

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 24, 2007

07-0290

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

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

ABSENT: [1] Fantroy

The meeting was called to order at 9:21 a.m.

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

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

Arturo Rodriguez, Skyline 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 4:24 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, JANUARY 24, 2007

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 24, 2007

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0291

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: Glen Pierre, 2005 Foreman
SUBJECT: Cultural center

SPEAKER: William Hopkins, 2011 Leath
SUBJECT: Civil rights violation at south west station, KKK, and DISD

SPEAKER: Ernest Barnett Manning, 9523 Lake Highlands Dr.
SUBJECT: Citizens Concerns

SPEAKER: Charles O'Neal, 2838 Martin Luther King
SUBJECT: Cotton Bowl Renovation

OPEN MICROPHONE – END OF MEETING

SPEAKER: Claud Yeldell, 1624 Corinth
SUBJECT: City

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

SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
SUBJECT: Political Thugs, Hypocrites, and Prostitutes

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0292

Item 1: Approval of Minutes of the January 10, 2007 City Council Meeting

Councilmember Oakley moved to approve the minutes.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0293

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-31 and addendum addition consent agenda items 1-5, were presented for consideration.

The City Secretary requested that addendum addition consent agenda item 1 be considered as an individual item to allow citizens to speak. 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 the City Secretary's request.

Councilmember Natinsky requested that consent agenda item 21 and addendum addition consent agenda item 1 be considered as individual items. Mayor Miller stated that consent agenda item 21 and addendum addition consent agenda item 1 be considered as individual items later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

Councilmember Rasansky requested that consent agenda items 17, 23, 24, and 25 be considered as individual items. Mayor Miller stated that consent agenda items 17, 23, 24, and 25 be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Hunt requested that consent agenda item 17 be considered as an individual item. Mayor Miller stated that consent agenda item 17 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

Councilmember Oakley moved to approve all items on the consent agenda with the exception of consent agenda items 17, 21, 23, 24, 25, and addendum addition consent agenda item 1 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0294

Item 2: Authorize a professional services contract with Halff Associates, Inc. to provide engineering services for the study, design, surveying, and construction administration support to replace water and wastewater mains at 48 locations (list attached) - \$1,573,995 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0295

Item 3: Authorize a contract for the reconstruction of street paving, drainage, water and wastewater main improvements for Street Reconstruction Group 03-607 (list attached) - Tiseo Paving Company, lowest responsible bidder of three - \$5,119,684 - Financing: 2003 Bond Funds (\$2,914,873), Water Utilities Capital Improvement Funds (\$2,095,327) and Water Utilities Capital Construction Funds (\$109,484)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0296

Item 4: Authorize an increase in the contract with V.A. Construction, Inc. for additional excavation and pavement quantities for the reconstruction of alley paving and storm drainage improvements for Alley Group 03-2012 (list attached) - \$30,985, from \$399,684 to \$430,669 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0297

Item 5: Authorize an Advanced Funding Agreement with the Texas Department of Transportation for water and wastewater main relocations in Northwest Highway from west of Lawther Drive to east of Goforth Drive - \$3,052,425 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0298

Item 6: Authorize an Advanced Funding Agreement with the Texas Department of Transportation for a water main relocation and adjustments in Trinity Mills Road from Kelly Boulevard to Midway Road - \$72,265 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0299

Item 7: Authorize an Advanced Funding Agreement with the Texas Department of Transportation for water and wastewater main replacements in Jupiter Road from Garland Road to Centerville Road - \$760,405 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0300

Item 8: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from P.D. England, Ltd. of approximately 8,929 square feet of land located near the intersection of Tatum Avenue and Goodman Street for the Tatum Avenue street improvements - \$35,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0301

Item 9: Authorize settlement in lieu of proceeding further with condemnation in the lawsuit styled City of Dallas v. Charles Remy Tabor, et al., Cause No. cc-02-09879-b, pending in the County Court at Law No. 2, for a tract of land containing approximately 266 acres located at South Loop 12 near State Highway 310 for the Trinity River Corridor Project - \$4,520,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0302

Item 10: An ordinance abandoning street easements to Amesbury-Skillman, L.P., the abutting owner, containing approximately 6,279 square feet of land located near the intersection of Skillman Street and Sandhurst Lane - Revenue: \$82,365 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26553.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0303

Item 11: An ordinance abandoning a portion of Newkirk Street to Hensley Industries, Inc., the abutting owner, containing approximately 1,396 square feet of land and providing for the dedication of not less than 5,000 square feet of needed right-of-way located near the intersection of Newkirk Street and Joe Field Road - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26554.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0304

Item 12: A resolution declaring approximately 28,434 square feet of City-owned land, improved with a fire station, unwanted and unneeded located near the intersection of Shiloh and Centerville Roads and authorizing its advertisement for sale by sealed bid with a minimum bid requirement of \$85,302 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0305

Item 13: A resolution authorizing the conveyance of a rail line easement across City-owned land containing approximately 11,278 square feet to TXI Operations, LP located near the intersection of Manana Drive and Spangler Road - Revenue: \$31,578

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0306

Item 14: A resolution declaring 2 tracts of City-owned land unwanted and unneeded located near the intersection of Haskell Avenue and Bryan Street and authorizing their advertisement for sale by sealed bid (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0307

Item 15: Authorize **(1)** the discharge of the secured, no-interest, forgivable note with Boys & Girls Clubs of Greater Dallas, Inc. in the amount of \$100,000; and **(2)** the release of lien on real property located at 2907 Linfield Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-00308

Item 16: Authorize **(1)** the rejection of the only bid received for street construction barricading services; and, **(2)** the readvertisement for new bids - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0309

Item 17: Authorize a professional services contract for the review of and making recommendations for amendments to the Dallas Development Code with the most advantageous proposer of four - Code Studio, Inc. - Not to exceed \$299,160 - Financing: Building Inspection Current Funds

Councilmember Rasansky and Councilmember Hunt requested that consent agenda item 17 be considered as an individual item. Mayor Miller stated that consent agenda item 17 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's and Councilmember Hunt's request.

Later in the meeting agenda item 17 was brought up for consideration.

Deputy Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0310

Item 18: Authorize a twenty-four-month master agreement for genealogy materials for the Dallas Public Library with the only bidder - The Book House, Inc. - Not to exceed \$300,000 - Financing: Current Funds (\$100,000), Genealogy Funds (\$200,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0311

Item 19: Authorize an increase in the contract with ICE Contractors, Inc. to provide additional asbestos abatement removal services at the Black Dance Theater, Lochwood Branch Library, Fire Station #35, the Bexar Street Improvement Project site, and other various structures ordered demolished by the Urban Rehabilitation Standards Board - Not to exceed \$638,625, from \$2,554,500 to \$3,193,125 - Financing: Demolition Reserve Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0312

Item 20: Authorize an eighteen-month master agreement for plastic sewer couplings and lateral cleanouts with the lowest responsible bidders of two - Beeco, Inc. in the amount of \$105,003 and Mike Harms & Associates in the amount of \$59,929 - Total not to exceed \$164,932 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0313

Item 21: Authorize a twenty-four-month service contract for temporary industrial labor with the lowest responsible bidder of four - Tolman Building Maintenance, Inc. - Not to exceed \$2,720,409 - Financing: Current Funds (\$2,065,001), Water Utilities Current Funds (\$655,408)

Councilmember Natinsky requested that consent agenda item 21 be considered as an individual item. Mayor Miller stated that consent agenda item 21 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 21 was brought up for consideration.

Councilmember Natinsky moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Garcia.

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

Voting Yes: [12] Miller, Garcia, Medrano, Oakley, Thornton-Reese, Salazar, Griffith,
Blaydes, Koop, Natinsky, Rasansky, Hunt

Voting No: [2] Hill, Chaney

Absent: [1] Fantroy

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0314

Item 22: An ordinance authorizing a correction to Ordinance No. 26399 for a Planned Development Subdistrict for LC, Light Commercial Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northeast corner of McKinney Avenue and Fairmont Street to correct the exhibit labels - Z056-201(WE) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26555.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0315

Item 23: Authorize **(1)** a development agreement with 2100 Downtown Condominiums, LLC to provide funding for the design, engineering, professional services, and construction of public improvements for the 2100 Downtown Town Homes Phase I project in Tax Increment Financing Reinvestment Zone Number Six (Farmers Market TIF District); and **(2)** the Farmers Market TIF District Board of Directors to dedicate up to \$271,000 from Farmers Market TIF revenues in accordance with the development agreement - \$271,000 - Financing: Farmers Market TIF District Funds

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

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0316

Item 24: An ordinance amending (1) the Project Plan and Reinvestment Financing Plan (Plan) for Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District); and (2) the ordinance creating the Downtown Connection TIF District in accordance with the Tax Increment Financing Act, (V.T.C.A. Tax Code, Chapter 311), to establish specific programs detailing how the affordable housing budget line item will be expended and to state that all Downtown Connection TIF District funded projects will be required to set aside 10 percent of the units as affordable, with for-sale developments having an option to pay a fee in lieu of providing the affordable units within the project - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 24 be considered as an individual item. Mayor Miller stated that consent agenda item 24 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 24 was brought up for consideration.

Councilmember Rasansky moved to refer the item back to the Economic Development and Housing Committee for further study.

Motion seconded by Councilmember Hunt.

Councilmember Salazar asked Councilmember Rasansky if he would accept a friendly amendment to his motion to refer the item back to the Economic Development and Housing Committee for further study and bring back the item to a city council briefing meeting for consideration.

Councilmember Rasansky accepted Councilmember Salazar's friendly amendment as a part of his motion.

Councilmember Hunt, who seconded the original motion, also accepted Councilmember Salazar's friendly amendment.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

07-0316

Page 2

After discussion, Mayor Miller called the vote on Councilmember Rasansky's motion as modified by Councilmember Salazar's friendly amendment to refer the item back to the Economic Development and Housing Committee for further study and bring back the item to a city council briefing meeting for consideration.

Mayor declared the motion as modified by the friendly amendment, unanimously adopted. (Hill absent when vote taken; Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0317

Item 25: An ordinance amending Chapter 17 of the Dallas City Code to **(1)** adopt the March 15, 2006 Texas Food Establishment Rules, with local amendments; **(2)** define "food establishment" to include an establishment that sells frozen desserts; **(3)** exempt a temporary food service establishment from permitting requirements if it does not serve potentially hazardous food and its weekly gross income does not exceed \$100; **(4)** authorize the director to grant variances to the Texas Food Establishment Rules and Chapter 17; **(5)** provide for variances to allow dogs on outdoor patios of food establishments, under certain conditions and standards; and, **(6)** clarify defenses relating to homeless feeding - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 25 be considered as an individual item. Mayor Miller stated that consent agenda item 25 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 25 was brought up for consideration.

Deputy Mayor Pro Tem Garcia moved to approve the ordinance.

Motion seconded by Councilmember Hunt.

After discussion, Mayor Miller called the vote on Deputy Mayor Pro Tem Garcia's motion:

Voting Yes: [8]Garcia, Medrano, Oakley, Salazar, Griffith, Koop, Natinsky,
Hunt

Voting No: [5] Miller, Thornton-Reese, Chaney, Blaydes, Rasansky,

Absent when vote taken: [1] Hill

Absent: [1] Fantroy

Mayor Miller declared the motion adopted.

Assigned ORDINANCE NO. 26556.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0318

Item 26: **Quality Policy and Occupational Safety and Health Policy** **Note:** Item Nos. 26 and 27 must be considered collectively.

Authorize a Quality Policy to (1) pursue continual improvements in customer service delivery by efficiently utilizing all available resources to enhance the vitality and quality of life for the Dallas community; and (2) comply with *ISO* requirements for registration as specified by the University of Texas at Arlington/Texas Manufacturing Assistance Center and previously authorized on May 10, 2006, by Resolution No. 06-1417, to implement a quality management system based upon *ISO 9001* standards - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0319

Item 27: **Quality Policy and Occupational Safety and Health Policy** **Note:** Item Nos. 26 and 27 must be considered collectively.

Authorize an Occupational Safety and Health Policy to (1) demonstrate excellence in protecting people and property, and minimizing exposure to financial loss; and (2) comply with *ISO* requirements for registration as specified by the University of Texas at Arlington/Texas Manufacturing Assistance Center and previously authorized on May 10, 2006, by Resolution No. 06-1417, to implement a quality management system based upon *ISO 9001* standards - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0320

Item 28: Authorize the reconstruction on-site of four homes in accordance with the Replacement Housing Program Statement requirements for the properties located at 3114 Borger Street in the amount of \$70,000, 3302 Topeka Avenue in the amount of \$70,000, 5139 Beeman Avenue in the amount of \$70,000, and 1835 Dennison Street in the amount of \$70,000 - Total not to exceed \$280,000 - Financing: 2006-07 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0321

Item 29: Authorize the acceptance of a social services block grant from the North Central Texas Council of Governments to provide housing and/or utility assistance for Hurricane Katrina evacuees - Not to exceed \$325,000 - Financing: North Central Texas Council of Governments Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0322

Item 30: Authorize the acceptance of a social services block grant from the North Central Texas Council of Governments to provide continued social services for Hurricane Katrina evacuees for the period of November 1, 2006 through September 30, 2007 - Not to exceed \$529,782- Financing: North Central Texas Council of Governments Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0323

Item 31: Authorize an agreement with the Texas Commission on Environmental Quality for the Sanitary Sewer Outreach Initiatives to address sanitary sewer overflows and encourage publicly-owned treatment works to develop and implement corrective action plans to protect public health and the environment - Financing: No cost consideration to the City

Approved as part of the consent agenda.

ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0324

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 32-34 were presented for consideration.

Agenda items 32 and 33 were removed from the consent zoning docket, to be considered as individual hearings.

~~Agenda item 32: Zoning Case Z067-105 (WE)~~ **[considered individually]**

~~Agenda item 33: Zoning Case Z067-108 (OTH)~~ **[considered individually]**

Agenda item 34: Zoning Case Z056-337 (WE)

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0325

Item 32: Zoning Case Z067-105 (WE)

The consent zoning docket consisting of agenda items 32-34 were presented for consideration.

Councilmember Natinsky requested that consent agenda item 32 be considered as an individual item. Mayor Miller stated that consent agenda item 32 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 32 was brought up for consideration.

A public hearing was called on zoning case Z067-105 (WE), an application for and an ordinance granting an amendment to Specific Use Permit No. 1505 for a private school within Tract F of Planned Development District No. 173 for Single Family, Office, Retail and Park uses on the north side of Frankford Road, east of Hillcrest Road

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

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

Councilmember Natinsky moved to continue the public hearing and hold under advisement until the February 14, 2007 voting agenda meeting of the city council.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Chaney absent when vote taken; Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0326

Item 33: Zoning Case Z067-108 (OTH)

The consent zoning docket consisting of agenda items 32-34 were presented for consideration.

Councilmember Rasansky requested that consent agenda item 33 be considered as an individual item. Mayor Miller stated that consent agenda item 33 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 33 was brought up for consideration.

A public hearing was called on zoning case Z067-108 (OTH), an application for and an ordinance granting an MU-2 Mixed Use District on property zoned a GO(A) General Office District on the north side of Park Lane, east of Greenville Avenue

(The city plan commission recommended approval)

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

Councilmember Rasansky moved to continue the public hearing and hold under advisement until the February 14, 2007 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0327

Item 34: Zoning Case Z056-337 (WE)

The consent zoning docket consisting of agenda items 32-34 were presented for consideration.

A public hearing was called on zoning case Z056-337 (WE), an application for and an ordinance granting an amendment to, and an expansion of, Planned Development District No. 286 for a convalescent center and nursing home on property zoned a TH-2(A) Townhouse District and PDD No. 286 and an ordinance granting the termination of Specific Use Permit No. 553 for a private school and day nursery on the northwest corner of Greenville Avenue and Stults Road

(The city plan commission recommended approval of the expansion of, and amendment to, Planned Development District No. 286, subject to a revised development plan, revised landscape plan and conditions and approval of the termination of Specific Use Permit No. 553)

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

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

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

Assigned ORDINANCE NO. 26557 AND 26558.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0328

Item 35: Zoning Case Z056-338 (WE) UNDER ADVISEMENT – INDIVIDUAL

A public hearing was called on zoning case Z056-338 (WE), an application for and an ordinance granting a Specific Use Permit for an Alcoholic Beverage Establishment for a bar, lounge, or tavern on property within Planned Development District No. 85 for Shopping Center, Office-2 and Multiple Family-3 uses on the northeast corner of Greenville Avenue and Pineland Drive

Note: This item was considered by the City Council at a public hearing on January 10, 2007, and was taken under advisement until January 24, 2007, with the public hearing open.

(The city plan commission recommended approval, for a five-year period with eligibility for automatic renewals for additional five-year periods, 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:

Roger Albright, 3301 Elm, representing the applicant

Councilmember Rasansky moved to close the public hearing and deny approval of the application.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0329

Item 36: Zoning Case Z056-320 (WE) UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z056-320 (WE), an application for and an ordinance granting a Specific Use Permit for an open enrollment charter school on property zoned an R-7.5(A) Single Family District on the south line of Lynnacre Drive, west of Knoxville Drive

Note: This item was considered by the City Council at a public hearing on January 10, 2007, and was taken under advisement until January 24, 2007, with the public hearing open.

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

Deputy Mayor Pro Tem Garcia moved to continue the public hearing and hold under advisement until the February 28, 2007 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0330

Item 37: **Municipal Setting Designation at Ambassador Row and Dividend Drive** **Note:** Item Nos. 37 and 38 must be considered collectively.

A public hearing to receive comments on a proposed municipal setting designation to prohibit use of groundwater beneath property owned by Spirit Master Funding III, LLC located at the intersection of Ambassador Row and Dividend Drive and adjacent street rights-of-way - Financing: No cost consideration to the City

Item 38: An ordinance authorizing support of the issuance of a municipal setting designation to Spirit Master Funding III, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

The City Secretary read the following statement into the record:

"Pursuant to Section 51A-6.108 (g) (3) of the Dallas Development Code, the applicant or licensed representative of the applicant who is familiar with the application must be present and available to answer questions."

The following individual addressed the city council regarding the item:

David Whitten, 750 N. St. Paul, representing the applicant

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

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

Assigned ORDINANCE NO. 26559.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0331

Item 39: **Municipal Setting Designation at Cedar Springs Road and Douglas Avenue** **Note:** Item Nos. 39 and 40 must be considered collectively.

A public hearing to receive comments on a proposed municipal setting designation to prohibit use of groundwater beneath property owned by Redwood Cedar, LLC located at the intersection of Cedar Springs Road and Douglas Avenue and adjacent street rights-of-way - Financing: No cost consideration to the City

Item 40: An ordinance authorizing support of the issuance of a municipal setting designation to Redwood Cedar, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

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

The City Secretary read the following statement into the record:

"Pursuant to Section 51A-6.108 (g) (3) of the Dallas Development Code, the applicant or licensed representative of the applicant who is familiar with the application must be present and available to answer questions."

The following individual addressed the city council regarding the item:

David Whitten, 750 N. St. Paul, representing the applicant

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

Motion seconded by Councilmember Koop and unanimously adopted. (Oakley abstain; Hill absent when vote taken; Fantroy absent)

Assigned ORDINANCE NO. 26560.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-332

Item 41: **Municipal Setting Designation at Hampton Road and Singleton Boulevard** **Note:** Item Nos. 41 and 42 must be considered collectively.

A public hearing to receive comments on a proposed municipal setting designation to prohibit use of groundwater beneath properties owned by Arbor Woods Housing, L.P. located near the intersection of Hampton Road and Singleton Boulevard and adjacent street rights-of-way - Financing: No cost consideration to the City

Item 42: An ordinance authorizing support of the issuance of a municipal setting designation to Arbor Woods Housing, L.P. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

The City Secretary read the following statement into the record:

"Pursuant to Section 51A-6.108 (g) (3) of the Dallas Development Code, the applicant or licensed representative of the applicant who is familiar with the application must be present and available to answer questions."

The following individuals addressed the city council regarding the item:

David Whitten, 750 N. St. Paul, representing the applicant
Ozumba Lnuk-X, 4106 Vineyard Dr
Otis B. Clayborne, 847 Singleton Blvd.

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

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

Assigned ORDINANCE NO. 26561.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0333

Item 43: **Municipal Setting Designation at Lemmon Avenue and Atwell Street** **Note:** Item Nos. 43 and 44 must be considered collectively.

A public hearing to receive comments on a proposed municipal setting designation to prohibit use of groundwater beneath properties owned by Lowe's Home Centers, Inc. located near the intersection of Lemmon Avenue and Atwell Street and adjacent street rights-of-way - Financing: No cost consideration to the City

Item 44: An ordinance authorizing support of the issuance of a municipal setting designation to Lowe's Home Centers, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

The City Secretary read the following statement into the record:

"Pursuant to Section 51A-6.108 (g) (3) of the Dallas Development Code, the applicant or licensed representative of the applicant who is familiar with the application must be present and available to answer questions."

The following individual addressed the city council regarding the item:

Pat Larkin, 901 N. Main St., representing the applicant

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

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

Assigned ORDINANCE NO. 26562.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0334

Item 45: **Municipal Setting Designation at Preston and Belt Line Roads** **Note:** Item Nos. 45 and 46 must be considered collectively.

A public hearing to receive comments on a proposed municipal setting designation to prohibit use of groundwater beneath properties owned by Prestonwood Market Square, Ltd. and HSM Pepper Square Partners, Ltd. located near the intersection of Preston and Belt Line Roads and adjacent street rights-of-way - Financing: No cost consideration to the City

Item 46: An ordinance authorizing support of the issuance of a municipal setting designation to Prestonwood Market Square, Ltd. and HSM Pepper Square Partners, Ltd. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

The City Secretary read the following statement into the record:

"Pursuant to Section 51A-6.108 (g) (3) of the Dallas Development Code, the applicant or licensed representative of the applicant who is familiar with the application must be present and available to answer questions."

The following individual addressed the city council regarding the item:

Scott Deatheros, 1700 Pacific, representing the applicant

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

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

Assigned ORDINANCE NO. 26563.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0335

Item 47: **Municipal Setting Designation at Singleton Boulevard and Borger Street** **Note:** Item Nos. 47 and 48 must be considered collectively.

A public hearing to receive comments on a proposed municipal setting designation to prohibit use of groundwater beneath properties owned by Austin International Ventures, Inc. located near the intersection of Singleton Boulevard and Borger Street and adjacent street rights-of-way - Financing: No cost consideration to the City

Item 48: An ordinance authorizing support of the issuance of a municipal setting designation to Austin International Ventures, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

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

The City Secretary read the following statement into the record:

"Pursuant to Section 51A-6.108 (g) (3) of the Dallas Development Code, the applicant or licensed representative of the applicant who is familiar with the application must be present and available to answer questions."

The following individuals addressed the city council regarding the item:

David Whitten, 750 N. St. Paul, representing the applicant
Otis B. Clayborne, 847 Singleton Blvd.

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

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Fantroy absent)

Assigned ORDINANCE NO. 26564.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0336

Item 49: **Reinvestment Zone No. 67**

Note: Item Nos. 49, 50 and 51
must be considered collectively.

A public hearing to receive comments concerning the creation of a reinvestment zone for commercial tax abatement, to be known as City of Dallas Reinvestment Zone No. 67, incorporating property on the north side of Interstate 20 at Mountain Creek Parkway, for the purpose of granting a real property tax abatement to Building No. 4, Mountain Creek LP. - Financing: No cost consideration to the City

Item 50: An ordinance designating property at Interstate 20 and Mountain Creek Parkway, as City of Dallas Reinvestment Zone No. 67, for the purpose of granting a real property tax abatement to Building No. 4, Mountain Creek LP. establishing the boundaries of the Reinvestment Zone and providing for an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Deputy Mayor Pro Tem Garcia.

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

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

Assigned ORDINANCE NO. 26565.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0337

Item 51: **Reinvestment Zone No. 67**

Note: Item Nos. 49, 50 and 51
must be considered collectively.

Authorize a 75 percent real property tax abatement agreement for 10 years with Building No. 4, Mountain Creek LP. located at the property north of Interstate 20 and west of Mountain Creek Parkway - Revenue: First year revenue estimated at \$22,788; ten-year revenue estimated at \$227,880 (Estimated revenue foregone for ten-year real property tax abatement estimated at \$683,630)

No one addressed the city council regarding the item.

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

Motion seconded by Deputy Mayor Pro Tem Garcia.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0338

Item 52: A public hearing to receive comments regarding authorizing a hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District, CS Commercial Service District, MU-2 Mixed Use District within the Downtown Special Provision Sign District with SUP No. 1484 for a Commercial Amusement Inside use and generally bounded by Interstate 35 and Interstate 30 to the northwest, the Union Pacific Railroad right-of-way to the northeast, the DART Railroad right-of-way to the southeast, and the Trinity River levee to the southwest with consideration given to appropriate zoning for that area including use, development standards, parking, landscaping, sign, and other appropriate regulations - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Linda Henry, 1809 Rock Island, representing the applicant.

Councilmember Medrano moved to close the public hearing and approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0339

Item 53: A public hearing to receive comments regarding authorizing a hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District, CS Commercial Service District, CA-2(A) Central Area District, MU-2(SAH) Mixed Use District, within the Downtown Special Provision Sign District with Specific Use Permit No. 432 for a Private Animal Pound and Specific Use Permit No. 1203 for a Government Installation Other Than Listed on property generally bounded by Continental Avenue to the north, Interstate 35 to the east and south, and the Trinity River levee to the west with consideration given to appropriate zoning for that area including use, development standards, parking, landscaping, sign, and other appropriate regulations - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Salazar moved to close the public hearing and approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0340

Item 54: 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 JANUARY 24, 2007.

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 Chaney requested the vote be divided so the vote on Reinvestment Zone Thirteen Board (Grand Park South) could be voted on separately.

Mayor Miller ordered the vote divided, there being no objections raised to Councilmember Chaney's request.

Councilmember Chaney 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 Deputy Mayor Pro Tem Garcia and unanimously adopted. (Hill absent when vote taken; Fantroy absent)

Councilmember Koop moved to reappoint Maria Gonzalez to the Housing Finance Corporation Board.

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

Councilmember Chaney announced that he had a conflict of interest and would abstain from voting or participating in any discussion relating to the appointment of a member to the Reinvestment Zone Thirteen Board (Grand Park South). Councilmember Chaney left the city council chamber.

OFFICIAL OF THE DALLAS CITY COUNCIL

January 24, 2007

Page 2

Councilmember Koop moved to appoint Sonja McGill, Dallas Member, to the Reinvestment Zone Thirteen Board (Grand Park South).

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

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

07- 0357	HFC	HOUSING FINANCE CORPORATION BOARD
07- 0358	PLA	PERMIT AND LICENSE APPEAL BOARD
07-0359	RZ13	REINVESTMENT ZONE THIRTEEN BOARD (GRAND PARK SOUTH)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0341

Item 55: An ordinance amending Chapter 43 of the Dallas City Code to **(1)** provide license requirements, procedures conditions, and fees for the operation of newsracks on public rights-of-way not open to vehicular traffic; **(2)** provide standards for the installation, operation, maintenance, location, design, and appearance of newsracks; **(3)** provide for the designation of multiple newsrack unit zones; **(4)** provide for enforcement of the newsrack regulations, including removal of newsracks in violation of the regulations and including fines of up to \$500 per violation; and **(5)** provide for appeals from orders and actions of the director - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0342

Item 56: A hearing for Comcast of Dallas, L.P. (Comcast) to show cause why it should not be issued notice of one or more events of default under its franchise with the City of Dallas for the ownership, operation, and maintenance of a cable TV system within the City and for other purposes (Ordinance No. 24361, passed on August 23, 2000, as amended and supplemented) (the Franchise) for failure to make available to the City all records reasonably necessary for the City to audit records reflecting Comcast's gross revenues relevant to the Franchise as required by section 9(e) of the Franchise, and other grounds, and why any such failure should not be determined by the City Council to be the fault of Comcast and within its control as provided in section 14(d) of the Franchise, and related issues - Financing: No cost consideration to the City

Councilmember Natinsky moved to defer the item for 60 days.

Motion seconded by Councilmember Medrano and unanimously adopted. (Rasansky absent when vote taken; Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0343

Item 57: Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 5 tracts of land for the construction of the Northwest Corridor Line Section (NW-1B) located near the intersection of Denton and Kimsey Drives (list attached) - Financing: No cost consideration to the City

Councilmember Medrano moved to defer the item until the February 14, 2007 voting agenda meeting of the city council.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Rasansky absent when vote taken; Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0344

Item 58: Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 8 tracts of land for the construction of the Northwest Corridor Line Section (NW-2) located near the intersections of Manor Way and Owens Street, Harry Hines Boulevard and Cullum Lane and Denton Drive and Mockingbird Lane (list attached) - Financing: No cost consideration to the City

Councilmember Medrano moved to defer the item until the February 14, 2007 voting agenda meeting of the city council.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Rasansky absent when vote taken; Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0345

Item 59: Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 2 tracts of land for the construction of the Northwest Corridor Line Section (NW-1B) located near the intersection of Denton Drive and Sadler Circle (list attached) - Financing: No cost consideration to the City

Councilmember Medrano moved to defer the item until the February 14, 2007 voting agenda meeting of the city council.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Rasansky absent when vote taken; Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0346

Item 60: Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 7 tracts of land for the construction of the Northwest Corridor Line Section (NW-2) located near the intersections of Wyman Street and Denton Drive, Seelcco Street and Denton Drive, Love Field and Denton Drives and Community and Denton Drives (list attached) - Financing: No cost consideration to the City

Councilmember Medrano moved to defer the item until the February 14, 2007 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0347

Item 61: Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of 8 tracts of land for the construction of the Northwest Corridor Line Section (NW-3) located near the intersections of Northwest Highway and Denton Drive, Nagle Street and Denton Drive, and Walnut Hill Lane and Denton Drive (list attached) - Financing: No cost consideration to the City

Councilmember Medrano moved to defer the item until the February 14, 2007 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0348

Item 62: Authorize **(1)** an amendment to the lease agreement with TXI Aviation I, L.L.C. to extend the primary term of the existing lease from November 1, 2016 to ~~October 31, 2046~~, January 31, 2047 with a commitment of \$1,000,000 in capital improvements; and **(2)** a new forty-year lease agreement with TXI Aviation I, L.L.C. containing approximately 2.39 acres of unimproved land to run coterminous with the existing lease and provide capital improvements for an additional \$2,500,000, and increase the annual rental revenue for both leases in the estimated amount of \$40,430, from \$37,638 to \$78,068, increasing the estimated total revenue over the term of the leases in the amount of \$8,000,000, from \$2,500,000 to \$10,500,000 at Dallas Love Field - Estimated Annual Revenue: \$40,430

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0349

Closed Session [**HELD**]

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

- Dallas Police Association v. City of Dallas, Texas,
Civil Action No. 3:06-CV-2018-M
- City of Dallas v. Ernest Manning; Cause Number 05-00422-B
- Hotel Development Texas, Ltd. v. City of Dallas; Cause No. 3:06-CV-2254-M
- City of Dallas v. Hotel Development Texas, Ltd. d/b/a Penthouse Key Club
and 8550 North Stemmons Freeway, Dallas, Texas, in rem;
Cause No. 06-12383-D
- Sergio Ramirez et al. v. City of Dallas, Cause No. 04-09839-L

At 12:50 p.m. the Mayor announced the closed session of the city council authorized by Chapter 551, "OPEN MEETING," of the (Texas Open Meetings Act) to discuss the following matters:

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

- Dallas Police Association v. City of Dallas, Texas,
Civil Action No. 3:06-CV-2018-M
- City of Dallas v. Ernest Manning; Cause Number 05-00422-B
- Hotel Development Texas, Ltd. v. City of Dallas; Cause No. 3:06-CV-2254-M
- City of Dallas v. Hotel Development Texas, Ltd. d/b/a Penthouse Key Club
and 8550 North Stemmons Freeway, Dallas, Texas, in rem;
Cause No. 06-12383-D
- Sergio Ramirez et al. v. City of Dallas, Cause No. 04-09839-L

The Mayor reconvened the city council after the closed session at 2:13 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0350

Addendum addition 1: Authorize a contract for the construction of the new Homeless Assistance Center to be located at 1818 Corsicana Street - Satterfield & Pontikes Construction, Inc., best value proposer of five - \$16,497,590 - Financing: 2005 Homeless Proposition Bond Funds

Councilmember Natinsky 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 Natinsky's request.

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

The following individuals addressed the city council regarding the item:

Scott Barry, President of Independent Baseball

Councilmember Chaney moved to approve the item.

Motion seconded by Councilmember Hunt.

After discussion, Councilmember Natinsky moved to substitute for Councilmember Chaney's motion to defer the item until the February 28, 2007 voting agenda meeting of the city council.

Motion seconded by Councilmember Blaydes.

After discussion, Mayor Miller called the vote on Councilmember Natinsky's substitute motion to defer the item until the February 28, 2007 voting agenda of the city council:

Voting Yes: [3] Thornton-Reese, Blaydes, Natinsky
Voting No: [11] Miller, Hill, Garcia, Medrano, Oakley, Salazar, Chaney,
Griffith, Koop, Rasansky, Hunt
Absent: [1] Fantroy

Mayor Miller declared the motion failed.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
07-0350
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Councilmember Chaney moved to approve the item.

Motion seconded by Councilmember Hunt.

After discussion, Mayor called the vote on Councilmember Chaney's motion to approve the item:

Voting Yes:	[11]	Miller, Garcia, Medrano, Oakley, Thornton-Reese, Salazar, Chaney, Griffith, Koop, Rasansky, Hunt
Voting No:	[2]	Blaydes, Natinsky
Absent when vote taken:	[1]	Hill
Absent:	[1]	Fantroy

Mayor Miller declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0351

Addendum addition 2: Authorize **(1)** an amendment to the Interlocal Agreement with the Texas Department of Transportation for reimbursement of material and labor provided by the City for signal timing improvements at 432 additional locations (list attached) in an amount not to exceed \$659,005; and **(2)** a required local match in an amount not to exceed \$110,476 - Total not to exceed \$769,481, from \$426,258 to \$1,195,739 - Financing: Texas Department of Transportation Funds (\$659,005), Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0352

Addendum addition 3 : Authorize an amendment to the Interlocal Authorize an amendment to the Interlocal Agreement with the North Central Texas Council of Governments to fund traffic engineering services to update traffic signal timings and signal progression at 75 additional locations (list attached) - \$63,720, from \$102,600 to \$166,320 - Financing: Current Funds Agreement with the North Central Texas Council of Governments to fund traffic engineering services to update traffic signal timings and signal progression at 75 additional locations (list attached) - \$63,720, from \$102,600 to \$166,320 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0353

Addendum addition 4: Authorize **(1)** acquisition of approximately 698 square feet of land from The Trust for Public Land in the amount of \$58,667, **(2)** payment of earnest money in the amount of \$1,000, and **(3)** a purchase agreement providing for the potential acquisition of approximately 5,587 square feet of land both located near the intersection of Live Oak and St. Paul Streets for the proposed Pacific Plaza - Total not to exceed \$59,667 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0354

Addendum addition 5: An ordinance granting a private license to West End Square, Ltd. for the use of approximately 5,000 square feet of land to install and maintain a sidewalk cafe, handicap lift, stairs and additional parking within Austin Street right-of-way near its intersection with Pacific Avenue - Revenue: \$16,270 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26566.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0355

Addendum addition 6: An ordinance appointing two of the following three persons - Melodee Armstrong, Daniel Clark, or Thomas Stanton - as associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2008, and establishing their salaries - Financing: No additional cost consideration to the City

The City Secretary distributed ballots to the City Councilmembers to vote for 2 of 3 nominees recommended by the Judicial Nominating Commission for the City of Dallas municipal court of records for a term ending May 31, 2008.

Later in the meeting, Mayor Miller received the results from the City Secretary of the balloting for associate (part-time) municipal judges.

The City Secretary announced the following results of the balloting for associate (part-time) municipal judges for the City of Dallas Municipal Court of record for a term ending May 31, 2008:

Melodee Armstrong	14
Daniel Clark	13
Thomas Stanton	0

Deputy Mayor Pro Tem Garcia moved to appoint Melodee Armstrong and Daniel Clark as associate (part-time) municipal judges for the City of Dallas Municipal Court of record for a term ending May 31, 2008; that the salary for associated municipal judges with two or more years of judicial experience be \$48.65 per hour; that the salary for associate municipal judges with less than two years of judicial experience be \$43.29 per hour; and that this ordinance take effect on January 24, 2007.

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

Assigned ORDINANCE NO. 26567.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 24, 2007

07-0356

Addendum addition 7: Authorize an eleven-month electric services contract with one of seven retail electric providers to provide energy for the City's Street Light Program - Direct Energy LP, Gexa Energy LP, Strategic Energy, SUEZ Energy Resources NA, Inc., Texas General Land Office, TXU Energy Retail Co., LP, or WPS Energy Services of Texas LP - Not to exceed \$17,521,514 - Financing: Current Funds

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

Councilmember Oakley moved to approve the item.

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 24, 2007

EXHIBIT C