114 must be considered collectively.

Reinvestment Zone No. 63

- Item 113: * Authorize a real property tax abatement agreement for the purpose of granting a ten-year abatement of 90 percent of the taxes on added value to the real property; with SWC Westmoreland SC, Ltd. for property located within City of Dallas Reinvestment Zone No. 63, at 3400 W. Illinois Avenue - Revenue: First year tax revenue estimated at \$9,865; ten-year tax revenue estimated at \$98,700; (Estimated revenue foregone for ten-year real property tax abatement is \$889,000)
- Item 114: * Authorize an infrastructure cost participation agreement with SWC Westmoreland SC, Ltd. for property located within City of Dallas Reinvestment Zone No. 63, at 3400 W. Illinois Avenue, in an amount not to exceed 30 percent of the total contract price of the public infrastructure improvements, or \$150,900, whichever is less, for the purpose of providing infrastructure improvements payable only after completion of the improvements, as evidenced by acceptance of said improvements by the City of Dallas - \$150,900 - Financing: 2003 Bond Funds

No addressed the city council regarding Reinvestment Zone No. 63.

Deputy Mayor Pro Tem Garcia moved to approve the items.

Motion seconded by Councilmember Medrano.

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". (Thornton Reese absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3580

Item 115: 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 December 14, 2005.

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

Councilmember Oakley moved to appoint, Thomas E. Kurth, Citizen-At-Large, and Harry J. Joe, Citizen-At-Large, to the Judicial Nominating Commission, Frances James, Citizen-At-Large, and Jorge Guerra, Redevelopment with Experience of Commercial Historic Properties, to the Landmark Commission, and Hershel Williams Wilonsky, to the South Dallas/Fair Park Trust Fund Board.

Motion seconded by Councilmember Chaney and unanimously adopted. (Hill absent)

Councilmember Oakley 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 Chaney and unanimously adopted. (Hill absent)

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

05-3612 BOA BOARD OF ADJUSTMENT
05-3613 CPC CITY PLAN AND ZONING COMMISSION
05-3614 CPR DALLAS CITIZENS POLICE REVIEW BOARD
05-3615 CSX CIVIL SERVICE BOARD ADJUNCT MEMBERS
05-3616 JNC JUDICIAL NOMINATING COMMISSION
05-3617 LMC LANDMARK COMMISSION
05-3618 SDF SOUTH DALLAS/FAIR PARK TRUST FUND BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

December 14, 2005

05-3581

Eastpoint Business Center

Note: Item Nos. 116 and 117
must be considered collectively.

- Item 116: * Authorize a real property tax abatement agreement for 50 percent for 5 years with Eastpoint Business Center, Inc. at 5201 Catron Drive - Revenue: First year revenue estimated at \$29,875; five-year revenue estimated at \$149,375; (Estimated revenue foregone for five-year abatement estimated at \$149,375)
- Item 117: * Authorize a rebate of development fees paid to the City in conjunction with Eastpoint Business Center, Inc. for improvements at 5201 Catron Drive in an amount not to exceed \$25,000; and a right-of-way development fee rebate up to 25 percent of the total fee not to exceed \$2,500 - Total not to exceed \$27,500 - Financing: Public/Private Partnership Funds

Councilmember Chaney moved to approve the items.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3582

Item 118: Authorize (1) a contract for the construction of paving, storm drainage, and water and wastewater improvements on Beckleymeade Avenue from Hampton Road to the Dallas Independent School District Athletic Complex with JRJ Paving, L.P., lowest responsible bidder of six, in an amount not to exceed \$1,756,307; (2) assignment of the construction contract to TCDFW I-20 I, LP for construction administration; and, (3) payment to TCDFW I-20 I, LP in an amount not to exceed \$114,300 for construction management and testing - Total not to exceed \$1,870,607 - Financing: 2003 Bond Funds

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

Councilmember Fantroy moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3583

Item 119: A resolution authorizing a reduction of the minimum bid requirement from \$980,000 to \$500,000 for an unwanted and unneeded tract of City-owned property improved with the Southern Skates Skating Rink, containing approximately 87,367 square feet of land located near the intersection of Ledbetter Drive and Sunnyvale Street - Financing: No cost consideration to the City

Councilmember Fantroy moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3584

Item 120: A resolution providing public notification that an employee of the City of Dallas is seeking financial assistance in the form of a Basic Home Repair Program loan to repair her home in accordance with conflicts of interest provisions of the Federal Regulations contained in 24 CFR 92.356 - Financing: No cost consideration to the City

Councilmember Chaney moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3585

Closed Session

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

- City of Dallas v. Beazer Homes Texas v. Raj Sharma, Cause No. 04-12777-G
- Legal issues related to Arcadia Park Library/Dallas Independent School District
- Legal issues involving Chapter 176 of the Texas Local Government Code regarding disclosures of conflicts of interests

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

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

- City of Dallas v. Beazer Homes Texas v. Raj Sharma, Cause No. 04-12777-G
- Legal issues related to Arcadia Park Library/Dallas Independent School District
- Legal issues involving Chapter 176 of the Texas Local Government Code regarding disclosures of conflicts of interests

No other matters were discuss during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3586

Addendum addition 1: Authorize a professional services contract with Architexas, Inc., for construction documents, bidding and negotiation management, and construction administration services related to the development of a fire access corridor necessary and convenient to the redevelopment of 1600-1604, 1606, 1608-1610, 1612 and 1614 Elm Street, and 1613-1615 Main Street - Not to exceed \$135,000 - 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". (Thornton Reese absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3587

Addendum addition 2: Authorize a contract for the construction of the Fire Station No. 38 replacement facility at 2839 Wilhurt Avenue - Piazza Construction, LTD, best value proposer of ten - \$2,694,341 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3588

Addendum addition 3: Authorize a contract for streetscape improvements on Field Street from Pacific Avenue to Ross Avenue, St. Paul Street from Pacific Avenue to Ross Avenue, and Harwood Street from Pacific Avenue to Ross Avenue - Gibson and Associates, Inc., lowest responsible bidder of three - \$2,748,957 - Financing: 2003 Bond 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.

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3589

Addendum addition 4: Authorize (1) the acceptance of a loan from All American Investment Group, LLC in the amount of \$15,955,356 to be repaid plus interest beginning in FY 2006-07 for a period of 10 years from electric and natural gas energy savings; (2) Supplemental Agreement No. 1 to the contract with Johnson Controls, Inc. for the design and construction of energy conservation related projects at the Dallas Convention Center located at 650 South Griffin and Union Station located at 400 South Houston, in an amount not to exceed \$15,955,356, and for performance assurance support services for period not to exceed 10 years in a total amount not to exceed \$2,323,728 to be paid from electric and natural gas savings; and (3) the establishment of appropriations in an amount not to exceed \$15,955,356 in the Energy Management Fund - Total not to exceed \$18,279,084 - Financing: Loan from All American Investment Group, LLC (\$15,955,356); Convention and Event Services Current Funds (\$2,323,728) (subject to annual appropriations)

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

Later in the meeting, addendum addition 4 was brought up for consideration.

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3590

Addendum addition 5: Authorize (1) the acceptance of a loan from All American Investment Group, LLC in the amount of \$5,303,061 to be repaid plus interest beginning in FY 2006-07 for a period of 11 years from electric and natural gas energy savings; (2) Supplemental Agreement No. 1 to the contract with Ameresco, Inc. for the design and construction of energy conservation related projects at Dallas Love Field in an amount not to exceed \$5,303,061 and for performance assurance support services for a period not to exceed 11 years in a total amount not to exceed \$410,063 to be paid from electric and natural gas savings; and (3) the establishment of appropriations in an amount not to exceed \$5,303,061 in the Energy Management Fund - Total not to exceed \$5,713,124 - Financing: Loan from All American Investment Group, LLC (\$5,303,061); Aviation Current Funds (\$410,063) (subject to annual appropriations)

Councilmember Rasansky requested that addendum addition 5 be considered as an individual item. Mayor Miller stated that addendum addition 5 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 5 was brought up for consideration.

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3591

Addendum addition 6: Authorize (1) a decrease in the contract with Andres Construction Services, LLC for selective demolition, historic facade improvements and other public improvements for the redevelopment of 1500 Jackson Street (Interurban Building) in the amount of (\$623,655), from \$5,852,070 to \$5,228,415; (2) assignment of the contract to Barker-Nichols, LLC for construction management under the terms of the existing development agreement; and, (3) authorize payment to Barker-Nichols, LLC in an amount not to exceed \$576,331 for design, reimbursables and construction management - Total not to exceed (\$47,324) - Financing: 2003 Bond Funds

The city secretary announced that the city manager had deleted addendum addition 6 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3592

Addendum addition 7: Authorize the acquisition of 5 properties improved with single family homes in the Cadillac Heights neighborhood near the intersection of Cedar Crest and Kiest Boulevards for the proposed Dallas Police Academy - \$210,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3593

Addendum addition 8: An ordinance abandoning subsurface and air rights under and over Alamo Street and under Houston Street to Icon Tower, LP, the abutting owner, containing approximately 463 square feet of land located near the intersections of Houston and Olive Streets and Alamo and Olive Streets, and authorizing the quitclaim - Revenue: \$11,066 plus the \$20 ordinance publication fee

Councilmember Rasansky requested that addendum addition 8 be considered as an individual item. Mayor Miller stated that addendum addition 8 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 8 was brought up for consideration.

Councilmember Rasansky moved to defer the item until the January 11, 2006 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3594

Addendum addition 9: A resolution authorizing the sale of approximately 32,865 square feet of unwanted and unneeded City-owned land which was advertised jointly with the adjacent Parkland Hospital property located at the intersection of Oak Lawn Avenue and the Dallas North Tollway to the highest bidder, Mansion House, Ltd - Revenue: \$1,487,868

Councilmember Rasansky requested that addendum addition 9 be considered as an individual item. Mayor Miller stated that addendum addition 9 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 9 was brought up for consideration.

Councilmember Blaydes moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3595

Addendum addition 10: An ordinance abandoning easements to W. W. Caruth, Jr. Foundation, the abutting owner, containing approximately 69,122 square feet of land located near the intersection of Abrams Road and Northwest Highway, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26195.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3596

Addendum addition 11: Authorize settlement of the lawsuit styled Rudy Martinez v. City of Dallas, Cause No. 04-13354-B - Not to exceed \$7,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3597

Addendum addition 12: An ordinance granting an R-10(A) Single Family District subject to deed restrictions volunteered by the applicant on the north side of Middlefield Road, east of St. Augustine Road - Z045-239 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26196.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3598

Addendum addition 13: An ordinance granting a Specific Use Permit for a child-care facility on the east line of Greenspan Avenue, south of Midvale Drive and north of High Fall Drive for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions - Z045-272 - Financing: No cost consideration to the City

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26197.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3599

Addendum addition 14: Authorize an amendment to Resolution No. 05-2548 previously approved on August 29, 2005, to change the name of the contracting party in the tax abatement agreement from Mercantile Complex, LP to FC Merc Complex, LP for the 100 percent tax abatement for ten years on added value of real property for the new construction in the Mercantile Block at 1802 Main Street, 1808 Main Street, and 1807 Commerce Street located in Enterprise Zone One - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3600

Vickery Meadow TIF District

Note: Item Nos. 15 and 16 must be considered collectively.

Addendum addition 15: * Authorize (1) the establishment of the City of Dallas Vickery Meadow Grant Program to implement the Project Plan and Reinvestment Zone Financing Plan (Project Plan) for Tax Increment Financing Reinvestment Zone Number Nine, (Vickery Meadow TIF District) pursuant to Chapter 311 of the Texas Tax Code, V.T.C.A. (the Act) to be administered by the City of Dallas - Office of Economic Development to promote economic development within the Vickery Meadow TIF District, and (2) a development agreement with Harvest NPE, Ltd., to implement the Project Plan in an amount not to exceed \$20,000,000 plus interest payable from future Vickery Meadow TIF funds in consideration of Harvest NPE, Ltd.'s development of a mixed-use, transit-oriented project on 33.3 acres of land located at the southeast corner of Park Lane and North Central Expressway; and (3) the establishment of a contingent liability to pay Harvest NPE, Ltd., from future tax increments of the Vickery Meadow TIF District up to \$20,000,000 plus accrued interest - Total not to exceed \$20,000,000 - Financing: Vickery Meadow TIF District Funds

Councilmember Rasansky requested that addendum addition 15 be considered as an individual item. Mayor Miller stated that addendum addition 15 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 15 was brought up for consideration.

Councilmember Griffith 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 and Councilmember Rasansky voting "No". (Thornton Reese, Koop absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3601

Vickery Meadow TIF District

Note: Item Nos. 15 and 16 must be considered collectively.

Addendum addition 16: * A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Nine (Vickery Meadow TIF District) to reimburse Harvest NPE, Ltd., for eligible expenditures pursuant to the development agreement with Harvest NPE, Ltd., Inc., in an amount not to exceed \$20,000,000, plus interest, for certain public improvements related to the development of a mixed-use, transit-oriented project located at the southeast corner of Park Lane and North Central Expressway in the Vickery Meadow TIF District - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition 16 be considered as an individual item. Mayor Miller stated that addendum addition 16 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 16 was brought up for consideration.

Councilmember Griffith 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 and Councilmember Rasansky voting "No". (Thornton Reese, Koop absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3602

Addendum addition 17: Authorize the acceptance of an Economic Development Initiative grant from the U.S. Department of Housing and Urban Development to be used for renovation costs related to the Texas Theatre project located at 231 W. Jefferson Boulevard - Not to exceed \$238,584 - 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

December 14, 2005

05-3603

Addendum addition 18: Authorize an additional penalty on delinquent taxes for tax years 2005 and subsequent years as provided by section 33.11 of the Texas property tax code, in the amount of 20% of the delinquent tax penalty and interest if the tax becomes delinquent on February 1st of each year and remains delinquent on the 60th day thereafter - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3604

Addendum addition 19: Authorize a Development and Use Agreement with Dallas Black Dance Theatre, an independent non-profit corporation, for the donation of the facility to the City and the design, development, construction, maintenance, management, use and operation of the facility located at 2700 Flora Street as a multi-use dance rehearsal, instructional and administrative office facility - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3605

Addendum addition 20: Zoning Case Z045-308 (WE)

Zoning Case Z045-308 (WE), an application for and an ordinance granting an amendment to Planned Development District No. 517 for a Country Club with private membership, south of Gaston Avenue and east of Abrams Road.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26198.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3606

Addendum addition 21: An ordinance abandoning portions of Emmett Street and two alleys to the Dallas Independent School District, the abutting owner, containing approximately 34,676 square feet of land located near their intersections with Ravinia Avenue, authorizing the quitclaim and providing for the dedication of a mutual access easement - Revenue: \$31,226 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.

Deputy Mayor Pro Tem Garcia moved to pass the ordinance.

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

Assigned ORDINANCE NO. 26199.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3607

Addendum addition 22: Authorize the creation of the Urban Forest Advisory Committee to provide professional, pro bono leadership on matters of public policy concerning the management of trees citywide, especially on all city-owned property, including the Great Trinity Forest - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Steve Houser, 16 Steel Rd., Wiley, TX

Deputy Mayor Pro Tem Garcia 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 Fantroy voting "No". (Thornton Reese absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3608

Addendum addition 23: An ordinance amending Chapter 15C of the Dallas City Code, to provide that the Dallas Police Department will no longer respond to burglar alarm signals indicated by burglar alarm systems at commercial alarm sites in the City of Dallas - Estimated Annual Revenue Loss: \$228,000 (\$152,000 for FY 2005-06)

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

The following individuals addressed the city council regarding the item:

David S. Marguiles, 7007 Twin Hills Ave.
Leslie Cato, 926 High Fall, representing Calvary Temple of Dallas
Karl Langhorst, 8698 Skillman, representing Tom Thumb Stores
Jim Reisch, 235 Yorktown St.
John Barr, 203 E. Colorado Blvd.
L.L. Marshall, 4217 Summit Ridge Dr.
Doug Wright, 3808 Mockingbird Ln, Highland Park
Kent Parks, 4322 Cardinal Dr., Sherman
Ken Merle, 262 Sabine Creek Blvd., representing Neiman Marcus, Royse City

Councilmember Natinsky moved to defer the ordinance until the January 11, 2006 voting agenda meeting of the city council.

Motion seconded by Councilmember Rasansky.

Councilmember Thornton Reese moved to substitute for Councilmember Natinsky's motion a motion to deny the item.

Motion seconded by Councilmember Chaney.

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

Voting Yes:	[5]	Thornton Reese, Chaney, Blaydes, Natinsky, Rasansky
Voting No:	[8]	Miller, Garcia, Medrano, Oakley, Salazar, Griffith, Koop, Hunt
Abstain:	[1]	Fantroy
Absent:	[1]	Hill

Mayor Miller declared the substitute motion failed.

Mayor Miller called the vote on the original motion:

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

Mayor Miller declared the motion failed.

Mayor Miller stated that both the original motion and the substitute motion had failed. The floor was now open for further discussion and motion.

Deputy Mayor Pro Tem Garcia moved to pass the ordinance.

Motion seconded by Councilmember Salazar.

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

Voting Yes:	[8]	Miller, Garcia, Medrano, Oakley, Salazar, Griffith, Koop, Hunt
Voting No:	[5]	Thornton Reese, Chaney, Blaydes, Natinsky, Rasansky
Abstain:	[1]	Fantroy
Absent:	[1]	Hill

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 26200.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3609

Addendum addition 24: Authorize acceptance of the FY 2005-06 Performance Plan for the City Manager and the City Council Priority FY 2005-06 Action Plan for the City of Dallas - Financing: No cost consideration to the City

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3610

Addendum addition 25: Authorize (1) the acceptance and deposit of funds from the Dallas Independent School District for the reimbursement of material and labor for the installation of crosswalks and school zones at Lee A. McShan, Jr. Elementary School located at 8307 Meadow Road and Rosemont Primary School located at 1919 Stevens Forest Drive in the amount of \$36,076, and (2) an increase in appropriations in the amount of \$36,076 in the Capital Projects Reimbursement Fund - Total not to exceed \$36,076 - Financing: Private Funds

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

December 14, 2005

05-3611

Addendum addition 26: Authorize (1) an Interlocal Agreement with the City of Irving regarding the removal of Irving Boulevard (State Highway 356), subject to approval and execution of the necessary boundary adjustment agreement and approval of an acceptable ordinance waiving the City's extraterritorial jurisdiction of certain unincorporated land on the west bank of the Elm Fork of the Trinity River located between Wildwood/Tom Braniff Drive and Loop 12, (2) the City to assume responsibility for operation and maintenance of the portion of State Highway 356 located in Dallas at an estimated annual cost of \$112,400, (3) a request to the Texas Department of Transportation to remove State Highway 356 from the state highway system, (4) negotiation and execution of a boundary adjustment agreement for the City limits near the Irving Boulevard bridge over the Elm Fork of the Trinity River, and, (5) necessary steps toward approval of an ordinance to waive the extraterritorial jurisdiction for unincorporated land on the west bank of the Elm Fork of the Trinity River located between Wildwood/Tom Braniff Drive and Loop 12 - \$112,400 - Financing: Current Funds

Councilmember Salazar moved to approve the item.

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, DECEMBER 14, 2005

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

**WITHDRAWN OF CONFLICT OF INTEREST
AGENDA ITEM 50**

**COUNCILMEMBER KOOP STATED THAT THE PROPERTY ASSOCIATED WITH
CONSENT AGENDA ITEM 50 HAD BEEN SOLD. THEREFORE SHE DID NOT HAVE
A CONFLICT AND ASK THE CITY SECRETARY TO MAKE HER STATEMENT
APART OF THE RECORD TO SHOW THAT SHE WITHDREW HER CONFLICT THAT
WAS FILED IN HER OFFICE IN A TIMELY MANNER**

**THIS STATEMENT IS ATTACHED TO THE FORM THAT WAS FILED WITH THE
CITY SECRETARY AS STATED BY THE COUNCILMEMBER**

**SHIRLEY ACY, TRMC
CITY SECRETARY**

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS