

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 28, 2010

10-1040

VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [14] Leppert, Caraway, Medrano, Jasso, Neumann, Hill, Salazar, Davis,
Atkins, Kadane, Allen (*9:13 a.m.), Koop, Natinsky, Margolin

ABSENT: [1] Hunt

The meeting was called to order at 9:04 a.m.

The city secretary announced that a quorum of the city council was present.

The invocation was given by Elsie Birdwell, Minister, New Creation Ministries.

Councilmember Davis 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 1:58 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.

*** Indicates arrival time after meeting called to order.**

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 28, 2010

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 28, 2010

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1041

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: Wes Guillemaud, 5550 LBJ Frwy.
REPRESENTING: Sorcity.com – Spend reduction
SUBJECT: Reporting back reverse auction procurement pilot

SPEAKER: Michael King, 2433 E. Kiest Blvd.
REPRESENTING: Community
SUBJECT: Community Development Commission; CDGB funding

OPEN MICROPHONE – END OF MEETING

SPEAKER: Jewel Floyd, 3815 Myrtle St.
SUBJECT: "O. M. Roberts and the illegal taking of property"

SPEAKER: Maribel Salinas, 4928 Gurley Ave., (Norma Hernandez, Interpretator)
SUBJECT: "Eminent domain of O. M. Robert's property"

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1042

Item 1: Approval of Minutes of the April 14, 2010 City Council Meeting

Councilmember Neumann moved to approve the minutes.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1043

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-48, and addendum addition consent agenda items 1-8, was presented for consideration.

Mayor Leppert requested that addendum addition consent agenda items 1, 2, 3, 4, and 8 be considered as individual items. Mayor Leppert stated that addendum addition consent agenda items 1, 2, 3, 4 and 8 would be considered as individual items later in the meeting, there being no objection voiced to his request.

Mayor Pro Tem Caraway requested that consent agenda items 8 and 14 be considered as individual items. Mayor Leppert stated that consent agenda items 8 and 14 would be considered as individual items later in the meeting, there being no objection voiced to Mayor Pro Tem Caraway's request.

Councilmember Koop requested that consent agenda item 15 be considered as an individual item. Mayor Leppert stated the consent agenda item 15 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Koop's request.

Mayor Pro Tem Caraway moved to approve all items on the consent agenda with the exception of consent agenda items 8, 14, 15 and addendum addition consent agenda items 1, 2, 3, 4 and 8 which would be considered later in the meeting.

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

After discussion, Mayor Leppert requested to reconsider the consent agenda to include the approval of consent agenda item 15 that was requested, in error, to be considered as an individual item due a conflict of interest by Councilmember Koop instead of agenda item 50, listed under items for individual consideration.

Councilmember Neumann moved to reconsider the consent agenda to include the approval of consent agenda item 15 that was requested, in error, to be considered as an individual item due a conflict of interest by Councilmember Koop instead of agenda item 50, listed under items for individual consideration.

Motion seconded by Councilmember Kadane and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

10-1043

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After further discussion, Councilmember Atkins requested to reconsider the consent agenda in order to allow addendum consent agenda item 7 to be considered as an individual item due to a conflict of interest.

Councilmember Margolin moved to reconsider the consent agenda in order to allow addendum consent agenda item 7 to be considered as an individual item due to a conflict of interest by Councilmember Atkins.

Motion seconded by Councilmember Allen and unanimously adopted. (Hunt absent)

Councilmember Margolin moved to approve all items on the consent agenda with the exception of consent agenda items 8, 14 and addendum addition consent agenda with the exception of addition addendum consent agenda items 1, 2, 3, 4, 7 and 8, which would be considered later in the meeting.

Motion seconded by Councilmember Allen and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1044

Item 2: Authorize **(1)** the fourth amendment to the 1985 lease agreement with TXI Aviation I, L.L.C. to extend the time period to expend a \$1,000,000 capital commitment by twelve- months from May 1, 2010 to May 1, 2011; and **(2)** the third amendment to the 2007 lease agreement with TXI Aviation I, L.L.C. to extend the time period to expend a \$2,500,000 capital commitment by twelve-months from May 1, 2010 to May 1, 2011 at Dallas Love Field - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1045

Item 3: Authorize a two-year service contract for grounds maintenance services at various City properties - Good Earth Corporation in the amount of \$256,255, BIO Landscape & Maintenance, Inc. in the amount of \$158,015, Yielding Seed Lawn Service in the amount of \$92,890, Terrance D. Smith dba T. Smith's Lawn Service in the amount of \$82,380 and JBA Land Management, LLC in the amount of \$53,240, lowest responsible bidders of ten - Total not to exceed \$642,780 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1046

Item 4: Authorize a three-year service contract for equipment, parts, maintenance, service/repair and upgrades or replacements for all Trane equipment including existing boilers, chillers, heating, ventilation and air conditioning units - Trane U.S., Inc. through The Cooperative Purchasing Network - Not to exceed \$8,983,443 - Financing: Current Funds (\$1,165,641), 2006 Bond Funds (\$2,752,052) and Aviation Current Funds (\$5,065,750) (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1047

Item 5: Authorize the purchase of one large and two small replacement sewer cleaner trucks for Water Utilities - CLS Sewer Equipment Co., Inc. in the amount of \$263,447, Rush Truck Centers of Texas, L.P. in the amount of \$83,132 and Santex Truck Centers, Ltd. in the amount of \$63,215 through the Houston-Galveston Area Council of Governments - Total not to exceed \$409,794 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1048

Item 6: Authorize settlement of the lawsuit styled Anthony Kelly v. City of Dallas, Cause No. 09-03313-E - Not to exceed \$9,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1049

Item 7: Authorize settlement of the lawsuit styled Mary Josephine Brown v. City of Dallas and William Edwin Martinez, Cause No. 08-06920-G - Not to exceed \$60,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1050

Item 8: Authorize a contract to replace the entrance doors at the African American Museum located at 3536 Grand Avenue - Sawyers Construction, Inc., lowest responsible bidder of three - Not to exceed \$72,670 - Financing: 2006 Bond Funds

Mayor Pro Tem Caraway requested that consent agenda item 8 be considered as an individual item. Mayor Leppert stated that consent agenda item 8 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Caraway's request.

Later in the meeting, consent agenda item 8 was brought up for consideration.

Councilmember Davis moved to approve the item.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1051

Item 9: Authorize **(1)** the acceptance of a Shelter Plus Care Grant Funds from the U.S. Department of Housing and Urban Development in the amount of \$88,800 to provide sponsor-based rental assistance for permanent housing for homeless veterans with disabilities for the period October 1, 2010 through September 30, 2011; **(2)** a contract between the City of Dallas and Operation Relief Center, Inc. to provide sponsor-based rental assistance to homeless veterans with disabilities; and **(3)** execution of the grant agreement - Not to exceed \$88,800 - 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

APRIL 28, 2010

10-1052

Item 10: Authorize **(1)** the acceptance of a Shelter Plus Care Grant from the U.S. Department of Housing and Urban Development to provide tenant based rental assistance for permanent housing for homeless persons with disabilities for the period May 1, 2010 through April 30, 2011; and **(2)** execution of the grant agreement - Not to exceed \$472,440 - 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

APRIL 28, 2010

10-1053

Item 11: Authorize **(1)** the acceptance of a Shelter Plus Care Grant from the U.S. Department of Housing and Urban Development to provide tenant based rental assistance for permanent housing and supportive services for homeless persons with disabilities for the period October 1, 2010 through September 30, 2011; and **(2)** execution of the grant agreement - Not to exceed \$906,480 - 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

APRIL 28, 2010

10-1054

Item 12: Authorize **(1)** a public hearing to be held on May 26, 2010 to receive comments on the proposed private sale by quitclaim deed of two unimproved properties acquired by the taxing authorities from the Sheriff's Sale to Dallas Neighborhood Alliance For Habitat, Inc. a qualified non-profit organization; and at the close of the public hearing, **(2)** consideration of approval of the sale of these properties (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1055

Item 13: Authorize **(1)** a public hearing to be held on May 26, 2010 to receive comments on the proposed private sale by quitclaim deed of four unimproved properties acquired by the taxing authorities from the Sheriff's Sale to Builders of Hope Community Development Corporation, a qualified non-profit organization; and at the close of the public hearing, **(2)** consideration of approval of the sale of these properties (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1056

Item 14: Authorize a contract for the installation of additional playground equipment, connecting walkway and site furnishings at Everglade Park located at 5100 Jim Miller Road - Parkscape Construction, Inc., lowest responsible bidder of six - \$52,824 - Financing: 2006 Bond Funds

Mayor Pro Tem Caraway requested that consent agenda item 14 be considered as an individual item. Mayor Leppert stated that consent agenda item 14 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Caraway's request.

Later in the meeting, consent agenda item 14 was brought up for consideration.

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1057

Item 15: Authorize an increase in the contract with Ark Contracting Services, LLC for additional gabion slope protection and other associated items for the Trinity Standing Wave located at 1900 East Eighth Street - Not to exceed \$322,800, from \$3,705,399 to \$4,028,199 - Financing: 2006 Bond Funds

Councilmember Koop requested that consent agenda item 15 be considered as an individual item. Mayor Leppert stated that consent agenda item 15 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, consent agenda item 15 was brought up for consideration.

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

Approved as part of the consent agenda.

After discussion, Mayor Leppert requested to reconsider the consent agenda to include the approval of consent agenda item 15 that was requested, in error, to be considered as an individual item due a conflict of interest by Councilmember Koop instead of agenda item 50, listed under items for individual consideration.

Councilmember Neumann moved to reconsider the consent agenda to include the approval of consent agenda item 15 that was requested, in error, to be considered as an individual item due a conflict of interest by Councilmember Koop instead of agenda item 50, listed under items for individual consideration.

Motion seconded by Councilmember Kadane and unanimously adopted. (Hunt absent)

Councilmember Hill moved to approve all the items on the consent agenda with the exception of consent agenda items 8, 14 and addendum addition consent agenda with the exception of addition addendum consent agenda items 1, 2, 3, 4, 7, and 8, which would be considered later in the meeting.

Motion seconded by Councilmember Atkins and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1058

Item 16: Authorize a Landscape Maintenance Agreement with the Texas Department of Transportation for the City to maintain the landscape improvements along US 67 from IH 35E to Kiest Boulevard within Texas Department of Transportation's right-of-way - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1059

Item 17: Authorize **(1)** sidewalk paving for Sidewalk Group 06-141; 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 9, 2010, to receive comments (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1060

Item 18: Authorize **(1)** sidewalk paving for Sidewalk Group 06-142; 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 9, 2010, to receive comments (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1061

Item 19: Authorize a professional services contract with Hidell and Associates Architects, Inc. for architectural and engineering design services and construction administration services for renovation of the Polk Wisdom Branch Library located at 7151 Library Lane - Not to exceed \$403,038 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1062

Furniture and Furnishings
for the Prairie Creek Branch Library

Note: Item Nos. 20, 21 and 22
must be considered collectively.

Item 20: Authorize rejection of the bid submitted for Bid Package No. 9 for signage for the new Prairie Creek Branch Library - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1063

**Furniture and Furnishings
for the Prairie Creek Branch Library**

Note: Item Nos. 20, 21 and 22
must be considered collectively.

Item 21: Authorize rejection of bids submitted for Bid Package No. 12 for extruded shelving for the new Prairie Creek Branch Library - Financing: No cost consideration to the City

Approved as part of the consent agenda

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1064

**Furniture and Furnishings
for the Prairie Creek Branch Library**

Note: Item Nos. 20, 21 and 22
must be considered collectively.

Item 22: Authorize contracts for the purchase and installation of furniture for the new Prairie Creek Branch Library located at 9609 Lake June Road - Facilitech Inc. dba Business Interiors in the amount of \$29,909; OP Ventures of Texas, Inc. dba Workplace Resources of Dallas in the amount of \$47,889; Wilson Office Interiors, LLC in the amount of \$69,146; Vance Hunt & Associates, Inc. dba Vance Hunt Library Furnishings, Inc. in the amount of \$78,569; Intelligent Interiors, Inc. in the amount of \$1,575; Putsi, Inc. dba Cultural Surroundings in the amount of \$25,980; and Ford Audio-Video Systems, Inc. in the amount of \$18,265 - Total not to exceed \$271,333 - Financing: 1998 Bond Funds (\$179,199) and 2003 Bond Funds (\$92,134)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1065

Item 23: Authorize Supplemental Agreement No. 1 to the professional services contract with Civil Associates, Inc., for additional engineering and surveying services for the Central Business District Fair Park Link from Hall Street to IH 30 - Not to exceed \$149,362, from \$336,422 to \$485,784 - Financing: 2006 Bond Funds

Approved as part of the consent agenda

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1066

Item 24: Authorize Supplemental Agreement No. 1 to the professional services contract with Dikita Enterprises, Inc., for additional engineering and survey services for street reconstruction on Lake June Road from Pemberton Hill Road to the C. F. Hawn Freeway service road and St. Augustine Road (south) from Old Seagoville Road to C. F. Hawn Freeway - Not to exceed \$65,806, from \$309,468 to \$375,274 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1067

Item 25: Authorize acquisition from Edgar R. Wolford and Sheila R. Wolford of approximately 11,675 square feet of land improved with a single-family dwelling located near the intersection of Fireside Drive and Wixom Lane under the Flood Protection and Storm Drainage Voluntary Purchase Program - Not to exceed \$46,500 (\$43,500 plus closing costs not to exceed \$3,000) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1068

Item 26: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Pavillion Court Holding, LTD, of approximately 800 square feet of land in Dallas County for the Cullum Street Waterline Project - Not to exceed \$13,000 (\$10,592 plus closing costs not to exceed \$2,408) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1069

Item 27: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Dallas Power & Light Company (currently TXU Energy) of approximately 18,736 square feet of land located near the intersection of St. Augustine Road and Royce Drive for the Southwest Water Transmission Pipeline Project - Not to exceed \$35,000 (\$32,788 plus closing costs not to exceed \$2,212) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1070

Item 28: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from William J. Sheahan and Denise C. Sheahan of approximately 17,112 square feet of land located in Dallas County for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project - Not to exceed \$18,500 (\$16,355 plus closing costs not to exceed \$2,145) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1071

Item 29: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Alvin Starr and Pamela Starr of approximately 16 acres of land located in Kaufman County for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project - Not to exceed \$296,575 (\$291,575 plus closing costs not to exceed \$5,000) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1072

Item 30: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from PBCB Management, LLC of approximately 220,987 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project - Not to exceed \$322,884 (\$317,884 plus closing costs not to exceed \$5,000) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1073

Item 31: Authorize settlement in lieu of proceeding with condemnation of approximately 500,938 square feet of unimproved land from SAMS Partnership, LP located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - Not to exceed \$350,000 (\$345,000 plus closing costs not to exceed \$5,000) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1074

Item 32: Authorize moving expense and rental assistance payments for twenty-four eligible residents in the Acacia Village Apartments as a result of an official written offer of just compensation to purchase real property near the intersection of Park Lane and Ridgecrest Road to be used in conjunction with the Vickery Meadows Branch Library Project (list attached) - Not to exceed \$335,343 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1075

Item 33: A resolution authorizing the advertisement of an unwanted and unneeded tract of City-owned land containing approximately 13,797 square feet located near the intersection of Harry Hines Boulevard and Wycliff Avenue with no minimum bid specified - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1076

Item 34: A resolution authorizing the advertisement of an unwanted and unneeded tract of City-owned land containing approximately 14,949 square feet located near the intersection of Slay Street and Prairie Creek Road with no minimum bid specified - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1077

Item 35: A resolution authorizing the advertisement of an unwanted and unneeded tract of City-owned land containing approximately 15,032 square feet located near the intersection of Live Oak Street and Collett Avenue with no minimum bid specified - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1078

Item 36: A resolution authorizing the advertisement of an unwanted and unneeded tract of City-owned land containing approximately 33,975 square feet located near the intersection of Prairie Creek and Clearfield Roads with no minimum bid specified - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1079

Item 37: A resolution authorizing the advertisement of an unwanted and unneeded tract of City-owned land containing approximately 34,600 square feet located near the intersection of Lancaster Road and Corning Avenue with no minimum bid specified - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1080

Item 38: A resolution authorizing the advertisement of an unwanted and unneeded tract of City-owned land containing approximately 76,918 square feet located near the intersection of Wheatland and Clark Roads with no minimum bid specified - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1081

Item 39: A resolution authorizing the advertisement of an unwanted and unneeded tract of City-owned land containing approximately 177,990 square feet located near the intersection of Forney Road and Olson Drive with no minimum bid specified - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1082

Item 40: A resolution authorizing the advertisement of an unwanted and unneeded tract of City-owned land containing approximately 224,106 square feet located near the intersection of Westmoreland and Camp Wisdom Roads with no minimum bid specified - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1083

Item 41: An ordinance abandoning portions of drainage and utility easements to BT Forest Park Realty Partners, L.P. and Forest Park Realty Partners III, L.P., the abutting owners, containing a total of approximately 27,593 square feet of land located near the intersection of Central Expressway and Forest Lane - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27856

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1084

Item 42: An ordinance granting renewal of a private license to Berkeley First City, L.P. for the use of approximately 1,277 square feet of land to maintain an existing subsurface tunnel under Pacific Avenue right-of-way for pedestrian use located near its intersection with St. Paul Avenue - Revenue: \$2,759 annually plus \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27857

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1085

Item 43: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Joe L. Esters of an unimproved tract of land containing approximately 96,800 square feet located near the intersection of Lamar Street and Starks Avenue for the Trinity Parkway portion of the Trinity River Corridor Project - Not to exceed \$258,589 (\$253,589 plus closing costs not to exceed \$5,000) - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1086

Item 44: Authorize an increase in the Interlocal Agreement with Dallas Area Rapid Transit for additional costs associated with the water main relocations on La Reunion Parkway from 140 feet east of Cockrell Hill Road to French Settlement Road and on French Settlement Road from La Reunion Parkway to 350 feet north - Not to exceed \$307,240, from \$1,250,500 to \$1,557,740 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1087

Item 45: Authorize an increase in the contract with Cajun Constructors, Inc. for constructability and schedule changes at the East Side Water Treatment Plant expansion to 540 million gallons per day, Part A, Stage IV filters expansion - Not to exceed \$61,562, from \$33,369,946 to \$33,431,508 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1088

Item 46: Authorize an increase in the contract with Cajun Constructors, Inc. for additional work associated with construction of the Alta Mesa Pump Station - Not to exceed \$165,715, from \$7,152,150 to \$7,317,865 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1089

Item 47: Authorize an increase in the contract with Oscar Renda Contracting, Inc. for additional work associated with construction of the Camp Wisdom Pump Station and implementation of water quality improvements in the American Way elevated storage tank - Not to exceed \$69,964, from \$8,166,691 to \$8,236,655 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1090

Item 48: Ratify an increase in the contract with Archer Western Contractors, Ltd. for additional work associated with emergency repairs to the flood protection levee at the Central Wastewater Treatment Plant - Not to exceed \$178,952, from \$19,979,353 to \$20,158,305 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1091

10-1092

Item 49: 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 2009-2010 board term updated through APRIL 28, 2010.

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

Councilmember Kadane moved to appoint Leslie Decillis, Registered Voter, to the Reinvestment Zone Eight Board (Design District) and Marcus P. Valerin, Registered Voter, to the Reinvestment Zone Fourteen Board (Skillman Corridor).

Motion seconded by Councilmember Allen and unanimously adopted. (Hunt absent)

Councilmember Kadane moved to appoint all 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 September 30, 2011.

Motion seconded by Councilmember Allen and unanimously adopted. (Hunt absent)

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

10-5207	BOX	BOARD OF ADJUSTMENT ALTERNATE MEMBERS
10-5208	JNC	JUDICIAL NOMINATING COMMISSION
10-5209	RZ08	REINVESTMENT ZONE EIGHT BOARD (DESIGN DISTRICT)
10-5210	RZ14	REINVESTMENT ZONE FOURTEEN BOARD (SKILLMAN CORRIDOR)
10-5211		BOARD OFFICER

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1093

Item 50: Authorize Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parsons Brinckerhoff Americas, Inc. for additional survey services for Irving Boulevard (north service road) from Mockingbird Lane to Woodall Street - Not to exceed \$25,772, from \$214,067 to \$239,839 - Financing: 2003 Bond Funds

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

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Koop abstain; Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1094

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 51: Authorize a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Interstate Battery System International, Inc., and its subsidiaries in an amount up to \$300,000 to offset development costs associated with its headquarters expansion and retention located at 12770 Merit Drive - Not to exceed \$300,000 - Financing: Public/Private Partnership Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Koop moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1095

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 52: Authorize an economic development grant agreement pursuant to Chapter 380 of the Local Government Code with America's Cable Park Group, LLC to support the development of the Dallas Watersports Complex at Fish Trap Lake in West Dallas - Not to exceed \$250,000 - Financing: Public Private Partnership Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Mayor Pro Tem Caraway moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1096

DESIGNATED PUBLIC SUBSIDY MATTERS

Cityplace TIF District

Note: Item Nos. 53 and 54
must be considered collectively.

Item 53: Authorize **(1)** a development agreement with Oak Creek Partners, Ltd. to provide funding for construction of the following public improvements: **(a)** extension of Nobel Avenue from Cityplace West Boulevard to Blackburn Street; **(b)** extension of Oak Grove Avenue from Cityplace West Boulevard to Blackburn Street; **(c)** extension of Howell Street from Lemmon Avenue to Cityplace West Boulevard; **(d)** construction of three open spaces; and **(e)** related design and construction management services and **(2)** the Cityplace Area TIF District Board of Directors to dedicate up to \$12,000,000 from Cityplace Area TIF District Funds and/or Tax Increment Bond Funds payable as work progresses in accordance with the development agreement - Not to exceed \$12,000,000 - Financing: Cityplace TIF District Funds and/or Tax Increment Bond Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1097

DESIGNATED PUBLIC SUBSIDY MATTERS

Cityplace TIF District

Note: Item Nos. 53 and 54
must be considered collectively.

Item 54: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Two (Cityplace Area TIF District) to pay Oak Creek Partners Ltd. up to \$12,000,000 in project costs for the following public improvements: **(a)** extension of Nobel Avenue from Cityplace West Boulevard to Blackburn Street; **(b)** extension of Oak Grove Avenue from Cityplace West Boulevard to Blackburn Street; **(c)** extension of Howell Street from Lemmon Avenue to Cityplace West Boulevard; **(d)** construction of three open spaces; and **(e)** related design and construction management services - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1098

DESIGNATED PUBLIC SUBSIDY MATTERS

Davis Garden TIF District

Note: Item Nos. 55 and 56
must be considered collectively.

Item 55: Authorize (1) a development agreement with GFD Opportunity II, LLC to dedicate future TIF revenues for eligible project costs related to environmental remediation, infrastructure and public right-of-way improvements located at 4512 West Davis Street in Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District); and (2) the Davis Garden TIF District Board of Directors to dedicate up to \$1,600,000 from future Davis Garden TIF District revenues in accordance with the development agreement - Not to exceed \$1,600,000 - Financing: Davis Garden TIF District Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1099

DESIGNATED PUBLIC SUBSIDY MATTERS

Davis Garden TIF District

Note: Item Nos. 55 and 56
must be considered collectively.

Item 56: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to reimburse GFD Opportunity II, LLC up to \$1,600,000 for certain TIF-eligible project costs related to environmental remediation, infrastructure and public right-of-way improvements at 4512 West Davis Street in the Davis Garden TIF District – Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, “Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters”, Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1100

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 57: Authorize the reconstruction on-site of two homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 2220 Jordan Street in the amount of \$93,400 and 12511 Fish Road in the amount of \$93,400 - Total not to exceed \$186,800 - Financing: 2008-09 Community Development Block Grant Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Davis moved to approve the item.

Motion seconded by Mayor Pro Tem Caraway and Councilmember Atkins and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1101

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 58: Authorize an amendment to Resolution No. 09-2085, previously approved on August 26, 2009, to increase the loan amount by \$500,000 on an existing economic development loan with South Dallas/Fair Park Inncity Community Development Corporation (ICDC) for the acquisition of improved and unimproved properties, located within the Frazier Neighborhood Investment Program (NIP) area, including associated closing costs, relocation, environmental remediation, or demolition costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment as part of the Economic Development Plan for the Frazier area - Not to exceed \$500,000, from \$1,000,000 to \$1,500,000 - Financing: 2006 Bond Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Davis moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1102

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 59: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Lexington State-Thomas, LLC of approximately 100 square feet of land located near the intersection of State and Worthington Streets for the State-Thomas TIF Infrastructure Improvements Project - Not to exceed \$4,100 (\$3,000 plus closing costs not to exceed \$1,100) - Financing: State-Thomas TIF District Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Davis moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1103

CONSENT ZONING DOCKET
CONSENT DEVELOPMENT CODE AMENDMENT

The consent zoning docket, consisting of agenda items 60-61 and consent development code amendment item 67, were presented for consideration.

Agenda item 60 was removed from the consent zoning docket, to be considered as an individual hearing.

~~Agenda item 60: Zoning Case Z089-281 (RB)~~ **[considered individually]**

Agenda item 61 Zoning Case Z090-135 (WE)

Agenda item 67 Development Code Amendment DCA 090-004

In the zoning case on the consent zoning and development code amendment dockets, the city plan commission recommended approval of the proposed changes in zoning, and amendment to the development code.

Councilmember Margolin moved to close the public hearing, accept the recommendation of the city plan commission on the consent zoning case and the consent development code amendment, and pass the ordinances.

Motion seconded by Councilmember Neumann and unanimously adopted. (Medrano, Salazar absent when vote taken; Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1104

Item 60: Zoning Case Z089-281 (RB)

The consent zoning docket, consisting of agenda items 60-61, was presented for consideration.

Mayor Pro Tem Caraway requested that zoning consent item 60 be considered as an individual item. Mayor Leppert stated that zoning consent item 60 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Caraway's request.

A public hearing was called on zoning case Z089-281 (RB), an application for and an ordinance granting a Planned Development District for a Public school and R-7.5(A) Single Family District Uses on property zoned an R-7.5(A) Single Family District and Specific Use Permit No. 173 for the Veteran's Hospital on the northeast line of Lancaster Avenue, north of 52nd Street

(The staff and city plan commission recommended Approval, subject to a development and landscape plan, traffic management plan, and conditions)

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

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

Motion seconded by Councilmember Kadane and unanimously adopted. (Medrano, Salazar absent when vote taken; Hunt absent)

Assigned ORDINANCE NO. 27858

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1105

Item 61: Zoning Case Z090-135 (WE)

The consent zoning docket, consisting of agenda items 60-61, was presented for consideration.

A public hearing was called on zoning case Z090-135 (WE), an application for and an ordinance granting an amendment to, and an expansion of, Planned Development District No. 314, the Preston Center Special Purpose District, on property zoned an MF-1(A) Multifamily District on the southeast corner of Weldon Howell Parkway and Douglas Avenue

(The staff and city plan commission recommended Approval, subject to conditions)

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

Approved as part of the consent zoning and development code amendment docket.

Assigned ORDINANCE NO. 27859

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1106

Item 62: Zoning Case Z089-260(MAW) INDIVIDUAL

A public hearing was called on zoning case Z089-260(MAW), an application for and an ordinance granting a Specific Use Permit for an Industrial (outside) not potentially incompatible use for a concrete batch plant on property zoned an IR Industrial Research District on the north line of Commerce Street, west of Sylvan Avenue

(The staff recommended Approval for a five-year period, subject to a site and landscape plan and conditions and city plan commission recommended Approval for a two-year period, with eligibility for one automatic three-year period, subject to a site and landscape plan and conditions)

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

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

Jimmy Shnurr, 3400 Carlisle St., representing the applicant

Councilmember Hill moved to close the public hearing, accept the recommendation of the staff for a five-year period, subject to a site and landscape plan and conditions and pass the ordinance.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted. (Medrano, Salazar absent when vote taken; Hunt absent)

Assigned ORDINANCE NO. 27860

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1107

Item 63: Zoning Case Z089-277(RB) - UNDER ADVISEMENT - INDIVIDUAL

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

A public hearing was called on zoning case Z089-277(RB), an application for and an ordinance granting a CR Community Retail District on property zoned an R-10(A) Single Family District, on a parcel with frontage on both the south line of IH 20 and the north line of Rylie Crest Road, west of Seagoville Road

(The staff and city plan commission recommended Denial)

Note: This item was considered by the City Council at a public hearing on April 14, 2010, and was taken under advisement until April 28, 2010, with the public hearing open.

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

Councilmember Atkins moved to close the public hearing, approve the change in zoning from R-10 (A) to CR and accept the deed restrictions proposed by the applicant with the ordinance and deed restrictions to come back for council approval on a voting agenda meeting of the city council.

Motion seconded by Councilmember Hill and Councilmember Davis and unanimously adopted. (Medrano, Salazar absent when vote taken; Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1108

Item 64: Zoning Case Z089-231(WE) DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z089-231(WE), an application for and an ordinance granting a Planned Development Subdistrict for MF-2 uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property zoned an MF-2 Multifamily Subdistrict with Planned Development District No. 193, on both sides of Hudnell Street between Cedar Springs Road and Rawlins Street

(The staff and city plan commission recommended Approval, subject to a revised conceptual plan and conditions)

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

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

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

Motion seconded by Councilmember Atkins and unanimously adopted. (Medrano, Salazar absent when vote taken; Hunt absent)

Assigned ORDINANCE NO. 27861

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1109

Item 65: Zoning Case Z090-120 (WE) DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z090-120(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-7.5(A) Single Family District uses on property zoned an R-7.5(A) Single Family District in an area generally bounded by Chariot Drive, Wimbelton Way, Forney Road and Lomax Drive

(The staff and city plan commission recommended Approval, subject to a revised development plan, landscape plans and conditions)

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

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

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

Motion seconded by Councilmember Atkins and unanimously adopted. (Medrano, Salazar absent when vote taken; Hunt absent)

Assigned ORDINANCE NO. 27862

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1110

Item 66: Zoning Case Z090-132 (RB) DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z090-132 (RB), an application for and an ordinance granting an MU-3 Mixed Use District and a resolution granting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on property within the northeast and southeast quadrants of Kiest Boulevard and Southerland Avenue

(The staff and city plan commission recommended Approval, subject to deed restrictions volunteered by the applicant)

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

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

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

Melvin D. Traylor, 2945 King Cole Dr., representing Cedar Crest/Magna Vista Homeowners Association
Michael King, 2433 E. Kiest Blvd., representing Cedar Crest County Estates
Trina Triche, 1818 Corsicana St.

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

Motion seconded by Councilmember Atkins and unanimously adopted. (Medrano, Salazar absent when vote taken; Hunt absent)

Assigned ORDINANCE NO. 27863

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1111

Item 67: DEVELOPMENT CODE AMENDMENTS

A public hearing to receive comments regarding consideration of amendments to Chapter 51 and Chapter 51A, the Dallas Development Code, to amend Section 51-4.305 and Section 51A-4.305, "Handicapped Parking Regulations," to require compliance with all Federal and State requirements and an ordinance granting the amendments

(The staff and city plan commission recommended Approval)

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

Approved as part of the consent zoning and development code amendment docket.

Assigned ORDINANCE NO. 27864

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1112

Addendum addition 1: Authorize an amendment to the Love Field Food and Beverage Concession Contract with Dallas Love Field Joint Venture, Ltd. "DLFJV" to: **(1)** extend the renewal term; **(2)** waive DLFJV's payment of the Minimum Annual Guarantee and modify DLFJV's required Percentage Payments upon the first closure of one of DLFJV's food and beverage locations; and **(3)** provide certain terms under which DLFJV will be compensated by the Love Field retail concessionaire for the retail concessionaire's right to sell bottled water at its news and gift store locations at Dallas Love Field - Estimated Annual Revenue: \$2,000,000

Mayor Leppert requested that addendum addition consent agenda item 1 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 1 would be considered as an individual item later in the meeting, there being no objection voiced to his request.

Later in the meeting, addendum addition consent agenda item 1 was brought up for consideration.

The following individuals addressed the city council regarding the item:

Helen Giddings, 1510 N. Hampton Rd. **DeSoto, TX**
Gilbert Aranza, 8008 Cedar Springs Rd.

Mayor Leppert announced the members of an Ad Hoc committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward. Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council.

By general consensus, at the request of Mayor Leppert, the addendum addition consent agenda items 1, 2, 3 and 4 were deferred and the Ad Hoc Committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

10-1112

Page 2

Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council.

Councilmember Davis moved to order a roll call vote to accept the recommendation of the Mayor to defer the item and appoint an Ad Hoc Committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward. Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council.

Motion seconded by Councilmember Atkins.

After discussion, Mayor Leppert called the vote to accept the recommendation of the Mayor to defer the item and appoint an Ad Hoc Committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward. Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council:

Voting Yes: [12] Leppert, Caraway, Medrano, Jasso, Neumann, Salazar, Atkins,
Kadane, Allen, Koop, Natinsky, Margolin

Voting No: [2] Hill, Davis

Absent: [1] Hunt

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1113

Addendum addition 2: Authorize a twelve-year contract, with one three-year renewal option, with Love Field Partners I, Ltd. "LFP" to operate a food and beverage concession at Dallas Love Field - Estimated Annual Revenue: \$3,310,538

Mayor Leppert requested that addendum addition consent agenda item 2 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 2 would be considered as an individual item later in the meeting, there being no objection voiced to his request.

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

The following individuals addressed the city council regarding the item:

Helen Giddings, 1510 N. Hampton Rd. **DeSoto, TX**
Gilbert Aranza, 8008 Cedar Springs Rd.

Mayor Leppert announced the members of an Ad Hoc committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward. Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council.

By general consensus, at the request of Mayor Leppert, the addendum addition consent agenda items 1, 2, 3 and 4 were deferred and the Ad Hoc Committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

10-1113

Page 2

Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council.

Councilmember Davis moved to order a roll call vote to accept the recommendation of the Mayor to defer the item and appoint an Ad Hoc Committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward. Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council.

Motion seconded by Councilmember Atkins.

After discussion, Mayor Leppert called the vote to accept the recommendation of the Mayor to defer the item and appoint an Ad Hoc Committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward. Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council:

Voting Yes: [12] Leppert, Caraway, Medrano, Jasso, Neumann, Salazar, Atkins,
Kadane, Allen, Koop, Natinsky, Margolin

Voting No: [2] Hill, Davis

Absent: [1] Hunt

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1114

Addendum addition 3: Authorize an amendment to the Love Field Retail Concession Contract with Hudson Retail Dallas, J.V. "Hudson" to: (1) extend the renewal term; (2) waive Hudson's payment of the Minimum Annual Guarantee and modify Hudson's required Percentage Payments upon the first closure of one of Hudson's airside retail locations; and (3) provide certain terms under which Hudson will be allowed to sell bottled water at its news and gift store locations at Dallas Love Field - Estimated Annual Revenue: \$900,000

Mayor Leppert requested that addendum addition consent agenda item 3 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 3 would be considered as an individual item later in the meeting, there being no objection voiced to his request.

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

The following individuals addressed the city council regarding the item:

Helen Giddings, 1510 N. Hampton Rd. **DeSoto, TX**
Gilbert Aranza, 8008 Cedar Springs Rd.

Mayor Leppert announced the members of an Ad Hoc committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward. Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council.

By general consensus, at the request of Mayor Leppert, the addendum addition consent agenda items 1, 2, 3 and 4 were deferred and the Ad Hoc Committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward.

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Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council.

Councilmember Davis moved to order a roll call vote to accept the recommendation of the Mayor to defer the item and appoint an Ad Hoc Committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward. Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council.

Motion seconded by Councilmember Atkins.

After discussion, Mayor Leppert called the vote to accept the recommendation of the Mayor to defer the item and appoint an Ad Hoc Committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward. Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council:

Voting Yes: [12] Leppert, Caraway, Medrano, Jasso, Neumann, Salazar, Atkins,
Kadane, Allen, Koop, Natinsky, Margolin

Voting No: [2] Hill, Davis

Absent: [1] Hunt

Mayor Leppert declared the motion adopted.

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Addendum addition 4: Authorize a twelve-year contract, with one three-year renewal option, with Hudson Retail Dallas, J.V. "Hudson" to operate a retail concession at Dallas Love Field - Estimated Annual Revenue: \$1,517,408

Mayor Leppert requested that addendum addition consent agenda item 4 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 4 would be considered as an individual item later in the meeting, there being no objection voiced to his request.

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

The following individuals addressed the city council regarding the item:

Helen Giddings, 1510 N. Hampton Rd. **DeSoto, TX**
Gilbert Aranza, 8008 Cedar Springs Rd.

Mayor Leppert announced the members of an Ad Hoc committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward. Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council.

By general consensus, at the request of Mayor Leppert, the addendum addition consent agenda items 1, 2, 3 and 4 were deferred and the Ad Hoc Committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward.

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Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council.

Councilmember Davis moved to order a roll call vote to accept the recommendation of the Mayor to defer the item and appoint an Ad Hoc Committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward. Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council.

Motion seconded by Councilmember Atkins.

After discussion, Mayor Leppert called the vote to accept the recommendation of the Mayor to defer the item and appoint an Ad Hoc Committee consisting of Deputy Mayor Pro Tem Medrano and Councilmember Natinsky as co-chairs, Mayor Leppert, Councilmember Atkins, Councilmember Margolin, City Manager Mary Suhm, Assistant City Manager A. C. Gonzalez, and a Southwest Airlines representative, as an ex-officio member to determine the following three things; 1) what is the process; 2) what are the issues that have come to light; and 3) options and alternatives to go forward. Report back to the city council not later than the June 23, 2010 voting agenda meeting of the city council:

Voting Yes: [12] Leppert, Caraway, Medrano, Jasso, Neumann, Salazar, Atkins,
Kadane, Allen, Koop, Natinsky, Margolin

Voting No: [2] Hill, Davis

Absent: [1] Hunt

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1116

Addendum addition 5: An ordinance amending Chapter 2 of the Dallas City Code to provide for the city's sale of abandoned, stolen, or recovered personal property when the sale is restricted by criminal law -
Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27865

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1117

Addendum addition 6: Authorize Supplemental Agreement No. 1 to the service contract with F. Hall Mowing Company for asbestos abatement and demolition services for structures ordered demolished by municipal court order, the emergency demolition of unsafe buildings due to fire damage, and the demolition of City-owned buildings as required - Not to exceed \$657,573, from \$2,630,295 to \$3,287,868 - Financing: Current Funds (\$47,309) and 2006 Bond Funds (\$610,264)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1118

Addendum addition 7: Authorize the preparation of plans for issuance in an amount not to exceed \$450,000,000 in Waterworks and Sewer System Revenue Refunding Bonds, Series 2010 - Financing:
This action has no cost consideration to the City

Approved as part of the consent agenda.

After discussion, Councilmember Atkins requested to reconsider the consent agenda in order to allow addendum consent agenda item 7 to be considered as an individual item due to a conflict of interest.

Councilmember Margolin moved to reconsider the consent agenda in order to allow addendum consent agenda item 7 to be considered as an individual item due to a conflict of interest by Councilmember Atkins.

Motion seconded by Councilmember Allen and unanimously adopted. (Hunt absent)

Councilmember Margolin moved to approve all items on the consent agenda with the exception of consent agenda items 8, 14 and addendum addition consent agenda with the exception of addition addendum consent agenda items 1, 2, 3, 4, 7, and 8, which would be considered later in the meeting.

Motion seconded by Councilmember Allen and unanimously adopted. (Hunt absent)

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

Deputy Mayor Pro Tem Medrano moved to approve the item.

Motion seconded by Councilmember Kadane and unanimously adopted. (Atkins abstain; Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 28, 2010

10-1119

Addendum addition 8: An ordinance abandoning portions of Crutcher and Pauline Streets to Baylor Health Care System, the abutting owner, containing a total of approximately 32,273 square feet of land located near the intersection of Crutcher and Pauline Streets, authorizing the quitclaim, and providing for the dedication of approximately 32,273 square feet of land needed for street right-of-way - Revenue: \$5,400 plus the \$20 ordinance publication fee

Mayor Leppert requested that addendum addition consent agenda item 8 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 8 would be considered as an individual item later in the meeting, there being no objection voiced to his request.

Later in the meeting, addendum addition consent agenda item 8 was brought up for consideration.

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

Deputy Mayor Pro Tem Medrano moved to approve the item, striking Exhibits A and C and replacing them with approved field notes dated April 5, 2010, and pass the ordinance.

Motion seconded by Councilmember Kadane and unanimously adopted. (Leppert abstain; Hunt absent)

Assigned ORDINANCE NO. 27866

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 28, 2010

EXHIBIT C