

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 23, 2007

07-1480
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR LAURA MILLER, PRESIDING

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

ABSENT: [2] Thornton-Reese, Fantroy

The meeting was called to order at 9:22 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.

Ethan Wolens, Milken Community High School, Los Angeles, California 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 7:00 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 23, 2007

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 23, 2007

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1481

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: Jim Christen, 6105 Averill Way
SUBJECT: Pinnacle Park Land Donation

SPEAKER: Joe Georgusis, 3421 Causeway, **Metairie, LA.**
SUBJECT: Pinnacle Park Land Donation

SPEAKER: Albert Parker, 6318 Elm Rd.
SUBJECT: Defiant Mayor, unjust

SPEAKER: Richie Sheridan, 3022 Forest Lane
SUBJECT: Ethics

SPEAKER: Terry James, 5959 Highland Hills Dr.
SUBJECT: Unnecessary use of force/retaliation by DART Police official

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
SUBJECT: Ongoing problems with DPD Officer, Code Compliance, DA Prosecutor, Precinct 5 Constable and Mayor

SPEAKER: Jewel Floyd, 3815 Myrtle St.
SUBJECT: Crooks at Code Enforcement and City Management

SPEAKER: Jurline Gates Hollins, 2832 Marjorie Ave.
SUBJECT: The Jurline Gates Hollins Campaign for Political Equality

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Asbestos health alert in West Dallas

SPEAKER: Jim Schermbeck, P.O. Box 253, **Slaton, TX**
SUBJECT: Clean Air Plan – “Green Cement” Procurement Policy

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1482

Item 1: Approval of Minutes of the April 25, 2007 City Council Meeting

Deputy Mayor Pro Tem Garcia moved to approve the minutes.

Motion seconded by Councilmember Medrano and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1483

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-75 and addendum addition consent agenda items 1-17, were presented for consideration.

The City Secretary requested that consent agenda items 57 and 71, and addendum addition consent agenda item 2 be considered as individual items to allow citizens to speak. Mayor Miller stated that consent agenda items 57 and 71 and addendum addition consent agenda item 2 would be considered as individual items later in the meeting; there being no objection voiced to the City Secretary's request.

Mayor Pro Tem Hill requested that consent agenda item 42 be considered as an individual item. Mayor Miller stated that consent agenda item 42 be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Hill's request.

Deputy Mayor Pro Tem Garcia requested that consent agenda item 6 be considered as an individual item. Mayor Miller stated that consent agenda item 6 be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Garcia's request.

Councilmember Salazar requested that addendum addition consent agenda item 2 be considered as an individual item. Mayor Miller stated that addendum addition consent agenda item 2 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Salazar's request.

Councilmember Chaney requested that consent agenda item 42 be considered as an individual item. Mayor Miller stated that consent agenda item 42 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Chaney's request.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

07-1483

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Councilmember Rasansky requested that consent agenda items 4, 18, 27, 33, 34, 53, 59, 60, 61, 70 and addendum addition consent agenda item 5, 9, 12, and 16 be considered as individual items. Mayor Miller stated that consent agenda items 4, 18, 27, 33, 34, 53, 59, 60, 61, 70 and addendum addition consent agenda item 5, 9, 12, and 16 be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Chaney moved to approve all items on the consent agenda with the exception of consent agenda items 4, 6, 9, 18, 27, 33, 34, 42, 53, 57, 59, 60, 61, 70, 71 and addendum addition consent agenda item 2, 5, 9, 12, and 16 which would be considered later in the meeting.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Thornton-Reese, Fantroy absent)

Later in the meeting, Mayor Miller requested to reconsider the consent agenda due to Councilmember Blaydes' conflict of interest on addendum addition consent agenda item 14 and to be considered as an individual item.

Councilmember Chaney moved to reconsider the consent agenda so that addendum addition consent agenda item 14 could be considered as an individual item due to Councilmember Blaydes' conflict of interest on the item.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Thornton-Reese, Fantroy absent)

Councilmember Chaney moved to approve all items on the consent agenda with the exception of consent agenda items 4, 6, 9, 18, 27, 33, 34, 42, 53, 57, 59, 60, 61, 70, 71 and addendum addition consent agenda item 2, 5, 9, 12, 14, and 16 which would be considered later in the meeting.

Motion seconded Councilmember Rasansky and unanimously adopted. (Thornton-Reese, Fantroy absent)

Later in the meeting, the city secretary announced that Councilmember Oakley requested to reconsider the consent agenda due to Councilmember Oakley's, who was not present, conflict of interest on addendum addition consent agenda item 8 which would be considered as an individual item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

07-1483

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Councilmember Natinsky moved to reconsider the consent agenda to allow addendum addition consent agenda item 8 to be considered as an individual item due to Councilmember Oakley's, who was not present, conflict of interest on the item.

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

Councilmember Natinsky moved to approve all items on the consent agenda with the exception of consent agenda items 4, 6, 9, 18, 27, 33, 34, 42, 53, 57, 59, 60, 61, 70, 71 and addendum addition consent agenda item 2, 5, 8, 9, 12, 14, and 16 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1484

Item 2: Authorize a thirty-six-month service contract for street sweeping services - Harman Commercial Service, Inc., lowest responsible bidder of five - Not to exceed \$1,304,280 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1485

Item 3: Authorize a contract to provide training on Business Process Improvement projects to standardize service delivery processes throughout the City - Present Dynamics, Inc., most advantageous proposer of six - Not to exceed \$130,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1486

Item 4: Authorize a thirty-six-month master agreement for security gates, detection equipment and self-check units for the Dallas Public Library, with Sentry Technology Corp. through Buyboard, a Texas Local Government Purchasing Cooperative - Not to exceed \$708,252 - Financing: 2003 Bond Funds

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

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

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1487

Item 5: Authorize an increase in the service contract with Texas Trane Company for the repair and replacement of heating, ventilation and air conditioning equipment at Dallas Love Field - \$3,394,754, from \$2,228,450 to \$5,623,204 - Financing: Aviation Current Funds (\$3,000,000 to be reimbursed from property insurance proceeds)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1488

Item 6: Authorize a service contract for Phase I (acquisition and installation of 10 sirens) of the upgrade and expansion of the outdoor warning system sirens throughout the City and Phase II (acquisition and installation of the remaining 140 sirens) option, subsequent to the sale of the 2006 General Obligation Bond Funds in November 2007 - Federal Signal Corporation, most advantageous proposer of three - Not to exceed \$203,590 - Financing: 2005 Equipment Acquisition Contractual Obligation Notes

Deputy Mayor Pro Tem Garcia requested that consent agenda item 6 be considered as an individual item. Mayor Miller stated that consent agenda item 6 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Garcia's request.

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

Deputy Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Medrano and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1489

Item 7: Authorize a thirty-six-month master agreement for fiberglass and concrete access structures that allow access into water and wastewater systems - L.F. Manufacturing, Inc. in the amount of \$236,222, Doug Meadows Co. LLC in the amount of \$42,245, and PW Eagle dba Molded Access Products in the amount of \$57,471, lowest responsible bidders of three - Total not to exceed \$335,938 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1490

Item 8: Authorize a two-year contract with West, a Thomson business, for on-line legal research and associated services utilizing Westlaw for the City Attorney's Office for the period beginning September 30, 2007 through September 30, 2009 - Not to exceed \$262,840 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1491

Item 9: An ordinance amending Chapter 31 of the Dallas City Code to restrict **(1)** outdoor solicitations in the city between sunset and sunrise, with certain defenses, and **(2)** solicitations near outdoor dining areas and parking meters - Financing: No cost consideration to the City

Councilmember Natinsky 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 Natinsky's request.

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

Councilmember Natinsky moved to approve the ordinance.

Motion seconded by Councilmember Rasansky.

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

Mayor Miller declared the motion adopted on a divided vote, with Mayor Pro Tem Hill voting "No". (Oakley absent when vote taken; Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26738.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1492

Item 10: Authorize settlement of the lawsuit styled American Casualty Company of Reading, PA, as Subrogee of Daniel Garcia v. City of Dallas and Fred Smith, Cause No. cc-03-04874-d - Not to exceed \$15,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1493

Item 11: Authorize settlement of the lawsuit styled Glenn W. Rhoden v. Prince E. Brown and City of Dallas, Cause No. CC-06-00115-A - Not to exceed \$12,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1494

Item 12: Authorize settlement of the lawsuit styled Craig D. Ross v. The City of Dallas, Cause No. 05-08442-D - Not to exceed \$15,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1495

Item 13: Authorize Supplemental Agreement No. 1 to the professional services contract with the Law Offices of Deborah Hankinson, P.C., for additional legal services necessary in the lawsuit styled Jim Lowenberg, et al. v. City of Dallas, No. 06-0310 - Not to exceed \$25,000, from \$25,000 to \$50,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1496

Item 14: Authorize a replacement housing payment and disbursement of funds from the SHARE Program for homeowner, Erma Post, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$70,000 - Financing: 2005-06 HOME Funds (\$47,500) and 2005-06 Community Development Grant Funds (\$22,500)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1497

Item 15: Authorize a replacement housing payment and disbursement of funds from the SHARE Program for homeowner, Lizzie Turner, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$70,000 - Financing: 2005-06 HOME Funds (\$47,500) and 2005-06 Community Development Grant Funds (\$22,500)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1498

Item 16: Authorize a replacement housing payment and disbursement of funds from the SHARE Program for homeowner, Pearline Day, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$70,000 - Financing: 2005-06 HOME Funds (\$47,500) and 2005-06 Community Development Grant Funds (\$22,500)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1499

Item 17: A resolution authorizing a reduction of the minimum bid amount from \$197,693 to \$100,000 for an unwanted and unneeded tract of City-owned land containing approximately 6,817 square feet located near the intersection of Haskell Avenue and Bryan Street - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1500

Item 18: A resolution authorizing a reduction of the minimum bid amount from \$415,686 to \$300,000 for an unwanted and unneeded tract of City-owned land containing approximately 14,334 square feet located near the intersection of Haskell Avenue and Bryan Street - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 18 be considered as an individual item. Mayor Miller stated that consent agenda item 18 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 18 was brought up for consideration.

Councilmember Hunt moved to deny the approval of the item, keep the city owned land in the city's portfolio until the staff determines a future date to bring back for consideration by the city council.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Oakley absent when vote taken; Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1501

Item 19: A resolution authorizing the sale of approximately 28,434 square feet of unwanted and unneeded City-owned land improved with a former fire station located near the intersection of Shiloh and Centerville Roads to the highest bidder, Mauro Ornelas - Revenue: \$172,050

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1502

Item 20: A resolution declaring approximately 1,128 square feet of undevelopable City-owned land unwanted and unneeded near the intersection of NorthCliff and Peavy Roads and authorizing its sale to Case Study Homes, Inc., the abutting owner - Revenue: \$2,301

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1503

Item 21: An ordinance abandoning a portion of a floodway easement to Alex B. Louis and Valerie M. Louis, the abutting owners, containing approximately 4,852 square feet of land located near the intersection of Ferndale and Church Roads
- Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26739.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1504

Item 22: An ordinance abandoning a portion of a utility easement and a portion of a wastewater easement to Westmoreland Village, L.P., the abutting owner, containing approximately 59,449 square feet of land located near the intersection of Westmoreland and Camp Wisdom Roads - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26740.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1505

Item 23: An ordinance abandoning a portion of a water easement to GRA-GAR, LLC, the abutting owner, containing a total of approximately 11,028 square feet of land located near the intersection of Cherry Valley Boulevard and Peterbilt Avenue - Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26741.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1506

Item 24: An ordinance abandoning a portion of Olive Street to Victory Plaza Buildings, L.P., the abutting owner, containing approximately 50 square feet of land located near its intersection with Houston Street and authorizing the quitclaim
- Revenue: \$5,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26742.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1507

Item 25: An ordinance authorizing a correction to Ordinance No. 26042 for codification of Planned Development Districts No. 401 and 402, 404-442, 444-455, 457-461, 463-474, 476-479, and 481-516 to correct Section 51P-406.13 "Definitions and Interpretations" - DCA 045-002 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26743.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1508

Item 26: An ordinance authorizing a correction to Ordinance No. 26391, as amended by Ordinance No. 26549, that created Conservation District No. 15, the Vickery Place Conservation District, in an area generally bounded by Goodwin Avenue from Central Expressway to Greenville Avenue on the north, Greenville Avenue on the east, Richard Avenue and Bonita Avenue on the south and Homer Street on the west, to correct Appendices A and B of Exhibit C regarding the style and setback of property located at 5211 Willis Avenue - Z045-289 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26744.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1509

Item 27: Authorize acquisition, from Edward A. Valderas and Dora C. Valderas, of approximately 100,711 square feet of land improved with a single-family residence located in Kaufman County for the Lake Tawakoni 144-inch pipeline - \$263,541 - Financing: Water Utilities Capital Construction Funds

Councilmember Rasansky requested that consent agenda item 27 be considered as an individual item. Mayor Miller stated that consent agenda item 27 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 27 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Hill, Oakley absent when vote taken; Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1510

Item 28: Authorize acquisition, from Jesse N. Lopez and Josephine G. Lopez, of approximately 32,582 square feet of land improved with a workshop and pond located in Kaufman County for the Lake Tawakoni 144-inch pipeline - \$134,376 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1511

Item 29: Authorize acquisition, from Kristina A. Schuster, of approximately 43,560 square feet of land improved with a single-family residence located in Kaufman County for the Lake Tawakoni 144-inch pipeline - \$207,000 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1512

Item 30: Authorize acquisition, from Steven L. Robertson and B. Lynn Robertson, of approximately 43,560 square feet of land improved with a single-family residence located in Kaufman County for the Lake Tawakoni 144-inch pipeline - \$258,065 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1513

Item 31: **Cedars TIF District**

Note: Item Nos. 31 and 32 must be considered collectively.

Authorize **(1)** a development agreement with Hamilton 1011 LP to provide funding for the design, engineering, professional services and construction of public improvements for the View Hotel, in Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District); and **(2)** the Cedars TIF District Board of Directors to dedicate up to \$2,000,000 from future Cedars TIF revenues in accordance with the development agreement - Not to exceed \$2,000,000 - Financing: Cedars TIF District Funds

Item 32: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) to reimburse Hamilton 1011 LP up to \$2,000,000 for certain TIF-eligible project costs related to the development of the View Hotel in the Cedars TIF District - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1514-01

07-1514-02

Item 33: **KP Million, LP**

Note: Item Nos. 33 and 34 must
be considered collectively.

Authorize a 75 percent real property tax abatement agreement for ten years with KP Million, LP related to the development of a shopping center south of Walnut Hill Lane and west of Interstate 35 in a Texas Enterprise Zone - Revenue: First year revenue estimated at \$28,986; ten-year revenue estimated at \$289,857; (Estimated revenue foregone for ten-year real property tax abatement estimated at \$869,571)

Item 34: Authorize an economic development grant with KP Million, LP related to the development of a shopping center south of Walnut Hill Lane and west of Interstate 35 in a Texas Enterprise Zone - Not to exceed \$150,000 - Financing: Public/Private Partnership Funds

Councilmember Rasansky requested that consent agenda item 33 and 34 be considered as individual items. Mayor Miller stated that consent agenda item 33 and 34 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting agenda items 33 and 34 was brought up for consideration.

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1515

Item 35: Authorize **(1)** an amendment to the Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation and Dallas Area Rapid Transit (DART) to increase the funding for the design and construction of public improvements in the Cedars TIF District in the amount of \$665,212, from \$5,000,000 to \$5,665,212; and **(2)** payment to DART for the City's share of the cost in the amount of \$66,521 -Total not to exceed \$66,521 - Financing: Cedars TIF District Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1516-01

07-1516-02

Item 36: **Shelter Plus Care Grant**

Note: Item Nos. 36 and 37 must be considered collectively.

Ratify **(1)** an extension of the grant agreement with the U.S. Department of Housing and Urban Development for the Shelter Plus Care Grant for single room occupancy of homeless persons with HIV/AIDS at Hillcrest House located at 834 N. Marsalis for the period of May 16, 2005 through May 15, 2006; **(2)** the first twelve-month renewal option to the contract with the U.S. Department of Housing and Urban Development for a Shelter Plus Care Grant which provided rental assistance funds distributed by the Dallas Housing Authority for the period of May 16, 2006 through May 16, 2007; and **(3)** execution of the agreements - Total not to exceed \$341,760 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Item 37: Authorize **(1)** the second twelve-month renewal option to the contract with the U.S. Department of Housing and Urban Development for the Shelter Plus Care Grant which provides rental assistance funds to be distributed by the Dallas Housing Authority for single room occupancy of homeless persons with HIV/AIDS at Hillcrest House located at 834 N. Marsalis for the period of May 12, 2007 through May 11, 2008; and **(2)** execution of the agreement - Total not to exceed \$340,244 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1517

Item 38: Authorize an amendment to the contract with the Department of State Health Services to accept additional grant funds for the continuation of local health services to non-Medicaid eligible clients through Title V Maternal and Child Health Services for the period September 1, 2006 through August 31, 2007 - Not to exceed \$25,000, from \$65,363 to \$90,363 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1518

Item 39: Authorize an amendment to the contract with the Department of State Health Services to accept additional grant funds for the continuation of the Special Supplemental Nutrition Program for the Women, Infants, and Children Program for the period October 1, 2006 through September 30, 2007 - Not to exceed \$290,000, from \$10,761,600 to \$11,051,600 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1519

Item 40: Authorize an Interlocal Agreement with Dallas County Health and Human Services to provide mosquito testing for West Nile Virus for the period May 1, 2007 through September 30, 2007 - Not to exceed \$8,750 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1520

Item 41: Authorize an amendment to the Interlocal Agreement with Parkland Health and Hospital System for providing transportation services to medical and other health related appointments, to change the age of adults receiving these services from 60 to 65 and to add additional zip codes for residents residing in North Dallas, Northwest Dallas, and Northeast Dallas, for the period April 1, 2007 through March 31, 2008 - Financing: No additional cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1521

Item 42: Authorize a loan to Carpenter's Point, L.P., for the acquisition and new construction of the proposed Frazier Berean residential development for seniors located at 3326 Mingo Street, a 150-unit senior apartment complex that will provide housing for low- and moderate-income households - \$750,000 - Financing: 2006-07 Community Development Grant Reprogramming Funds

Mayor Pro Tem Hill and Councilmember Chaney requested that consent agenda item 42 be considered as an individual item. Mayor Miller stated that consent agenda item 42 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Hill and Councilmember Chaney's request.

Later in the meeting agenda item 42 was brought up for consideration.

Mayor Pro Tem Hill moved to defer the item until June 27, 2007 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1522

Item 43: Authorize acquisition of a vacant lot at 5216 Bexar Street, a parcel improved with a vacant single-family residence at 2457 Starks Avenue, and a parcel improved with an occupied single-family residence at 2449 Hooper Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program (list attached) - \$69,000 including estimated closing costs - Financing: 2002-03 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1523

Item 44: Authorize the release of non-tax City liens against 2 privately held vacant properties, in exchange for Dallas Neighborhood Alliance for Habitat, Inc. providing an unsecured promissory note in the amount of the non-tax liens estimated to be \$3,540 for 4708 Stokes Street and \$9,321 for 4716 Stokes Street for a total of \$12,861, paying all delinquent taxes, posting judgment amount, penalties and interest on the property, and providing affordable housing on the property for a low-income household in accordance with the City's Land Transfer Policy and Program Statement - Estimated revenue foregone: \$12,861

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1524

Item 45: Authorize adoption of the City Manager's recommendations to revise the City's employment screening process to include **(1)** creating a universal employment application for all Civil Service and Non-Civil Service Departments to eliminate all questions regarding criminal history information from the application; **(2)** that the Human Resources Department shall serve as the sole administrator for criminal history evaluation and shall implement a request for proposals to identify vendors to conduct background checks of applicants seeking employment; **(3)** that the Human Resources Department and City Attorney's Office establish standard criteria relative to the Equal Employment Opportunity Commissions' "*Four Question Factor Criteria*" to evaluate the City's employment process by August 2007; and **(4)** that Chapter 34-7 (Personnel Rules) of the Dallas City Code be revised to reflect the City Manager's recommendations - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1525

Item 46: Authorize a contract for the fabrication and installation of a site-specific artwork for the Forest Green Branch Library located at 9015 Forest Lane - Montage 48/61 - Not to exceed \$48,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1526

Item 47: Authorize a contract for a parking lot expansion for the tennis center at Fair Oaks Park located at 7501 Merriman Parkway - Property Paving, Inc., lowest responsible bidder of twelve - \$99,999 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1527

Item 48: Authorize a contract for the construction of a new concrete trail at Salado Park located at 16401 Salado - Phoenix I Restoration and Construction, Ltd., lowest responsible bidder of five - \$121,420 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1528

Item 49: Authorize a contract for the construction of a new parking lot, and a connecting trail along Belt Line Road from the Fretz Park Recreation Center to Preston Ridge Trail located at 6950 Belt Line Road - North Texas Contracting, Inc., lowest responsible bidder of seven - \$292,843 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1529

Item 50: Authorize a contract for the demolition of the existing playground, installation of a new playground, tree removal, and site furnishings at Lake Cliff Park located at 300 E. Colorado Boulevard - Henneberger Construction, Inc., lowest responsible bidder of six - \$330,162 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1530

Item 51: Authorize a contract for the installation of a new pavilion, site furnishings, landscaping and irrigation, and installation of a new playground at Valley View Park located at 7000 Valley View Lane - Reeves Construction Services, Inc., best value proposer of seven - Not to exceed \$457,570 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1531

Item 52: Authorize a professional services contract with Caye Cook & Associates for a trail master plan to create a continuous trail along a greenbelt that connects Wynnewood Parkway, Kiest Park, Briar Gate Park, and Westmoreland Park, and a park development plan for Briar Gate Park - \$38,850 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1532

Item 53: Authorize a professional services contract with Good, Fulton and Farrell Architects for schematic design, design development, construction documents, bidding, construction administration, and topographic survey for the renovation of the existing columns around the courtyard at Houston Street, renovation of the plaza paving, modifications to the fountain plumbing, and repair work to the fountain basins at Dealey Plaza located at 400 Main Street - \$58,300 - Financing: 2003 Bond Funds

Councilmember Rasansky requested that consent agenda item 53 be considered as an individual item. Mayor Miller stated that consent agenda item 53 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 53 was brought up for consideration.

Councilmember Medrano moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Oakley absent when vote taken; Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1533

Item 54: Authorize a professional services contract with La Terra Studio, Inc. for surveying, schematic design, design development, and construction documents for the renovation of the existing soccer field, site furnishings, loop trail layout, site grading, parking renovation, and fencing at Benito Juarez Parque de Heroes located at 3352 North Winnetka - \$35,043 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1534

Item 55: Authorize Supplemental Agreement No. 1 to the contract with Carter & Burgess, Inc. for topographic survey, conceptual design, design development, construction documents, bidding, and construction administration services for the reconstruction of the existing hike and bike trail along West Lawther Drive at White Rock Lake Park located at 8300 Garland Road - \$36,620, from \$155,445 to \$192,065 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1535

Item 56: Authorize a partnership agreement with the individual property owners along Blackburn, Turtle Creek Drive, Arrowhead Drive, Stonebridge Drive, and Rock Creek Drive within the Turtle Creek Parkway, to share in the cost of dredging improvements for the Stonebridge and Blackburn ponds (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1536

Item 57: Authorize (1) a development agreement with Woodall Rodgers Park Foundation, an independent non-profit foundation, for the construction of the Woodall Rodgers Deck Plaza; and (2) a use agreement with Woodall Rodgers Park Foundation for the operation and maintenance of the Woodall Rodgers Deck Plaza for a period of forty years with five ten-year renewal options - Financing: This action has no cost consideration to the City

The City Secretary requested that consent agenda item 57 be considered as an individual item to allow citizens to speak. Mayor Miller stated that consent agenda item 57 would be considered as an individual item later in the meeting there being no objection voiced to the City Secretary's request.

The following individual addressed the city council regarding the item:

Jill Bernstein, 7214 Wild Valley Dr., representing Dallas Museum of Art

Councilmember Hunt moved to approve the item with the following changes:

- 1) In the event the Wood Rodgers Park Foundation (WRPF) fails to raise the funds necessary to build the deck and park by January 31, 2008, the City may, at its election, apply the Bond Funds to other eligible park projects.
- 2) In addition to the amounts to be raised by the WRPF to build the deck and park, the WRPF agrees that it will raise fund to construct a children's garden, reading room/game table area, café and terrace, enhanced landscaping, water features, a performance stage, and a dog park, before raising funds for constructing planned freeway mosaic canopies.
- 3) The WRPF agrees to consult with the City concerning its efforts to raise any monies from public sources, whether local, state, or federal, after the execution of Development Agreement. The WRPF will not seek additional City funding.
- 4) The agreement specifies that the private sector shall raise a minimum of \$20,000,000 in private monies.
- 5) The estimate of the tunnel maintenance costs has been deleted. A maintenance agreement will be separately negotiated and brought back to the City Council for consideration and approval.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

07-1536

Page 2

- 6) The agreement specifies that the City may use the park for three events of up to 14 days without rental cost during each calendar year. The City may use the park thereafter if it is available, but shall reimburse the WRPF for event-related costs incurred in connection with the City's use.

Motion seconded by Councilmember Medrano.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1537

Item 58: Authorize **(1)** a public hearing to be held on June 13, 2007 to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain city youth programs in compliance with State law, and at the close of the hearing, **(2)** approval of an ordinance to readopt Chapter 12 of the Dallas City Code - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26745.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1538

Item 59: Authorize **(1)** Supplemental Agreement No. 2 to the design-build contract with Heery International, Inc. to establish the Guaranteed Maximum Price for fabrication and delivery of steel structure and stair towers for new seating, aisle handrails and railings for existing seating areas, painting the existing concourse, demolition and new foundation at the North end zone, field sod replacement, and site utilities at the Cotton Bowl in Fair Park located at 3750 Midway Plaza in the amount of \$9,523,154, from \$9,518,905 to \$19,042,059; and, **(2)** an increase in appropriations in the amount of \$4,589,749 in the State Fair of Texas Capital Construction Funds - Total not to exceed \$9,523,154 - Financing: State Fair of Texas Capital Construction Funds (\$4,589,749), 2003 Bond Funds (\$4,737,029) and Cotton Bowl Special Maintenance Funds (\$196,376)

Councilmember Rasansky requested that consent agenda item 59 be considered as an individual item. Mayor Miller stated that consent agenda item 59 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 59 was brought up for consideration.

Councilmember Chaney moved to approve the item.

Motion seconded by Councilmember Natinsky.

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

Mayor Miller declared the motion adopted on a divided vote, with Councilmember Rasansky voting "No". (Griffith absent when vote taken; Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1539

Item 60: Authorize **(1)** the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement by providing each University a game fee, subject to the annual University of Texas versus University of Oklahoma football game being played at the Cotton Bowl, in the amount of \$125,000 each in 2007, \$425,000 each beginning in 2008 through 2011, and \$500,000 each beginning in 2012 through 2015, for an amount not to exceed \$7,650,000; and **(2)** the City to provide Grambling State University and Prairie View A&M University a game fee, subject to the Grambling State University versus Prairie View A&M University football game being played at the Cotton Bowl, in the amount of \$25,000 each in 2007 and \$75,000 each beginning in 2008 through 2015, for an amount not to exceed \$1,250,000 - Total not to exceed \$8,900,000 - Financing: Current Funds (subject to annual appropriations)

Councilmember Rasansky requested that consent agenda item 60 be considered as an individual item. Mayor Miller stated that consent agenda item 60 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 60 was brought up for consideration.

Councilmember Chaney moved to approve the item.

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 Councilmember Rasansky voting "No". (Hill absent when vote taken; Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1540

Item 61: Authorize a loan agreement with the Old Red Museum of Dallas County History & Culture and the Dallas Police Department Museum for the loan of the pair of handcuffs worn by Lee Harvey Oswald when he was shot by Jack Ruby on November 24, 1963, and a Dallas Police breast badge #27 issued in 1914, for the period of May 1, 2007 through May 1, 2009 - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 61 be considered as an individual item. Mayor Miller stated that consent agenda item 61 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 61 was brought up for consideration.

Deputy Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Medrano and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1541

Item 62: Authorize a Memorandum of Understanding with the United States Marshals Service for the establishment of an on-going Dallas/Fort Worth Fugitive Apprehension Strike Team to apprehend violent felons wanted on state and federal arrest warrants - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1542

Item 63: Authorize application for sixth-year continuation of the Sexual Assault/Stalking Training grant from the Office of the Governor, Criminal Justice Division for specialized training for victim assistance coordinators, investigators and crime scene detectives who have the responsibility to investigate sexual assault and stalking offenses in the various aspects of this type of criminal investigation in the amount of \$45,000, for the period September 1, 2007 through August 30, 2008 (local match in an amount not to exceed \$15,000 will be required if awarded) - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1543

Item 64: Authorize a public hearing to be held on June 27, 2007, to receive comments on correcting, adjusting and canceling the assessments for the cost of improvements against the abutting property owners at 10901 Seagoville Road, 5515 Glen Lakes Drive, and 4243 S. Polk Street, and at the close of the hearing, consideration of an ordinance amending Ordinance No. 26289, previously approved on March 8, 2006, and Ordinance No. 24734, previously approved on September 26, 2001, to reflect these corrections, adjustments and cancellations - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1544

Item 65: Authorize an additional payment to the Texas Department of Transportation for the City's share of design costs for paving and drainage improvements on Valley View Lane/Walnut Street from the IH 635 service road to the eastern city limits at Las Brisas Drive - \$45,000 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1545

Item 66: Authorize Supplemental Agreement No. 1 to the contract with LopezGarcia Group to provide additional engineering and surveying services related to the hydraulics modeling for the design of concrete box culverts at four residential crossings at Rush Creek and its intersections with Dalgren Drive, Fisher Road, Patrick Avenue, and Trammel Drive - \$48,790, from \$147,670 to \$196,460 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1546-01

07-1546-02

Item 67: Authorize **(1)** alley paving, storm drainage and wastewater main improvements on the alley between Casa Vale Drive and Moran Drive from Moran Drive to Losa Drive; provide for partial payment of alley construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and **(2)** a benefit assessment hearing to be held on June 27, 2007, to receive comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1547-01

07-1547-02

Item 68: Authorize **(1)** street paving, storm drainage, water and wastewater main improvements on Memory Lane from Lake June Road to Eloise Street; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law, and **(2)** a benefit assessment hearing to be held on June 27, 2007, to receive comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1548

Item 69: Authorize **(1)** an increase in the contract with AUI Contractors, L.P. to provide additional construction work necessary for the installation of the precision obstacle-free zone system for the construction of the terminal apron repairs, Phase 2, at Dallas Love Field, in an amount not to exceed \$591,545, from \$3,047,557 to \$3,639,102; and **(2)** an increase in appropriations in an amount not to exceed \$591,545 in the Federal Aviation Administration Airport Improvement Program Grant Funds - Total not to exceed \$591,545 - Financing: Aviation Capital Construction Funds (\$147,886), Federal Aviation Administration Airport Improvement Grant Funds (\$443,659)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1549

Item 70: Authorize **(1)** an increase in the contract with Centex Construction, LLC for exterior restoration and shell construction at 1530 and 1524 Main Street in an amount not to exceed \$93,775, from \$7,930,516 to \$8,024,291; **(2)** an increase in the contract with ARC Abatement I, Ltd. for selective demolition and abatement at 1530 Main Street in an amount not to exceed \$69,940, from \$508,110 to \$578,050; **(3)** assignment of the contracts to Dunhill 1530 Main LP for construction management; **(4)** an increase in appropriations in the amount of \$85,990 in the City Center TIF District Fund; and **(5)** a decrease in the payment to TIF Hotel, Inc. in an amount not to exceed (\$77,725) for design, reimbursables and construction management - Total not to exceed \$85,990 - Financing: City Center TIF District Funds (to be advanced by the developer)

Councilmember Rasansky requested that consent agenda item 70 be considered as an individual item. Mayor Miller stated that consent agenda item 70 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 70 was brought up for consideration.

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

Deputy Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Rasansky abstain; Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1550

Item 71: Authorize a resolution dedicating the Linfield Road Bridge as the "Freedman's Town Memorial Bridge", and the placement of a commemorative plaque to honor the founders of the Joppa Community, located along the banks of the Trinity River near the intersection of Loop 12 and IH 45 - Financing: No cost consideration to the City

The City Secretary requested that consent agenda item 71 be considered as an individual item to allow citizens to speak. Mayor Miller stated that consent agenda item 71 would be considered as an individual item later in the meeting there being no objection voiced to the City Secretary's request.

Later in the meeting, agenda item 71 was brought up for consideration.

The following individuals addressed the city council regarding the item:

Delveeta Thompson, 7904 Ivory Lane, representing South Central Joppa Community

Mayor Pro Tem Hill moved to approve the resolution.

Motion seconded by Councilmember Chaney and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1551

Item 72: Authorize a contract for the construction of water and wastewater main replacements and rehabilitation at 10 locations (list attached) - Atkins Bros. Equipment Co., Inc., lowest responsible bidder of three - \$9,958,134 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1552

Item 73: Authorize a contract for the construction of a flow distribution structure and mechanical improvements at the Influent Pump Station at Southside Wastewater Treatment Plant - Cajun Constructors, Inc., lowest responsible bidder of two - \$15,607,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1553

Item 74: Authorize a contract for the construction of water and wastewater main replacements for lower Five Mile Creek, Phase IV, at 36 locations (list attached) - Atkins Bros. Equipment Co., Inc., lowest responsible bidder of five - \$5,988,222 - Financing: Water Utilities Capital Improvement Funds (\$5,980,939), 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1554

Item 75: Authorize an increase in the contract with Archer Western Contractors, Ltd., for a liquid oxygen tank slab and piping improvements at the Elm Fork Water Treatment Plant - \$412,937, from \$4,674,641 to \$5,087,578 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1555

Item 76: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2005-2007 board term updated through MAY 23, 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.

Mayor Pro Tem Hill 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 September 30, 2007.

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

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

07-1612 BOA BOARD OF ADJUSTMENT

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1556

Item 77: Authorize a management services contract with Metro Dallas Homeless Alliance to plan for Phase 1 of the transition of operations and programming to the new Homeless Assistance Center from the Day Resource Center and to implement the goals of the Ten-Year Plan to End Chronic Homelessness for the period June 1, 2007 through ~~February 1, 2008~~ February 29, 2008 - \$136,000 - Financing: Current Funds (subject to appropriations)

Corrected on the addendum to the agenda.

The following individual addressed the city council regarding the item:

Mike Rawlins, 10434 Lennox Lane

Councilmember Medrano moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1557

Item 78: Consideration of authorization of a hearing to determine the proper zoning on property zoned CS Commercial Service, R-7.5(A) Single Family and MF-1(A) Multifamily, on approximately 16.5 acres of land located on the west side of White Rock Trail, north and south of Walnut Hill (Councilmembers Blaydes, Salazar, Natinsky, Koop and Oakley)

The following individuals addressed the city council regarding the item:

Jack Pierce, 8931 Vista View Dr., representing Hollywood Door Co.
Larry Rogers, 9655 Leaside Dr.

Councilmember Blaydes moved to call the public hearing.

Motion seconded by Councilmember Natinsky.

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

Voting Yes: [3] Salazar, Blaydes, Natinsky
Voting No: [10] Miller, Hill, Garcia, Medrano, Oakley, Chaney, Griffith, Koop,
Rasansky, Hunt
Absent: [2] Thornton-Reese, Fantroy

Mayor Miller declared the motion failed.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1558

Item 79: DEVELOPMENT CODE AMENDMENT – CONSENT

A public hearing to receive comments regarding the consideration of amendments to Chapter 51A and Chapter 51 of the Dallas City Code to amend regulations governing the accessory outside display of merchandise and an ordinance granting the amendments

Councilmember Chaney requested that consent agenda item 79 be considered as an individual item. Mayor Miller stated that consent agenda item 79 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Chaney's request.

Later in the meeting agenda item 79 was brought up for consideration.

Councilmember Chaney moved to approve the item.

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

Assigned ORDINANCE NO. 26746.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1559

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 80-87 were presented for consideration.

Agenda item 81, 82, 85 and 86 was removed from the consent zoning docket, to be considered as individual hearings.

Agenda item 80: Zoning Case Z056-172 (RB)	
Agenda item 81: Zoning Case Z067-115 (JH)	[considered individually]
Agenda item 82: Zoning Case Z067-152 (JH)	[considered individually]
Agenda item 83: Zoning Case Z067-153 (RB)	
Agenda item 84: Zoning Case Z067-154 (RB)	
Agenda item 85: Zoning Case Z067-165 (OTH)	[considered individually]
Agenda item 86: Zoning Case Z067-166 (OTH)	[considered individually]
Agenda item 87: Zoning Case Z067-172 (WE)	[deleted on the addendum]

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

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

Councilmember Medrano moved to close the public hearing, accept the recommendations of the city plan commission on the consent zoning cases 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 Councilmember Natinsky and unanimously adopted. (Thornton-Reese, Fantroy absent)

Later in the meeting, Deputy Mayor Pro Tem Garcia requested to reconsider the zoning consent agenda for Councilmember Oakley, who was not present, to allow zoning consent agenda item 86 to be considered as an individual zoning item.

Deputy Mayor Pro Tem Garcia moved to reconsider the zoning consent agenda to allow, for Councilmember Oakley, who was not present, to consider zoning consent item 86 as an individual zoning item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

07-1559

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Motion seconded by Councilmember Medrano and unanimously adopted. (Thornton-Reese, Fantroy absent)

Councilmember Medrano moved to close the public hearing, accept the recommendations of the city plan commission with the exception of zoning consent cases 81, 82, 85, 86, and 87 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 Natinsky and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1560

Item 80: Zoning Case Z056-172 (RB)

The consent zoning docket consisting of agenda items 80-87 were presented for consideration.

A public hearing was called on zoning case Z056-172 (RB), an application for and an ordinance granting an MF-2(A) Multifamily District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the southwest corner of Dolphin Road and Mingo Street

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26747.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1561

Item 81: Zoning Case Z067-115 (JH)

The consent zoning docket consisting of agenda items 80-87 were presented for consideration.

Mayor Pro Tem Hill requested that zoning consent agenda item 81 be considered as an individual item. Mayor Miller stated that zoning consent agenda item 81 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Hill's request.

Later in the meeting zoning consent agenda item 81 was brought up for consideration.

A public hearing was called on zoning case Z067-115 (JH), an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family uses and an open-enrollment charter school on property zoned an R-7.5(A) Single Family District on the north side of Wheatland Road, west of Houston School Road

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

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

Mayor Pro Tem Hill moved to continue the public hearing and hold until advisement until the June 13, 2007 voting agenda meeting of the city council.

Motion seconded by Councilmember Chaney and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1562

Item 82: Zoning Case Z067-152 (JH)

The consent zoning docket consisting of agenda items 80-87 were presented for consideration.

Mayor Pro Tem Hill and Councilmember Natinsky requested that zoning consent agenda item 82 be considered as an individual item. Mayor Miller stated that zoning consent agenda item 82 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Hill and Councilmember Natinsky's request.

Later in the meeting zoning consent agenda item 82 was brought up for consideration.

A public hearing was called on zoning case Z067-152 (JH), an application for and an ordinance granting an IM Industrial Manufacturing District and a resolution accepting deed restrictions volunteered by the applicant and an ordinance granting a Specific Use Permit for Industrial (outside) potentially incompatible uses on property zoned an IR Industrial Research District on the west side of South Central Expressway, south of Choate Street

(The staff and city plan recommended approval of an IM Industrial Manufacturing District subject to deed restrictions volunteered by the applicant and approval of a Specific Use Permit for a five-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.

Mayor Pro Tem Hill moved to continue the public hearing and hold until advisement until the June 13, 2007 voting agenda meeting of the city council.

Motion seconded by Councilmember Chaney and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1563

Item 83: Zoning Case Z067-153 (RB)

The consent zoning docket consisting of agenda items 80-87 were presented for consideration.

A public hearing was called on zoning case Z067-153 (RB), an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 293 for a Fire station, Public park, and Single family uses inclusive of the expansion area zoned an R-7.5(A) Single Family District on property bounded by Illinois Avenue, Wynnewood Drive, Dewitt Circle, and Vernon Avenue

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26748.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1564

Item 84: Zoning Case Z067-154 (RB)

The consent zoning docket consisting of agenda items 80-87 were presented for consideration.

A public hearing was called on zoning case Z067-154 (RB), an application for and an ordinance granting an RR Regional Retail District on property within Planned Development District No. 22 for GR General Retail District Uses on the south Line of Alpha Road, west of Preston Road

(The staff and city plan recommended approval)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 26749.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1565

Item 85: Zoning Case Z067-165 (OTH)

The consent zoning docket consisting of agenda items 80-87 were presented for consideration.

Councilmember Salazar requested that zoning consent agenda item 85 be considered as an individual item. Mayor Miller stated that zoning consent agenda item 85 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Salazar's request.

Later in the meeting zoning consent agenda item 85 was brought up for consideration.

A public hearing was called on zoning case Z067-165 (OTH), an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment to be used as a private club/bar on property zoned an IR Industrial Research District on the south side of John W. Carpenter Freeway, south of Mockingbird Lane

(The staff and city plan recommended approval for a two-year period with eligibility for automatic renewal for additional two-year periods, subject to a site plan and conditions)

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

Councilmember Salazar moved to continue the public hearing and hold until advisement until the June 13, 2007 voting agenda meeting of the city council.

Motion seconded by Councilmember Medrano and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1566

Item 86: Zoning Case Z067-166 (OTH)

The consent zoning docket consisting of agenda items 80-87 were presented for consideration.

Deputy Mayor Pro Tem Garcia requested to reconsider the zoning consent agenda for Councilmember Oakley, who was not present, to allow zoning consent agenda item 86 to be considered as an individual zoning item. Mayor Miller stated that zoning consent agenda item 86 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Garcia's request.

Later in the meeting zoning consent agenda item 86 was brought up for consideration.

A public hearing was called on zoning case Z067-166 (OTH), an application for and an ordinance granting an amendment to Tract 1 of Subdistrict D-1, in Planned Development District No. 468, and the termination of the existing development plan for Tract 1 on the west side of Zang Boulevard, north of Colorado Boulevard.

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

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

Deputy Mayor Pro Tem Garcia moved to close the public hearing and approve with the exception of the usages as following:

- Financial institutes with or without drive-thru will require a Specific Use Permit
- Auto repair with 3 days will not be allowed,

and pass the ordinance.

Motion seconded by Councilmember Koop and unanimously adopted. (Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26750.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1567

Item 87: Zoning Case Z067-172 (WE)

A public hearing was called on zoning case Z067-172 (WE), an application for and an ordinance granting an amendment to Planned Development District No. 724 for a public school other than an open-enrollment charter school and R-16(A) Single Family District uses, on property bounded by Killon Drive, Walnut Hill Lane and Hedgeway Drive

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

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1568

Item 88: Zoning Case Z056-318 (WE)

A public hearing was called on zoning case Z056-318 (WE), an application for and an ordinance granting a Specific Use Permit for a transit passenger station or transfer center on property zoned an IR Industrial Research District, on the southwest side of Denton Drive between Burbank Street and Wyman Street

(The staff and city plan recommended approval, for a permanent time period, subject to a site plan and conditions)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1569

Item 89: Zoning Case Z056-307 (JH) INDIVIDUAL

A public hearing was called on zoning case Z056-307 (JH), an application for and an ordinance granting a Planned Development District for IR Industrial Research uses and a railroad yard, a roundhouse, or shops use on a property zoned an IM Industrial Manufacturing and LI Light Industrial Districts on the northwest corner of Lombardy Lane and Abernathy Avenue

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

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

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

Motion seconded by Councilmember Natinsky and unanimously adopted. (Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26751.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1570

Item 90: Zoning Case Z067-137 (RB) INDIVIDUAL

A public hearing was called on zoning case Z067-137 (RB), an application for and an ordinance granting a Specific Use Permit for a private recreation center, club, or area on property zoned an R-5(A) Single Family District on the northeast quadrant of the terminus of Knoxville Street, north of Bayview Drive

(The city plan recommended approval, for a five-year period with eligibility for automatic renewal 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:

Luis Carrera, 3930 Meredith, **Cockrell Hill, TX**

Councilmember Oakley moved to close the public hearing, and accept the recommendation of the city plan commission and with the following amendments:

Hours of Operation:

Outdoor Fields	8 a.m. – 9 p.m. Monday through Sunday
Indoor Facilities	8 a.m. – 10 p.m. Sunday through Thursday 8 - 12 a.m. Friday and Saturday,

and pass the ordinance.

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

Assigned ORDINANCE NO. 26752.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1571

Item 91: Zoning Case Z067-151 (JH) INDIVIDUAL

A public hearing was called on zoning case Z067-151 (JH), an application for a Planned Development District for retail and multifamily uses on property zoned an RR Regional Retail District on the southwest corner of Ferguson Road and Valley Glen Drive with consideration for and an ordinance granting an MU-2 Mixed Use District

(The staff and city plan recommended approval of an MU-2 Mixed Use District in lieu of a Planned Development District)

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

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

Susan Walker, 5820 Gardendale Dr., President, Lakeland Hill Neighborhood
Crime Watch

Vikki Martin, 8230 Claremont Dr., Volunteer Executive Director, Ferguson
Road Initiative

Nancy Weber, 2715 Sharpview Lane, Drug Prevention Coordinator, Lakeland
Hill Neighborhood Crime Watch

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

Motion seconded by Mayor Pro Tem Hill and unanimously adopted. (Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26753.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1572

Item 92: Zoning Case Z067-183 (JH) INDIVIDUAL

A public hearing was called on zoning case Z067-183 (JH), an application for an LI Light Industrial District on property zoned a CS Commercial Service District on the west side of Inwood Road, between Irving Boulevard and Stemmons Freeway with consideration for and an ordinance granting an MU-3 Mixed Use District

(The staff and city plan recommended approval of an MU-3 Mixed Use District in lieu of an LI Light Industrial District)

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

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

Rajan Dudhwala, 1824 Shumard Oak Lane, applicant

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

Motion seconded by Councilmember Chaney and unanimously adopted. (Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26754.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1573

Item 93: Zoning Case Z067-157 (WE) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z067-157 (WE), an application for and an ordinance granting an amendment to the conceptual plan and conditions for Lots 2A and 2B within Planned Development No. 215 for SC Shopping Center District uses and MF-3 Multiple Family District uses and the termination of the existing development plan and landscape plan on the east side of Noel Road, south of Alpha Road

(The staff and city plan recommended approval of an amendment to the conceptual plan and conditions and approval of the termination of the existing development plan and landscape plan)

Note: This item was considered by the City Council at a public hearing on April 25, 2007, and was taken under advisement until May 23, 2007, with the public hearing open.

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

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

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

Assigned ORDINANCE NO. 26755.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1574

Item 94: **Municipal Setting Designation
at 1531 Inspiration Drive**

Note: Item Nos. 94 and 95 must
be considered collectively.

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath properties currently owned by J.C. Anderson and to be acquired by Alta Design District, LLC located near the intersection of Stemmons Freeway and Inspiration Drive and adjacent street rights-of-way - Financing: No cost consideration to the City

Item 95: An ordinance authorizing support of the issuance of a municipal setting designation to Alta Design District, 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 individuals addressed the city council regarding the item:

David Whitten, 8123 San Fernando Way, representing Alta Design District, LLC.
William Hopkins, 2011 Leath St.

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

Motion seconded by Councilmember Salazar and unanimously adopted. (Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26756.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1575

Item 96: **Municipal Setting Designation at 999 and 973 Metro Media Place** **Note:** Item Nos. 96 and 97 must be considered collectively.

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath properties owned by Metromedia Investments, LLC, Mortgage Assistance Protect, Inc., Multimedia Properties, LLC and PV Realty, LLC located near the intersection of Ambassador Row and Metro Media Place and adjacent street rights-of-way - Financing: No cost consideration to the City

Item 97: An ordinance authorizing support of the issuance of a municipal setting designation to Metromedia Investments, 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 individuals addressed the city council regarding the item:

Edward J. Zorn, 999 Metromedia Way, representing the applicant
William Hopkins, 2011 Leath St.

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

Motion seconded by Councilmember Medrano and unanimously adopted. (Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26757.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1576

Item 98: A public hearing to receive comments concerning the redevelopment of the Jules E. Muchert Reserve Center located near the intersection of Northwest Highway and Thurgood Lane - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

M. E. Clary, 9033 Guildhall Dr.

Steve Wakefield, 9916 Wood Forest Dr., President, Like Highlands Area Improvement Association

Larry Rogers, 9655 Leaside Dr.

Alan Walne, 10020 Caribou Trail

Liam Mulvaney, 9191 Garland Rd., President/CEO, Life Net Community Behavioral

Sara Dement, 9922 Woodgrove, President, Old Lake Highlands Neighborhood Association

Jesse Aguilar, 2112 Daisy Lane, **Ft. Worth, TX**, representing member organizations of Metro Dallas Homeless Alliance

Traswell Livingston, 1913 Overglen, **Plano, TX**, representing Life Net Community Behavioral

Michael Faenza, 1001 Ross, President/CEO Metro Dallas Homeless Alliance

Councilmember Blaydes moved to close the public hearing.

Motion seconded by Councilmember Griffin and unanimously adopted. (Oakley absent when vote taken; Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1577

Item 99: **FY 2006-07 Consolidated Plan
Reprogramming Budget #2** **Note:** Item Nos. 99 and 100
must be considered collectively.

A public hearing to receive comments on the final FY 2006-07 Consolidated Plan Reprogramming Budget #2 to provide Section 108 Intown Housing Program income for downtown condominium purchase loan assistance to low- and moderate-income homebuyers, and for financing the acquisition, demolition, infrastructure, and construction of housing, economic development and mixed-use development - Financing: No cost consideration to the City

Item 100: Authorize adoption of the final 2006-07 Consolidated Plan Reprogramming Budget #2 to appropriate \$3,343,732 of Section 108 Intown Housing Program income for downtown condominium purchase loan assistance to low- and moderate-income homebuyers, and for financing the acquisition, demolition, infrastructure, and construction of housing, economic development and mixed-use development - Not to exceed \$3,343,732 - Financing: 2006-07 Community Development Grant Reprogramming Funds

No one addressed the city council regarding the item.

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

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 Councilmember Rasansky voting "No". (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1578

Item 101: A public hearing to receive comments in preparation of the FY 2007-08 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Blaydes moved to close the public hearing.

Motion seconded by Councilmember Medrano and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1579

Item 102: A benefit assessment hearing to receive comments regarding paving, storm drainage, water and wastewater main improvements on the alley between Stewart Drive and Thomasson Drive from Turner Avenue to the existing concrete pavement west of Tyler Street; and, at the close of the hearing, authorize an ordinance levying benefit assessments - Financing: This action has no cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Councilmember Natinsky and unanimously adopted. (Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26758.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1580

Item 103: A public hearing to receive comments regarding an amendment to the Central Business District Streets and Vehicular Circulation Plan to **(1)** change the designated right-of-way of Pearl Expressway from Marilla Street to Live Oak Street from 80 to 100 feet of right-of-way to a varying 85 to 146 feet of right-of-way; and to change the operational characteristic from a five lane, one-way southbound undivided roadway to a five lane, two-way undivided roadway; **(2)** change the designated right-of-way of Central Expressway from Young/Canton Street to Live Oak Street from 60 to 80 feet of right-of-way to a varying 106 to 155 feet of right-of-way; and to change the operational characteristic of Central Expressway from Young/Canton Street to Live Oak Street from a five lane, one-way northbound undivided roadway to a six and eight lane two-way divided boulevard plus auxiliary lanes; **(3)** change the designation of Pacific Avenue from 50 feet of pavement in 80 feet of right-of-way to 63 feet of pavement in 93 feet of right-of-way; and **(4)** change the designation of Elm Street from 52 feet of pavement in 80 feet of right-of-way to 60 feet of pavement in 85 feet of right-of-way and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Dan Blizzard, 400 S. Record St., Chair, Downtown Dallas Advocacy
Jewel Floyd, 3815 Myrtle St.

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

Motion seconded by Councilmember Medrano and unanimously adopted. (Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26759.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1581

Item 104: A public hearing to receive comments to amend the Thoroughfare Plan to remove Harwood Street between the Woodall Rodgers north frontage road and the Woodall Rodgers south frontage road and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Linda Owens, 5323 Falls Road, representing the Real Estate Council

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

Motion seconded by Councilmember Medrano and unanimously adopted. (Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26760.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1582

Closed Session [**NOT HELD**]

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

- In re Billy Joe Ratcliff, No. 07-0395

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1583

Addendum addition 1: A resolution confirming the sale at public auction on May 3, 2007, of one 1996 International twelve-yard dump truck, equipment number 963017 - Hansbro Truck Sales, only bidder - Revenue: \$24,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1584

Addendum addition 2: An ordinance amending Chapter 31 of the Dallas City Code to adopt certain regulations and restrictions relating to the display, brandishing, sale, and possession of replica firearms in the City of Dallas - Financing: No cost consideration to the City

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

The City Secretary requested that addendum addition consent agenda item 2 be considered as an individual item to allow citizens to speak. Mayor Miller stated that addendum addition consent agenda item 2 would be considered as an individual item later in the meeting there being no objection voiced to the City Secretary's request.

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

The following individuals addressed the city council regarding the item:

Peter Johnson, 7404 Flameleaf Place
Ronald Wright, 3819 Tolbert St.

Councilmember Salazar moved to approve the ordinance with the following amendments to Chapter 31 of the Dallas City Code:

“Amend proposed Section 31-16 of the Dallas City Code by deleting Subsection (i), which prohibits the possession of replica firearms with attached laser pointers, and renumbering the remaining subsections accordingly”,

and pass the ordinance.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26761.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1585

Addendum addition 3: An ordinance abandoning a drainage easement to Catellus Operating Limited Partnership, the abutting owner, containing approximately 7,011 square feet of land located near the intersection of Sanden Drive and Grader Street - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26762.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1586

Addendum addition 4: A resolution authorizing the conveyance of a rail line easement across City-owned land containing approximately 2,598 square feet of land to TXI Operations, LP located near the intersection of Manana and Spangler Roads - Revenue: \$7,274

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1587

Addendum addition 5: A resolution declaring approximately 23,670 square feet of City-owned land, improved with a former library located near the intersection of Hampton Road and Illinois Avenue unwanted and unneeded and authorizing its advertisement for sale by sealed bid with a minimum bid of \$576,000 - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition consent agenda item 5 be considered as an individual item. Mayor Miller stated that addendum addition 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 addendum addition consent agenda item 5 was brought up for consideration.

Councilmember Oakley moved to approve the resolution.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1588

Addendum addition 6: An ordinance abandoning a portion of Motor Street and certain air rights above a portion of Motor Street to Children's Medical Center of Dallas, the abutting owner, containing approximately 412 square feet of land and 6,796 square feet of air space located near its intersection with Medical Center Drive, authorizing the quitclaim and providing for the dedication of approximately 24,229 square feet of land needed for street right-of-way - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26763.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1589

Addendum addition 7: An ordinance closing a portion of Fielder Court at its intersection with the proposed Dallas Area Rapid Transit NW-2 of the Light Rail Transit System and providing for the dedication of approximately 7,838 square feet of needed land for street right-of-way - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 26764.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1590

Addendum addition 8: An ordinance granting a Specific Use Permit for a bank or savings and loan with a drive-in window service use on the north corner of Oak Lawn Avenue and Maple Avenue for a two-year period subject to a site plan and conditions - Z067-139 - Financing: No cost consideration to the City

The city secretary announced that Councilmember Oakley requested to reconsider the consent agenda due to Councilmember Oakley's conflict of interest, who was not present, on addendum addition consent agenda item 8 and to be considered as an individual item. Mayor Miller stated that addendum addition consent agenda item 8 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Oakley's request.

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

The Mayor announced that Councilmember Oakley had a conflict of interest and was not present to vote or participate in any discussion.

Councilmember Natinsky moved to approve the ordinance.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Oakley absent when vote taken; Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26765.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1591

Addendum addition 9: Authorize a development agreement with Southwestern Bell Telephone, L.P. for the renovation of the skylight structure and the demolition and restoration of the bus stop area located in Southwestern Bell Plaza facing Commerce at Akard Street in the Central Business District - Not to exceed \$949,248 - Financing: 2003 Bond 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.

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

Councilmember Hunt moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Rasansky abstain; Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1592

Addendum addition 10: Ratify emergency repairs to the overhead bay doors and brick columns to restore structural support to the damaged roof and facade at Fire Station #37 located at 6742 Greenville Avenue - Reeves Construction Services, Inc. - \$40,300 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1593

Addendum addition 11: Authorize the acceptance of a 1991 Navistar International Truck, with a 1983 utility trailer, donated by Schepps Dairy to be used by the Urban Search and Rescue Task Force - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1594

Addendum addition 12: A resolution authorizing **(1)** approval and support of the Carroll @ Central project, **(2)** approval of \$55,000,000 of Governmental (Essential Function) Bonds, tax exempt bonds issued to finance multifamily projects that are owned by a governmental unit or by certain entities on behalf of a governmental unit, operated by such unit or entity, or by a private entity, pursuant to a qualified management contract, and financed with the proceeds of non-private activity bonds, issued by the Dallas Housing Finance Corporation (DHFC) for this project; and, **(3)** the DHFC to create a limited liability company to own the project contingent upon, among other things, the appropriate zoning change to MU3 or MF3 to allow for the development of up to 400 residential units with 40 units set aside to accommodate 51 young adults coming out of foster care - Financing: No cost consideration to the City

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 consent agenda item 12 was brought up for consideration.

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

Councilmember Medrano moved to approve the resolution.

Motion seconded by Councilmember Koop and unanimously adopted. (Miller, Rasansky abstain; Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1595

Addendum addition 13: Authorize an amendment to Resolution No. 06-0963, previously approved on March 28, 2006, as amended by Resolution No. 06-2651, previously approved on September 27, 2006, to **(1)** reduce the number of units for the CityWalk @ Akard project from 209 to 194; **(2)** amend the terms of the loan for the CityWalk @ Akard project to allow for \$750,000 to be used toward a principal reduction at execution of a renewal and extension of the existing acquisition loan between JPMorgan Chase and Akard Walk, L.P.; **(3)** extend the loan term from 15 years to 20 years at 0% interest forgivable at a rate of 1/240 monthly for 20 years; and **(4)** permit funding of Residential Development Acquisition Loan Program loan prior to the closing of the tax credit financing and the execution of the first lien lender's loan for construction - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1596

Addendum addition 14: Authorize approval of the issuance of Dallas/Fort Worth International Airport Facility Improvement Corporation American Airlines, Inc. Revenue Refunding Bonds if certain parameters are met; approving documents related thereto; and related matters - Financing: No cost consideration to the City

The Mayor Miller requested to reconsider the consent agenda due to Councilmember Blaydes' conflict of interest on addendum addition consent agenda item 14 and to be considered as an individual item. Mayor Miller stated that addendum addition consent agenda item 14 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Blaydes' request.

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

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

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Blaydes abstain; Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1597

Addendum addition 15: Authorize the submission of a list of candidate projects to Texas Department of Transportation for the Safe Routes to School Call for Projects, and authorize acceptance and implementation of the projects selected by the Texas Department of Transportation (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1598

Addendum addition 16: Authorize **(1)** an agreement with Oncor Electric Delivery (formerly TXU Electric Delivery) permitting the escrow of City funds for disbursement of the City's twenty-five percent share of the incremental cost to underground approximately 0.7 miles of the Public Utilities Commission approved 345-kilovolt West Levee to Norwood transmission line from the West Levee switching station to approximately Sylvan Avenue in the amount of \$4,500,000, and **(2)** establish appropriations in an amount not to exceed \$4,500,000 in the Trinity Electric Transmission Line Interim Financing Fund - Total not to exceed \$4,500,000 - Financing: Hensley Field Funds (to be reimbursed upon issuance of future Certificates of Obligation)

Councilmember Rasansky requested that addendum addition consent agenda item 16 be considered as an individual item. Mayor Miller stated that addendum addition consent agenda item 16 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 consent agenda item 16 was brought up for consideration.

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1599

Addendum addition 17: A resolution authorizing the extension of Stage 1 of the Drought Contingency Plan for an additional 120 days from June 7, 2007 to October 7, 2007 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1600

Addendum addition 18: An ordinance amending Chapters 51 and 51A of the Dallas City Code to restrict exterior lighting and sign lighting at night, with certain defenses - Financing: No cost consideration to the City

Councilmember Koop moved to take the item to the Transportation and Environmental Committee for discussion.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Oakley, Salazar, Blaydes absent when vote taken; Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1601

Addendum addition 19: An ordinance amending Chapters 5A and 30 of the Dallas City Code to restrict idling by motor vehicles with a gross vehicle weight rating of over 14,000 pounds, with certain defenses - Financing: No cost consideration to the City

Councilmember Chaney moved to approve the ordinance.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Oakley, Salazar, Blaydes absent when vote taken; Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26766.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1602

Addendum addition 20: Receive the report of the Canvassing Committee and adopt a resolution accepting the Canvassing Committee's report declaring the results of the May 12, 2007 general election for the Mayor and members of the City Council -
Financing: No cost consideration to the City

Councilmember Blaydes moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1603

Addendum addition 21: **June 16, 2007 Runoff Election**

An ordinance ordering a runoff election to be held in the City of Dallas, on Saturday, June 16, 2007, for the purpose of electing the Mayor and 4 members of the City Council to represent Places 15, 3, 5, 7 and 8, in which no candidate received a majority of the votes in the general election held on Saturday, May 12, 2007 - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Garcia moved to approve the ordinance.

Motion seconded by Councilmember Koop and unanimously adopted. (Thornton-Reese, Fantroy absent)

Assigned ORDINANCE NO. 26767.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1604

Addendum addition 22: **June 16, 2007 Runoff Election**

A resolution authorizing the appointment of citizens to serve as election judges for the June 16, 2007 runoff election - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Garcia moved to approve the resolution.

Motion seconded by Councilmember Koop and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1605

Addendum addition 23: **June 16, 2007 Runoff Election**

A resolution authorizing the Mayor to appoint an Ad Hoc City Council Canvassing Committee to review the returns of the June 16, 2007, runoff election, and submit a canvass report to the full City Council on Monday, June 25, 2007 - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Garcia moved to approve the resolution authorizing the Mayor to appoint an Ad Hoc City Council Canvassing Committee to review the returns of the June 16, 2007, runoff election, and submit a canvass report to the full City Council on Monday, June 25, 2007.

The Ad Hoc City Council Canvassing Committee will consist of:

Councilmember Leo V. Chaney, Chair
Councilmember Pauline Medrano
Councilmember Ron Natinsky
Councilmember Linda Koop

Deputy Mayor Pro Tem Garcia moved to approve the resolution.

Motion seconded by Councilmember Medrano and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1606

Addendum addition 24: A resolution to consider the sanction against C. W. Whitaker, Park and Recreation Board President, in connection with an unintentional violation of Chapter 12A (Code of Ethics) of the Dallas City Code (Closed Session, if necessary, Personnel, Sec. 551.074 T.O.M.A.) - Financing: No cost consideration to the City

Councilmember Blaydes moved to approve the resolution.

Motion seconded by Councilmember Chaney and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1607

Addendum addition 25: Authorize Supplemental Agreement No. 1 to the contract with CBS Outdoor (CBS) for a comprehensive outdoor sign kiosk advertising program to include the following additional conditions: **(1)** stipulate specific locational and placement criteria; **(2)** provide for cost-sharing arrangement between the City and CBS to re-meter 39 existing illuminated kiosks; **(3)** provide for the alteration of 150 kiosks with skirted bases at the City's expense; **(4)** provide the disposition of all suspended applications; **(5)** provide acceptable alternatives to meter individual kiosk units; **(6)** provide the requirements to reposition or remove 12 existing kiosks; **(7)** provide for the removal or relocation of kiosks that may become non-compliant with locational and placement criteria at a future date due to City action; and **(8)** provide notice to CBS regarding risk after 150 kiosk units have been approved and installed, resulting in a reduction in the original revenue by an amount not to exceed (\$365,000), from \$21,325,000 to \$20,960,000 - Estimated Revenue Loss: (\$365,000)

Councilmember Natinsky moved to approve the item with the following changes:

- Meter Boxes - Solar energy is an acceptable alternative subject to design approval by the city.
- Cost sharing on meter box replacement is capped at \$112,000 for both the city and CBS for a total cost not to exceed \$224,000.
- Skirting - CBS shall provide detailed cost estimates to skirt kiosks within 60 days. The city is responsible for all costs associated with skirting to a maximum of \$250,000.

Motion seconded by Councilmember Hunt.

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

Mayor Miller declared the motion adopted on a divided vote, with Councilmember Rasansky voting "No". (Oakley, Salazar, Blaydes absent when vote taken; Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1608

Addendum addition 26: **Air Quality Strategies** Note: Item Nos. 26 and 27 must be considered collectively.

A resolution authorizing the City of Dallas to specify the purchase of dry kiln cement as the base bid in City of Dallas bid packages, with an alternative bid for the purchase of cement from a unspecified source and preferential purchasing for bids from a cement kiln with emission rates of 1.7 pounds of NOx per ton of clinker or less - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Charles Wiedenhott, 11011 Codi St. **Overland Park, KS.**, Present, Ash Grove Cement

Deputy Mayor Pro Tem Garcia moved to refer the item to the Transportation and Environment Committee for review.

Motion seconded by Councilmember Chaney.

After discussion, Councilmember Koop moved to substitute for Deputy Mayor Pro Tem Garcia's motion to approve the item with the following changes:

The base bid would remain at dry kiln cement and the alternative would be any kiln and the preference would be 1.7 pounds of NOx per ton of clinker.

Motion seconded by Councilmember Hunt.

After discussion, Mayor Miller called the vote on Councilmember Koop's substitute motion to approve the item with changes:

Voting Yes: [7] Miller, Medrano, Salazar, Chaney, Koop, Natinsky, Rasansky
Voting No: [3] Hill, Garcia, Griffith
Absent when vote taken: [3] Oakley, Blaydes, Hunt
Absent: [2] Thornton-Reese, Fantroy

Mayor Miller declared the substitute motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1609

Addendum addition 27: **Air Quality Strategies** Note: Item Nos. 26 and 27
must be considered collectively.

Authorize an increase in appropriations in the Office of Environmental Quality's budget to hire an air quality outreach coordinator to implement various programs related to air quality strategies - Not to exceed \$33,013, from \$1,339,140 to \$1,372,153 - Financing: Contingency Reserve Funds

The following individuals addressed the city council regarding the item:

Charles Wiedenhott, 11011 Codi St. **Overland Park, KS.**, representing Ash Grove Cement

Deputy Mayor Pro Tem Garcia moved to refer the item to the Transportation and Environment Committee to discuss.

Motion seconded by Councilmember Chaney.

After discussion, Councilmember Koop moved to substitute for Deputy Mayor Pro Tem Garcia's motion to approve the item with the following changes:

The base bid would remain at dry kiln cement and the alternative would be any kiln and the preference would be 1.7 pounds of NO_x per ton of clinker.

Motion seconded by Councilmember Hunt.

After discussion, Mayor Miller called the vote on Councilmember Koop's substitute motion to approve the item with changes:

Voting Yes: [7] Miller, Medrano, Salazar, Chaney, Koop, Natinsky,
 Rasansky
Voting No: [3] Hill, Garcia, Griffith
Absent when vote taken: [3] Oakley, Blaydes, Hunt
Absent: [2] Thornton-Reese, Fantroy

Mayor Miller declared the substitute motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1610

Addendum addition 28: Authorize **(1)** adoption of the preliminary FY 2007-08 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$33,311,765 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$19,821,070, **(b)** HOME Investment Partnerships Program in the amount of \$8,298,971, **(c)** American Dream Down-Payment Initiative in the amount of \$179,338, **(d)** Housing Opportunities for Persons with AIDS in the amount of \$3,134,000, and **(e)** Emergency Shelter Grant in the amount of \$775,725; **(2)** adoption of the proposed FY 2006-07 Reprogramming Budget in the amount of \$1,102,661; **(3)** amendments to the Citizen Participation Plan to make the following modifications: **(a)** the required minimum number of neighborhood public hearings during the 3-year or 5-year Consolidated Plan development from 14 meetings to 6 meetings, **(b)** the required number of days between calling a public hearing and holding a public hearing from no less than 15 days to no less than 14 days; and **(4)** a public hearing to be held on June 13, 2007 to receive comments on the proposed use of funds and amendments to the Citizen Participation Plan - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Chaney and unanimously adopted. (Thornton-Reese, Fantroy absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2007

07-1611

Addendum addition 29: SPECIAL PROVISION SIGN DISTRICT AMENDMENT
- INDIVIDUAL

A public hearing to receive comments regarding a City Planning Commission authorized hearing to consider amendments to Section 51A-7.1200, the Arts District Special Provision Sign District, with consideration being given to creating a new sign category, "Cultural Institution Identification Sign," adding a definition for a "Cultural Institution" and providing standards for such signs for an area generally bounded by Ross Avenue to the southeast, Routh Street to the northeast, Woodall Rogers Freeway to the northwest and Harwood Street to the southwest and an ordinance granting the amendments

(The staff and city plan recommended approval)

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

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

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

Assigned ORDINANCE NO. 26768.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 23, 2007

EXHIBIT C