

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, DECEMBER 12, 2007

07-3680
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Garcia, Caraway, Medrano, Neumann, Hill, Salazar, Davis,
Atkins, Kadane, Allen, Koop, Natinsky, Rasansky, Hunt

ABSENT: [0]

The meeting was called to order at 9:02 a.m.

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

The invocation was given by Dr. Jim Dennison, Park Cities Baptist Church.

Councilmember Kadane 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 8:37 p.m.

Mayor

ATTEST:

Assistant 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, DECEMBER 12, 2007

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, DECEMBER 12, 2007

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3681

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: Richie Sheridan, 3022 Forest Lane
SUBJECT: Jesus and the second American Revolution

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: J. B. Jackson, Jr. Institute
SUBJECT: November 6, 2007

SPEAKER: Ernestor Pena, 3321 McNeil St.
REPRESENTING: City of Employees – Local 9479
SUBJECT: City employees

SPEAKER: Harold Cox, 7415 Ridgewick Dr.
SUBJECT: Illegal and dangerous dumps at 6000 S. Loop 12 and Elam Rd.

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Racism with DPD, DISD and KKK

SPEAKER: Vickie Martin, 8230 Claremont Dr.
REPRESENTING: Ferguson Road Initiative
SUBJECT: Community Needs

SPEAKER: Susan Walker, 5820 Gardendale Dr.
REPRESENTING: Ferguson Road Initiative
SUBJECT: Community Needs

SPEAKER: Carolyn Bullard, 2550 Highland Rd.
REPRESENTING: Ferguson Road Initiative
SUBJECT: Community Needs

OPEN MICROPHONE – END OF MEETING

SPEAKER: Kim Nichols, 4028 thoroughbred, **Fort Worth, TX**
SUBJECT: Wrongful termination

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
SUBJECT: Corrupt Dallas Police Officer, Criminal Justice System, past DA
Prosecuting Attorney, Code Compliance Supervisor and Dallas is a
racist city

SPEAKER: Gwain Wooten, 4625 Bryan St.
SUBJECT: “Martin Luther King, Jr. was murdered April 4, 1968 in support of
garbage men and Dallas does not hire them.”

SPEAKER: Leslie Davis, 3035 E. Ledbetter Dr.
SUBJECT: Lawsuit about DPD pay raise, crime, and future spending

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3682

Item 1: Approval of Minutes of the November 28, 2007 City Council Meeting.

Mayor Pro Tem Garcia moved to approve the minutes.

Motion seconded by Councilmember Neumann and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3683

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-51 and addendum addition consent agenda item 1-26, were presented for consideration.

The assistant city secretary announced that Councilmember Salazar had deferred consideration of addendum addition consent agenda item 23 until the next voting meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

The assistant city secretary requested that addendum addition consent agenda items 2 and 6 be considered as individual items to allow citizens to speak. Mayor Leppert stated that addendum addition consent agenda items 2 and 6 would be considered as individual items later in the meeting there being no objection voiced to the assistant city secretary's request.

Mayor Pro Tem Garcia requested that consent agenda item 7 be considered as an individual item. Mayor Leppert stated that consent agenda item 7 be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia's request.

Councilmember Neumann requested that consent agenda items 5, 6, 25, 40 and addendum addition consent agenda item 5 be considered as individual items. Mayor Leppert stated that consent agenda items 5, 6, 25, 40 and addendum addition consent agenda item 5 be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Rasansky requested that consent agenda items 18, 19 and addendum addition consent agenda items 1, 12, 13, 14, 15, 16, 17 and 18 be considered as individual items. Mayor Leppert stated that consent agenda items 18, 19 and addendum addition consent agenda items 1, 12, 13, 14, 15, 16, 17 and 18 be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Salazar moved to approve all items on the consent agenda with the exception of consent agenda 5, 6, 7, 18, 19, 25, 40 and addendum addition consent agenda items 1, 2, 5, 6, 12, 13, 14, 15, 16, 17, 18, 23 and 24 which would be considered later in the meeting.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3684

Item 2: Authorize a thirty-six-month master agreement for parts to repair lawn maintenance equipment - Longhorn, Inc. in the amount of \$483,000, Toy Carnival, Inc. dba Ed's Lawn Equipment in the amount of \$369,297, Landmark Equipment Co. in the amount of \$296,028, Four Brothers Outdoor Power in the amount of \$192,650, Luber Brothers, Inc. in the amount of \$136,500, and Austin Turf & Tractor in the amount of \$65,303, lowest responsible bidders of eight - Total not to exceed \$1,542,778 - Financing: Current Funds (\$1,470,588) Aviation Current Funds (\$72,190)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3685

Item 3: Authorize a thirty-six-month service contract for minor plumbing services - H & W Cleaning Systems, Inc., lowest responsible bidder of three - Not to exceed \$377,223 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3686

Item 4: Authorize a thirty-six-month service contract for the removal and disposal of contaminated water and fuel from above and underground storage tank containment vaults - Eagle Construction and Environmental Services, L.P., lowest responsible bidder of two - Not to exceed \$128,600 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3687

Item 5: Authorize a twelve-month master agreement for liquid ferric sulfate for the City's three water purification treatment plants - General Chemical Performance Products, Inc., lowest responsible bidder of two - Not to exceed \$5,916,572 - Financing: Water Utilities Current Funds

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

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

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Neumann and unanimously adopted. (Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3688

Item 6: Authorize a twenty-four-month master agreement for hydrofluosilicic acid to be used for the treatment of potable water - Pencco, Inc., only bidder - Not to exceed \$876,350 - Financing: Water Utilities Current Funds

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

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3689

Item 7: Authorize a service contract for Phase II (acquisition and installation of 140 sirens) of the upgrade and expansion of the outdoor warning system sirens throughout the City - Federal Signal Corporation, most advantageous proposer of three - Not to exceed \$2,683,410 - Financing: 2006 Bond Funds

Mayor Pro Tem Garcia requested that consent agenda item 7 be considered as an individual item. Mayor Leppert stated that consent agenda item 7 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia's request.

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

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3690

Item 8: Authorize settlement of the claim filed by Landmark Equipment Company,
Claim No. 07189785 - Not to exceed \$72,609 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3691

Item 9: Authorize a professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. for legal services necessary in the lawsuit styled Theron Green v. City of Dallas, et al., Civil Action No. 3:07-CV-0016-N - Not to exceed \$65,000 - Financing: Current Funds

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3692

Item 10: A resolution authorizing the conveyance of a drainage easement to the City of Rockwall containing approximately 14,418 square feet of land across City-owned land at Lake Ray Hubbard located near the intersection of Riverside Oaks and Isle Royale Drives - Revenue: \$1,562

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3693

Item 11: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of 3 tracts of land containing a total of approximately 11,715 square feet improved with a transmission tower and billboard near the intersection of Stemmons Freeway and Halifax Street for the Trinity River Parkway Project (list attached) - \$798,000 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3694

Item 12: An ordinance abandoning a portion of a fire lane easement to Henderson Belmont Apartments PO Limited Partnership, the abutting owner, containing approximately 9,437 square feet of land located near the intersection of Henderson and Belmont Avenues - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27028.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3695

Item 13: An ordinance abandoning a portion of an alley to Goodman South Lamar Partnership, Ltd., the abutting owner, containing approximately 5,287 square feet of land located near the intersection of Alexander Avenue and Lamar Street, and authorizing the quitclaim - Revenue: \$15,861 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27029.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3696

Item 14: An ordinance authorizing a correction to Ordinance No. 26884, previously approved on August 8, 2007, for the creation of a new tract within Conservation District No. 6, the Hollywood / Santa Monica Conservation District, on both sides of Shady Side Lane, southeast of Lindsley Avenue to correct the directional reference in Section 6(b)(13) Open Space Area Z067-237(JA) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27030.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3697

Item 15: An ordinance authorizing a correction to Ordinance No. 26981, previously approved on October 24, 2007, for a Specific Use Permit for a tattoo studio and piercing studio within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the north side of Elm Street west of Malcolm X Boulevard to correct the reference to the zoning map Z067-290(MF) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27031.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3698

Item 16: An ordinance amending the Project Plan and Reinvestment Zone Financing Plan (Plans) for Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District) in accordance with the Tax Increment Financing Act, (V.T.C.A. Tax Code, Chapter 311), to **(1)** provide for the Affordable Housing Program requiring Downtown Connection TIF District funded projects to set aside ten percent of the units as affordable and specifying alternatives to providing such units within the TIF funded project, **(2)** reprogram \$2,500,000 from the Park and Plaza Design and Acquisition budget line item to a new budget line item for Retail Initiative/Streetscape Improvements, **(3)** expand the use of TIF funds for grants, in accordance with the Downtown Connection TIF District Grant Program and Criteria, and for affordable housing assistance, **(4)** correct the principal amount of bonds sold from \$65 million to \$66 million, and **(5)** update Exhibits G, H and J, Appendix A, and modify the Plan to reflect 2007 property values and adjusted base year value - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27032.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3699

Item 17: Authorize a Chapter 380 grant agreement with PC LH Land Partners, LP for the construction of certain improvements or other costs eligible under the City's Public/Private Partnership Program pursuant to the City's 2006 General Obligation Bond program as part of a transit-oriented development located at the northeast and southeast corners of Skillman Street and Walnut Hill Lane - Not to exceed \$4,677,282 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3700

Item 18: **Comerica Incorporated**

Note: Items Nos. 18 and 19 must
be considered collectively.

Authorize a 90 percent new business personal property tax abatement agreement for 10 years with Comerica Incorporated and 1717 Dallas Partners, LLC located at 1717 Main Street - Revenue: First year revenue estimated at \$4,881; ten-year revenue estimated at \$32,961 (Estimated revenue foregone for ten-year business personal property tax abatement estimated at \$296,654)

Councilmember Rasansky requested that consent agenda item 18 be considered as an individual item. Mayor Leppert 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 Natinsky moved to approve the item.

Motion seconded by Councilmember Atkins.

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

Voting Yes: [15] Leppert, Garcia, Caraway, Neumann, Hill, Salazar, Davis, Atkins,
Kadane, Allen, Koop, Natinsky, Rasansky, Hunt

Voting No: [0]

Absent: [0]

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3701

Item 19: **Comerica Incorporated**

Note: Items Nos. 18 and 19 must
be considered collectively.

Authorize a Chapter 380 grant agreement with Comerica Incorporated related to the company's relocation and job creation at 1717 Main Street - Not to exceed \$250,000 - Financing: Public/Private Partnership Program Funds

Councilmember Rasansky requested that consent agenda item 19 be considered as an individual item. Mayor Leppert stated that consent agenda item 19 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 19 was brought up for consideration.

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted.

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

Voting Yes: [15] Leppert, Garcia, Caraway, Neumann, Hill, Salazar, Davis, Atkins,
Kadane, Allen, Koop, Natinsky, Rasansky, Hunt

Voting No: [0]

Absent: [0]

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3702

Item 20: Authorize a twenty-four-month Interlocal Agreement, with two twenty-four-month renewal options, with Dallas County Health and Human Services Department to secure the benefits of mutual aid and protection of life and health in the event of a local health emergency or act of bioterrorism for the period January 1, 2008 through December 31, 2009 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3703

Item 21: Authorize a contract for the construction of a drug vault expansion, security enhancements at the public service entry, and restroom improvements at the Police Property Building located at 1725 Baylor Street - JAC Commercial and Residential Construction, LLC, lowest responsible bidder of two - Not to exceed \$62,742 - Financing: 2003 Bond Funds (\$59,967) and 1995 Bond Funds (\$2,775)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3704

Item 22: Authorize a contract for the installation of heating, ventilation, and air conditioning improvements and emergency generator installation at the Police Property Building located at 1725 Baylor Street - Lassiter, Inc., lowest responsible bidder of two - Not to exceed \$165,000 - Financing: 1995 Bond Funds (\$8,000) and 2003 Bond Funds (\$157,000)

Approved as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3705

Item 23: Authorize a resolution declaring approximately 18 acres located near the intersection of St. Augustine Road and Elam Road unwanted and unneeded and authorizing its conveyance to Dallas Neighborhood Alliance for Habitat, a City certified Community Housing Development Organization, through the Land Transfer Program - Revenue: \$104,465

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3706

Item 24: Authorize **(1)** an amendment to the Single-Family Housing Infrastructure Development Bond Program Statement to allow for unsolicited proposals, to provide that the current standard of income applies to previously approved projects, and to clarify the City's participation structure, and **(2)** a participation agreement and private development contract with St. Andrews Housing, LLC, for street infrastructure development costs to support the development of a single-family housing subdivision at 318 North St. Augustine Road - Total not to exceed \$377,304 - Financing: 2003 Bond Funds

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3707

Item 25: Authorize a participation agreement and private development contract with KB Home, for street infrastructure development costs to support the development of a single-family housing subdivision in West Dallas at 3100 Bickers Street - Total not to exceed \$341,529 - Financing: 2003 Bond Funds

Councilmember Neumann requested that consent agenda item 25 be considered as an individual item. Mayor Leppert stated that consent agenda item 25 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Later in the meeting, agenda item 25 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded Deputy Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3708

Item 26: Authorize approval of the issuance of Dallas-Fort Worth International Airport Facility Improvement Corporation Rental Car Facility Charge Revenue Refunding Bonds, Taxable Series 2008A and 2008B, if certain parameters are met; approving documents related thereto; and related matters - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3709

Item 27: Authorize an amendment to the Articles of Incorporation of the Dallas-Fort Worth International Airport Facility Improvement Corporation in accordance with the requirements of Section 22.151 *et seq.*, Texas Transportation Code, as amended - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3710

Item 28: Authorize a contract for the fabrication and installation of a site-specific artwork to be installed in the triangular-shaped parkway between Leonard Street and the Maple-Routh Connection - Carolyn Brown - Not to exceed \$40,080 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3711

Item 29: Authorize **(1)** the acceptance of grants from the Texas Commission on the Arts to provide cultural services for the period October 1, 2007 through September 30, 2008; and **(2)** execution of any and all documents required by the agreement - Not to exceed \$62,165 - Financing: Texas Commission on the Arts Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3712

Item 30: Authorize a contract for the demolition of the existing playground, installation of a new playground, landscaping, and construction of a retaining wall stone veneer at Norbuck Park located at 200 North Buckner Boulevard - Hardscape Construction Specialties, Inc., lowest responsible bidder of two - \$274,439 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3713

Item 31: Authorize a professional services contract with Hellmuth, Obata and Kassabaum, LP for site analysis, park development plan, public involvement, and planning level cost estimating for the Dallas North Veloway located between the DART Forest Lane Station on the north to just south of the Katy Spur Trail on the shore of White Rock Lake Park - \$44,030 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3714

Item 32: Authorize Supplemental Agreement No. 1 to the professional services contract with Laguarda.Low Architects, LLC for design development, construction documents, bidding, surveying, storm water pollution prevention plan, cost estimating, and acoustical services for the demolition of the existing building with the exception of the existing gymnasium and retrofitting of the existing gymnasium to accommodate a multipurpose room, including storage and a stage, kitchen with storage, senior's room with storage, two separate rest rooms, arts and crafts room with storage, computer room, kiln room, janitor's room, men's and women's rest rooms, landscaping and irrigation, and expansion of the existing parking lot to accommodate an additional 20 parking spaces at Mattie Nash/Myrtle Davis Recreation Center located at 3700 North Hampton - Not to exceed \$264,862, from \$20,000 to \$284,862 - Financing: 2003 Bond Funds (218,942), 2002-03 Urban Development Action Grant Funds (\$33,135) and 2001-02 Urban Development Action Grant Funds (\$12,785)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3715

Item 33: Authorize Supplemental Agreement No. 6 to the professional services contract with Brown, Reynolds and Watford Architects, Inc. for design, bidding, and construction administration for the Texas Horse Park located at 811 Pemberton Hill Road - Not to exceed \$2,673,000, from \$3,618,305 to \$6,291,305 - Financing: 1998 Bond Funds (\$1,743,750) and 2006 Bond Funds (\$929,250)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3716

Item 34: Authorize a Memorandum of Understanding with the Dallas County District Attorney's Office and the Urban Institute for the joint participation in a field study involving the process of eye-witness identification for the period January 1, 2008 through June 30, 2009 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3717

Item 35: Authorize **(1)** the application for and acceptance of the 2007 Project Safe Neighborhood/Anti-Gang initiative grant in the amount of \$12,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for overtime reimbursement for the Dallas/Fort Worth Fugitive Apprehension Strike Team to utilize Dallas Police Department Task Force officers to investigate and apprehend violent fugitives, including gang members and gang associates for the period October 1, 2007 through September 30, 2008, **(2)** a local match in the amount of \$3,330, and **(3)** execution of the grant agreement - Total not to exceed \$15,330 - Financing: U.S. Department of Justice Grant Funds (\$12,000), and Current Funds (\$3,330)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3718

Item 36: Authorize **(1)** the application for and acceptance of the 2007 Project Safe Neighborhood/Anti-Gang initiative grant in the amount of \$57,979 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to provide overtime reimbursement for the Southeast and Southcentral Patrol Divisions to address open air drug sales and gang activity in targeted areas for the period October 1, 2007 through September 30, 2008, **(2)** a local match in the amount of \$15,946, and **(3)** execution of the grant agreement - Total not to exceed \$73,925 - Financing: U.S. Department of Justice Grant Funds (\$57,979), and Current Funds (\$15,946)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3719

Item 37: Authorize **(1)** the application for and acceptance of the 2007 Project Safe Neighborhood/Anti-Gang initiative grant in the amount of \$94,992 from the U.S. Department Justice, Office of Justice Programs, Bureau of Justice Assistance for the Gang Unit officer overtime reimbursement and for safety equipment to combat gangs, guns and drug activity for the period of October 1, 2007 through September 30, 2008, **(2)** a local match in the amount of \$23,318, and **(3)** execution of the grant agreement - Total not to exceed \$118,310 - Financing: U.S. Department of Justice Grant Funds (\$94,992), and Current Funds (\$23,318)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3720

Item 38: Authorize **(1)** the application for and acceptance of the Impaired Driving Mobilization Selective Traffic Enforcement Program, Overtime Enforcement grant in the amount of \$90,000 from the Texas Department of Transportation for a statewide Driving While Intoxicated enforcement campaign to operate during various holiday periods, for the period December 21, 2007 through September 1, 2008, **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$25,398, and **(3)** execution of the grant agreement - Total not to exceed \$115,398 - Financing: Current Funds (\$25,398) and Texas Department of Transportation Grant Funds (\$90,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3721

Item 39: Authorize a Funding Agreement with Dallas County for the preliminary design of paving and drainage improvements on Walnut Hill Lane from Luna Road to Malibu Drive - \$362,294 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3722

Item 40: Authorize an increase in the contract with Satterfield & Pontikes Construction, Inc. for the purchase and installation of the security and access control system and additional scope of work for underground utilities necessary for the construction of the new Homeless Assistance Center to be located at 1818 Corsicana Street - Not to exceed \$257,825, from \$16,653,260 to \$16,911,085 - Financing: 2005 Bond Funds

Councilmember Neumann requested that consent agenda item 40 be considered as an individual item. Mayor Leppert stated that consent agenda item 40 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Later in the meeting, agenda item 40 was brought up for consideration.

Councilmember Medrano moved to approve the item.

Motion seconded Mayor Pro Tem Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3723

Item 41: Authorize an Interlocal Agreement with the Texas Department of Transportation to allow agencies to connect to and/or use existing fiber-optic cable and/or related infrastructure for the purpose of transmitting and receiving video and transportation related data only - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3724

Item 42: Authorize an Interlocal Agreement with the Texas Department of Transportation (TxDOT) for TxDOT to provide 100 percent of the construction costs for freeway lighting along Spur 408 from IH 20 to Loop 12 and for the City to provide 100 percent of the on-going annual operations and maintenance costs - Not to exceed \$88,300 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3725

Item 43: Authorize **(1)** the receipt and deposit of funds from Dallas SE Retail, LTD. for reimbursement of materials and labor for adjustments to the traffic signal hardware at Buckner Boulevard and the Fiesta Mart Driveway; and **(2)** an increase in appropriations in the amount of \$78,781 in the Capital Projects Reimbursement Fund - \$78,781 - Financing: Capital Projects Reimbursement Funds (to be advanced by the developer)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3726

Item 44: Authorize **(1)** a contract for the construction of temporary paving, drainage and structural improvements phase 2A at Jack Evans Street from the Woodall Rodgers service road to Flora Street, and Flora Street from Jack Evans Street to Routh Street with MACVAL Associates, LLC, lowest responsible bidder of four, in an amount not to exceed \$179,915; and **(2)** assignment of the construction contract to the Dallas Center for the Performing Arts Foundation, Inc. as the City's agent and construction manager for all purposes, including inspection, supervision and coordination of construction work - \$179,915 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3727

Item 45: Authorize **(1)** alley paving, storm drainage, water and wastewater main improvements for Alley Group 03-1122; 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 January 23, 2008, to receive comments (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3728

Item 46: Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation to obtain federal funds for a traffic safety program for enhancements to the police accident database software, provide engineering services to identify locations with accident trends, and implement improvements to reduce accidents in an amount not to exceed \$697,843; and **(2)** a required warrant local match in an amount not to exceed \$5,957 - Total not to exceed \$703,800 - Financing: Texas Department of Transportation Grant Funds (\$400,000), 2003 Bond Funds (\$214,475), 2006 Bond Funds (\$89,325)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3729

Item 47: Authorize an increase in the contract with Rodman Excavation, Inc. for construction of waste cell 6A of the McCommas Bluff Landfill related to the replacement of leachate pump controls - \$174,776, from \$3,190,846 to \$3,365,622 - Financing: Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3730

Item 48: Authorize a contract for the installation of water and wastewater mains at 14 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of six - \$4,518,591 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3731

Item 49: Authorize a contract for the installation of water and wastewater mains at 24 locations (list attached) - Omega Contracting, Inc., lowest responsible bidder of five - \$5,125,638 - Financing: Water Utilities Capital Improvement Funds (\$5,120,513), 2003 Bond Funds (\$5,125)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3732

Item 50: Authorize an Advanced Funding Agreement with the State of Texas, acting through the Texas Department of Transportation, for water and wastewater main relocations and adjustments in Northwest Highway (Loop 12) from 0.1 mile west of Midway Road to U.S. Highway 75 (North Central Expressway) - \$829,103 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3733

Item 51: Ratify an increase in the contract with John Burns Construction Company of Texas, Inc. for emergency repair of an existing 15-inch wastewater main in Singleton Boulevard - \$323,570, from \$4,138,052 to \$4,461,622 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3734

07-3735

Item 52: 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 assistant city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2007-2009 board term updated through DECEMBER 12, 2007.

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

Councilmember Neumann moved to appoint Carolyn Ennis and Belynda Ortiz, General Public, to the Animal Shelter Commission; Alicia Voltmer, to the Civil Service Board; Rick Wamre, Citizen at Large, to the Commission on Productivity and Innovation; Lawrence M. Wolfish and Kathleen J. Wu, Citizens at Large, to the Judicial Nominating Commission; Dean Carter and Jon Radke, Dallas Members, to the Reinvestment Zone Three Board (Oak Cliff Gateway).

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

Councilmember Natinsky moved to appoint Suzanne Charriere, Chair, to the Municipal Library Board and Alicia Voltmer, Vice Chair, to the Civil Service Board.

Motion seconded by Councilmember Medrano and unanimously adopted. (Leppert absent when vote taken)

Councilmember Neumann moved to appoint all nominees to "individual appointment" positions in the report who meet all qualifications for service to the boards and commissions of the city for the term ending September 30, 2009.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

07-3734

07-3735

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

07-3797	ASC ANIMAL SHELTER COMMISSION
07-3798	BOA BOARD OF ADJUSTMENT
07-3799	CPI COMMISSION ON PRODUCTIVITY AND INNOVATION
07-3800	CSB CIVIC SERVICE BOARD
07-3801	CSX CIVIL SERVICE BOARD ADJUNCT MEMBERS
07-3802	JNC JUDICIAL NOMINATING COMMISSION
07-3803	MLB MUNICIPAL LIBRARY BOARD
07-3804	PLA PERMIT AND LICENSE APPEAL BOARD
07-3805	RZ03 REINVESTMENT ZONE THREE BOARD (OAK CLIFF GATEWAY)
07-3806	BOARD OFFICERS

Note: On December 14, 2007, the City Secretary notified Alicia Voltmer by letter that in accordance with The Dallas City Charter XVI, Section 2(a), the Civic Service Board appoints the Vice Chair of the Civil Service Board. Thus, appointment as Vice Chair by the City Council is void.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3736

Item 53: Authorize a resolution reporting the results of balloting for nominees to the Collin County Central Appraisal District Board of Directors - Financing: No cost consideration to the City

Councilmember Medrano moved to approve the resolution reporting the results of balloting of 108 allocated votes for nominees to Collin County Central Appraisal District Board of Directors as follows:

Kevin Anderson	22
William H. Monford	22
Wayne Nabors	22
Jim Olk	22
Roy Wilshire	<u>20</u>
Total	108

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3737

Item 54: Authorize a resolution reporting the results of balloting for nominees to the Denton Central Appraisal District Board of Directors - Financing: No cost consideration to the City

Councilmember Medrano moved to approve the resolution reporting the results of balloting 32 allocated votes for nominees to the Denton County Central Appraisal District Board of Directors as follows:

Steve Mossman	<u>32</u>
Total	32

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3738

Item 55: Authorize a resolution appointing a representative to the Dallas Central Appraisal District Board of Directors - Financing: No cost consideration to the City

Councilmember Allen moved to approve the resolution appointing James Christopher Wells as the City of Dallas representative on the Dallas County Central Appraisal District Board of Directors for a two-year term beginning January 1, 2008.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3739

Item 56: Authorize the City Manager to enter into a ninety-four month contract, with two sixty-month renewal options, with Metro Dallas Homeless Alliance to provide management services for the transition of operations, programming, and management of the Homeless Assistance Center for the period December 12, 2007 through September 30, 2015 - Not to exceed \$27,173,214 - Financing: Current Funds (\$2,673,214), and Current Funds (\$24,500,000) (subject to annual appropriations)

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3740

Item 57: Authorize **(1)** expanding the operations of the Day Resource Center located at 901 South Ervay for overnight sleeping, seven days a week for the period December 15, 2007 through April 30, 2008, **(2)** the receipt and deposit of funds from First Presbyterian Church in the amount of \$50,000 and the Downtown Improvement District in the amount of \$17,500; and **(3)** an increase in appropriations in the budget for Environmental and Health Services - Not to exceed \$316,005, from \$18,989,815 to \$19,305,820 - Financing: Contingency Reserve Funds (\$248,505) and Private Funds (\$67,500)

The following individual addressed the city council regarding the item:

Joe Clifford, 406 Park Avenue, representing First Presbyterian Church of Dallas

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Medrano and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3741

Item 58: Authorize an amendment to the lease agreement with Homer J. Rader, Jr., to modify the agreement to approve overnight sleeping/housing of the homeless at the Day Resource Center located at 901 South Ervay Street - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Nan Miller, 9410 Redondo Dr., representing Day Resource Center Stakeholders

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Medrano and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3742

Item 59: Authorize a thirty-six-month service contract for janitorial services at the Dallas Convention Center, Reunion Arena and Farmers Market - Andrew's Building Service, Inc., lowest responsible bidder of seven - Not to exceed \$13,731,475 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

The following individual addressed the city council regarding the item:

Jeff Bodley, 2556 W. Commerce St., representing Tolman Building Maintenance

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3743

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 60-62 were presented for consideration.

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

~~Agenda item 60: Zoning Case Z056-242(RB)~~ [considered individually]
Agenda item 61: Zoning Case Z067-293 (WE)
Agenda item 62: Zoning Case Z067-327 (MF)

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

The following individual addressed the city council regarding the items:

David Bell, 6030 Woodland Dr., item 62

Councilmember Rasansky moved to close the public hearing, accept the recommendations of the city plan commission on the consent zoning cases and pass the ordinances.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3744

Item 60: Zoning Case Z056-242 (RB)

The consent zoning docket consisting of agenda items 60-62 were presented for consideration.

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

A public hearing was called on zoning case Z056-242 (RB), an application for and an ordinance granting a Specific Use Permit for a bank or savings and loan with drive-in windows within the Subarea 12 portion of PDD No. 298, the Bryan Area Special Purpose District, on the northwest line of Gaston Avenue, southwest of Haskell Avenue.

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

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

No one appeared in opposition 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 Deputy Mayor Pro Tem Caraway and unanimously adopted. (Rasansky abstain)

Assigned ORDINANCE NO. 27033.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3745

Item 61: Zoning Case Z067-293 (WE)

The consent zoning docket consisting of agenda items 60-62 were presented for consideration.

A public hearing was called on zoning case Z067-293 (WE), an application for and an ordinance creating a new subarea within Planned Development District No. 366 on property zoned a portion of Subdistrict No. 2 within Planned Development District No. 366, the Buckner Special Purpose District and an R-7.5(A) Single Family District, on the east side of Buckner Boulevard between Rayville Drive and Dell Garden Avenue

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27034.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3746

Item 62: Zoning Case Z067-327 (MF)

The consent zoning docket consisting of agenda items 60-62 were presented for consideration.

A public hearing was called on zoning case Z067-327 (MF), an application for and an ordinance granting a Neighborhood Stabilization Overlay (NSO) on property zoned an R-10(A) Single Family District in an area on either side of Woodland Drive between Preston Road and Edgemere Road (Woodland Drive Neighborhood)

(The staff and city plan commission recommended approval)

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

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

David Bell, 6030 Woodland Dr.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27035.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3747

Item 63: Zoning Case Z067-291 (MF) INDIVIDUAL

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

A public hearing was called on zoning case Z067-291 (MF), an application for a Neighborhood Stabilization Overlay (NSO) on property zoned an R-10(A) Single Family District in an area generally bounded by Garland Road, Peavy Road, the GC & SF Railroad, Old Gate Lane and the alley west of Redondo Drive (Casa Linda Estates) and an ordinance granting a Neighborhood Stabilization Overlay on Subdistrict 1 located south and west of Buckner Frontage

(The staff recommended approval. The city plan commission recommended approval, of the Neighborhood Stabilization Overlay on Subdistrict 1 located south and west of Buckner Frontage and denial without prejudice of the remainder)

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

John A. Widhalm, 1502 Verano Drive, representing Casa Linda Neighborhood Association
Earl Johnson, 1524 N. Buckner Blvd.
Paul Bryant, 1403 Corto Drive
Warren Houser, 9816 Redondo Drive
Hilary Johnson, 1425 N. Buckner Blvd.
Dotty Vidal, 1518 El Campo

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

Brad Rogers, 1306 El Patio Drive
Thomas Grady Oliver, III, 9525 Hermosa Drive
Jenny Caprica, 1435 N Buckner Blvd., representing Casa Linda NSO

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

07-3747

Page 2

Jim Witter, 1560 San Saba Drive, representing Casa Linda Estates Neighborhood Association

Dawn Cleaves, 9523 Hermosa Drive

Cindy Bourne, 1413 El Campo Drive, representing Casa Linda Estates Homeowners

Councilmember Kadane moved to close the public hearing to approve neighborhood stabilization overlay on Subdistrict 1 located south and west of Buckner frontage and denial without prejudice of the remainder and pass the ordinance.

Motion seconded by Councilmember Neumann and unanimously adopted.

Assigned ORDINANCE NO. 27036.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3748

Item 64: Zoning Case Z067-299 (RB) INDIVIDUAL

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

A public hearing was called on zoning case Z067-299 (RB), an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District Uses on property zoned an MF-2(A) Multifamily District in the northwest quadrant of Northwest Highway and Lullwater Drive

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

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

Brad Forslund, 5605 N. MacArthur Blvd. **Irving, TX**, representing Churchill Residential
Karl Crawley, 900 Jackson St., representing applicant
Jack Lyons, 10808 Hayfield Dr. representing Highland Meadows Neighborhood
Association
Ken Adams, 10665 Lemans Dr. representing L Streets Neighborhood Association
Dee Blakely, 10640 Longmeadow Dr. representing Neighborhood Watch 1077
Robin Norcross, 10000 Linkwood Dr. representing Neighborhood Organization'
Allen Vaught, 6301 Gaston Ave., State Representative
Ann Hufstetler, 10538 Lemans
Brian Barnes, 8843 Zarchwood
Richard Reed, 319 Robin Way, **Richardson, TX**, representing Dallas Elks Lodge

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

Maria Vierna-Williams, 8608 San Soci Dr.

Councilmember Allen moved to close the public hearing, and accept the recommendation of the staff to approve subject to a conceptual plan and conditions and pass the ordinance.

Motion seconded by Councilmember Atkins and unanimously adopted.

Corrected on the addendum to the agenda.

Assigned ORDINANCE NO. 27037.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3749

Item 65: Zoning Case Z067-230 (JH) INDIVIDUAL

A public hearing was called on zoning case Z067-230 (JH), an application for and an ordinance granting a Specific Use Permit for vehicle sales, display, and service use on property zoned Subarea 1 in Planned Development District No. 534 on the north side of CF Hawn Freeway, east of La Paz Drive

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

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

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

Ramon Aranda, 2946 S. Sunback, **Farmers Branch, TX**

Councilmember Atkins moved to close the public hearing and follow the City Plan Commission recommendation for approval of the specific use permit for a three year time period, subject to a site plan, landscape plan and conditions. The proposed landscaping will bring this site into compliance with the provisions of the CF Hawn Planned Development District.

Motion seconded by Councilmember Hill and unanimously adopted. (Leppert absent when vote taken)

Assigned ORDINANCE NO. 27038.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3750

Item 66: Zoning Case Z067-259 (OTH) INDIVIDUAL

A public hearing was called on zoning case Z067-259 (OTH), an application for an MU-1 Mixed Use District on the western half of the site, and an MF-3(A) Multifamily District on the eastern half of the site with deed restrictions volunteered by the applicant on the entire site, on property zoned an MF-1(A) Multifamily District, in an area bounded by Lovers Lane, Amesbury Drive, Milton Street, and Matilda Street

Deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3751

Item 67: Zoning Case Z067-260 (OTH) INDIVIDUAL

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

A public hearing was called on zoning case Z067-260 (OTH), an application for a P(A) Parking District on property zoned an MF-1(A) Multifamily District on the southwest corner of Matilda Street and Lovers Lane

(The staff recommended approval, subject to a site plan. The city plan commission recommended denial)

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

Elaine Laroa, 5082 Matilda, representing Birchbrook II Condominiums

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

John Allegro, 5136 Amesbury Dr.

Alan Leibel, 6146 Chesley Lane

Susan Norman, 6500 Greenville, representing LANC

Councilmember Hunt moved to close the public hearing, and accept the recommendation of the city plan commission to deny without prejudice.

Motion seconded by Councilmember Medrano and unanimously adopted. (Leppert. Davis, Atkins absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3752

Item 68: Zoning Case Z067-318 (MF) INDIVIDUAL

A public hearing was called on zoning case Z067-318 (MF), an application for and an ordinance granting a Neighborhood Stabilization Overlay (NSO) on property zoned an R-5(A) Single Family District in an area generally bounded by Lee Street, Pershing Street, Henderson Avenue and Homer Street and including both sides of Pershing and Homer (Cochran Heights)

Deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3753

Item 69: Zoning Case Z067-320 (RB) INDIVIDUAL

A public hearing was called on zoning Z067-320 (RB), an application for and an ordinance granting an MU-2 Mixed Use District on property zoned an MF-2(A) Multifamily District and a resolution accepting the termination of existing deed restrictions, on the northeast line of Maple Avenue, north of Kimsey Drive with consideration being given to an MU-1 Mixed Use District

(The staff recommended approval of an MU-1 Mixed Use District in lieu of the requested MU-2 Mixed Use District, and approval of the termination of existing deed restrictions. The city plan commission recommended approval of an MU-2 Mixed Use District, and approval of the termination of existing deed restrictions)

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

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

Robert Baldwin, representing the applicant
Scott Sherwood, representing the applicant

Councilmember Medrano moved to close the public hearing, and accept the recommendation of the city plan commission of an MU-2 Mixed Use District and with the restriction of the 8 foot wide sidewalk along Maple Street across the frontage of the property and provide secure lighting and to bring back the ordinance on January 9, 2008.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3754

Item 70: Zoning Case Z067-272 (OTH) INDIVIDUAL

A public hearing was called on zoning case Z067-272 (OTH), an application for and an ordinance granting the creation of a new subdistrict within Planned Development District No. 714, West Commerce Street/ Fort Worth Avenue Special Purpose District, on property zoned a TH-3(A) Townhouse District on the northeast corner of the terminus of Folsom Street, north of Fort Worth Avenue, east of Willomet Avenue

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

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

Councilmember Salazar moved to hold under advisement until the January 9, 2008 voting agenda meeting of the city council.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3755

Item 71: Zoning Case Z067-334 (RB) INDIVIDUAL

A public hearing was called on zoning case Z067-334 (RB), an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern and an inside commercial amusement for a live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest line of Exposition Avenue, west of Parry Avenue

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

The following individuals addressed the city council regarding the item:

Billy MacLeod, 5188 Richmond Ave.
Deanna Anderson, 6011 Gaston Ave.
Barry Kooda, 410 N. Montreal

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

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

Mike Shield, 831 Exposition, representing Amsterdam Bar
Sheldon Hubbard, 827 Exposition
Susan Reese, 8626 Douglas Ave., property owner
Cliff Martinez, 214 N. Winnetka

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

Motion seconded by Councilmember Atkins and unanimously adopted.

Assigned ORDINANCE NO. 27039.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3756

Item 72: Zoning Case Z067-340 (RB) INDIVIDUAL

A public hearing was called on Z067-340 (RB), an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest line of Exposition Avenue, west of Parry Avenue

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

The following individuals addressed the city council regarding the item:

Billy MacLeod, 5188 Richmond Ave
Deanna Anderson, 6011 Gaston Ave.
Barry Kooda, 410 N. Montreal

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

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

Ulisses Rusher, 835 Exposition Ave., applicant
Angelica Navarro, 7030 Fair Oaks
Susan Reese, 8626 Douglas Ave., property owner
Mike Shield, 831 Exposition
Rhett Jones, 4130 Commerce St.

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

Motion seconded by Councilmember Atkins and unanimously adopted.

Assigned ORDINANCE NO. 27040.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3757

Item 73: Zoning Case Z067-336 (JH) INDIVIDUAL

A public hearing was called on zoning case Z067-336 (JH), an application for and an ordinance granting a Specific Use Permit for a bar, lounge or tavern and an inside commercial amusement for a live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest corner of Elm Street and Crowds Street

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

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

The following individuals addressed the city council regarding the item:

Billy MacLeod, 5188 Richmond Ave.
Barry Kooda, 410 N. Montreal

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

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

Joseph Beard, 10005 Birdie Ct., **Rowlett, TX.**, owner of The Bone

Councilmember Medrano moved to hold under advisement until the January 9, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Salazar and unanimously adopted. (Caraway abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3758

Item 74: Zoning Case Z067-343 (JH) INDIVIDUAL

A public hearing was called on zoning case Z067-343 (JH), an application for and an ordinance granting a Specific Use Permit for a bar, lounge or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Elm Street, east of Crowds Street

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

The following individuals addressed the city council regarding the item:

Billy MacLeod, 5188 Richmond Ave.
Barry Kooda, 410 N. Montreal
Wes Garrett, 2801 Virgil St.

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

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

Michael Donathan, 209 Meadowside Dr., **Mansfield, TX**, representing Elm St. Bar

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

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

Assigned ORDINANCE NO. 27041.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3759

Item 75: Zoning Case Z067-344 (JH) INDIVIDUAL

A public hearing was called on zoning case Z067-344 (JH), an application for and an ordinance granting a Specific Use Permit for a bar, lounge or tavern and an inside commercial amusement for a live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Elm Street, east of Crowds Street

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

The following individuals addressed the city council regarding the item:

Billy MacLeod, 5188 Richmond Ave.
Barry Kooda, 410 N. Montreal

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

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 Rasansky and unanimously adopted.

Assigned ORDINANCE NO. 27042.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3760

Item 76: Zoning Case Z067-345 (RB) INDIVIDUAL

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

A public hearing was called on zoning case Z067-345 (RB), an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern and an inside commercial amusement use limited to a Class A dance hall on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on both sides of Main Street, west of Hall Street

(The city plan commission recommended Denial)

The following individuals addressed the city council regarding the item:

Billy MacLeod, 5188 Richmond Ave.
Barry Kooda, 410 N. Montreal
Susan Reese, 8626 Douglas Ave.
Jonathan Hetzel, 1811 Greenville Ave., representing Madison Partners
Denny Hunt, 2700 Live Oak

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

Barbara Martinez, 317 S. Edgefield, representing Club One/Deep Ellum Enterprises
Shelley Martinez, 317 S. Edgefield, representing Club One
Byron Laszlo, 1438 Alaska Ave.
Scott Clemmons, no address given
Richard Sullivan, 101 S. Walton
Raymond Brown, 1743 East Cliff, representing Club One
Chris Martinez, 317 S. Edgefield, representing Club One
Jenni Mardis, 2815 Reagan St.

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07-3760

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

David R. Hunt, 3005 Rosedale Ave.

Bruce Sims, 3023 W. Commerce St.

Don Cass, 2825 Oak Point

Richard Bates, 6295 Mercedes

Ryan Williams, 3010 Main St.

Councilmember Medrano moved to close the public hearing, and accept the recommendation of the city plan commission to deny with prejudice.

Motion seconded by Councilmember Neumann and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3761

Item 77: Zoning Case Z067-347 (RB) INDIVIDUAL

A public hearing was called on zoning case Z067-347 (RB), an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern and an inside commercial amusement for a live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southeast line of Elm Street, west of Crowds Street

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

The following individuals addressed the city council regarding the item:

Billy MacLeod, 5188 Richmond Ave.
Deanna Anderson, 6011 Gaston Ave.
Barry Kooda, 410 N. Montreal

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

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

David Seeberger, 1252 N. Selva, representing the applicant
Bob Cummins, 5825 Goliad, co-owner
Amanda Newman, 6214 Penrose
Alison M. Welsh, 4328 Swiss Ave., representing Deep Ellum Association
Brian Nesbitt, 1409 S. Lamar St.
Bill Holston, 2719 Housley

Councilmember Medrano moved to close the public hearing, and accept the recommendation of the city plan commission with a live music venue, and pass the ordinance.

Motion seconded by Councilmember Neumann and unanimously adopted.

Assigned ORDINANCE NO. 27043.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3762

Item 78: Zoning Case Z067-348 (RB) INDIVIDUAL

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

A public hearing was called on zoning case Z067-348 (RB), an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern and an inside commercial amusement for a live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the northwest corner of Commerce Street and La France Street

(The Staff and City Plan Commission recommended approval for a two-year period, subject to a site plan and conditions)

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

The following individuals addressed the city council regarding the item:

John Tatum, 6617 Northhaven Road, representing Tall Properties, LTD
Deanna Anderson, 6011 Gaston Ave.
Wes Garrett, 2801 Virgil St.

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

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

John Kimbrough, 900 Jackson St., representing the applicant
Kim Finch, 2118 Montalba
Chelsea Callahan, 6255 Oram
Brent Patterson, 3221 Commerce
Jason Marshall, 1312 Adair

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

07-3762

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

Scottie Pache, 3813 Eastside Ave.

Nancy L. Shelton, 101 S. Walton

Shaun Armstrong, 1900 Elm, representing Deep Ellum Association

Benjamin Wagner, 5424 Winston

Brian Fiegelman, 2752 Gaston Ave.

Ashley McCullough, 6503 Howell

Jeremy Gomez, 3200 Main St.

Ashley Venue, no address given

Councilmember Medrano moved to close the public hearing, and accept the recommendation of the city plan commission and extend the specific use permit until June 1, 2010 and pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted.
(Rasansky abstain)

Assigned ORDINANCE NO. 27044.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3763

Item 79: Zoning Case Z067-288 (JH) INDIVIDUAL

A public hearing was called on zoning case Z067-288 (JH), an application for a Planned Development District for mixed uses on property zoned an IM Industrial Manufacturing District and a CS Commercial Service District on both sides of Industrial Boulevard, between Continental Avenue and Union Pacific Railroad

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

The following individuals addressed the city council regarding the item:

Billy MacLeod, 5188 Richmond Ave.
Barry Kooda, 410 N. Montreal

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

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

Jonathan Vinson, 6342 Vickery Blvd., representing the applicant
Larry Good, 3601 Overbrook Drive, representing the applicant

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

- 1) Remove the condition that allows up to 35 percent of the required off-street parking spaces for any use to be compact stalls.
- 2) Street widths per applicant's request of 70 feet of right of way with 40 feet of pavement on Street Types A and B.
- 3) Minimum 30 foot height requirement will measure the vertical surface.

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

Assigned ORDINANCE NO. 27045.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3764

Item 80: Zoning Case Z067-305 (JH) INDIVIDUAL

A public hearing was called on zoning case Z067-305 (JH), an application for a Specific Use Permit for an inside commercial amusement for a Class A dance hall and a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southeast corner of Main Street and Good Latimer Expressway

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

The following individuals addressed the city council regarding the item:

Billy MacLeod, 5188 Richmond Ave.
Barry Kooda, 410 N. Montreal
Susan Reese, 8626 Douglas Ave.
Jonathan Hetzel, 1811 Greenville Ave., representing Madison Partners
Denny Hunt, 2700 Live Oak
John Tatum, 6617 Northhaven Road, representing Tall Properties, LTD
Richard Bates, 6295 Mercedes
Don Cass, 2825 Oak Point
Deanna Anderson, 6011 Gaston Ave.
Wes Garrett, 2801 Virgil St.

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

Barry Annino, 6116 Winton, representing Deep Ellum Association
Al Jernigan, 3408 Main St.

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

Dallas Cothrum, 900 Jackson, representing the applicant
Nick Hidi, 4609 Yorkshire, **Plano, TX**, the applicant
Steven Lewis, 3200 Main
Benny Tiffera, 2626 Main St.
Barry Owens, 9770 Wisterwood
Lindsey Owens, 5219 Pershing
Richard Meggs, no address given

Councilmember Medrano moved to close the public hearing and deny the application.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3765

Item 81: Zoning Case Z067-332 (RB) INDIVIDUAL

A public hearing was called on zoning case Z067-332 (RB), an application for a Specific Use Permit for a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest line of Exposition Avenue, east of Ash Lane

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

The following individuals addressed the city council regarding the item:

Wes Garrett, 2801 Virgil St.
Deanna Anderson, 6011 Gaston Ave.

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

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

Julie Campbell, 10221 Kilarney Dr., property owner
Don Nedler, 2424 Swiss Ave.
Woodrow Walker Rosen, 3809 Parry
Marc Traynor, 2517 Springvalo Dr., **Farmers Branch, TX**, representing Deep Ellum Enrichment Project
Reid Robinson, 620 Nottingham Dr. **Richardson, TX**
Gail Kerr, 5106 Reiger Ave.

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

Motion seconded by Councilmember Hill and unanimously adopted.

Assigned ORDINANCE NO. 27046.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3766

Item 82: Zoning Case Z067-178 (WE) UNDER ADVISEMENT – INDIVIDUAL

A public hearing was called on zoning case Z067-178 (WE), an application for and an ordinance granting a Planned Development District for TH-2(A) Townhouse District uses and non-residential uses on property zoned a TH-1(A) Townhouse District, located on the north side of Northwest Highway, west of Midway Road

(The staff recommended denial. The city plan commission recommended approval subject to a conceptual plan and conditions)

Note: This item was considered by the City Council at a public hearing on November 28, 2007, and was taken under advisement until December 12, 2007, with the public hearing open.

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

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

Jay Narey, 4188 Wilada Dr., representing the Wilada Neighborhood Association
William Cothrum, 900 Jackson St., representing the applicant

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

Motion seconded by Councilmember Neumann and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3767

Item 83: **Municipal Setting Designation at 2057 & 2071** **Note:** Item Nos. 83 and 84 must **Singleton Boulevard & 3000,3010, 3030 Hampton Rd** be considered collectively.

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater beneath property owned by Caver Family Trust located near the intersection of Singleton Boulevard and Hampton Road and adjacent street rights-of-way - Financing: No cost consideration to the City

Item 84: An ordinance authorizing support of the issuance of a municipal setting designation to Caver Family Trust 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 staff and city plan commission recommended approval)

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 a licensed professional engineer or professional geoscientist who is familiar with the application must be present and available to answer questions."

The following individuals addressed the city council regarding the item:

Alicia Wheatland, Engineer

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

Motion seconded by Councilmember Neumann and unanimously adopted. (Leppert absent when vote taken)

Assigned ORDINANCE NO. 27047.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3768

Item 85: **FY 2007-08 Consolidated Plan
Reprogramming Budget #1** **Note:** Item Nos. 85 and 86 must
be considered collectively.

A public hearing to receive comments on the final FY 2007-08 Consolidated Plan reprogramming Budget # 1 to reprogram \$5,616,780 of Community Development Grant Funds from the Basic Home Repair Program, Minor Home Repair Program and the Replacement/SHARE Program to the Major Systems Repair Program and the Reconstruction/SHARE Program and \$492,378 of HOME funds from the Replacement Program to the Reconstruction/SHARE Program - Financing: No cost consideration to the City of Dallas

Item 86: Authorize adoption of the final FY 2007-08 Consolidated Plan Reprogramming Budget #1 to reprogram \$5,616,780 of Community Development Grant Funds from the Basic Home Repair Program, Minor Home Repair Program and the Replacement/SHARE Program to the Major Systems Repair Program and the Reconstruction/SHARE Program and \$492,378 of HOME funds from the Replacement Program to the Reconstruction/SHARE Program - Total not to exceed \$6,109,158 - Financing: 2007-08 Community Development Grant Funds (\$5,616,780); 2007-08 HOME funds (\$492,378)

No one addressed the city council regarding the item.

Councilmember Kadane moved to close the public hearing and authorize the adoption of the FY 2007-08 Consolidated Plan reprogramming Budget # 1.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3769

Closed Session (Not Held)

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

- Legal issues involving the design and construction of the Latino Cultural Center

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3770

Addendum addition 1: Authorize an amendment to Resolution No. 07-1858, previously approved on June 20, 2007, to reduce Gulfstream Aerospace Corporation's minimum commitment from \$40,000,000 to \$20,000,000 and reimburse Gulfstream's environmental remediation costs exceeding \$100,000 through rental credits at Dallas Love Field - Estimated Annual Revenue: \$86,144

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

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

Councilmember Natinsky moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3771

Addendum addition 2: Authorize (1) rescinding the twelve-month master agreement with The Around the Clock Freightliner Group L.P., previously approved on March 28, 2007, by Resolution No. 07-1036, for automated refuse trucks; (2) a twelve-month master agreement for automated refuse trucks - Rush Truck Center, lowest responsible bidder of four in the amount of \$1,435,098; (3) an increase in the master agreement with Rush Truck Center for four additional automated refuse trucks in the amount of \$410,028, from \$1,435,098 to \$1,845,126; and (4) an increase in the master agreement with Equipment Southwest, Inc. for four additional single arm automated bodies in the amount of \$298,800, from \$1,045,800 to \$1,344,600 - Total amount not to exceed \$2,143,926 - Financing: 2004 Equipment Acquisition Contractual Obligation Notes (\$309,093), 2005 Equipment Acquisition Contractual Obligation Notes (\$8,328), 2006 Equipment Acquisition Contractual Obligation Notes (\$1,539,637), 2007 Equipment Acquisition Contractual Obligation Notes (\$286,868)

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

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

The following individual addressed the city council regarding the item:

Jimmy Ramsey, 4416 Travis St., representing Clean Energy

Councilmember Natinsky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3772

Addendum addition 3: Authorize settlement of the lawsuit styled Marilyn Ford v. City of Dallas, Cause No. 3:05-CV-1676-D - Not to exceed \$55,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3773

Addendum addition 4: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Chaffe McCall, L.L.P. for additional legal services necessary in the lawsuit styled Thinkstream, Inc. v. The City of Dallas, Cause No. 06-834-JVP-DLD - Not to exceed \$5,577, from \$25,000 to \$30,577 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3774

Addendum addition 5: Authorize the City Auditor's 2007-08 Annual Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

Councilmember Neumann requested that addendum addition consent agenda item 5 be considered as an individual item. Mayor Leppert 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 Neumann's request.

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

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3775

Addendum addition 6: Authorize an actual reasonable moving and related expenses-nonresidential payment for Joseph R. Story, dba Pallet Repair Services, who will be displaced as a direct result of real property acquisition of the property at 1301 McDonald Street, Bay #2, to be used in conjunction with the Trinity River Corridor Project to be paid once City has obtained proof that Pallet Repair Services has vacated the premises - Not to exceed \$106,050 - Financing: 1998 Bond Funds

The assistant city secretary requested that addendum addition consent agenda item 6 be considered as an individual item to allow citizens to speak. Mayor Leppert stated that addendum addition consent agenda item 6 would be considered as an individual item later in the meeting there being no objection voiced to the assistant city secretary's request.

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

Councilmember Davis moved to defer the item until the January 9, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3776

Addendum addition 7: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Family Design Homes, Inc., dba Forney Building & Mortgage, of 2 tracts of unimproved land containing a total of approximately 5 acres located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$225,540 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3777

Addendum addition 8: An ordinance abandoning portions of sanitary sewer easements to the Board of Regents of The University of Texas System, the abutting owner, containing a total of approximately 17,430 square feet of land located near the intersection of Inwood and Forest Park Roads - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27048.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3778

Addendum addition 9: An ordinance abandoning portions of utility and water line easements to Skyline Apartments Limited Partnership, the abutting owner, containing a total of approximately 6,727 square feet of land located near the intersection of Harry Hines Boulevard and the Dallas North Tollway - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27049.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3779

Addendum addition 10: An ordinance abandoning portions of water main, sewer, sanitary sewer, fire lane and utility easements to Dallas County Community College District, the abutting owner, containing a total of approximately 27,744 square feet of land located near the intersection of Walnut Street and Abrams Road - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27050.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3780

Addendum addition 11: An ordinance abandoning portions of fire lane, storm drain, sanitary sewer and water main easements to 7373 Valley View Apartments Limited Partnership and City North Development Group, L.P., the abutting owners, containing a total of approximately 38,516 square feet of land located near the intersections of Meandering Way and Lyndon B. Johnson Freeway and Valley View and Thistle Lanes - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27051.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3781

Addendum addition 12: An ordinance granting a Specific Use Permit for a bar, lounge or tavern on property zoned Planned Development District No. 269, the Deep Ellum / Near East Side Special Purpose District, on the north side of Commerce Street, east of Good Latimer Expressway - Z067-342 - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition consent agenda item 12 be considered as an individual item. Mayor Leppert 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, addition addendum consent agenda item 12 was brought up for consideration.

The following individuals addressed the city council regarding the item:

April Collmar, 312 Faith St. **Burleson, TX.**

Councilmember Medrano moved to approve the ordinance.

Motion seconded by Councilmember Salazar.

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

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

Assigned ORDINANCE NO. 27021.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3782

Addendum addition 13: Authorize a 50 percent new business personal property tax abatement agreement for five-years with Softlayer Technologies, Inc. and DCI Technology Infomart, LP located at 1950 North Stemmons Freeway - Revenue: First year revenue estimated at \$89,748; five-year revenue estimated at \$448,740; (Estimated revenue foregone for five-year new business personal property tax abatement estimated at \$448,740)

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

Later in the meeting, addition addendum consent agenda item 13 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3783

Addendum addition 14: Authorize amendments to Resolution No. 06-2441, previously approved on September 13, 2006, and Resolution No. 07-1307, previously approved on April 25, 2007, for the redevelopment of the Santa Fe IV building located at 1033 Young Street in the Downtown Connection TIF District to **(a)** reduce the required number of hotel rooms from 190 to 170, **(b)** redefine the meeting and retail space to require 8,000 square feet of meeting space, including a lounge/bar **(c)** approve the use of a lounge/bar as meeting the conditional use category, **(d)** extend the date to obtain a building permit and the date to complete construction, each by six months, **(e)** increase the private investment from \$20,000,000 to \$21,600,000, **(f)** characterize a portion of the TIF subsidy as grants in accordance with the Downtown Connection TIF District Grant Program and Criteria, subject to City Council approval, and **(g)** allow the Office of Economic Development Director to authorize adjustments to the project contingencies should reasonable adjustments be needed and supported by additional consideration - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition consent agenda item 14 be considered as an individual item. Mayor Leppert 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 Rasansky's request.

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

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3784

Addendum addition 15: Authorize Supplemental Agreement No. 1 to the Development Agreement with Pacific 2004 Holdings, Ltd., for the development and redevelopment of the Tower Petroleum Building located at 1907 Elm Street and 1900 Pacific Avenue in Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District) to extend the required deadline for the public announcement of a hotel brand and execution of a contract with the hotel brand for the Tower Petroleum Building from December 13, 2007 to March 31, 2008, without penalty to the priority payment - Financing: No cost consideration to the City

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

Councilmember Hunt moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3785

Addendum addition 16:

Downtown Connection TIF District

Note: Items Nos. 16 and 17 must be considered collectively.

Subject to City Council approval of certain Downtown Connection TIF District Project and Financing Plan amendments, authorize (1) a development agreement with 1600 Pacific Partners, No. 1, L.P. , to provide funding for the redevelopment of 1600 Pacific Avenue located in Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District), and, (2) the Downtown Connection TIF District Board of Directors to dedicate future tax increment revenue of the Downtown Connection TIF District in an amount not to exceed the lesser of (a) 25 percent of the added DCAD value one year after project completion on 1600 Pacific Avenue plus \$4,000,000 for additional assistance for affordable housing development, or (b) \$15,908,777 - Not to exceed \$15,908,777 - Financing: Downtown Connection TIF District Funds

Addendum addition 17:

A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse 1600 Pacific Partners, No. 1, L.P., for eligible expenditures pursuant to the development agreement with 1600 Pacific Partners, No. 1, L.P. - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition consent agenda item 16 and 17 be considered as individual items. Mayor Leppert stated that addendum addition consent agenda item 16 and 17 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, addition addendum consent agenda item 16 and 17 were brought up for consideration.

Councilmember Rasansky announced 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 Natinsky and unanimously adopted. (Rasansky abstain; Caraway absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3786

Addendum addition 18: Authorize the City Manager to execute (1) Supplemental Agreement No. 1 to the Energy Performance Contract with TAC America, Inc. to perform design and construction of energy conservation improvements at the Dallas Museum of Art, in an amount not to exceed \$5,962,047, which includes an amount not to exceed \$609,480 for performance assurance support services (not to exceed \$60,948 per year during the term of the contract) and an amount not to exceed \$42,960 for the cost of the energy audit, and provide a ten year guarantee of energy savings as a result of the energy conservation improvements; and (2) a Municipal Lease-Purchase Agreement from the All American Investment Group, LLC to finance the design and construction of the energy conservation improvements including an option to purchase the improvements on or before the termination of the agreement, with lease payments in an amount not to exceed \$5,294,560 plus interest, to be repaid from electric and natural gas savings resulting from the energy conservation measures in forty quarterly payments, beginning in FY 2008-09, the total of all payments plus interest not to exceed \$6,627,110 - Financing: Municipal Lease-Purchase Agreement and Current Funds (\$6,627,110); Current Funds (\$609,480) (subject to annual appropriations)

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

Councilmember Hunt moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3787

Addendum addition 19: Authorize **(1)** an increase in the construction contract with Reeves Construction Services, Inc. for installation of a sump pit, sump pump, and collection pipes at the Police Quartermaster building located at 1600 South Lamar Street in the amount of \$88,886, from \$1,383,389 to \$1,472,275, and **(2)** the establishment of appropriations in the 2003 Bond Funds in the amount of \$88,886 - Not to exceed \$88,886 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3788

Addendum addition 20: Authorize an amendment to the Public/Private Partnership Program to include a special category for an Economic Development General Obligation Bond Program for Southern Dallas in the Guidelines and Criteria governing economic development loans and grants pursuant to Chapter 380 of the Texas Local Government Code - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3789

Addendum addition 21: Authorize an amendment to the Single-Family Housing Infrastructure Development Bond Program Statement to allow for unsolicited proposals that meet the overall program purpose, to provide that the current standard of income applies to previously approved projects, and to clarify the City's participation structure - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3790

Addendum addition 22: Authorize a decrease in the contract with Shirley and Sons Construction Company, Inc. for deletion of one of the three construction staging areas, and concrete slope protection at Stonebridge Drive for dredging and erosion control improvements for Stonebridge and Blackburn Ponds - (\$72,697), from \$960,766 to \$888,070 - Financing: 2003 Bond Funds (-\$5,589) and Capital Gifts, Donation and Development Funds (-\$67,108)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3791

Addendum addition 23: Authorize Supplemental Agreement No. 3 to the design-build contract with Heery International, Inc. to increase the Guaranteed Maximum Price for the addition of 20,000 new seats, new concessions, rest rooms, conference center and South end zone open-air club level, partial facade, renovation and expansion of existing locker rooms and reconstruction of the two entrance gates for Fair Park at Cullum Boulevard and Martin Luther King, Jr. Boulevard and Cullum Boulevard and Grand Avenue in Fair Park located at 3750 Midway Plaza - Not to exceed \$38,316,000, from \$19,042,059 to \$57,358,059 - Financing: 2006 Bond Funds (\$38,028,764) and State Fair of Texas Capital Construction Interest Earnings (\$287,236)

The assistant city secretary announced that Councilmember Salazar deferred consideration of addendum addition consent agenda item 23 until the next voting meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Later in the meeting, addendum addition consent agenda item 23 was brought up for consideration at the request of the city council, there being no objection voiced to the request.

Deputy Mayor Pro Tem Caraway moved to approve the item.

Motion seconded by Councilmember Salazar.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3792

Addendum addition 24: Authorize **(1)** acceptance of a grant from Dallas CBD Enterprises, Inc. ("DCBDE"), managing entity for the Downtown Dallas Improvement District for the restoration of Dealey Plaza, in the amount of \$200,000; **(2)** the establishment of appropriations in the amount of \$200,000 in the Capital Gifts, Donation and Development Fund; and, **(3)** execution of the grant agreement - \$200,000 - Financing: Capital Gifts, Donation and Development Funds

Councilmember Atkins requested that addendum addition consent agenda item 24 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 24 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Later in the meeting, addendum addition agenda item 24 was brought up for consideration.

Councilmember Medrano moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3793

Addendum addition 25: A resolution designating hearing officers to administratively adjudicate all red light violations for which a civil red light citation has been issued under the City's automated red light enforcement program - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3794

Addendum addition 26: Authorize professional services contracts with 11 consulting firms for the engineering design of 15 bridge repair and modification projects, 7 erosion control projects, 1 flood management project, 3 street reconstruction projects, 2 streetscape/urban design projects, 1 target neighborhood project, and 11 thoroughfare projects (list attached) - \$3,479,778 - Financing: 2006 Bond Funds (\$3,168,501), 2003 Bond Funds (\$38,697), Water Utilities Capital Improvement Funds (\$100,190), and Water Utilities Construction Funds (\$172,390)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3795

Addendum addition 27: Authorize the application for and acceptance of a loan from the Texas Water Development Board in an amount up to \$23,400,000 for financial assistance in the design and construction of water conservation and development projects for implementation of Dallas' recommended strategies in the State Water Plan - Financing: Water Utilities Current Funds (approximately \$1,200,000 annually for 20 years) (subject to annual appropriations)

Deputy Mayor Pro Tem Caraway moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3796

Addendum addition 28: Zoning Case Z078-117 (DC) INDIVIDUAL

A public hearing was called on zoning case Z078-117 (DC), an application for and an ordinance granting an amendment to Specific Use Permit No. 1567 for a homeless assistance center use on property zoned Planned Development District No. 715 for CA-1(A) Central Area District uses and a homeless assistance center use, located on the south corner of Cadiz Street and Ervay Street

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

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

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

Nan Miller, 9410 Redondo Dr. representing Day Resource Center Stakeholders

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

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

Assigned ORDINANCE NO. 27052.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 12, 2007

07-3807

NOTICE OF DEFERRED OR DELETED ITEMS
CITY COUNCIL MEETING
DECEMBER 12, 2007

POSTED ON MONDAY, DECEMBER 10, 2007

THE FOLLOWING AGENDA ITEM HAS BEEN DEFERRED UNTIL THE NEXT CITY COUNCIL VOTING AGENDA MEETING BY MEMBERS OF THE COUNCIL OR DELETED BY THE CITY MANAGER'S OFFICE IN ACCORDANCE WITH RULE 7.11 OF THE CITY COUNCIL RULES OF PROCEDURE:

Addendum item 23. Authorize Supplemental Agreement No. 3 to the design-build contract with Heery International, Inc. to increase the Guaranteed Maximum Price for the addition of 20,000 new seats, new concessions, rest rooms, conference center and South end zone open-air club level, partial facade, renovation and expansion of existing locker rooms and reconstruction of the two entrance gates for Fair Park at Cullum Boulevard and Martin Luther King, Jr. Boulevard and Cullum Boulevard and Grand Avenue in Fair Park located at 3750 Midway Plaza - Not to exceed \$38,316,000, from \$19,042,059 to \$57,358,059 - Financing: 2006 Bond Funds (\$38,028,764) and State Fair of Texas Capital Construction Interest Earnings (\$287,236) **Deferred by Councilmember Salazar.**

Deborah Watkins
CITY SECRETARY

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, DECEMBER 12, 2007

EXHIBIT C