

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 23, 2009

09-2270
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Caraway, Medrano, Jasso, Neumann, Hill (*9:04 a.m.),
Salazar, Davis, Atkins (*9:04 a.m.), Kadane, Allen, Koop, Natinsky,
Margolin, Hunt

ABSENT: [0]

The meeting was called to order at 9:00 a.m.

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

The invocation was given by Father Christopher Constantinides, Holy Trinity Greek Orthodox Church.

Mayor Pro Tem Caraway 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 3:22 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 invocation and pledge of allegiance.**

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 23, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 23, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2271

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: Silip Novac, 1818 Corsicana St.
SUBJECT: I'm homeless, paralyzed and need help

SPEAKER: Steven Meeks, 1760 W. Lakeview Dr.
SUBJECT: Continuing issues regarding environment

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
SUBJECT: "All the way, what I say"

SPEAKER: Minnie Arnold Caruth, 7411 Greenbrier Dr.
REPRESENTING: Fire & Police Dept. budget cuts
SUBJECT: The staffing of Fire & Police personnel

SPEAKER: Tamara Washington, 2814 Painted Trail
REPRESENTING: Taxpayer
SUBJECT: Finance

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Jada Wooten, 5620 Live Oak St.
REPRESENTING: Citizens
SUBJECT: Police

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
REPRESENTING: The Alpha & Omega “God”
SUBJECT: Arrogant, racist and unjust with greed

SPEAKER: Frank Ward III, P. O. Box 50694
REPRESENTING: The Kingdom of God
SUBJECT: The Kingdom of Heaven

SPEAKER: Michael Rodgers Jr., 6245 Balcony Ln.
SUBJECT: Budget and District 8

SPEAKER: Michael Rodgers Sr., 6245 Balcony Ln.
SUBJECT: Budget

SPEAKER: Perry Forshee, 3916 Pine St.
REPRESENTING: Parents for responsible city employees
SUBJECT: City Budget cuts

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: DISD & Daytime curfew

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2272

Item 1: Approval of Minutes of the September 9, 2009 City Council Meeting

Councilmember Koop moved to approve the minutes.

Motion seconded by Councilmember Natinsky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2273

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-64 and addendum addition consent agenda items 1-12, was presented for consideration.

Councilmember Atkins requested that consent agenda item 49 be considered as an individual item. Mayor Leppert stated that consent agenda item 49 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Councilmember Koop requested that consent agenda item 23 be considered as an individual item. Mayor Leppert stated that consent agenda item 23 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 23 and 49 which would be considered later in the meeting.

Motion seconded by Deputy Mayor Pro Tem Medrano and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2274

Item 2: Authorize an amendment to the Interlocal Agreement with the North Texas Tollway Authority to amend the agreement to include the installation and maintenance of Automated Vehicle Identification System equipment for five additional tolltag exit lanes in the parking facilities located at Dallas Love Field - Not to exceed \$60,200 - Financing: Aviation Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2275

Item 3: Authorize the purchase and installation of wireless video surveillance equipment for the auto pound - Bearcom Operating, LLP, most advantageous proposer of seven - Not to exceed \$173,000 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2276

Item 4: Authorize the purchase of sixteen emergency medical care vehicles, one waterblasting vehicle, one regenerative air sweeper, four trucks and three horse trailers - San Antonio Ambulance Sales, Inc. through the Houston-Galveston Area Council of Governments in the amount of \$2,234,760, Waterblasting Technologies, Inc. in the amount of \$531,254, Sam Pack's Five Star Ford in the amount of \$261,936, Industrial Disposal Supply Co. in the amount of \$241,261 and William A. McKinley dba Sundowner Trailers of Texas in the amount of \$53,768, lowest responsible bidders of eight - Total not to exceed \$3,322,979 - Financing: Current Funds (\$2,288,528), U.S. Department of Homeland Security Grant Funds (\$261,936), Aviation Current Funds (\$772,515)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2277

Item 5: Authorize an increase to the master agreement for rental and maintenance of multifunction devices for various City facilities with Xerox Corporation in the amount of \$3,215,490 and OFSI, Inc. in the amount of \$24,510, through the Texas Building and Procurement Commission purchasing program - Total not to exceed \$3,240,000, from \$7,361,244 to \$10,601,244 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2278

Item 6: Authorize a three-year master agreement for thermoplastic, glass traffic beads, pavement markers and adhesive - Ennis Paint, Inc. in the amount of \$939,219, 3M Company in the amount of \$144,708 and Pathmark Traffic Products of TX, Inc. in the amount of \$97,830, lowest responsible bidders of six - Total not to exceed \$1,181,757 - Financing: Current Funds (\$1,038,306), Aviation Current Funds (\$143,452)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2279

Item 7: Authorize a three-year service contract for reflective pavement marking application - Striping Technology LP, lowest responsible bidder of two - Not to exceed \$992,697 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2280

Item 8: Authorize a three-year service contract with Motorola, Inc., through the Houston-Galveston Area Council of Governments Purchasing Cooperative for renewal of the maintenance agreement for the Citizen Request Management System - Not to exceed \$507,867 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2281

Item 9: Authorize a five-year professional services contract for engineering and field services for McCommas Bluff Landfill - CP&Y, Inc. only proposer - Not to exceed \$1,000,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2282

Item 10: Authorize five-year concession contracts, with one three-year extension option each, for management and operation of municipal tennis centers - Raymond A. Major, Jr. dba RTM Tennis at Fretz Tennis Center in the amount of \$31,650, Andrea Mae Rains, dba L. B. Houston Tennis Center at L. B. Houston Tennis Center in the amount of \$30,350, Rains Tennis Works, Inc. at Fair Oaks Tennis Center in the amount of \$18,130, Tennis 2 Go at Samuell-Grand Tennis Center in the amount of \$9,150 and James Lee Thomas at Kiest Tennis Center in the amount of \$8,720, most advantageous proposers of eight - Estimated Net Annual Revenue: \$98,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2283

Item 11: Authorize the first one-year renewal option of the service contract with HealthTexas Provider Network dba MedProvider for medical examinations and fitness assessments for Dallas Fire-Rescue firefighters - Not to exceed \$782,977 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2284

Item 12: Authorize settlement of a claim filed by Travelers Commercial, Claim No. 09241935 - Not to exceed \$11,285 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2285

Item 13: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Bell, Nunnally & Martin, LLP for additional legal services necessary for representation of the City in the lawsuit styled Helen Watts v. City of Dallas, Cause No. 08-13000, for claims made against the City on behalf of city employees Sherri Lopez, Leanne Siri-Edwards, and Sheila Schulte-De Albrecht, and any lawsuits subsequently filed related to these claims - Not to exceed \$250,000, from \$275,000 to \$525,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2286

Item 14: Authorize the City Auditor's 2009-2010 Annual Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2287

Item 15: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jaime Lugo and Silvia Vra Lugo, of approximately 49,809 square feet of land located in Hunt County for the Lake Fork 108-inch Raw Water Pipeline - Not to exceed \$42,650 (\$40,000 plus closing cost not to exceed \$2,650) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2288

Item 16: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of 16 properties improved with single family homes in the Cadillac Heights neighborhood located near the intersection of Cedar Crest and Kiest Boulevards to be used for future City facilities (list attached) - Not to exceed \$1,023,500 (\$988,500 plus closing costs not to exceed \$35,000) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2289

Item 17: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of two tracts of improved land containing a total of approximately 26,322 square feet located near the intersection of Live Oak and St. Paul Streets for the Pacific Plaza Park Project - Not to exceed \$2,520,000 (\$2,500,000 plus closing cost not to exceed \$20,000) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2290

Item 18: Authorize settlement in lieu of proceeding further with condemnation for approximately 1,268 square feet of land from Grove Hill Cemetery Association for the Samuell Boulevard Improvement Project located near the intersection of Samuell Boulevard and Lawnview Avenue - Not to exceed \$13,534 (\$12,500 plus closing cost not to exceed \$1,034) - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2291

Item 19: An ordinance amending Section 43-126.30 of Chapter 43 of the Dallas City Code to **(1)** revise requirements and license fees for split-door newsracks; and **(2)** provide for a penalty not to exceed \$500 for violating a provision of the ordinance - Financing: No cost consideration to City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27659

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2292

Item 20: An ordinance abandoning portions of Trezevant Street, South Boulevard, and an alley to Dallas Area Rapid Transit, the abutting owner, containing a total of approximately 2,522 square feet of land located near the intersection of Trezevant Street and Trunk Avenue and authorizing the quitclaim - Revenue: \$6,361 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27660

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2293

Item 21: An ordinance granting renewal of a private license to Texas Instruments, Incorporated for the use of approximately 300 square feet of land to maintain an existing concrete culvert in T I Boulevard right-of-way located near its intersection with Valley View Lane - Revenue: \$1,000 annually plus \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27661

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2294

Item 22: An ordinance granting renewal of a private license to Texas Scottish Rite Hospital for the use of approximately 3,477 square feet of land to maintain the existing subsurface communication conduits and utilities under Welborn Street right-of-way located near its intersection with Welborn and Henson Street - Revenue: \$5,007 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27662

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2295

Item 23: Authorize an economic development grant agreement with Hilton Hotels Corporation related to the relocation of its regional headquarters to 16000 North Dallas Parkway, Dallas, Texas, 75248, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Business Development Grant Program - Not to exceed \$150,000 - Financing: Public/Private Partnership Funds

Councilmember Koop requested that consent agenda item 23 be considered as an individual item. Mayor Leppert stated that consent agenda item 23 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 23 was brought up for consideration.

Councilmember Koop moved to pass the item.

Motion seconded by Councilmember Davis and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2296

Item 24: Authorize **(1)** the first renewal option with Business Assistance Centers (BAC) to provide technical assistance to low-to-moderate income persons owning or starting microenterprises: **(a)** Greater Dallas Hispanic Chamber of Commerce (BAC #1) located at 4622 Maple Avenue in an amount not to exceed \$80,000; **(b)** Innercity Community Development Corporation (BAC #2) located at 4907 Spring Avenue in an amount not to exceed \$80,000; **(c)** Greater Dallas Hispanic Chamber of Commerce (BAC #3) located at 2060 Singleton Boulevard in an amount not to exceed \$80,000; **(d)** Greater Dallas Hispanic Chamber of Commerce (BAC #4) located at 351 West Jefferson Boulevard in an amount not to exceed \$80,000; **(e)** MBA Consultants (BAC #5) located at 1201 West Camp Wisdom Road in an amount not to exceed \$80,000; **(f)** Greater Dallas Asian American Chamber of Commerce/Multi-Ethnic Education and Economic Development Center (BAC #6) located at 1327 North Peak Street in an amount not to exceed \$80,000; and **(g)** Organization of Hispanic Contractors DBA Regional Hispanic Contractors Association (BAC #7) located at 2210 West Illinois Avenue in an amount not to exceed \$80,000; and **(2)** a BAC contract with a one-year renewal option with the Greater Dallas Indo American Chamber of Commerce (BAC #8) located at 3643 West Northwest Highway in an amount not to exceed \$80,000 - Not to exceed \$640,000 - Financing: 2009-10 Community Development Block Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2297

Item 25: Authorize the third of three twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2009 through September 30, 2010 - Not to exceed \$200,000 - Financing: Public/Private Partnership Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2298

Item 26: Authorize **(1)** the fourth and final twelve-month renewal option to the contract with the Southern Dallas Development Corporation to administer the CDBG Revolving Loan Program, for the purpose of servicing and making loans to area businesses and creating and retaining jobs for low-to-moderate income persons; and **(2)** any unexpended balances of program income and allocations from prior contract years be rolled over to continue the CDBG Revolving Loan Program - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2299

Item 27: Authorize an Interlocal Agreement with Dallas County Health and Human Services to provide the professional services of its Health Authority to the City for the period October 1, 2009 through September 30, 2011 - Not to exceed \$20,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2300

Item 28: Authorize the acceptance of a grant from the U.S. Department of Housing and Urban Development to be used for the provision of housing placement and rental assistance for ex-offenders with HIV/AIDS through Project Reconnect for the period January 1, 2010 through December 31, 2012 - Not to exceed \$721,000 - Financing: Competitive Housing Opportunities for Persons with AIDS Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2301

Item 29: Authorize **(1)** the acceptance of a grant from the Dallas Downtown Improvement District to provide outreach services for hard-to-reach and chronically homeless individuals who reside within the Central Business District for the period October 1, 2009 through September 30, 2010; and **(2)** execution of the grant agreement - Not to exceed \$141,687 - Financing: Downtown Improvement District Homeless Outreach Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2302

Item 30: Authorize **(1)** the discharge of the secured, no-interest, forgivable note with Kathy's Sunshine Outreach Center, Inc. in the amount of \$100,000; and **(2)** the release of lien on real properties located at 4600 and 4608 Luzon Street - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2303

Item 31: Authorize **(1)** the discharge of the secured, no-interest, forgivable note with Sunny Acres Community Action Association in the amount of \$30,000; and **(2)** the release of lien on real property located at 3742 Dixon Avenue - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2304

Item 32: Authorize a contract with the Department of State Health Services for the continuation of the Special Supplemental Nutrition Program for women, infants, and children for the period October 1, 2009 through September 30, 2010 - Not to exceed \$14,081,565 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2305

Item 33: Authorize a contract with the Department of State Health Services to continue the operations of a training center for the Special Supplemental Nutrition Program for women, infants, and children for the period October 1, 2009 through September 30, 2010 - Not to exceed \$87,365 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2306

Item 34: Authorize the fourth amendment to the contract with the Department of State Health Services to accept additional grant funds for the continuation of the Special Supplemental Nutrition Program for the Women, Infants and Children Program for the period October 1, 2008 through September 30, 2009 - Not to exceed \$957,310, from \$14,365,853 to \$15,323,163 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2307

Item 35: Authorize a professional services contract with Lockwood Andrews and Newnam, Inc., for oversight and engineering services for the testing of equipment and a three-year maintenance contract for the uninterruptible power supply, emergency generator and power distribution system at City Hall located at 1500 Marilla Street - Not to exceed \$125,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2308

Item 36: Authorize Supplemental Agreement No. 1 to the professional services contract with Booziotis and Company Architects for architectural and engineering design services for the waterproofing and renovation of the L1 level at the J. Erik Jonsson Central Library located at 1515 Young Street - Not to exceed \$46,000, from \$185,000 to \$231,000 - Financing: 2003 Bond Funds

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2309

Item 37: Authorize **(1)** the acceptance of a Fair Housing Assistance Comprehensive Funding Approach Award from the U.S. Department of Housing and Urban Development (HUD) for the Fair Housing Assistance Program to process, investigate and conciliate housing discrimination complaints, to provide for administrative costs and HUD required staff training for the period October 1, 2009 through September 30, 2010; and **(2)** the execution of any and all documents related to the grant subject to approval by the City Attorney - \$209,700 - Financing: U.S. Department of Housing and Urban Development, Fair Housing Assistance Program Comprehensive Funding Approach Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2310

Item 38: Authorize payment ~~for tuition payments, registration fees, books, and parking expenses~~ to the Dallas County Community College District in the amount of \$70,000 and the University of Texas Southwestern Medical Center at Dallas in the amount of \$188,420 for mandatory Emergency Medical Services training of emergency medical technicians and paramedics for the period October 1, 2009 through September 30, 2010 - Not to exceed \$258,420 - Financing: Current Funds (subject to appropriations)

Corrected on the addendum to the agenda.

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2311

Item 39: Authorize renewal of a contract with The University of Texas Southwestern Medical Center at Dallas for the required services of a Medical Director for the period October 1, 2009 through September 30, 2010 - Not to exceed \$152,472 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2312

Item 40: Authorize an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to align the Program Statement with 2009 state statute changes including permitting the sale of non-developable property to eligible adjacent property owners, permitting the sale of two adjacent properties to a developer if at least one of the properties is developable and permitting a developer to exchange a property purchased from the Land Bank with any other property owned by the developer with agreement to construct an affordable house - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2313

Item 41: Authorize a fifth amendment to the land bank contract with the Dallas Housing Acquisition and Development Corporation to: **(1)** extend the term of the contract to September 30, 2010; **(2)** provide that the City may refer up to 300 parcels of real property intended for acquisition by the Land Bank for filing of tax lawsuits by March 31, 2010; and **(3)** provide pro bono legal services to prosecute the lawsuits during the extended term of the contract - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2314

Item 42: Authorize a fifth amendment to the Land Bank Interlocal Cooperation Contract by and among the City of Dallas, Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District to: **(1)** extend the term of the contract to September 30, 2010; and **(2)** provide that the City may refer up to 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2010 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2315

Item 43: Authorize approval of the 2009-2010 Dallas-Fort Worth International Airport Board Annual Budget - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2316

Item 44: Authorize a contract for the construction of a new playground at White Rock Lake Park located at 445 Peavy Road - A S Con, Inc., lowest responsible bidder of seven - \$143,530 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2317

Item 45: Authorize **(1)** an increase in the contract with Rogers-O'Brien Construction Company, Ltd. for modifications to the foundation, plumbing, glass block weir, fountain vault floor coating and sound system at the Esplanade Fountain; landscaping revisions at the Parry Avenue Gate wall; and additional paint removal at the Esplanade Fountain and Parry Avenue Gate in the amount of \$40,008 at Fair Park; and renovation of the Kiest Park tennis courts, including removal and replacement of the existing play surface, new fencing, striping and nets in the amount of \$502,186; **(2)** the acceptance of funds from the United States Tennis Association in the amount of \$70,000; **(3)** the receipt and deposit of funds in the amount of \$70,000; and **(4)** an increase in appropriations in the Capital Gifts, Donation and Development Funds in the amount of \$70,000 - Not to exceed \$542,194, from \$12,848,445 to \$13,390,639 - Financing: 1995 Bond Funds (\$117,405), 1998 Bond Funds (\$33,555), 2006 Bond Funds (\$146,467), 2003 Bond Funds (\$174,767), and Capital Gifts, Donation and Development Funds (\$70,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2318

Item 46: Authorize a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation for replacement of guide signs on IH 35 and IH 30 changing Industrial Boulevard to Riverfront Boulevard - Not to exceed \$15,974 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2319

Item 47: Authorize **(1)** an amendment to Resolution No. 07-2616, previously approved on September 12, 2007, to change the number of project locations from 73 to 54 for reimbursement of funds for engineering services and staff expenses to update traffic signal timings (list attached); and **(2)** a required City local match in an amount not to exceed \$23,900 - Total not to exceed \$520,112 - Financing: Texas Department of Transportation Grant Funds (\$496,212), Current Funds (\$23,900)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2320

Item 48: Authorize a contract for the construction of Bridge Repair and Modification Group 09-01 (list attached) - Texas Standard Construction, Ltd., lowest responsible bidder of five - Not to exceed \$1,461,602 - Financing: 2003 Bond Funds (\$508,441) and 2006 Bond Funds (\$953,161)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2321

Item 49: Authorize a contract for the construction of erosion control improvements for four erosion projects (list attached) - Erosion and Retaining Wall Structures, Inc., lowest responsible bidder of seven - Not to exceed \$747,154 - Financing: 2006 Bond Funds (\$507,374) and 2003 Bond Funds (\$239,780)

Councilmember Atkins requested that consent agenda item 49 be considered as an individual item. Mayor Leppert stated that consent agenda item 49 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

The following individual addressed the city council regarding the item:

Thelmer J. Norman, 2628 Blackstone Dr., representing Cliffwood Homeowners Association

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2322

Item 50: Authorize a contract for the construction of streetscape, sidewalks, water and wastewater adjustment improvements for Houston School Road at Laureland Road - Axis Contracting, Inc., lowest responsible bidder of seven - Not to exceed \$139,554 - Financing: 2006 Bond Funds (\$139,154) and Water Utilities Capital Construction Funds (\$400)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2323

Item 51: Authorize a contract for the construction of utility upgrades, streetscape, lighting, sidewalks, barrier free ramps, curbs, gutters, and drive approaches for Main Street from Harwood Street to Good Latimer Expressway - Omega Contracting, Inc., lowest responsible bidder of eight - Not to exceed \$2,223,953 - Financing: 2003 Bond Funds (\$1,521,746), Water Utilities Capital Construction Funds (\$40,415), and Water Utilities Capital Improvement Funds (\$661,792)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2324

Item 52: Authorize **(1)** street paving and storm drainage improvements for Stedman Drive from existing concrete pavement north of Stedman Circle to Davenport Road; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on November 9, 2009, to receive comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2325

Item 53: Authorize **(1)** street paving, storm drainage, water and wastewater main improvements for Street Group 03-445; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on November 9, 2009, 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

SEPTEMBER 23, 2009

09-2326

Item 54: Authorize an increase in the contract with Castro Roofing of Texas, L.P. for roof replacement at the Latino Cultural Center located at 2600 Live Oak Street - Not to exceed \$44,737, from \$383,900 to \$428,637 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2327

Item 55: Authorize ordinances granting ten franchises for solid waste collection and hauling, pursuant to Chapter XIV, of the City Charter, and Chapter 18, Article IV, of the Dallas City Code (list attached) - Estimated Annual Revenue: \$5,000

Approved as part of the consent agenda.

Assigned ORDINANCE NOS. 27663, 27664, 27665, 27666, 27667, 27668, 27669, 27670, 27671 AND 27672

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2328

Item 56: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of nine tracts of land containing a total of approximately 63,700 square feet located near the intersection of Colonial Avenue and Starks Avenue for the Trinity Parkway; potential relocation assistance may be warranted - Not to exceed \$134,700 (\$111,700, plus closing costs not to exceed \$23,000) - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2329

Item 57: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of two tracts of land containing a total of approximately 27,449 square feet improved with commercial buildings located at the intersection of Lamar Street and Starks Avenue for the Trinity Parkway; potential relocation assistance may be warranted - Not to exceed \$465,000 (\$445,000, plus closing costs not to exceed \$20,000) - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2330

Item 58: Authorize a contract for the installation of water and wastewater mains at 23 locations and large water valve replacements at 22 locations (list attached) - Ark Contracting Services, LLC, lowest responsible bidder of six - \$5,519,587 - Financing: Water Utilities Capital Improvement Funds (\$5,497,913) and 2003 Bond Funds (\$21,674)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2331

Item 59: Authorize a professional services contract with Black & Veatch Corporation to provide engineering design services for the renewal and capacity improvements of water and wastewater mains at 28 locations (list attached) - \$2,668,635 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2332

Item 60: Authorize a professional services contract with CH2M HILL, Inc. to provide engineering services to implement the development of a pilot program within the Water Utilities Department including on-line water quality monitoring, sampling and analysis, enhanced security monitoring, consumer complaint surveillance, public health surveillance, business intelligence, and implementation of a consequence management plan to enable the City to more proactively monitor and respond to accidental or intentional contamination of the water distribution system for the period December 1, 2008 through November 30, 2011 - Not to exceed \$1,860,880 - Financing: U.S. Environmental Protection Agency Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2333

Item 61: Authorize a professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide engineering design services for the renewal of water and wastewater mains at 34 locations (list attached) - \$1,081,203 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2334

Item 62: Authorize an increase in the contract with Oscar Renda Contracting, Inc. for additional work associated with the 108-inch water transmission line and junction structure as part of the Lake Fork Raw Water Pipeline, Phase V - Not to exceed \$238,640, from \$28,746,600 to \$28,985,240 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2335

Item 63: Authorize Supplemental Agreement No. 1 to the professional services contract with Jacobs Engineering Group, Inc. to continue to provide construction management services for construction contracts related to the East Side Water Treatment Plant and the Bachman Water Treatment Plant - Not to exceed \$3,470,112, from \$2,799,689 to \$6,269,801 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2336

Item 64: Authorize Supplemental Agreement No. 4 to the professional services contract with CP&Y, Inc. for additional engineering services for the design of the East Side Water Treatment Plant expansion to 540 million gallons per day - Not to exceed \$2,143,272, from \$18,954,822 to \$21,098,094 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2337

09-2338

Item 65: 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 SEPTEMBER 23, 2009.

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

Deputy Mayor Pro Tem Medrano requested the vote be divided so the vote on Permit and License Appeal Board could be voted separately.

Mayor Leppert ordered the vote divided, there being no objections raised to Deputy Mayor Pro Tem Medrano's request.

Deputy Mayor Pro Tem Medrano moved to appoint Susan Oakey, Bonnie Mathias, and Rebecca Ann Poling, general public, to the Animal Shelter Commission; Sharon Boyd, to the Board of Adjustment; Maulita Nellie Tafalla, experience in visual arts, Frederick L. Medlin and W. Lee Carter III, Interested Citizen, to the Cultural Affairs Commission; Rickey Don Callahan, experience in real estate, to the Commission on Productivity and Innovation; Robin Moss Norcross, Citizen At Large, Mattia James Flabiano, III, experience in architect, to the Landmark Commission; Dorothy Willis, Otis E. (Bert) Holmes and Eleanor Trachitenberg, 55 years of age or older, to the Senior Affairs Commission; Willie Mae Coleman, resident of South Dallas/Fair Park Area, to the South Dallas/Fair Park Trust Fund Board; Khalil Dewayne Coffield, Freshman, Skyline High School and Peter Hill, Junior, Greenhill School, to the Youth Commission.

Motion seconded by Councilmember Atkins and unanimously adopted.

Deputy Mayor Pro Tem Medrano 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, 2010.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-2337

09-2338

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Deputy Mayor Pro Tem Medrano announced she had a conflict of interest and would abstain from voting or participating in any discussion relating to the appointment of a member to the Permit and License Appeal Board. Deputy Mayor Pro Tem Medrano left the city council chamber.

Councilmember Hill moved to appoint Ricardo Medrano to the Permit and License Appeal Board.

Motion seconded by Councilmember Atkins and unanimously adopted. [Medrano abstain]

Mayor Pro Tem Caraway moved to appoint Michael Davis, Vice-Chair, to the City Plan Commission.

Motion seconded by Councilmember Neumann and unanimously adopted.

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

09-5212	ARC	AUTOMATED RED LIGHT ENFORCEMENT COMMISSION
09-5213	ASC	ANIMAL SHELTER COMMISSION
09-5214	BOA	BOARD OF ADJUSTMENT
09-5215	CAC	CULTURAL AFFAIRS COMMISSION
09-5216	CDC	COMMUNITY DEVELOPMENT COMMISSION
09-5217	CPC	CITY PLAN AND ZONING COMMISSION
09-5218	CPI	COMMISSION ON PRODUCTIVITY AND INNOVATION
09-5219	CPR	DALLAS CITIZENS POLICE REVIEW BOARD
09-5220	CSX	CIVIL SERVICE BOARD ADJUNCT MEMBERS
09-5221	EHC	ENVIRONMENTAL HEALTH COMMISSION
09-5222	LMC	LANDMARK COMMISSION
09-5223	MLB	MUNICIPAL LIBRARY BOARD
09-5224	MLK	MARTIN LUTHER KING JR. COMMUNITY CENTER BOARD
09-5225	PAR	PARK AND RECREATION BOARD
09-5226	PLA	PERMIT AND LICENSE APPEAL BOARD
09-5227	SAC	SENIOR AFFAIRS COMMISSION
09-5228	SDF	SOUTH DALLAS/FAIR PARK TRUST FUND BOARD
09-5229	YAC	YOUTH COMMISSION
09-5230		BOARD OFFICERS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2339

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 66-72, was presented for consideration.

Agenda item 72 was removed from the consent zoning docket, to be considered as an individual hearing.

Agenda item 66: Zoning Case Z089-212 (WE)

Agenda item 67: Zoning Case Z089-224 (RB)

Agenda item 68: Zoning Case Z089-230 (MAW)

Agenda item 69: Zoning Case-Z089-232 (WE)

Agenda item 70: Zoning Case-Z089-235 (MAW)

Agenda item 71: Zoning Case-Z089-245 (WE)

~~Agenda item 72: Zoning Case Z089-135 (WE)~~ **[considered individually]**

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

The following individual addressed the city council regarding the item:

Dave Murry, 210 N. Crowders, spoke on item 66

Deputy Mayor Pro Tem Medrano moved to close the public hearing, accept the recommendations of the city plan commission on the consent zoning cases and pass the ordinances.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2340

Item 66: Zoning Case Z089-212 (WE)

The consent zoning docket, consisting of agenda items 66-72, was presented for consideration.

A public hearing was called on zoning case Z089-212 (WE), an application for and an ordinance granting the renewal of Specific Use Permit No. 1685 for an alcoholic beverage establishment use for a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the northeast corner of Crowdus Street and July Alley

(The staff and city plan commission recommended approval for a three-year period, subject to a site 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:

Dave Murry, 210 N. Crowders, the applicant

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO.27673

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2341

Item 67: Zoning Case Z089-224 (RB)

The consent zoning docket, consisting of agenda items 66-72, was presented for consideration.

A public hearing was called on zoning case Z089-224 (RB), an application for and an ordinance granting a Specific Use Permit for a Bar, lounge, or tavern and an Inside commercial amusement for a Live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest corner of Elm Street and Malcolm X Boulevard

(The staff and city plan commission recommended approval for a two-year period, subject to a site plan and conditions)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27674

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2342

Item 68: Zoning Case Z089-230 (MAW)

The consent zoning docket, consisting of agenda items 66-72, was presented for consideration.

A public hearing was called on zoning case Z089-230 (MAW), regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned a CR Community Retail District on both sides of Vilbig Road between Dennison Street and the alley south of Nomas Street and on the north side of Nomas Street, east of Vilbig Road with consideration being given to and an ordinance granting an R-5(A) Single Family District

(The staff and city plan commission recommended approval for a two-year period, subject to a site plan and conditions)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27675

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2343

Item 69: Zoning Case Z089-232 (WE)

The consent zoning docket, consisting of agenda items 66-72, was presented for consideration.

A public hearing was called on zoning case Z089-232 (WE), an application for and an ordinance granting a Specific Use Permit for a commercial amusement (outside) use on property zoned an MU-3 Mixed Use District on the northeast side of Stemmons Freeway, north of Wycliff Avenue

(The staff and city plan commission recommended approval for a ten-year period, subject to a site plan and conditions)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27676

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2344

Item 70: Zoning Case Z089-235 (MAW)

The consent zoning docket, consisting of agenda items 66-72, was presented for consideration.

A public hearing was called on zoning case Z089-235 (MAW), an application for and an ordinance granting an amendment to Planned Development District No. 805 on the northeast corner of Lake June Road and Masters Drive

(The staff and city plan commission recommended approval subject to a revised Exhibit 805B)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27677

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2345

Item 71: Zoning Case Z089-245 (WE)

The consent zoning docket, consisting of agenda items 66-72, was presented for consideration.

A public hearing was called on zoning case Z089-245 (WE), an application for and an ordinance granting an RR Regional Retail District on property zoned Planned Development District No. 135 for Office uses on the northeast corner of R.L. Thornton Freeway and Philip Avenue

(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 docket.

Assigned ORDINANCE NO. 27678

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2346

Item 72: Zoning Case Z089-135 (WE)

The consent zoning docket, consisting of agenda items 66-72, was presented for consideration.

Councilmember Hunt requested that zoning consent item 72 be considered as an individual item. Mayor Leppert stated that zoning consent item 72 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

A public hearing was called on zoning case Z089-135 (WE), an application for and an ordinance granting an amendment to create two tracts within Planned Development District No. 183 for MU-3 Mixed Use District uses on the southeast corner of North Haskell Avenue and North Central Expressway

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

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

Councilmember Hunt moved to continue the public hearing and hold under advisement until the October 14, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2347

Item 73: Zoning Case Z089-223 (RB) INDIVIDUAL

A public hearing was called on zoning case Z089-223 (RB), an application for and an ordinance granting a Planned Development District for a Medical clinic or ambulatory surgical center and R-5(A) Single Family District Uses on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, located in the east quadrant of Spring Avenue and Foreman Street

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

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

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.

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. (Leppert abstain)

Assigned ORDINANCE NO. 27679

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2348

Item 74: Zoning Case Z078-248 (WE) UNDER ADVISEMENT – INDIVIDUAL

A public hearing was called on zoning case Z078-248 (WE), an application for and an ordinance granting the creation of a new Subdistrict within Subdistrict B in the North Zone within Planned Development District No. 521 for mixed uses and an ordinance granting a Specific Use Permit for gas drilling and a resolution accepting deed restrictions volunteered by the applicant, east of Mountain Creek Parkway, north of Interstate 20 (Lyndon B. Johnson Freeway)

(The staff recommended approval, of a new Subdistrict within Subdistrict B, subject to a conceptual plan and conditions and approval of a Specific Use Permit for gas drilling for a ten-year period with eligibility for automatic renewal of additional ten-year periods, subject to an existing/original condition plan, a site/operation plan for drilling, a site/operation plan for production and conditions subject to deed restriction volunteered by the applicant and city plan commission recommended approval, of a new Subdistrict within Subdistrict B, subject to a conceptual plan and conditions and approval of a Specific Use Permit for gas drilling for a twenty-year period with eligibility for automatic renewal of additional ten-year periods, subject to an existing/original condition plan, a site/operation plan for drilling, a site/operation plan for production and conditions subject to deed restriction volunteered by the applicant)

Note: This item was considered by the City Council at public hearings on May 13, June 10, June 24 and August 26, 2009, and was taken under advisement until September 23, 2009, with the public hearing open.

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

Martin Garza, representing Nestle Waters North America

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

Steve Fort, 4671 Post Oak Dr., **Frisco, TX**, representing Trinity East Energy

Councilmember Neumann moved to close the public hearing and remand back to the City Plan Commission and stated for the record this will allow the applicant to consider expanding and or modifying the location of the area to be included in the Specific Use Permit for gas drilling, consider modifying the number of individual wells to be allowed under the Specific Use Permit and to consider amending the proposed conditions for the new sub-area of Planned Development No. 521 to include language currently being proposed in the deed restrictions.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
09-2348
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Motion seconded by Councilmember Hill.

After discussion, Councilmember Neumann requested that his motion be withdrawn.

Councilmember Hill also withdrew her second to the motion.

After further discussion, Councilmember Neumann moved to continue the public hearing and hold under advisement until the October 28, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2349

Item 75: Zoning Case Z078-313 (WE) UNDER ADVISEMENT – INDIVIDUAL

A public hearing was called on zoning case Z078-313 (WE), an application for and an ordinance granting a Specific Use Permit for gas drilling within Subdistrict B in the North Zone within Planned Development District No. 521 for mixed uses and a resolution accepting deed restrictions volunteered by the applicant, east of Mountain Creek Parkway, north of Interstate 20 (Lyndon B. Johnson Freeway)

(The staff recommended approval for a ten-year period with eligibility for automatic renewal of additional ten-year periods, subject to an existing/original condition plan, a site/operation plan for drilling, a site/operation plan for production, and conditions and deed restrictions volunteered by the applicant and city plan commission recommended approval for a twenty-year period with eligibility for automatic renewal of additional ten-year periods, subject to an existing/original condition plan, a site/operation plan for drilling, a site/operation plan for production, and conditions and deed restrictions volunteered by the applicant)

Note: This item was considered by the City Council at public hearings on May 13, June 10, June 24 and August 26, 2009, and was taken under advisement until September 23, 2009, with the public hearing open.

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

Martin Garza, representing Nestle Waters North America

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

Steve Fort, 4671 Post Oak Dr., **Frisco, TX**, representing Trinity East Energy

Councilmember Neumann moved to close the public hearing, and deny the application without prejudice.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2350

Item 76: A benefit assessment hearing to receive comments on sidewalk paving for Sidewalk Group 03-136, and at the close of the hearing, authorize an ordinance levying benefit assessments (list attached) - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Frank Ward III, P. O. Box 50694
Ozumba Lnuk-X, 4106 Vineyard Dr.

Councilmember Neumann moved to close the public hearing, levying benefit assessments with the following amendments:

- Deleting Green Street from N. Edgefield Avenue to N. Clinton Avenue to N. Winnetka Avenue.

and pass the ordinance.

Motion seconded by Councilmember Davis and unanimously adopted.

Assigned ORDINANCE NO. 27680

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2351

Deep Ellum Public Improvement District

Note: Item Nos. 77 and 78
must be considered collectively.

- Item 77: A public hearing to receive comments regarding the 2009 annual assessment rate for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the Deep Ellum Public Improvement District for the purpose of providing supplemental services and improvements, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 78: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Deep Ellum Public Improvement District (District); approving and adopting the 2009 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Deputy Mayor Pro Tem Medrano and unanimously adopted.

Assigned ORDINANCE NO. 27681

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2352

Dallas Downtown Improvement District

Note: Item Nos. 79 and 80
must be considered collectively.

Item 79: A public hearing to receive comments regarding the 2009 annual assessment rate for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 80: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Dallas Downtown Improvement District; approving and adopting the 2009 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Not to exceed \$628,776 - Financing: Current Funds (subject to appropriations)

No one addressed the city council regarding the item.

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

Motion seconded by Deputy Mayor Pro Tem Medrano and unanimously adopted.

Assigned ORDINANCE NO. 27682

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2353

Lake Highlands Public Improvement District

Note: Item Nos. 81 and 82
must be considered collectively.

Item 81: A public hearing to receive comments regarding the 2009 annual assessment rate for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 82: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District; approving and adopting the 2009 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Jada Wooten, 5620 Live Oak St.

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

Motion seconded by Councilmember Kadane and unanimously adopted.

Assigned ORDINANCE NO. 27683

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2354

Oak Lawn-Hi Line Public Improvement District

Note: Item Nos. 83 and 84
must be considered collectively.

Item 83: A public hearing to receive comments regarding the annual assessment rate for the Oak Lawn-Hi Line Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 84: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District; approving and adopting the 2009 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Frank Ward III, P. O. Box 50694

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

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

Assigned ORDINANCE NO. 27684

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2355

Prestonwood Public Improvement District

Note: Item Nos. 85 and 86
must be considered collectively.

Item 85: A public hearing to receive comments regarding the annual assessment rate for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 86: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District; approving and adopting the 2009 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

Assigned ORDINANCE NO. 27685

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2356

South Side Public Improvement District

Note: Item Nos. 87 and 88
must be considered collectively.

Item 87: A public hearing to receive comments regarding the annual assessment rate for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 88: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the South Side Public Improvement District (District); approving and adopting the 2009 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted. (Atkins absent when vote taken)

Assigned ORDINANCE NO. 27686

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2357

Uptown Public Improvement District

Note: Item Nos. 89 and 90
must be considered collectively.

Item 89: A public hearing to receive comments concerning the 2009 annual assessment rate for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 90: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Uptown Public Improvement District; approving and adopting the 2009 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Councilmember Hill and unanimously adopted.

Assigned ORDINANCE NO. 27687

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2358

Vickery Meadow Public Improvement District **Note:** Item Nos. 91 and 92
must be considered collectively.

- Item 91: A public hearing to receive comments concerning the 2009 annual assessment rate for the Vickery Meadow Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the Vickery Meadow Public Improvement District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 92: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Vickery Meadow Public Improvement District; approving and adopting the 2009 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Lanny Hutchins, 6808 Eastridge Dr.

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

Motion seconded by Councilmember Margolin and unanimously adopted.

Assigned ORDINANCE NO. 27688

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2359

Southwestern Medical TIF District

Note: Item Nos. 93 and 94
must be considered collectively.

Item 93: A public hearing to receive comments on an amendment to Tax Increment Financing Reinvestment Zone Number Ten (Southwestern Medical TIF District) Project Plan and Reinvestment Zone Financing Plan (Project Plan) to: (1) increase the total budget by \$9,131,822, an increase from \$18,418,663 to \$27,550,485 (in 2006 dollars); (2) expand the Economic Development Grant Program to allow for grants or loans supporting higher density development and job creation; (3) correct the 2008 base value for the expanded boundary by \$1,651,102, an increase from \$44,823,262 to \$46,474,364 for the final certified roll; and (4) make corresponding modifications to the budget and Southwestern Medical TIF District Project Plan - Financing: No cost consideration to the City

Item 94: An ordinance amending Ordinance Nos. 25965, 26204 and 27433, previously approved by the City Council on April 27, 2005, January 11, 2006 and December 10, 2008 respectively, to: (1) increase the total budget by \$9,131,822, an increase from \$18,418,663 to \$27,550,485 (in 2006 dollars); (2) expand the Economic Development Grant Program to allow for grants or loans supporting higher density development and job creation; (3) correct the 2008 base value for the expanded boundary by \$1,651,102, an increase from \$44,823,262 to \$46,474,364 for the final certified roll; and (4) make corresponding modifications to the budget and Southwestern Medical TIF District Project Plan- Financing: No cost consideration to the City

Deputy Mayor Pro Tem Medrano moved to continue the public hearing and hold under advisement until the October 14, 2009 voting agenda meeting of the city council.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2360

Southwestern Medical TIF District

Note: Item Nos. 95 and 96
must be considered collectively.

Item 95: Authorize **(1)** an amendment to the Southwestern Medical TIF District Grant Program to broaden the list of eligible expenditures; and **(2)** a development agreement with Amarone, L.P. for the development of The Butler project located in the Southwestern Medical TIF District in an amount not to exceed \$7,650,000 from the Southwestern Medical TIF revenues - Not to exceed \$7,650,000 - Financing: Southwestern Medical TIF District Funds

Item 96: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Ten (Southwestern Medical TIF District), to reimburse Amarone, L.P., in an amount not to exceed \$7,650,000 for certain improvements related to the development of The Butler project in the Southwestern Medical TIF District - Financing: No cost consideration to the City

The City Secretary announced that Deputy Mayor Pro Tem Medrano deferred consideration of agenda items 95 and 96 until the October 28, 2009 voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedures.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2361

Maple/Mockingbird TIF District

Note: Item Nos. 97 and 98
must be considered collectively.

Item 97: A public hearing to receive comments on a boundary amendment to Tax Increment Financing Reinvestment Zone Number Eighteen (Maple/Mockingbird TIF District) under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311) to increase the geographic area of the Maple/Mockingbird TIF District by including three adjacent properties - Financing: No cost consideration to the City

Item 98: An ordinance amending Ordinance No. 27435, previously approved on December 10, 2008, to increase the geographic area of the Tax Increment Financing Reinvestment Zone Number Eighteen (Maple/Mockingbird TIF District) to include three adjacent properties - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

Assigned ORDINANCE NO. 27689

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2362

Item 99: An ordinance **(1)** approving the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Eighteen (Maple/Mockingbird TIF District); and **(2)** authorizing a participation agreement with Dallas County for Tax Increment Financing Reinvestment Zone Number Eighteen - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Medrano moved to pass the ordinance.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

Assigned ORDINANCE NO. 27690

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2363

Item 100: Consideration of authorization of a public hearing to determine the proper zoning on property zoned IM Industrial Manufacturing on both sides of the 1300 Block of Amos Street with consideration given to appropriate zoning for the area including use, development standards, and other appropriate regulations that would allow for single family uses - Financing: No cost consideration to the City (via Councilmembers Atkins, Davis, Jasso, Kadane & Salazar)

Councilmember Salazar moved to approve the item.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

Closed Session [**09-2364; HELD**]

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

- City of Dallas v. The Dallas Morning News, LP, Cause No. 06-06607-J
- Darrel Rundus v. City of Dallas, et al., No. 3:06-CV-1823-BD
- Carrie Ann Inman and Douglas Manani, Claim No. 09245789

At 12:43 p.m., Mayor Leppert 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. The Dallas Morning News, LP, Cause No. 06-06607-J
- Darrel Rundus v. City of Dallas, et al., No. 3:06-CV-1823-BD
- Carrie Ann Inman and Douglas Manani, Claim No. 09245789

Mayor Leppert reconvened the city council meeting after the closed session at 1:37 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2365

Addendum addition 1: Authorize **(1)** the application for and acceptance of a grant from the Transportation Security Administration for reimbursement through a Federal Other Transaction Agreement for the design and installation of a closed circuit television system for Dallas Love Field in the amount of \$3,641,850; and **(2)** execution of the Federal Other Transaction Agreement - Not to exceed \$3,641,850 - Financing: Transportation Security Administration (TSA) Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2366

Addendum addition 2: Authorize Supplemental Agreement No. 6 to the professional services contract with Unison Consulting, Inc. for the preparation and delivery of a bond feasibility study regarding the Love Field Modernization Program bond financing for Dallas Love Field - Not to exceed \$150,000 - Financing: Aviation Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2367

Addendum addition 3: At the direction of the city council, approval of designated absences of city council members to be deemed for "official city business" - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2368

Addendum addition 4: Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2009 through September 30, 2010 - Not to exceed \$7,222,495 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2369

Addendum addition 5: An ordinance abandoning a portion of Cullum Lane to 9661 Schmitz, LP and Dallas Area Rapid Transit, the abutting owners, containing approximately 2,985 square feet of land located near its intersection with Denton Drive and Webb Chapel Road and authorizing the quitclaim - Revenue: \$33,581 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27691

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2370

Addendum addition 6: Authorize a fourth amendment to the lease agreement with Towne Square Market LP to amend the lease of approximately 11,500 square feet of office space in Towne Market Shopping Center near Buckner Boulevard and John West Road to remove approximately 3,400 square feet of space from the lease description currently under use by Maternal Child Health Program and extend the lease term an additional four years for the continued use of the remaining approximately 8,100 square feet as a Women, Infants and Children Program for the period June 1, 2015 through May 31, 2019, plus additional rental for leasehold improvements not to exceed \$243,257 - Total not to exceed \$745,457 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2371

Addendum addition 7: Authorize payment to the Texas Commission on Fire Protection for the annual certification of uniformed Dallas Fire-Rescue personnel as required by the Texas Commission on Fire Protection - \$58,485 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2372

Addendum addition 8: Authorize an amendment to the 2009 City Calendar to: **(1)** cancel the City Council Briefing Meeting scheduled for October 7, 2009; and **(2)** designate the official City Holiday observed on November 27, 2009 as September 11th Remembrance Day/Day After Thanksgiving - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2373

Addendum addition 9: Authorize a Memorandum of Understanding with the United States Marshals Service for the Dallas Police Department to partner in the U.S. Marshals Service Dallas/Fort Worth Fugitive Apprehension Strike Team task force for improving public safety and reducing violent crime - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2374

Addendum addition 10: Authorize **(1)** an increase in the contract with A & R Demolition for additional work related to unforeseen conditions encountered during the demolition of Reunion Arena; and **(2)** the addition of 30 calendar days to the contract - Not to exceed \$460,000, from \$2,138,800 to \$2,598,800 - Financing: Convention and Event Services Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2375

Addendum addition 11: Authorize **(1)** the acceptance of a grant from the Communities Foundation of Texas (CFT), Mabel Peters Caruth Fund for the administration of the Loving My Community Neighborhood Improvement Grant to provide financial assistance to neighborhood groups through competitive grants for projects that will improve the area's quality of life; **(2)** establishment of appropriations in the amount of \$200,000 in the Communities Foundation of Texas (CFT), Mabel Peters Caruth Fund; and **(3)** execution of the grant agreement - Total not to exceed \$200,000 - Financing: The Communities Foundation of Texas, Mabel Peters Caruth Funds (\$100,000) and Current Funds (\$100,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2376

Addendum addition 12: Authorize **(1)** acceptance of a donation from the Trinity Trust Foundation through the Dallas Foundation in an amount not to exceed \$2,000,000 for the creation and operation of the Dallas Urban Design Studio; **(2)** establishment of appropriations in an amount not to exceed \$2,000,000; and **(3)** execution of an agreement with the Trinity Trust Foundation for the creation and funding of the Dallas Urban Design Studio - Not to exceed \$2,000,000 - Financing: Private Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2377

Addendum addition 13: Final reading and adoption of appropriation ordinances for the proposed FY 2009-10 City of Dallas Operating, Grants and Trusts, and Capital Budgets - Financing: No cost consideration to the City

Councilmember Allen moved to approve the ordinances with the following amendments:

Reduce funding in the Mayor and Council budget by \$1,000; specifically from the office account for City Council District 5;

Increase funding in the Library budget by \$1,000, to be used for materials; and

Include The Office of Cultural Affairs that was inadvertently omitted as a separate department in the version of the ordinance.

Motion seconded by Councilmember Natinsky.

Later in the meeting, Councilmember Hunt moved to divide the vote approving the Operating, Grants and Trusts and Capital Budgets ordinance so the Capital Budget could be voted on separately.

Motion seconded by Councilmember Hill and unanimously adopted.

After discussion, Mayor Leppert called the vote on the Operating, Grants and Trusts Budget:

Voting Yes: [14] Leppert, Caraway, Medrano, Jasso, Neumann, Hill, Salazar, Davis, Atkins, Kadane, Allen, Koop, Natinsky, Hunt

Voting No: [1] Margolin

Mayor Leppert declared the motion adopted.

After further discussion, Councilmember Hunt moved to amend the recommended Capital Budget to spend no more than 140 million dollars on the general obligation bonds.

Motion seconded by Councilmember Margolin.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-2377

Page 2

After discussion, Councilmember Davis moved to substitute Councilmember Hunt's motion to amend the recommended Capital Budget to spend no more than 140 million dollars on the general obligation bonds and to approve the recommended Capital Budget as presented.

Motion seconded by Councilmember Salazar.

After further discussion, Mayor Leppert called the vote on the Capital Budget Ordinance as presented:

Voting Yes: [13] Leppert, Caraway, Medrano, Jasso, Neumann, Hill, Salazar, Davis,
Atkins, Kadane, Allen, Koop, Natinsky

Voting No: [2] Margolin, Hunt

Mayor Leppert declared the motion adopted.

Assigned ORDINANCE NOS. 27692 AND 27693

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2378

Addendum addition 14: An ordinance setting the tax rate at 74.79¢ per \$100 valuation and levying ad valorem taxes for the City of Dallas, Texas for FY 2009-10 - Financing: No cost consideration to the City

Councilmember Natinsky moved to pass the ordinance.

Motion seconded by Councilmember Neumann.

Councilmember Atkins moved to substitute Councilmember Natinsky's motion to pass the ordinance setting the tax rate at 74.79¢ per \$100 valuation and levying ad valorem taxes and to amend the ordinance setting the tax rate from 74.79¢ per \$100 valuation to 75.79¢ per \$100 valuation.

Motion seconded by Councilmember Davis.

After discussion, Mayor Leppert called the vote on Councilmember Atkins' substitute motion to amend the ordinance setting the tax rate from 74.79¢ per \$100 valuation to 75.79¢ per \$100 valuation.

Voting Yes: [4] Hill, Salazar, Atkins, Davis

Voting No: [11] Leppert, Caraway, Medrano, Jasso, Neumann, Kadane, Allen, Koop, Natinsky, Margolin, Hunt

Mayor Leppert declared the motion failed.

After further discussion, Mayor Leppert called the vote on Councilmember Natinsky's motion setting the tax rate at 74.79¢ per \$100 valuation and levying ad valorem taxes:

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

Voting No: [3] Hill, Atkins, Davis

Mayor Leppert declared the motion adopted.

Assigned ORDINANCE NO. 27694

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2379

Addendum addition 15: An ordinance amending Chapters 2, 10, 10A, 10B, 13, 15D, 17, 18, 27, 45, 48A and 51A of the Dallas City Code to revise and establish various fees for City services - Estimated Revenue: \$11,302,111

Councilmember Allen moved to pass the ordinance.

Motion seconded by Councilmember Natinsky and unanimously adopted.

Assigned ORDINANCE NO. 27695

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2380

Addendum addition 16: An ordinance amending Chapter 16 of the Dallas City Code to revise and establish various fees for City services - Estimated Revenue: \$500,000

Councilmember Allen moved to pass the ordinance.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

Assigned ORDINANCE NO. 27696

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2381

Addendum addition 17: Authorize **(1)** restatement of the original UnitedHealthcare Agreement to include all subsequent amendments and increase the original five-year administrative cost from \$13,662,546 to \$13,862,546; and **(2)** approval of the proposed health coverage premium rates - Total cost is based on the number of employee/retiree participants in the plan - Financing: Employee Benefits Current Funds (subject to appropriations)

Councilmember Allen moved to delete the item.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2382

Addendum addition 18: Authorize **(1)** position changes; **(2)** approval of revised salary schedules for fiscal year 2009-10; **(3)** five unpaid furlough days, November 25, 2009, December 31, 2009, February 12, 2010, May 28, 2010 and July 2, 2010 for all civilian employees; **(4)** the City Manager to make operational and scheduling changes necessary to implement the furlough days; and **(5)** elimination of Fire Rescue Department Graduation Incentive Pay

Councilmember Allen moved to approve the item with the following amendment:

To include Attachment B, the addition of 191 Police Officer on page 39 of the document.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2383

Addendum addition 19: Authorize a reorganization ordinance amending multiple chapters of the Dallas City Code to provide for the restructuring of various City services; the redistribution of responsibility for the delivery of various City services; and the performance of various City functions effective October 1, 2009 - Financing: This action has no cost consideration the City

The Mayor announced that council approval of the item required the favorable vote of three-fourths of the city council.

Councilmember Allen moved to pass the ordinance.

Motion seconded by Councilmember Margolin and unanimously adopted.

Assigned ORDINANCE NO. 27697

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2384

Addendum addition 20: Authorize **(1)** preliminary adoption of Substantial Amendment No. 1 to the: **(a)** FY2009-10 Consolidated Plan Budget; **(b)** FY2008-09 Community Development Block Grant - Recovery Funds Budget; and **(c)** FY2008-09 Homeless Prevention and Rapid Re-Housing Program Budget for U.S. Department of Housing and Urban Development Grant Funds to align the City departments and services to the City's organizational restructure for FY2009-10; and **(2)** a public hearing to be held on October 28, 2009 to receive comments on Substantial Amendment No. 1 to the: **(a)** FY2009-10 Consolidated Plan Budget; **(b)** FY2008-09 Community Development Block Grant - Recovery Funds Budget; and **(c)** FY2008-09 Homeless Prevention and Rapid Re-Housing Program Budget to align City departments and services to the City's FY2009-10 organizational restructure - Financing: No cost consideration to the City

Councilmember Allen moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2385

Addendum addition 21: An ordinance amending Chapters 19 and 49 of the Dallas City Code to establish and adjust certain rates, charges and fees relating to water and wastewater services for Dallas and customer cities effective October 1, 2009 (fee list attached) - Estimated Revenue: \$17,294,998

Councilmember Allen moved to pass the ordinance.

Motion seconded by Councilmember Salazar.

After discussion, Mayor Leppert called for a vote on the motion.

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Margolin voting "No."

Assigned ORDINANCE NO. 27698

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2386

Addendum addition 22: A public hearing to receive comments to amend the City of Dallas' Thoroughfare Plan to: **(1)** delete Colorado Boulevard from Westmoreland Road to Cockrell Hill Road, a four lane undivided roadway (S-4-U) within 60 feet of right-of-way; **(2)** add Pinnacle Point Drive from Cockrell Hill Road to Pinnacle Park Boulevard as a four-lane undivided roadway (S-4-U) within 60 feet of right-of-way; **(3)** add Pinnacle Park Boulevard from Pinnacle Point Drive to Fort Worth Avenue as a four-lane undivided roadway (S-4-U) within 60 feet of right-of-way; **(4)** add Unnamed Central West 1 (Unnamed CW1) as a special two lane undivided (SPCL 2U) roadway within 64 to 80 feet of right-of-way, and at the close of the hearing, **(5)** authorize an ordinance implementing the changes - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Neumann moved to close the public hearing with the following amendment:

Correct **(4)** Unnamed CW1 as a special four lane undivided (SPCL 2U) roadway within 64 to 80 feet of right-of-way

and pass the ordinance.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

Assigned ORDINANCE NO. 27699

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 23, 2009

09-2387

NOTICE OF DEFERRED OR DELETED ITEMS

CITY COUNCIL MEETING

SEPTEMBER 23, 2009

POSTED ON FRIDAY, SEPTEMBER 18, 2009

THE FOLLOWING AGENDA ITEMS HAVE BEEN DEFERRED AND/OR DELETED ON THE CITY COUNCIL VOTING AGENDA MEETING BY MEMBERS OF THE COUNCIL AND CITY MANAGER IN ACCORDANCE WITH RULE 7.11 OF THE CITY COUNCIL RULES OF PROCEDURE:

Agenda Item 95: Authorize (1) an amendment to the Southwestern Medical TIF District Grant Program to broaden the list of eligible expenditures; and (2) a development agreement with Amarone, L.P. for the development of The Butler project located in the Southwestern Medical TIF District in an amount not to exceed \$7,650,000 from the Southwestern Medical TIF revenues - Not to exceed \$7,650,000 - Financing: Southwestern Medical TIF District Funds [**DEFERRED BY DEPUTY MAYOR PRO TEM MEDRANO**]

Agenda Item 96: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Ten (Southwestern Medical TIF District), to reimburse Amarone, L.P., in an amount not to exceed \$7,650,000 for certain improvements related to the development of The Butler project in the Southwestern Medical TIF District - Financing: No cost consideration to the City [**DEFERRED BY DEPUTY MAYOR PRO TEM MEDRANO**]

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 23, 2009

EXHIBIT C