

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 10, 2006

06-1360

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

PRESENT: [13] Miller, Hill, Garcia, Medrano, Thornton Reese, Salazar, Chaney,
Griffith, Blaydes, Koop, Natinsky, Rasansky, Hunt

ABSENT: [2] Oakley absent on city business, Fantroy

The meeting was called to order at 9:21 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.

Erica Washington, H. Grady Spruce High School 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 2:37 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.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 10, 2006

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 10, 2006

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1361

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: Roy Williams, 5881Prestonview Blvd.
SUBJECT: Funds used for personal means

SPEAKER: Dewayne Dallas, 6266 St. Albans Dr.
SUBJECT: Insurrection #3

SPEAKER: Kendell Keeter, 6079 Fox Point Trail
SUBJECT: Wright Amendment

SPEAKER: Dave Madan, 6115 Parkdale Dr.
REPRESENTING: AmeriCorps
SUBJECT: Great Trinity Forest

SPEAKER: Jeremy Freehill, 2722 N. Buckner Blvd
REPRESENTING: The local spiritual assembly of the Bahā'is of Dallas
SUBJECT: Persecution of the Bahā'i in Iran

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

SPEAKER: Ozumba LnuK-X, 4106 Vineyard Dr.
SUBJECT: On going problem with corrupt Dallas police officers, Mayor, Code Compliance

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1362

Item 1: Approval of Minutes of the April 26, 2006 City Council Meeting

Deputy Mayor Pro Tem Garcia moved to approve the minutes.

Motion seconded by Councilmember Medrano and unanimously adopted. (Oakley absent on city business, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May10, 2006

06-1363

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-35 and addendum addition consent agenda items 1-7, were presented for consideration.

The city secretary announced that Councilmember Fantroy had deferred consideration of consent agenda items 18 and 20 until the next voting meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

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

Councilmember Rasansky requested that consent agenda items 19 and 32 be considered as individual items. Mayor Miller stated that consent agenda items 19 and 32 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Deputy Mayor Pro Tem Garcia moved to approve all items on the consent agenda with the exception of consent agenda items 18 and 20 which were deferred and consent agenda items 4, 19 and 32 which would be considered later in the meeting.

Motion seconded by Councilmember Koop and unanimously adopted. (Oakley absent on city business, Fantroy absent)

The city secretary announced that at the time the consent agenda was considered and at the request of the City Manager that consent agenda item 32, individual item 42, and addendum addition item 9 be deleted from the agenda. To delete items not received in accordance with Subsection 7.11 of the City Council Rules of Procedure requires a two-third vote.

Councilmember Thornton Reese moved to suspend the rules in accordance with Subsection 7.11

Motion seconded by Councilmember Rasansky.

After discussion, Mayor Miller called the vote on the motion to suspend the rules.

Mayor Miller declared the motion adopted. (Oakley absent on city business, Fantroy absent)

OFFICIAL ACTION OF THE CITY COUNCIL

06-1363

Page 2

Councilmember Natinsky moved to delete agenda items 32, 42 and addendum addition item 9.

Motion seconded by Councilmember Koop and unanimously adopted. (Oakley absent on city business, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1364

Item 2: Authorize a professional services contract with Halff Associates, Inc. for the design of street improvements for Street Group 03-445 (list attached) - \$307,800 - Financing: 2003 Bond Funds (\$240,690), Water Utilities Capital Improvement Funds (\$67,110)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1365

Item 3: Authorize a professional services contract with Hellmuth, Obata & Kassabaum, LP, for the consolidation of the approved Trinity Forest Trails Studies/Master Plans for the Trinity Forest trails and the development of design and construction documents for the Trinity Forest Trail through the Great Trinity Forest, Phase 1 - \$606,273 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1366

Item 4: Authorize a contract for playground equipment, site furnishings and grading improvements at the recreation center at Mildred L. Dunn Park located at 3300 Carpenter - Henneberger Construction, Inc., lowest responsible bidder of two - \$164,827 - Financing: 2003 Bond Funds

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

Later in the meeting, agenda item 4 was brought up for consideration.

Councilmember Chaney moved to approve the item.

Motion seconded by Councilmember Thornton-Reese and unanimously adopted.
(Oakley absent on city business, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1367

Item 5: Authorize (1) a contract for the construction of street paving, storm drainage, water main improvements, landscape and streetscape improvements for Cityville at Southwestern Medical District, Phase I, with Davis Excavation, Inc., lowest responsible bidder of four, in an amount not to exceed \$1,376,917; (2) assignment of the construction contract to FirstWorthing or its affiliate Worthing at Motor, L.P. for construction administration; and, (3) payment to FirstWorthing or its affiliate Worthing at Motor, L.P. in an amount not to exceed \$63,083 for construction management, design, testing and street lighting - Total not to exceed \$1,440,000 - Financing: Private Funds (advance from FirstWorthing or its affiliate Worthing at Motor, L.P.)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1368

Item 6: Authorize Supplemental Agreement No. 1 to the contract with MESA Design Group for surveying, schematic design, design development, construction documents, bidding and construction administration services for the restoration and development at Reverchon Park located at 3505 Maple Avenue - \$257,267, from \$119,900 to \$377,167 - Financing: 1998 Bond Funds (\$17,121) and 2003 Bond Funds (\$240,146)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1369

Item 7: Authorize (1) an increase in the contract with AUI Contractors, L.P. for changes to the wastewater main due to unexpected field conditions in Flora Street for the Dallas Center for the Performing Arts, Phase I, Utility Infrastructure Project, in an amount not to exceed \$20,364, from \$1,989,887 to \$2,010,251; and, (2) an increase in appropriations in the amount of \$200,000 in the Performing Arts Theater Advance Fund - Total not to exceed \$200,000 - Financing: Private Funds (to be reimbursed from the proceeds of the sale of 2003 General Obligation Bonds)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1370

Item 8: Authorize Supplemental Agreement No. 2 to the contract with Carter and Burgess, Inc. to provide additional professional services for the revision of construction plans for Sump A dredging and culvert improvements - \$193,546, from \$1,442,161 to \$1,635,707 - Financing: Current Funds (to be reimbursed from Storm Water Drainage Management Funds)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1371

Item 9: Authorize Supplemental Agreement No. 1 to the professional services contract with Halff and Associates, Inc. for Federal Emergency Management Agency updates to provide for the development of updated hydrologic and hydraulic data and high water mark survey - \$735,500, from \$526,000 to \$1,261,500 - Financing: Current Funds (to be reimbursed from Storm Water Drainage Management Funds)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1372

Item 10: Authorize Supplemental Agreement No. 1 to the contract with Corgan Associates, Inc. for schematic design master planning services for the Dallas Center for the Performing Arts City Performance Hall - \$1,731,740, from \$491,600 to \$2,223,340 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1373

Item 11: Authorize an amendment to the contract with Oscar Renda Contracting, Inc. for hydraulic construction changes and enhancements necessitated by work site changes resulting in some efficiencies at the Central Wastewater Treatment Plant - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1374

Item 12: Authorize (1) street paving, storm drainage, water and wastewater main improvements on Kirnwood Drive from east of Los Alamos Drive to Indian Ridge Trail; 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 June 14, 2006, to receive comments - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1375

Item 13: Authorize the deposit of a Special Commissioners' Award for acquisition from John E. Wimberley of a tract of land containing approximately 74,216 square feet located near the intersection of Walnut Hill and Coppedge Lanes for the Fire Station No. 35 Replacement Project - \$705,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1376

Item 14: A resolution authorizing the City to execute and file deed restrictions on behalf of Dallas/Fort Worth International Airport as part of the Response Action Plan required by Texas Commission on Environmental Quality - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1377

Item 15: Authorize the quitclaim of 8 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$31,694

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1378

Item 16: Authorize an increase in the service contract with Texas Trane Company for the repair and replacement of electrical and heating, ventilation and air conditioning equipment at Dallas Love Field - Not to exceed \$1,000,000, from \$1,228,450 to \$2,228,450 - Financing: Aviation Current Funds (to be reimbursed from property insurance proceeds)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1379

Item 17: Authorize the purchase of three helicopters from the lowest responsible bidders of five - Bell Helicopter in the amount of \$3,752,805 and Edwards & Associates, Inc. in the amount of \$1,373,592 - Total not to exceed \$5,126,397 - Financing: Current Funds (\$326,397), 2005 Equipment Acquisition Contractual Obligation Notes (\$4,800,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1380

Item 18: Authorize a professional services contract to conduct a job analysis/test validation study for the Police Physical Abilities Test with the most advantageous proposer of two - Fitness Intervention Technologies - Not to exceed \$55,152 - Financing: Current Funds

The city secretary announced that the Councilmember Fantroy had deleted consent agenda item 18 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1381

Item 19: Authorize a twelve-month master agreement for automobiles, heavy equipment and motorcycles with the lowest responsible bidders of six - Denton Harley Davidson in the amount of \$168,337, Sonic Lute Riley LP dba Lute Riley Honda in the amount of \$939,430, and Stewart & Stevenson in the amount of \$137,396 - Total not to exceed \$1,245,163 - Financing: 2004 Equipment Acquisition Contractual Obligation Notes (\$137,396), 2005 Equipment Acquisition Contractual Obligation Notes (\$1,081,023), Current Funds (\$26,744)

Councilmember Rasansky requested that consent agenda item 19 be considered as an individual item. Mayor Miller stated that consent agenda item 19 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 19 was brought up for consideration.

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

Deputy Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Miller, Rasansky abstain; Oakley absent on city business, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1382

Item 20: Authorize a twenty-four-month master agreement for aggregates including sandy loam, crushed limestone for flexbase, calcium carbonate, sand, and gravel with the lowest responsible bidders of six - Eagle Express Truck Services, Inc. in the amount of \$3,069,831, Hanson Aggregates in the amount of \$2,580,763, Martin Marietta Materials Southwest, Ltd. in the amount of \$2,355,629, Earth Haulers, Inc. in the amount of \$1,189,624 and Estes, Inc. in the amount of \$182,185 - Total not to exceed \$9,378,032 - Financing: Current Funds (\$4,246,747), Water Utilities Current Funds (\$5,131,285)

The city secretary announced that the Councilmember Fantroy had deleted consent agenda item 20 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1383

Item 21: Authorize the purchase of a replacement asphalt paver to be used for street paving, from the lowest responsible bidder of two - Romco Equipment Co. - Not to exceed \$248,092 - Financing: 2005 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1384

Item 22: Authorize a thirty-six-month master agreement for liquid oxygen and tanks with the lowest responsible bidder of two - Matheson Tri-Gas, Inc. - Not to exceed \$11,993,789 - Financing: Water Utilities Current Funds (\$7,702,000), Water Utilities Capital Construction Funds (\$4,291,789)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1385

Item 23: Authorize Supplemental Agreement No. 2 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 \$75,000, from \$100,000 to \$175,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1386

Item 24: Authorize settlement of the lawsuit styled Rosalind M. Powell, Individually and As Next Friend of Dequante K. Jamison and Chelsey E. Jamison, Minors and Elizabeth Powell, Individually, and As Next Friend of Christopher Powell, a Minor v. City of Dallas, Cause No. CC-04-14974-A - Not to exceed \$18,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1387

Item 25: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. for additional legal services necessary in the lawsuit styled Antonio Lamont Bradford v. City of Dallas, Dallas Police Department, John T. Nash, III and Boss, Inc., General Partner of Festigiamao, Ltd., The Bone, Civil Case No. 3:04-CV-2344-B - Not to exceed \$12,000, from \$25,000 to \$37,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1388

Item 26: An ordinance authorizing corrections to Ordinance No. 25423, previously approved on October 22, 2003, which amended Chapter 51P, Dallas Development Code: Planned Development District Regulations, of the Dallas City Code, as amended - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26340.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1389

Item 27: An ordinance authorizing a correction to Ordinance No. 25710, previously approved on August 25, 2004, which amended Chapter 51P, Dallas Development Code: Planned Development District Regulations, of the Dallas City Code, as amended - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26341.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1390

Item 28: Authorize an amendment to the contract with the Department of State Health Services to accept additional grant funds for the continuation of local health services to non-Medicaid eligible clients through Title V - Not to exceed \$70,000, from \$65,363 to \$135,363 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1391

Item 29: Authorize an amendment to Resolution No. 04-0764, previously approved on February 25, 2004 to delete Section 4 to allow application review fee for \$1,500 and the monitoring review fee for \$500, currently paid to the City of Dallas for multifamily development projects that apply to the Texas Department of Housing and Community Affairs, to be made payable directly to the Dallas Housing Finance Corporation effective October 1, 2006 - Estimated Revenue Loss: \$12,000 annually

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1392

Item 30: Authorize an amendment to Resolution No. 05-1169, previously approved on April 13, 2005 to delete Section 3 to allow the fees paid by owners in the amount of \$1,500, currently paid to the City of Dallas for monitoring compliance on Dallas Housing Finance Corporation finance projects, to be payable directly to the Dallas Housing Finance Corporation effective October 1, 2006 - Estimated Revenue Loss: \$15,000 annually

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1393

Item 31: Authorize the reconstruction on-site of a home in accordance with the Replacement Housing Program Statement requirements for the property located at 2712 Peabody Avenue - \$70,000 - Financing: 2005-06 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1394

Item 32: An ordinance adopting Dallas/Fort Worth International Board Resolution No. 2006-03-068, amending the Dallas/Fort Worth International Airport Construction and Fire Prevention Standards, to add Part Nine - Oil and Gas Exploration and Production and to make minor revisions to existing standards for clarification purposes - Financing: No cost consideration to the City

The city secretary announced that at the time the consent agenda was considered and at the request of the City Manager that consent agenda item 32 be deleted from the agenda. To delete items not received in accordance with Subsection 7.11 of the City Council Rules of Procedure requires a two-third vote.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1395

Item 33: Authorize an amendment to the list of employees who are authorized to conduct transactions for the investment of City funds in the Texas Local Government Investment Pool - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1396

Item 34: An ordinance amending Chapter 31 of the Dallas City Code to regulate the possession of graffiti implements commonly used to deface and destroy public and private property - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26342.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1397

Item 35: Authorize application for fifth-year continuation of the Sexual Assault/Stalking Training grant from the Office of the Governor, Criminal Justice Division in the amount of \$45,000 for specialized training for victim assistance coordinators, investigators and crime scene detectives who have the responsibility to investigate sexual assault and stalking offenses in the various aspects of this type of criminal investigation for the period September 1, 2006 through August 30, 2007 (local match in an amount not to exceed \$15,000 will be required if awarded) - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1398

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda item 36, was presented for consideration.

Agenda Item 36: Zoning Case Z045-172(NB)

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

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

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

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Miller, Bladyes, Rasansky, absent when vote taken; Oakley absent on city business, Fantroy absent)

Assigned ORDINANCE NO. 26343.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1399

Item 37: Zoning Case Z056-186 (JH)

An application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property zoned an MF-2 Multiple Family Subdistrict and an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east side of McKinney Avenue, south of Hester Avenue

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

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

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

Motion seconded by Councilmember Thornton Reese and unanimously adopted. (Miller Blaydes, Rasansky absent when vote taken; Oakley absent on city business, Fantroy absent)

Assigned ORDINANCE NO. 26344.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1400

Item 38: Zoning Case Z056-187 (WE)

An application for and an ordinance granting a Planned Development District for a public school other than an open-enrollment charter school and R-10(A) Single Family District uses on property zoned an R-10(A) Single Family District, in an area bounded by Edgeworth Drive, Zurich Drive, Haymarket Road, and Turnbow Drive

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

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

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

Motion seconded by Councilmember Medrano and unanimously adopted. (Miller, Bladyes absent when vote taken; Oakley absent on city business, Fantroy absent)

Assigned ORDINANCE NO. 26345.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1401

Item 39: Zoning Case Z056-135 (DW)

An application for and an ordinance granting a Planned Development District for RR Regional Retail District uses plus multifamily uses on property zoned an MF-2(A) Multifamily District, on the north corner of Northwest Highway and Skillman Street

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

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

Howard Parker, 8523 Thackery St.
Lori Damon, 6171 E. Northwest Hwy.
Robert Miklos, 1717 Main St., representing Medallion Shopping Center
Allison Brim, 6161 E. Northwest Hwy.
Lisa Paine, 6402 Melody Lane
Jody Shorr, engineer reviewing impact study
Gordon Fox, 6161 E. Northwest Hwy.

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

Robert Reeves, 900 Jackson St., representing applicant
Steve Wakefield, 9916 Woodforest Dr., President, Lake Highland Area Improvement Association
Wayne Slaughter, 6033 Melody Ln., Executive Director, Vickery Meadows Public Improvement District
Michael Gonzales, 4310 N. Central Expwy., President, Mi Casa Program
Robyn Flatt, 8631 N. Mediterranean Cr., Executive Director, Dallas Children's Theater
Kathryn Gifford, 6118 Summer Creek Cr.

Councilmember Griffith moved to close the public hearing and following the city plan recommendation for approval subject to a conceptual plan with the following changes as shown in the revised ordinance, revised conceptual plan and the open space concept provided to the city council at this hearing:

“1. Section 51P-742.103 insert (d) Zone One is the area shown on the conceptual plan (Exhibit 742A).

OFFICIAL ACTION OF THE CITY COUNCIL

06-1401

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2. Section 51P-742.104. Conception Plan (a) change “driveways” to “ingress/egress only” and insert “The conceptual plan shows the approximate location of main driveways to be located within the Property and the proposed ingress/egress points; the final location of ingress/egress points and main driveways to be constructed within the Property shall be shown on the development plans for the Property”.
3. Section 51P-742.108 insert:
 - (f) Height. Maximum structure height in Zone One is 40 feet.
 - (g) Stories. Maximum number of stories above grade in Zone One is two.
 - (h) Front yard. Maximum front yard in Zone One along Skillman Avenue and Northwest Highway for any structure with air-conditioned space is 25 feet, except where an access drive is needed between the front yard and structure.
6. Section 51P-742.109 (a) insert all structures of 12,000 square feet or more used for and delete “of 12,000 square feet or more”.
7. Section 51P-742.109 (g) insert (3) The front and side façade walls must have a minimum of 75 percent brick, stone, or stimulated brick or stone materials. Doors and windows are included in the 75 percent calculation.
8. Section 51P-742.109 (h) insert (3) All decorative slopping roofs, if provided, shall be either metal standing seam, clay tiles, concrete tiles, or similar materials”.
9. Section 51P-742.109 (i) insert (9) All surface parking lots must be screened from Skillman Avenue and Northwest Highway with a solid hedge capable of reaching a height of three feet within three years, or a three-foot-high solid wall or berm”.
10. Section 51P-742.109 (j) insert (8) Driveway Enhancements.
11. Section 51P-742.109 (j) (8): insert....
 - (A) Ingress/egress points to the Property must have a change in surface materials such as pavers, bricks, or patterned concrete with color. This special paving must have a minimum length of 20 feet, starting at the Property line, and must span the entire width of the driveway throat (from edge of gutter to edge of gutter). Stained concrete does not comply with this provision.
 - (B) Architectural elements such as towers, fountains, brick or cultured stone walls, landscape islands, or similar features must be installed on both sides of the ingress/egress points.
 - (C) The intersections of main driveways must have enhanced paving such as concrete pavers, brick, stone, fountains, plazas, landscape islands, or similar feature or materials. Stained concrete does not comply with this provision.
 - (D) Main driveways must have one tree for every 30 linear feet of driveway. Trees may vary in size from two and one-half to four or more calipher inches and may be planted in naturalized clusters along the driveway. All trees must be located within 35 feet of the paved driveway.

- (E) Main driveways must have a minimum six-foot-wide serpentine (i.e. meandering rather than straight) sidewalk on one side of the drive within 20 feet of the driveway pavement. Benches must be located along the sidewalk.
- (F) Pedestrian lighting with decorative fixtures must be installed along both sides of the main driveways, and located within 25 feet of the driveway pavement”.
11. Section 51P-742.109 (j) insert....
- (9) Throughout the Property, all pedestrian walkwaysthe cross vehicular circulation routes must be clearly marked with enhanced paving and signage or other traffic calming devices such as speed bumps. Stained concrete does not comply with this provision.
- (10) Awnings, canopies, arcades, or similar features must be provided at all main building entrances of buildings located on the Property.
- (11) Sidewalks with a minimum width of six feet must be provided along front façade of all structures with air-conditioned space.
- (12) In addition to the benches required along the Melody Lane linear park, and along the serpentine sidewalk, benches must be provided throughout the Property near major building entrances (i.e. buildings with more than 10,000 square feet) and the intersections of major driveways and ingress/egress points.
12. Section 51P-742.109 insert (k) Additional provisions for Zone One. The following additional design standards are required in Zone One. In the event of conflict between this section and this subsection, this subsection controls.
- (1) All façade walls shall be 75 percent brick, stone, or simulated brick or stone. Doors and windows are included in the 75 percent calculation.
- (2) All decorative sloping roofs, if provided, must shall be either metal standing seam, clay tiles, concrete tiles, or similar materials.
- (3) Changes in the plane of all façade walls must be provided, with a depth of at least 24 inches, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 50 feet.
13. Section 51P-742.109 (k) delete (8) Entry drives must have a change in surface materials such as pavers or patterned concrete with color. This special paving must have a minimum length of 20 feet and must span the entire width of the driveway throat (from edge of gutter to edge of gutter).
14. Section 51P-742.109 (l) changed from “(k) to (l)” Variation and exceptions.
15. Section 51P-742.110 insert (c) In Zone One, parking is prohibited between all structures with air-conditioned floor area and Northwest Highway or Skillman Avenue.
16. Section 51P-742.112 insert:
- (k) Pedestrian lighting with decorative fixtures must be installed along Skillman and Northwest Highway if compliance with the conceptual plan is required.
- (l) Landscaping along Melody Lane within the area identified as open space on the conceptual plan, must be in general conformance with the Open Space Concept Plan (Exhibit 742D).

OFFICIAL ACTION OF THE CITY COUNCIL

06-1401

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17. Section 51P-742.116. ZONING MAP, SECTION 4. insert_“and the Open Space Concept Plan” and pass the ordinance.

Motion seconded by Councilmember Blaydes.

After discussion Mayor Miller called for a vote on the motion.

Mayor Miller declared the motion adopted on a divided vote, with Mayor Miller voting “No”. (Oakley absent on city business, Fantroy absent)

Assigned ORDINANCE NO. 26346.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1402

Item 40: A public hearing to receive comments in preparation of the FY 2006-07 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City

No one appeared to address the city council regarding the FY 2006-07 Operating, Capital, Grant and Trust budgets.

Councilmember Thornton Reese moved to close the public hearing.

Motion was seconded by Councilmember Salazar and unanimously adopted. (Oakley absent on city business, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1403

Item 41: 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 May 10, 2006.

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 Koop moved to appoint Deputy Mayor Pro Tem Garcia to the Police and Fire Welfare Fund Board.

Motion seconded by Councilmember Medrano and unanimously adopted. (Miller absent when vote taken, Oakley absent on city business, Fantroy absent)

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

06-1422 PFW POLICE AND FIRE WELFARE FUND BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1404

Item 42: Authorize acceptance of a zoning application on property with delinquent taxes located at 2727 Kings Road - Financing: No cost consideration to the City

The city secretary announced that at the time the consent agenda was considered and at the request of the City Manager that consent agenda item 42 be deleted from the agenda. To delete items not received in accordance with Subsection 7.11 of the City Council Rules of Procedure requires a two-third vote.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1405

Item 43: Authorize a travel policy for City Councilmember travel related to furthering the economic development goals of the City of Dallas - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Blaydes.

After discussion, Mayor Pro Tem Hill called for a vote on the motion.

Mayor Pro Tem Hill declared the motion adopted on a divided vote, with Councilmember Chaney voting "No". (Rasansky, Miller absent when vote taken, Oakley absent on city business, Fantroy absent)

Later in the meeting, Councilmember Chaney moved to reconsider the vote on agenda item 43.

Motion seconded by Councilmember Salazar.

After discussion, Mayor Miller called the vote on Councilmember Chaney's motion to reconsider the vote on agenda item 43.

Mayor Miller declared the motion to reconsider was adopted, and that agenda item 43 was before the council for reconsideration. (Oakley absent on city business, Fantroy absent)

After further discussion, Mayor Miller stated the motion to reconsider the vote on agenda item 43 was out of order and must be made by a councilmember voting on the prevailing side.

Later in the meeting, Councilmember Medrano moved to reconsider the vote on agenda item 43.

Motion seconded by Councilmember Thornton Reese

After discussion, Mayor Miller called the vote on Councilmember Medrano's motion to reconsider the vote on agenda item 43.

Mayor Miller declared the motion to reconsider was adopted, and that agenda item 43 was before the council for reconsideration. (Oakley absent on city business, Fantroy absent)

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06-1405

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Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Blaydes.

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

Voting Yes:	Miller, Hill, Garcia, Medrano, Thornton Reese, Salazar, Chaney, Griffith, Blaydes, Koop, Natinsky, Hunt
Voting No:	Rasansky
Absent on city business:	Oakley
Absent:	Fantroy

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1406

Item 44: An ordinance authorizing the issuance and sale of \$23,800,000 Homeless Assistance Facilities General Obligation Bonds, Series 2006; accepting the bids and awarding the sale of the bonds; approving the Preliminary Official Statement; and enacting other provisions in connection therewith - Not to exceed \$150,666 - Financing: 2006 Bond Funds - Interest Earnings

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1407

Item 45: Authorize an increase in appropriations in the Office of Financial Services' budget to implement the Communication Plan for the City of Dallas - Not to exceed \$146,378, from \$12,251,251 to \$12,397,629 - Financing: Contingency Reserve Funds

Councilmember Koop moved to approve the item.

Motion seconded by Councilmember Medrano and unanimously adopted. (Oakley absent on city business, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1408

Item 46: Authorize an Interlocal Agreement with the Dallas/Fort Worth International Airport Board to purchase from each others contracts for goods and services when economical - Financing: No cost consideration to the City

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Oakley absent on city business, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1409

Item 47: Authorize the release of automatically extinguished code enforcement liens, as required by the title company on the pending real estate transaction, at 812 N. Marsalis Avenue impressed on the property between 1992 - 2002 - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Garcia moved to defer the item indefinitely until the City Attorney briefs the council in closed session.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Oakley absent on city business, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1410

Closed Session

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

- City of Dallas v. Weir Brothers Partners, L.L.C. and Orange Crush Recyclers, Ltd., Cause No. 05-06517-J and related legal issues at 10801 Spangler Road
- Forrest Furgason, et al. v. City of Dallas, Cause No. cc-03-10069-b
- Legal issues associated with real properties at 4529 Linfield Road, 2120 Walnut Hill and 555 Ross Avenue

At 10:42 a.m. the Mayor announced the closed session of the city council authorized by Chapter 551, "OPEN MEETING," of the (Texas Open Meetings Act) to discuss the following matters:

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

- City of Dallas v. Weir Brothers Partners, L.L.C. and Orange Crush Recyclers, Ltd., Cause No. 05-06517-J and related legal issues at 10801 Spangler Road
- Forrest Furgason, et al. v. City of Dallas, Cause No. cc-03-10069-b
- Legal issues associated with real properties at 4529 Linfield Road, 2120 Walnut Hill and 555 Ross Avenue

The Mayor reconvened the city council after the closed session at 11:40 a.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1411

Addendum addition 1: Authorize a professional services contract with Group One/VAI Architects, LLP to provide design and the preparation of construction documents for the renovation of the Moorland Y.M.C.A. building located at 2700 Flora Street for the Dallas Black Dance Theatre - \$538,692 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1412

Addendum addition 2: Authorize a professional services contract with Benham Companies, L.L.C., for expert witness services and related litigation support necessary in the lawsuit styled Environmental Conservation Organization v. City of Dallas, Cause No. 3:03-CV-2951-M, and in the administrative proceeding initiated by the United States Environmental Protection Agency, styled Administrative Order Docket Nos. CWA-06-2004-1911 and RCRA-06-2004-0907, issued February 6, 2004, and any other proceedings relating to the subject matter of this lawsuit and administrative proceeding - Not to exceed \$50,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1413

Addendum addition 3: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Guida, Slavich & Flores, P.C., for additional legal services necessary in the lawsuit styled Environmental Conservation Organization v. City of Dallas, Cause No. 3:03-CV-2951-M and in the administrative proceeding styled Administrative Order Docket Nos. CWA-06-2004-1911 and RCRA-06-2004-0907, issued February 6, 2004, and any other matters relating to the subject matter of this lawsuit and administrative proceeding - Not to exceed \$400,000, from \$400,000 to \$800,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1414

Addendum addition 4: Authorize settlement of an administrative proceeding initiated by the United States Environmental Protection Agency, styled Administrative Order Docket Nos. CWA-06-2004-1911 and RCRA-06-2004-1907, issued on February 6, 2004, and any related lawsuit, by **(1)** paying the United States Government an amount of \$800,000, **(2)** agreeing to perform two Supplemental Environmental Projects, one involving the construction of wetlands in the Pavaho area of the Trinity River, to cost a minimum amount of \$675,000, and the other involving the construction of wetlands at the Dallas Zoo, to cost a minimum amount of \$525,000, and **(3)** implementing an Environmental Management System for various City facilities - Total not to exceed \$2,000,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1415

Addendum addition 5: An ordinance granting the renewal of Specific Use Permit No. 1496 for an open enrollment charter school on the southeast corner of Exchange Service Drive and Joseph Hardin Drive and a resolution accepting deed restrictions volunteered by the applicant on property to the west across Joseph Hardin Drive - Z056-122 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26347.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1416

Addendum addition 6: A resolution opposing legislative efforts by the Texas Legislature to impose appraisal and revenue caps on local governments as an option for school finance - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1417

Addendum addition 7: Authorize a professional services contract with The University of Texas at Arlington to implement an *ISO 9001* Quality Management System, Phase I - Not to exceed \$496,750 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1418

Addendum addition 8: A resolution to approve an increase in the annual salary for Paul T. Garner, effective May 10, 2006, who has been designated to manage and supervise the daily operations of the Office of the City Auditor - \$15,385 - Financing: Current Funds

Councilmember Rasansky moved to approve the resolution.

Motion seconded by Councilmember Salazar and unanimously adopted. (Oakley absent on city business, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1419

Addendum addition 9: Authorize **(1)** a draft ballot proposition for the issuance of \$20,000,000 in General Obligation Bonds in the November 2006 Bond Election for economic development programs in the southern area of the city; **(2)** the initiation, if necessary to overcome objections of the State Attorney General's Office, of a validation lawsuit to seek confirmation for the proposed use of General Obligation Bond proceeds for the economic development purposes set forth in the draft ballot proposition, if approved by the voters; **(3)** the use of the professional services of Vinson & Elkins L.L.P., as counsel for the validation suit, if the suit is necessary - \$50,000 - Financing: Public/Private Partnership Funds (to be reimbursed from future bond proceeds, if authorized by voters)

The city secretary announced that at the time the consent agenda was considered and at the request of the City Manager that addendum addition item 9 be deleted from the agenda. To delete items not received in accordance with Subsection 7.11 of the City Council Rules of Procedure requires a two-third vote.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1420

Addendum addition 10: Authorize payments to TXU Electric Delivery for electric relocations at Bertrand Avenue at Scyene Road in the amount of \$9,668, Atmos Energy for gas relocations in the abandoned alley at Scyene Road and Bertrand Avenue in the amount of \$34,315, and Southwestern Bell for phone relocations at 3907 Bertrand Avenue in the amount of \$7,182 for the Hope Restoration Utility Project - Total not to exceed \$51,165 - Financing: 2003 Bond Funds

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

Councilmember Medrano moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Griffith abstain; Oakley absent on city business, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 10, 2006

06-1421

NOTICE OF DEFERRED OR DELETED ITEMS

In accordance with Paragraph (d) of Section 7.11 of the City Council Rules of Procedure, the attached notice of deferred or deleted items were posted in each entrance to the city council chamber in Room 6 E North, City Hall.

7.11(d) No later than 5:30 p.m. of the Friday before each city council meeting, the city secretary shall post a list of all items appearing on the regular agenda that were deferred by a city council member or deleted by the city manager. No later than 5:30 p.m. of the day before each city council meeting, the city secretary shall post a list of all items appearing on the addendum to the agenda that were deferred by a city council member or deleted by the city manager. The lists must be posted adjacent to each entrance to the city council chamber in Room 6 E North. The city secretary shall not include on these list any items described in Paragraph (a) (1), (2), (3), or (4).

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 10, 2006

EXHIBIT C