

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, NOVEMBER 8, 2006

06-3060

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

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

ABSENT: [0]

The meeting was called to order at 9:29 a.m.

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

Mayor Miller asked all members of the city council and the audience to stand for a moment of silence.

Richard Gomez, Thomas Jefferson High School, led the pledge of allegiance.

The meeting agenda, which was posted in accordance with Chapter 551, "OPEN MEETINGS," of the Texas Government Code, was presented.

After all business properly brought before the city council had been considered the city council adjourned at 5:20 p.m.

Mayor

ATTEST:

City Secretary

The meeting agenda is attached to the minutes of this meeting as EXHIBIT A.

The actions taken on each matter considered by the city council are attached to the minutes of this meeting as EXHIBIT B.

Ordinances, resolutions, reports and other records pertaining to matters considered by the city council, are filed with the city secretary as official public records and comprise EXHIBIT C to the minutes of this meeting.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, NOVEMBER 8, 2006

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, NOVEMBER 8, 2006

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3061

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: Billy MacLeod, 4152 Harvest Hill Rd
SUBJECT: A Non- Partisan City

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
SUBJECT: Ongoing problems with DPD officers, Mayor, Code Compliance

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Corruption with Trinity River Plan

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3062

Item 1: Approval of Minutes of the October 25, 2006 City Council Meeting

Councilmember Rasansky moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3063

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-43 and addendum addition consent agenda items 1-16, were presented for consideration.

The city secretary announced the city manager had deleted consent agenda item 36 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

The city secretary requested that consent agenda item 8 be considered as an individual item to allow citizens to speak. Mayor Miller stated that consent agenda items 8 would be considered as an individual item later in the meeting to allow citizens to speak, there being no objection voiced to the city secretary's request.

Councilmember Natinsky requested that consent agenda item 30 be considered as an individual item. Mayor Miller stated that consent agenda item 30 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

Councilmember Rasansky requested that consent agenda items 5, 8, 9, 12, 13, 31 and addendum addition consent agenda items 1, 6, 7, 9, 10, and 12 be considered as individual items. Mayor Miller stated that consent agenda items 5, 8, 9, 12, 13, 31 and addendum addition consent agenda items 1, 6, 7, 9, 10, and 12 be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Rasansky moved to approve all items on the consent agenda with the exception of consent agenda items 5, 8, 9, 12, 13, 30, 31, 36 and addendum addition consent agenda items 1, 6, 7, 9, 10, and 12 which would be considered later in the meeting.

Motion seconded by Councilmember Oakley and unanimously adopted. (Garcia absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3064

Item 2: Authorize **(1)** a professional services contract with HNTB, Inc. to provide preliminary engineering services for bicycle and pedestrian enhancements for Phase VI of the KATY Trail from Winton Street to Worcola Street, **(2)** the receipt and deposit of funds from the Texas Department of Transportation in an amount not to exceed \$212,598, and **(3)** an increase in appropriations in the amount of \$212,598 in the Capital Projects Reimbursement Fund - Total not to exceed \$265,748 - Financing: 1998 Bond Funds (\$53,150) and Capital Projects Reimbursement Funds (\$212,598)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3065

Item 3: Authorize a Local Project Advanced Funding Agreement with the Texas Department of Transportation for design, right-of-way acquisitions, and construction of bicycle and pedestrian enhancements on Phase VI of the KATY Trail from Winton Street to Worcola Street - \$20,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3066

Item 4: Authorize a contract for the construction of a leisure trail, arbor, walkways, landscaping, and trash receptacles at Pagewood Park located at 7300 Pagewood - Wall Enterprises, lowest responsible bidder of two - \$229,050 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3067

Item 5: Authorize a contract for the installation of a new pavilion, lighting for a new pavilion and playground, a footbridge, playground equipment, a drinking fountain, landscaping, concrete trail, parking lot, masonry work, and picnic tables at Martin Weiss Park located at 3400 West Clarendon - Master Construction and Engineering, Inc., best value proposer of two - Not to exceed \$506,453 - Financing: 2003 Bond Funds

Councilmember Rasansky requested that consent agenda item 5 be considered as an individual item. Mayor Miller stated that consent agenda item 5 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting agenda item 5 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3068

Item 6: Authorize a contract for the replacement of the existing swimming pool, renovation of the existing locker rooms, replacement of the dehumidification heating, ventilation and air conditioning equipment, and a new fence system at Bachman Therapeutic Recreation Center located at 2750 Bachman Drive - J C Commercial, Inc., best value proposer of three - Not to exceed \$1,096,365 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3069

Item 7: Authorize a contract for the construction of a new parking lot, relocation of the existing Ignacio Zaragoza statue to the east of the recreation center, removal and replacement of a concrete sidewalk, removal and replacement of the existing drainage channel, and landscaping at Jaycee/Zaragoza Park located at 3114 Clymer - Riverway Contractors and Management, Inc., lowest responsible bidder of three - \$493,200 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3070

Item 8: Authorize a contract for the renovation of the existing rest rooms, drinking fountains, lighting in the gymnasium, painting of the existing walls and ceilings in the gymnasium, installation of a new maple flooring in the gymnasium, and a new power-operated expandable partition at Kidd Springs Recreation Center located at 700 West Canty Street - Dodson Construction, LLC, lowest responsible bidder of five - \$261,410 - Financing: 2003 Bond Funds

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

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3071

Item 9: Authorize **(1)** an eighteen-month master agreement for water and wastewater small services installations in the amount of \$7,044,460, **(2)** an eighteen-month master agreement for water and wastewater mainline extensions and emergency mainline replacements at various locations in the amount of \$2,863,270, and **(3)** a contract for the construction of water and wastewater main replacements at 18 locations in the amount of \$5,349,685 (list attached) - Omega Contracting, Inc., only bidder - Total not to exceed \$15,257,415 - Financing: Water Utilities Capital Improvement Funds (\$5,349,685), Water Utilities Capital Construction Funds (\$9,907,730)

Councilmember Rasansky requested that consent agenda item 9 be considered as an individual item. Mayor Miller stated that consent agenda item 9 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting agenda item 9 was brought up for consideration.

Councilmember Oakley moved to approve the item.

Motion seconded by Councilmember Salazar.

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

Mayor Miller declared the motion adopted on a divided vote, with Councilmember Rasansky voting "No". (Garcia absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3072

Item 10: Authorize an increase in the contract with John Burns Construction Company of Texas, Inc. for additional work associated with the replacement of water and wastewater main improvements at Trunk Avenue from Pennsylvania Avenue to Dallas Street and the alley between Vivian Avenue and East Grand Avenue from Clermont Avenue to Tenison Memorial Road - \$1,801,977, from \$7,886,300 to \$9,688,277 - Financing: Water Utilities Capital Improvement Funds (\$1,792,061), 2003 Bond Funds (\$9,916)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3073

Item 11: Authorize Supplemental Agreement No. 1 to the professional services contract with HDR Engineering, Inc., for additional hydrologic and engineering services to evaluate the water supply yield of Lake Ray Hubbard and the East Fork of the Trinity River - Not to exceed \$158,000, from \$170,000 to \$328,000 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3074

Item 12: Authorize an agreement with TXU Electric Delivery for the installation of 12 rectangular-style street lights along Ross Avenue from Griffin Street to Harwood Street - \$146,734 - Financing: 2003 Bond Funds

Councilmember Rasansky requested that consent agenda item 12 be considered as an individual item. Mayor Miller stated that consent agenda item 12 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting agenda item 12 was brought up for consideration.

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3075

Item 13: Authorize an Interlocal Agreement with Dallas Area Rapid Transit for the relocation of a 66-inch water main in south Broadway Street from south of Burning Tree Lane to Crosby Road and from Fourth Street to north of Belt Line Road - \$536,860 - Financing: Water Utilities Capital Construction Funds

Councilmember Rasansky requested that consent agenda item 13 be considered as an individual item. Mayor Miller stated that consent agenda item 13 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting agenda item 13 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3076

Item 14: Authorize **(1)** a Project Specific Agreement with Dallas County for participation in the design and construction of paving and drainage improvements at the intersection of U.S. 75 at Bryan Street, **(2)** the receipt and deposit of funds from Dallas County in an amount not to exceed \$1,610,000, and **(3)** an increase in appropriations in the amount of \$1,610,000 in the Capital Projects Reimbursement Fund - Total not to exceed \$1,610,000 - Financing: Capital Projects Reimbursement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3077

Item 15: Authorize payment to Dallas Area Rapid Transit for the City's share of design and construction costs for the paving and drainage improvements at the intersection of U.S. 75 at Bryan Street - \$2,530,000 - Financing: 2003 Bond Funds (\$920,000), Capital Projects Reimbursement Funds (\$1,610,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3078

Item 16: Authorize Supplemental Agreement No. 1 to the Participation Agreement with the Downtown Improvement District for the design and construction of Phase 2 of the Central Business District Wayfinding and Signage Program - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3079

Item 17: Authorize an Interlocal Agreement with the Texas Department of Transportation for the design and construction of Phase 2 of the Central Business District Wayfinding and Signage Program - \$1,744 - Financing: Capital Projects Reimbursement Funds (previously advanced by the Downtown Improvement District)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3080

Item 18: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Willibelle Textiles, Inc. of 2 tracts containing a total of approximately 2,389 square feet of land located near the intersection of Live Oak Street and Good Latimer Expressway for the U.S. 75 at Bryan Street Project - \$86,004 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3081

Item 19: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of 3 slope easements containing a total of approximately 4,378 square feet of land, a street easement containing approximately 481 square feet of land, a drainage easement containing a total of approximately 334 square feet of land and 2 vacant lots containing a total of approximately 15,000 square feet of land located near the intersection of Lucas and Production Drives for the Lucas Drive from Harry Hines Boulevard to Maple Avenue Project (list attached) - \$103,415 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3082

Item 20: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of a wastewater easement containing approximately 19,838 square feet of land from John L. Radovich located near the intersection of Trunk and Birmingham Avenues for the Trunk Avenue wastewater improvements - \$22,219 - Financing: Water Utilities Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3083

Item 21: Authorize an increase in the purchase price for the acquisition of two vacant lots located at 5433 and 5501 Bexar Street at their intersection with C. F. Hawn Freeway - \$8,000, from \$12,000 to \$20,000 - Financing: 2002-03 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3084

Item 22: An ordinance abandoning a portion of Payne Street to Peter W. Hurd, the abutting owner, containing approximately 420 square feet of land located near its intersection with Industrial Boulevard, and authorizing the quitclaim - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26503.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3085

Item 23: Authorize the quitclaim of 26 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$372,855

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3086

Item 24: An ordinance abandoning an alley to Creating Congregations Team of the North Texas Conference of the United Methodist Church, Inc., the abutting owner, containing approximately 6,665 square feet of land located near the intersection of Park Lane and Webb Chapel Road, and authorizing the quitclaim - Revenue: \$36,824 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26504.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3087

Item 25: Authorize **(1)** the discharge of the secured, no-interest, forgivable note with Boys & Girls Clubs of Greater Dallas in the amount of \$127,780, and **(2)** the release of lien on real property located at 3004 N. Westmoreland Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3088

Item 26: Authorize a thirty-six-month service contract for courier services with the lowest responsible bidder of five - US Courier & Logistics - Dallas - Not to exceed \$223,724 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3089

Item 27: Authorize exercise of the twelve-month renewal option to the master agreement for title and loan closing services for the Home Repair Program with the most advantageous proposers of five - All American Title Services, Inc., Luis A. Galindo, PLLC, Fee Office for North American Title, Metroplex Title, Inc., Fidelity National Title, and Best Title Services Corporation - Not to exceed \$124,000 - Financing 2006-07 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3090

Item 28: Authorize a thirty-six-month master agreement for grass seed and sod with the lowest responsible bidders of four - Justin Seed in the amount of \$243,035 and Combination Plus Brokers in the amount of \$391,798 - Total not to exceed \$634,833 - Financing: Water Utilities Current Funds (\$34,987), Current Funds (\$599,846)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3091

Item 29: Authorize a thirty-six-month service contract for landscape maintenance at six Police properties with the lowest responsible bidder of three (list attached) - JBA Landscape Maintenance, Inc. - Not to exceed \$240,455 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3092

Item 30: An ordinance adopting a boundary adjustment agreement with the City of Richardson on property located south of Frankford Road and west of Waterview Parkway containing approximately 2.9 acres of land to allow all of the property to be located within the corporate limits of the City of Dallas - Financing: No cost consideration to the City

Councilmember Natinsky requested that consent agenda item 30 be considered as an individual item. Mayor Miller stated that consent agenda item 30 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

Later in the meeting agenda item 30 was brought up for consideration.

Councilmember Natinsky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3093

Item 31: Authorize an amendment to the development agreement with Top Dog - Oak Cliff, L.P., previously approved on January 12, 2005, by Resolution No. 05-0160 to revise the terms for the funding of certain TIF-eligible project costs related to the renovation of Lake Cliff Tower into approximately 60 luxury condominiums located at 329 E. Colorado Boulevard and the new construction of approximately 32,500 square feet of commercial space that was planned for the adjacent property at 1335 N. Zang Boulevard in Tax Increment Financing Reinvestment Zone Number Three (Oak Cliff Gateway TIF District) to (1) allow the development of a larger mixed-use option in lieu of the originally planned 32,500 square foot commercial project at 1335 N. Zang Boulevard, (2) outline revised use, design and investment standards for this development and extend the completion deadline for the new construction at 1335 N. Zang Boulevard to December 31, ~~2008~~2009; (3) reduce requirements for infrastructure improvements; and (4) allow for the apportionment of TIF funding between Lake Cliff Tower and the new mixed-use project at 1335 N. Zang Boulevard with \$3,600,000 payable upon completion of the renovation of the Lake Cliff Tower and \$500,000 payable upon completion of the 1335 N. Zang Boulevard project - Financing: No cost consideration to the City

Corrected on the addendum to the agenda.

Councilmember Rasansky requested that consent agenda item 31 be considered as an individual item. Mayor Miller stated that consent agenda item 31 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting agenda item 31 was brought up for consideration.

Councilmember Oakley moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3094

Item 32: Authorize **(1)** a public hearing to be held on December 13, 2006 to receive comments on an amendment to Tax Increment Reinvestment Zone Number Fourteen (Skillman Corridor TIF District) to increase the geographic area of the Skillman Corridor TIF District boundary to include certain Richardson Independent School District (RISD) campuses to accommodate additional RISD programs and projects to be added to the final project and financing plan in accordance with RISD's participation in the District; and, at the close of the hearing, **(2)** consideration of an ordinance amending Ordinance No. 26148 to reflect the boundary amendment - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3095

Item 33: Authorize **(1)** a development agreement with Perry Homes to provide funding for the design, engineering, professional services, and construction of public improvements for the Farmers Market Way Town Homes in Tax Increment Financing Reinvestment Zone Number Six (Farmers Market TIF District) in the amount of \$90,000; and **(2)** the Farmers Market TIF District Board of Directors to dedicate up to \$90,000 from Farmers Market TIF revenues in accordance with the development agreement - Total not to exceed \$90,000 - Financing: Farmers Market TIF District Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3096

Item 34: Authorize a public hearing to be held on December 13, 2006, to receive comments concerning a proposed change of use in accordance with the Department of Housing and Urban Development, Community Development Block Grant regulations for 87,367 square feet of land known as the Southern Skates Skating Rink located at 2939 E. Ledbetter near the intersection of Ledbetter Drive and Sunnyvale Street - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3097

Item 35: Authorize a professional services contract with Janet Syrcle, RN, LCCE, IBCLC to provide lactation consultation, training and referral services for the Women, Infants, and Children program participants for the period of October 1, 2006 through September 30, 2007 - Not to exceed \$40,000 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3098

Item 36: Authorize the Dallas Housing Finance Corporation's 2006 Single Family Bond Program plan of financing and issuance of one or two series of Dallas Housing Finance Corporation Tax-Exempt Single Family Mortgage Revenue Bonds, Series 2006, in an aggregate principal amount not to exceed \$14,377,022 to provide home mortgages for low- to moderate-income homebuyers - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3099

Item 37: Authorize the reconstruction on-site of one home in accordance with the Replacement Housing Program Statement requirements for the property located at 4910 S. Harwood Street - \$70,000 - Financing: 2005-06 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3100

Item 38: Authorize adoption of the City's Investment Policy regarding funds under the City's control and the investment strategies for each of the funds under the City's management - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3101

Item 39: Authorize twelve-month contracts with Dallas Arboretum and Botanical Society, Inc. in the amount of \$342,050, Texas Discovery Gardens in the amount of \$88,645 and Dallas Audubon Society, Inc. dba Audubon Dallas in the amount of \$35,000 to provide services and programs within the City of Dallas - Total not to exceed \$465,695 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3102

Item 40: Authorize **(1)** the acceptance of the Sexual Assault/Stalking/5 Training grant from the Office of the Governor, Criminal Justice Division to provide specialized training to detectives who investigate sexual assault and stalking offenses in the amount of \$45,000, for the period September 1, 2006 through August 31, 2007, **(2)** a local match in the amount of \$15,000, and **(3)** execution of the grant agreement - Total not to exceed \$60,000 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds (\$45,000) and Current Funds (\$15,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3103

Item 41: Authorize **(1)** the Dallas Police Department to expend funds for overtime, in the amount of \$500,000, to be reimbursed from various federal and state law enforcement agencies for FY 2006-07 in exchange for the participation of the Dallas Police Department in federal and state investigations, and **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$141,100 - Total not to exceed \$641,100 - Financing: Current Funds (\$500,000 to be reimbursed from various federal and state law enforcement agencies)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3104

Item 42: Authorize continuation of the contract with the United States Geological Survey for operation of stream flow and water quality gauging stations in the Trinity River basin with additional stream flow and water quality sampling locations and a study that will determine specific elements in the Red River basin from October 1, 2006 through September 30, 2007 - Not to exceed \$251,646 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3105

Item 43: Authorize a contract with the United States Corps of Engineers for a hydrographic survey of Lewisville Lake and Ray Roberts Lake - Not to exceed \$68,125 - Financing: Water Utilities Current Funds OFFICIAL

Approved as part of the consent agenda.

ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3106

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 44-47 were presented for consideration.

Agenda items 44 and 45 were removed from the consent zoning docket, to be considered as individual hearings.

~~Agenda item 44: Zoning Case Z056-248 (RB)~~ **[considered individually]**
~~Agenda item 45: Zoning Case Z056-282 (WE)~~ **[considered individually]**
Agenda item 46: Zoning Case Z056-300 (RB)
Agenda item 47: Zoning Case Z056-302 (WE)

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

The following citizens addressed the city council regarding the items:

William Hopkins, 2011 Leath St., item 46
Robert Reeves, 900 Jackson St., representing the applicant, items 46, and 47

Councilmember Chaney moved to close the public hearing, accept the recommendation of the city plan commission on the consent zoning cases and pass the ordinances, subject to a site plan and conditions submitted by the applicant as presented as part of the consent zoning docket.

Motion seconded by Councilmember Oakley and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3107

Item 44: Zoning Case Z056-248 (RB)

The consent zoning docket, consisting of agenda items 44-47, were presented.

Councilmember Natinsky requested that consent agenda item 44 be considered as an individual item. Mayor Miller stated that consent agenda item 44 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

Later in the meeting, agenda item 44 was brought up for consideration.

A public hearing was called on zoning case Z056-248 (RB), a City Plan Commission authorized hearing to determine proper zoning with consideration being given to amending the development plan and conditions for the Residential 2 and Residential 3 portions of Planned Development District No. 222 for Shopping Center District Uses on the north line of Frankford Road, west of Preston Road and an ordinance granting the amendments

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

The following individual addressed the city council regarding this item:

William Hopkins, 2011 Leath St

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

Shawn Stevens, 18235 Frankford Lake Cir., homeowner

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

Robert Reeves, 900 Jackson St., representing the owner and the applicant

Councilmember Natinsky moved to hold under advisement until December 13, 2006 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Blaydes and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3108

Item 45: Zoning Case Z056-282 (WE)

The consent zoning docket, consisting of agenda items 44-47, were presented.

Councilmember Thornton-Reese requested that consent agenda item 45 be considered as an individual item. Mayor Miller stated that consent agenda item 45 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Thornton-Reese's request.

Later in the meeting agenda item 45 was brought up for consideration.

A public hearing was called on zoning case Z056-282 (WE), an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school on property zoned a CR-D Community Retail District with a Dry Liquor Overlay on the northeast corner of Scyene Road and Elva Avenue

(The 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:

Santos Martinez, 900 Jackson, representing the applicant

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

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

Assigned ORDINANCE NO. 26506.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3109

Item 46: Zoning Case Z056-300 (RB)

The consent zoning docket, consisting of agenda items 44-47, were presented.

A public hearing was called on zoning case Z056-300 (RB), an application for and an ordinance granting an amendment to Planned Development District No. 344 for a Commercial amusement (inside and outside) use on the north line of Park Lane, northwest of Abrams Road

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

The following individual addressed the city council regarding the item:

William Hopkins, 2011 Leath St.

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

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

Robert Reeves, 900 Jackson St., representing the applicant

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

Motion seconded by Councilmember Oakley and unanimously adopted.

Assigned ORDINANCE NO. 26507.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3110

Item 47: Zoning Case Z056-302 (WE)

The consent zoning docket, consisting of agenda items 44-47, were presented.

During discussion, Mayor Miller called a recess of the city council at 11:58 a.m. to go into closed session as authorized by Section 551.071 of the Texas Open Meetings Act to discuss items 47, 57 and 58 on the agenda along with the items listed.

Mayor Miller reconvened the city council meeting after the closed session at 2:38 p.m.

A public hearing was called on zoning case Z056-302 (WE), an application for and an ordinance granting a CS Commercial Service District on property zoned an IM Industrial Manufacturing District on the south line of West Northwest Highway, west of Newkirk Street

(The city plan commission recommended approval)

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

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

Robert Reeves, 900 Jackson St., representing the applicant

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

Motion seconded by Councilmember Oakley and unanimously adopted.

Assigned ORDINANCE NO. 26508.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3111

Item 48: Zoning Case Z056-303 (WE) INDIVIDUAL

A public hearing was called on zoning case Z056-303 (WE), an application for and an ordinance granting a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas Fair Park Special Purpose District, on the east line of Colonial Avenue at Romine Avenue

(The city plan commission recommended approval)

The following individuals addressed the city council regarding the item:

William Hopkins, 2011 Leath St.

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

Kathlyn Gilliam, 3817 Wendelkin St., representing Clean South Dallas and
Wendelkin/Driskell Neighborhood Association
James Price, 3639 Wendelkin St. representing Wendelkin/Driskell Neighborhood
Association

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

Joe Jeffery, 3530 Snidow Dr. , Plano, TX, representing Pegasus Urban Development,
Group
Sally Johnson, 6234 Lakeshore Dr., design consultant, representing Pegasus Urban
Development Group

Councilmember Chaney moved to close the public hearing, and accept the recommendation of the staff to deny.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3112

Item 49: Zoning Case Z056-304 (WE) INDIVIDUAL

A public hearing was called on zoning case Z056-304 (WE), an application for and an ordinance granting a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas Fair Park Special Purpose District, on the west line of Colonial Avenue, between Driskell Street and Hickman Street

(The city plan commission recommended approval)

The following individuals addressed the city council regarding the item:

William Hopkins, 2011 Leath St.

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

Kathlyn Gilliam, 3817 Wendelkin St., representing Clean South Dallas and
Wendelkin/Driskell Neighborhood Association
James Price, 3639 Wendelkin St. representing Wendelkin/Driskell Neighborhood
Association

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

Joe Jeffery, 3530 Snidow Dr., Plano, TX, representing Pegasus Urban Development,
Group
Sally Johnson, 6234 Lakeshore Dr., design consultant, representing Pegasus Urban
Development Group

Councilmember Chaney moved to closed the public hearing, and accept the recommendation of the staff to deny.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

06-3113

Item 50: Zoning Case Z056-305 (WE) INDIVIDUAL

A public hearing was called on zoning case Z056-305 (WE), an application for and an ordinance granting a D(A) Duplex Subdistrict on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas Fair Park Special Purpose District, on the west line of Colonial Avenue at Driskell Street

(The city plan commission recommended approval)

The following individuals addressed the city council regarding the item:

William Hopkins, 2011 Leath St.

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

Kathlyn Gilliam, 3817 Wendelkin St., representing Clean South Dallas and
Wendelkin/Driskell Neighborhood Association
James Price, 3639 Wendelkin St. representing Wendelkin/Driskell Neighborhood
Association

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

Joe Jeffery, 3530 Snidow Dr., Plano, TX, representing Pegasus Urban Development,
Group
Sally Johnson, 6234 Lakeshore Dr., design consultant, representing Pegasus Urban
Development Group

Councilmember Chaney moved to closed the public hearing, and accept the recommendation of the staff to deny.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3114

Item 51: Zoning Case Z056-265 (RB) INDIVIDUAL

A public hearing was called on zoning case Z056-265 (RB), an application for and an ordinance granting an amendment to the conceptual plan and conditions for Planned Development District No. 561 for TH(A) Townhouse District Uses, CH Clustered Housing District Uses, and Private streets on the north line of Keller Springs Road, west of Preston Road

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

The following individuals addressed the city council regarding the item:

William Hopkins, 2011 Leath St.

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

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

Marty Brown, 5225 Villa Creek Dr., representing the owner

Councilmember Natinsky moved to close the public hearing and follow the recommendation of the city plan commission for approval with the following changes:

- 1) Remove the height restrictions on windows and balconies; and
- 2) Restrict the maximum number of dwelling units in Tract 2 and 3 combined to 144.

and pass the ordinance.

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

Assigned ORDINANCE NO. 26509.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3115

Item 52: Zoning Case Z045-254 (RB) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z045-254 (RB), an application for and an ordinance granting a Planned Development District for Mixed Uses on property zoned as Planned Development District No. 29 for Retail and Multiple Family Uses on the northwest corner of Walnut Hill Lane and North Central Expressway

(The city plan commission recommended approval, subject to a conceptual 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:

William E. Cothrum, 900 Jackson St. representing the applicant
Eric Anderson, 7329 Lakehurst Ave. representing Meadows Neighborhood Association
Jack Craycroft, 5 Hallshire Ct., representing Glen Lakes Homeowners Association
Jerome J. Bradley, 7273 Ashington Dr., representing Windsor Park Homeowners Association

Councilmember Koop moved to close the public hearing and follow the city plan commission's recommendation for approval of a planned development district with the changes shown in the revised ordinance provided in the city council agenda materials dated November 3, 2006, and with the additional changes to the ordinance provided to the city council at this hearing. The additional substantive changes to the November 3 draft are as follows:

- 1) The only access permitted from Tract A to Meadow Park Road is emergency access. The only access permitted from Tract A to Walnut Hill Lane is emergency access and egress only onto Walnut Hill Lane.
- 2) No certificate of occupancy may be issued for any non-residential use until building permits have been issued for building sites that constitute at least one-fifth of the total area of Tract A.
- 3) Trash dumpsters and compactors may not be located within 175 feet of the west property line of this district.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
06-3115
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and pass the ordinance.

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

Assigned ORDINANCE NO. 26510.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3116

Item 53: DEVELOPMENT CODE AMENDMENTS

Consideration of amendments to Chapter 51A, the Dallas Development Code, Section 51A-4.704, to establish appropriate standards for Board of Adjustment consideration of special exceptions for the enlargement of non-conforming uses and an ordinance granting the amendment

(The city plan commission recommended approval)

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 26511.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3117

Item 54: DEVELOPMENT CODE AMENDMENTS

Consideration of amendments to Chapter 51A, the Dallas Development Code, Section 51A-7.203, to establish a presumption that whoever's name or contact information is listed on a sign posted in the right-of-way is responsible for the sign and an ordinance granting the amendment

(The city plan commission recommended approval)

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 26512.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3118

Item 55: DEVELOPMENT CODE AMENDMENTS

Consideration of amendments to Chapters 51 and 51A of the Dallas Development Code, Sections 51-4.221, 51A-4.208, and 51A-4.221, to delete the definition and classification of a sexual encounter center and an ordinance granting the amendment

(The city plan commission recommended approval)

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 26513.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3119

Item 56: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2005-2007 board term updated through November 8, 2006.

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

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

Motion seconded by Councilmember Salazar and unanimously adopted.

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

06-3141	CDC	COMMUNITY DEVELOPMENT COMMISSION
06-3142	CPC	CITY PLAN AND ZONING COMMISSION
06-3143	CPR	DALLAS CITIZENS POLICE REVIEW BOARD
06-3144	CSX	CIVIL SERVICE BOARD ADJUNCT MEMBERS
06-3145	PLA	PERMIT AND LICENSE APPEAL BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3120

Item 57: Authorize an amendment to Resolution No. 03-1922, previously approved on June 25, 2003, and Resolution No. 04-3187 previously approved on November 10, 2004, for the purchase of a facade beautification easement on 1217 Main Street to (1) extend the project deadline from June 30, 2005 to November 15, 2006, and (2) require 50% of the retail space to be occupied prior to TIF payment - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Bill Blackburn, 5555 Amesbury Dr. representing the applicant
Obi Ibeto, 7600 Bradford Pear Dr., the applicant

During discussion, Mayor Miller called a recess of the city council at 11:58 a.m. to go into closed session as authorized by Section 551.071 of the Texas Open Meetings Act to discuss items 47, 57 and 58 on the agenda along with the items listed.

Mayor Miller reconvened the city council meeting after the closed session at 2:38 p.m.

Later in the meeting, Councilmember Natinsky moved to allow the extension of the project deadline with the following conditions:

- 1) Provide City staff with validation of the equity investment made in the project
- 2) Two copies of valid leases of the restaurant and art gallery
- 3) Valid certificates of occupancy by November 15, 2006 for the building and the two tenants (restaurant and art gallery)
- 4) Have in place permanent financing within a period of 30 days from today

Motion seconded by Councilmember Chaney.

After discussion, Councilmember Hunt moved to substitute for Councilmember Natinsky's motion to extend the project deadline with conditions and moved to deny the request to extend the project deadline.

Motion seconded by Deputy Mayor Pro Tem Garcia.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

06-3120

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After further discussion, the Mayor Miller called the vote on Councilmember Hunt's substitute motion to deny the request to extend the project deadline:

Voting Yes: [9] Miller, Garcia, Medrano, Oakley, Griffith, Blaydes,
Koop, Rasansky, Hunt

Voting No: [5] Hill, Thornton-Reese, Chaney, Fantroy, Natinsky

Absent when vote taken: [1] Salazar

The Mayor declared the substitute motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3121

Item 58: Authorize a professional services contract with CH2M Hill for the preparation of the Trinity Lakes design, Phase 1, for the Trinity River Corridor Project - Not to exceed \$9,617,929 - Financing: 1998 Bond Funds

During discussion, Mayor Miller called a recess of the city council at 11:58 a.m. to go into closed session as authorized by Section 551.071 of the Texas Open Meetings Act to discuss items 47, 57 and 58 on the agenda along with items listed.

Mayor Miller reconvened the city council meeting after the closed session at 2:38 p.m.

Councilmember Oakley moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Garcia.

After discussion, Mayor Miller called for a vote on the item.

Mayor Miller declared the motion adopted on a divided vote, with Councilmember Hunt voting "No". (Salazar absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

Closed Session [06-3122; HELD]

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

- Legal issues involving the acquisition of part or all of the property located at 5414 Bexar Street
- Linda Spence v. City of Dallas, Civil Action No. 3:04-CV-1387-N
- City of Dallas v. United States, No. 01-284C

In addition, the Mayor requested that items 47, 57, and 58 be considered during the closed session of the city council as authorized by Chapter 551, "OPEN MEETING,"

At 11:58 a.m., the Mayor announced the closed session of the city council as authorized by Chapter, 551, "OPEN MEETINGS," of the (Texas Open Meetings Act) to discuss the following matters:

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

- Legal issues involving the acquisition of part or all of the property located at 5414 Bexar Street
- Linda Spence v. City of Dallas, Civil Action No. 3:04-CV-1387-N
- City of Dallas v. United States, No. 01-284C
- Item 47, 57, and 58

The Mayor reconvened the city council after the closed session at 2:38 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3123

Addendum addition 1: Authorize **(1)** a contract for design-build for Phase 1 and Phase 2 design services and pre-construction services for improvements including existing seating replacement; concrete repairs, waterproofing and refurbishment of the existing facility; increasing seating capacity from 76,000 to approximately 92,000, with associated decks, foundations, structural system; and addition of concessions and rest rooms at the Cotton Bowl at Fair Park located at 3750 Midway Plaza with Heery International, Inc., most advantageous proposer of three in the amount of \$3,917,250; and, **(2)** an increase in appropriations in the amount of \$3,917,250 in the State Fair of Texas Capital Construction Funds - Total not to exceed \$3,917,250 - Financing: State Fair of Texas Capital Construction Funds

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

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

Councilmember Chaney moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3124

Addendum addition 2: Authorize a contract for the reconstruction of street paving, storm drainage, streetscape, street and pedestrian lighting, water and wastewater main improvements on Bexar Street from the C.F. Hawn (U.S. 175) service road to Brigham Lane - Jeske Construction Company, lowest responsible bidder of five - \$3,145,746 - Financing: 2004-05 Community Development Grant Funds (\$2,161,322), 2005-06 Community Development Grant Funds (\$200,000), Water Utilities Capital Improvement Funds (\$774,519), and Water Utilities Capital Construction Funds (\$9,905)

Approved as part of the addendum addition consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3125

Addendum addition 3: Authorize **(1)** Supplemental Agreement No. 1 to the contract with Schrickel, Rollins and Associates, Inc. for the design, construction documents, bidding, and construction administration services for the standing wave at Moore Park in the amount of \$95,987, from \$61,974 to \$157,961; and, **(2)** the establishment of appropriations in the amount of \$100,000 in the Capital Gifts, Donation and Development Fund - Total not to exceed \$95,987 - Financing: 1998 Bond Funds (\$45,987) and Capital Gifts, Donation and Development Funds (\$50,000)

Approved as part of the addendum addition consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3126

Addendum addition 4: Authorize a three-year service agreement to maintain interoperable hardware, software, and any other additional equipment used for interoperable communications at Dallas Love Field with CoCo Communication Corp. - Sole Source - Not to exceed \$162,810 - Financing: Aviation Current Funds

Approved as part of the addendum addition consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3127

Addendum addition 5: A resolution confirming the sale at public auction on October 18, 2006, of one 2000 Al-Jon 91K compactor, equipment number 019033, to Todd J. Salzillo in the amount of \$26,000 and one 1995 John Deere 744E tractor, equipment number 95306, to Michael A. White in the amount of \$27,600 - Revenue: \$53,600

Approved as part of the addendum addition consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3128

Addendum addition 6: Authorize a twelve-month master agreement for Police squad cars with the lowest responsible bidders of six - Baby Jack II Automotive in the amount of \$5,173,248 and McKinney Dodge in the amount of \$1,068,655 - Total not to exceed \$6,241,903 - Financing: Current Funds

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

Later in the meeting addendum addition agenda item 6 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3129

Addendum addition 7: Authorize an increase in the master agreement with Landmark Equipment for the rental of automobiles and light and heavy equipment to provide the rental of twenty-two rear load refuse trucks to be used for the "Too Good To Throw Away" residential recycling program - Not to exceed \$2,105,490, from \$8,421,960 to \$10,527,450 - Financing: Current Funds

Councilmember Rasansky requested that addendum addition consent agenda item 7 be considered as an individual item. Mayor Miller stated that addendum addition consent agenda item 7 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting addendum addition agenda item 7 was brought up for consideration.

Councilmember Chaney moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3130

Addendum addition 8: Authorize **(1)** rescinding the sixty-month master agreement with Iron Mountain Records Management, Inc., previously approved on August 9, 2006 by Resolution No. 06-2009, for commercial records storage, retrieval and reference services; **(2)** the rejection of bids received for commercial records storage; and, **(3)** the re-advertisement for new bids -
Financing: No cost consideration to the City

Approved as part of the addendum addition consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3131

Addendum addition 9: Authorize a professional services contract for audit and related accounting services with the accounting firm of Weaver and Tidwell, L.L.P., to conduct internal audit and related services of books and other records of on-line hotel reservation companies/hotel room resellers, including Hotels.com, Travelocity.com and/or any other such companies, to determine the existence of potential liability to the City for hotel occupancy taxes and related moneys - Not to exceed \$50,000 - Financing: Convention and Event Services Current Funds

Councilmember Rasansky requested that addendum addition consent agenda item 9 be considered as an individual item. Mayor Miller stated that Addendum addition consent agenda item 9 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting Addendum addition agenda item 9 was brought up for consideration.

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

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Miller abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3132

Addendum addition 10: Authorize a professional services contract for audit and related accounting services with the accounting firm of Weaver and Tidwell, L.L.P., to conduct internal audit and related services of books and other records, prepare reports, and provide related services for continued and additional audits of tenants' performance under the Smirnoff Music Center lease agreement - Not to exceed \$50,000 - Financing: Current Funds

Councilmember Rasansky requested that addendum addition consent agenda item 10 be considered as an individual item. Mayor Miller stated that addendum addition consent agenda item 10 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting addendum addition agenda item 10 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3133

Addendum addition 11: Authorize a new personnel salary schedule to allow flexibility in acquiring the necessary human resources to accomplish the mission of the City Auditor's Office effective November 8, 2006 - Financing: No cost consideration to the City

Approved as part of the addendum addition consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3134

Addendum addition 12: Authorize **(1)** Supplemental Agreement No. 1 to the contract with Fregonese Calthorpe and Associates for additional professional services to provide a Strategic Assessment and Action Plan for the Arts District in an amount not to exceed \$100,000, from \$1,420,000 to \$1,520,000; and **(2)** the acceptance of private funds from various Arts District contributors in the amount of \$60,000 - Total not to exceed \$100,000 - Financing: Current Funds (\$40,000) and Private Funds (\$60,000)

Councilmember Rasansky requested that addendum addition consent agenda item 12 be considered as an individual item. Mayor Miller stated that addendum addition consent agenda item 12 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting addendum addition agenda item 12 was brought up for consideration.

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3135

Addendum addition 13: Authorize an amendment to the contract with the Department of State Health Services to accept additional grant funds for reimbursement of expenses for the Special Supplemental Nutrition Program for women, infants and children for the period October 1, 2005 through September 30, 2006 - Not to exceed \$542,164, from \$9,612,000 to \$10,154,164 - Financing: Department of State Health Services Grant Funds

Approved as part of the addendum addition consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3136

Addendum addition 14: Authorize an amendment to the 2007 City Calendar to cancel the Council-Staff Planning Session currently scheduled for January 18, and 19, 2007 and reschedule it for January 12, 2007 - Financing: No cost consideration to the City

Approved as part of the addendum addition consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3137

Addendum addition 15: Authorize **(1)** a second task agreement with the U.S. Department of Interior National Park Service to receive a second year Groundwork USA Pilot Funding and Technical Assistance grant to continue assistance to communities impacted by brownfields and other derelict land issues to improve their quality of life and encourage economic regeneration through the development and stewardship of park land, recreation areas, nature reserves, trail systems and other environmental improvements in the amount of \$25,000; and **(2)** an increase in appropriations in an amount not to exceed \$25,000, from \$100,000 to \$125,000 - Total not to exceed \$25,000 - Financing: U.S. Department of Interior National Park Service Grant Funds

Approved as part of the addendum addition consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3138

Addendum addition 16: Authorize Supplemental Agreement No. 2 to the contract with Groundwork Dallas, Inc., to meet the terms and conditions outlined in the second task agreement with the U.S. Department of Interior National Park Service, providing assistance to communities impacted by brownfields and other derelict land issues to improve their quality of life and encourage economic regeneration through the development and stewardship of park land, recreation areas, nature reserves, trail systems and other environmental improvements in southeast Dallas - Not to exceed \$50,000, from \$90,000 to \$140,000 - Financing: Groundwork USA Pilot Grant Funds (\$25,000) and Current Funds (\$25,000)

Approved as part of the addendum addition consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3139

Addendum addition 17: Zoning Case Z056-234(RB) INDIVIDUAL

A public hearing was called on zoning case Z056-234 (RB), an application for and an ordinance granting a Specific Use Permit for a Commercial amusement (inside) use limited to a Class A Dance hall on property zoned a CR Community Retail District located on the north line of Camp Wisdom Road, west of American Way

(The 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.

Councilmember Fantroy moved to hold under advisement until the December 13, 2006 voting agenda meeting of the city council and to continue the public hearing at that time.

Motion seconded by Mayor Pro Tem Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 8, 2006

06-3140

Addendum addition 18: Authorize **(1)** adoption of the preliminary FY 2006-07 Consolidated Plan Reprogramming Budget #1 to appropriate \$3,300,000 of Section 108 Intown Housing Program Income for downtown condominium purchases, the acquisition and development for multi-family development, southern sector acquisition, demolition, and infrastructure and construction financing for housing, economic development and mixed-use development; **(2)** a public hearing to be held on December 13, 2006 to receive comments on the proposed use of funds - Financing: No cost consideration to the City

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

Mayor Pro Tem Hill moved to approve the item.

Motion seconded by Councilmember Hunt and unanimously adopted. (Chaney abstain)

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, NOVEMBER 8, 2006

EXHIBIT C