

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 23, 2008

08-0290
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [14] Garcia, Caraway, Medrano, Neumann, Hill, Salazar, Davis, Atkins,
Kadane, Allen, Koop, Natinsky, Rasansky, Hunt (*9:23 a.m.)

ABSENT: [1] Leppert (Absent on City Business)

The meeting was called to order at 9:01 a.m.

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

The invocation was given by R. D. Price, Reverend of New Mt. Zion Baptist Church.

Deputy Mayor Pro Tem Caraway led the pledge of allegiance.

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

After all business properly brought before the city council had been considered the city council adjourned at 2:42 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.

*** Indicates arrival time after invocation and pledge of allegiance.**

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 23, 2008

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 23, 2008

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0291

CITIZEN SPEAKERS

In accordance with the City Council Rules of Procedure, the city council provided "open microphone" opportunities for the following individuals to comment on matters that were scheduled on the city council voting agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda:

OPEN MICROPHONE –BEGINNING OF MEETING:

SPEAKER: Richie Sheridan, 3022 Forest Lane
REPRESENTING: Citizens of Dallas
SUBJECT: Trinity Tollway Vote – “An Ethics Complaint” against the Mayor and a City Council Representative

SPEAKER: Roy Williams, 5881 Preston View Blvd.
REPRESENTING: 40 acres and a mule
SUBJECT: 14 – 1 versus strong mayor

SPEAKER: Jada Wooten, 5620 Live Oak
REPRESENTING: Freedman Territory
SUBJECT: Concerns pertaining to District 14 and property line of ancestors

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

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

SPEAKER: Frank Ward, P. O. Box 50694
REPRESENTING: The Trinity Reunion Church and The Community at Large
SUBJECT: Revelation: The Kingdom of God is Here. The Kingdom of Heaven Now

SPEAKER: Leslie Davis, 3035 E. Ledbetter Dr
SUBJECT: Crime, pollution, and police lawsuit

SPEAKER: Gwain Wooten, 4625 Bryan St.
REPRESENTING: RAW (Real American Women)
SUBJECT: Barak Obama is not pop star he is a United States Senator, and a Harvard Graduate

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0292

Item 1: Approval of Minutes of the January 9, 2008 City Council Meeting.

Councilmember Davis requested the minutes to reflect that she was not present at the beginning of the meeting due to a meeting by telephone with a constituent.

Mayor Pro Tem Garcia stated the minutes will reflect Councilmember Davis request to indicate she was not present at the beginning of the meeting due to a meeting by telephone with a constituent.

Councilmember Rasansky moved to approve the minutes.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Hill absent when vote taken; Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0293

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-36 and addendum addition consent agenda items 1-5, were presented for consideration.

The following individual addressed the city council on all agenda items:

Marvin Crenshaw, 5134 Malcolm X Blvd., representing J. B. Jackson Jr. Institute
Sandra Crenshaw, 1431 Quartet St.

Councilmember Neumann requested that consent agenda items 12, 20, 35, and addendum addition consent agenda items 1 and 3, be considered as individual items. Mayor Pro Tem Garcia stated that consent agenda items 12, 20, 35, and addendum addition consent agenda items 1 and 3, would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Hill requested that consent agenda item 35 be considered as an individual item. Mayor Pro Tem Garcia stated that consent agenda item 35 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill's request.

Councilmember Koop requested that consent agenda item 32 be considered as an individual item. Mayor Pro Tem Garcia stated that consent agenda item 32 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Koop's request.

Councilmember Rasansky requested that consent agenda items 2, 6, 11, 14, 18, 22, 35, and addendum addition consent agenda item 3 be considered as individual items. Mayor Pro Tem Garcia stated that consent agenda items 2, 6, 11, 14, 18, 22, 35, and addendum addition consent agenda item 3 would 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 2, 6, 11, 12, 14, 18, 20, 22, 32, 35, and addendum addition consent agenda items 1 and 3 which would be considered later in the meeting.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0294

Item 2: Authorize a sixty-month concession contract, with three twelve-month renewal options, for baggage cart rental services at Dallas Love Field Airport - Parking Company of America, the highest bidder of two - City will receive a minimum annual guarantee (MAG) of \$11,000

Councilmember Rasansky requested that consent agenda item 2 be considered as an individual item. Mayor Pro Tem Garcia stated that consent agenda item 2 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 2 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Kadane and unanimously adopted. (Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0295

Item 3: Authorize a thirty-six-month master agreement for automotive parts and labor to be used for the maintenance and repair of the City's fleet - Grand Prairie Ford, LP in the amount of \$2,086,879, Metro Ford Truck Sales, Inc. in the amount of \$1,497,288, Bankston Chevrolet of Dallas in the amount of \$876,139, Southwest International Trucks in the amount of \$639,541, Rush Truck Center in the amount of \$509,403, Dallas Dodge Chrysler Jeep in the amount of \$156,895, and Star Automotive Warehouse dba Main Auto Parts in the amount of \$128,892, lowest responsible bidders of nine - Total not to exceed \$5,895,037 - Financing: Current Funds (\$5,862,997), Water Utilities Current Funds (\$32,040)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0296

Item 4: Authorize a thirty-six-month master agreement for fire hoses for Dallas Fire Rescue Department - Casco Industries, Inc., in the amount of \$252,250, and Municipal Emergency Services, Inc. in the amount of \$38,000, lowest responsible bidders of three - Not to exceed \$290,250 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0297

Item 5: Authorize a twenty-four-month master agreement for asphalt emulsion for the repair of City streets, alleys and sidewalks - Sem Materials, L.P. in the amount of \$290,625 and Performance Grade Asphalt, LLC in the amount of \$77,175, lowest responsible bidders of three - Total not to exceed \$367,800 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0298

Item 6: Authorize **(1)** a sixty-month equipment lease agreement for a mail processing inserter machine in the amount of \$432,076, **(2)** a thirty-six-month equipment lease agreement for three mail postage processing machines in the amount of \$135,504, and **(3)** a sixty-month master agreement for postage in the amount of \$12,255,000 - Pitney Bowes, Inc., most advantageous proposer of three - Total not to exceed \$12,822,580 - Financing: Current Funds

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

Later in the meeting, agenda item 6 was 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 Salazar moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Rasansky abstain; Hill absent when vote taken; Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0299

Item 7: Authorize settlement of the lawsuit styled Elaine Sandilands v. City of Dallas, Cause No. 06-09103-K - Not to exceed \$13,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0300

Item 8: A resolution authorizing conveyance of an easement and right-of-way to Oncor Electric Delivery Company containing approximately 145,026 square feet of land located near the intersection of Youngblood Road and State Highway 310 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0301

Item 9: Authorize acquisition from Modesto Medina and Edelmira Medina of approximately 11,920 square feet of land improved with a single-family dwelling located near the intersection of Topeka Avenue and McBroom Street under the Topeka Avenue Voluntary Purchase Program - \$36,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0302

Item 10: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Barman Partnership, of approximately 5 acres of land located on Manana Drive near its intersection with Newkirk Street for Elm Fork Flood Control Project - \$1,107,547 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0303

Item 11: Authorize the City to exercise its option to purchase a total of approximately 62,650 square feet of land from The Trust for Public Land pursuant to the previously executed Purchase and Sales Agreement contained in Council Resolutions 05-1989, 06-1562 and 07-0353 located near the intersection of Live Oak and St. Paul Streets for the future Pacific Plaza Project - \$6,203,243 - Financing: 2006 Bond Funds

Councilmember Rasansky requested that consent agenda item 11 be considered as an individual item. Mayor Pro Tem Garcia stated that consent agenda item 11 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 11 was brought up for consideration.

Councilmember Hunt moved to approve the item.

Motion seconded by Councilmember Koop and unanimously adopted. (Caraway absent when vote taken; Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0304

Item 12: An ordinance granting a revocable license to Jos. A. Bank Clothiers, Inc. for the use of approximately 7 square feet of land to install and maintain a marquee sign on a portion of Commerce Street right-of-way located near its intersection with Lane Street - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Councilmember Neumann requested that consent agenda item 12 be considered as an individual item. Mayor Pro Tem Garcia stated that consent agenda item 12 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 12 was brought up for consideration.

Councilmember Medrano moved to approve the item.

Motion seconded by Councilmember Koop and unanimously adopted. (Hunt absent when vote taken; Leppert absent on city business)

Assigned ORDINANCE NO. 27060.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0305

Item 13: An ordinance granting an MU-3 Mixed Use District on property zoned an NO(A) Neighborhood Office District and a GO(A) General Office District and a resolution accepting deed restrictions volunteered by the applicant on the north side of Wheatland Road, east of West Virginia Drive - Z067-214 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27061.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0306

Item 14: An ordinance repealing Ordinance No. 4080, previously approved on July 8, 1947, which established building setbacks from various street segments -
Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 14 be considered as an individual item. Mayor Pro Tem Garcia stated that 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, agenda item 14 was brought up for consideration.

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

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Koop and unanimously adopted (Rasansky abstain; Hunt absent when vote taken; Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0307

Item 15: Authorize the first of three twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and international protocol services for the period October 1, 2007 through September 30, 2008 - Not to exceed \$233,005 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0308

Item 16: Authorize a public hearing to be held on February 13, 2008 to receive comments concerning the creation of City of Dallas Reinvestment Zone No. 69 located at property north of Northwest Highway and west of Lullwater Drive; and, at the close of the hearing, consideration of **(1)** an ordinance creating City of Dallas Reinvestment Zone No. 69 and **(2)** a 90 percent real property tax abatement for ten years with Chartwell at Lake Highlands, LP - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0309

Item 17: Authorize **(1)** an amendment to the Lease with Post Apartment Homes, L.P. to accelerate the reversion of the Wilson Building to Post Properties from December 31, 2012 to January 23, 2008, thereby terminating the Lease, **(2)** execution of deed restrictions and a separate agreement with Post-Amerus Wilson Building, L.P., to secure compliance with project contingencies, including affordable housing, and **(3)** acceptance of a termination fee equal to the cost of accelerated lease payments - Financing: No cost consideration to the City

Corrected on the addendum.

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0310

Item 18: Authorize a 0% interest loan in the amount of \$291,500 to South Dallas/Fair Park Innercity Community Development Corporation for the acquisition of unimproved properties within the Frazier Neighborhood Investment Program area to support residential development - Not to exceed \$291,500 - Financing: 2004-05 HOME Funds (\$282,000); 2006-07 HOME Funds (\$9,500)

Councilmember Rasansky requested that consent agenda item 18 be considered as an individual item. Mayor Pro Tem Garcia 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 Davis moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0311

Item 19: Authorize **(1)** adoption of the preliminary FY 2007-08 Consolidated Plan Reprogramming Budget #2 to reprogram \$280,000 of Community Development Grant Funds from Southern Sector Housing and Economic Development Financing to the Neighborhood Enhancement Program and Housing Services Program; and **(2)** a public hearing to be held on February 27, 2008 to receive comments on the proposed use of funds - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0312

Item 20: Authorize **(1)** amendments to the Multifamily Project Review Criteria; and **(2)** a letter to be sent to the Texas Department of Housing and Community Affairs advising them and other city requirements that the City is willing to review applications on all tax credit transactions individually, based upon supply and demand needs in the project's submarket - Financing: No cost consideration to the City

Councilmember Neumann requested that consent agenda item 20 be considered as an individual item. Mayor Pro Tem Garcia stated that consent agenda item 20 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 20 was brought up for consideration.

Councilmember Salazar moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Davis absent when vote taken; Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0313

Item 21: Authorize execution of a Memorandum of Agreement with the Texas Commission on Environmental Quality to delegate authority to the City to enforce Ordinance No. 26766, previously approved on May 23, 2007, which restricts idling by motor vehicles with a gross weight rating of over 14,000 pounds - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0314

Item 22: Authorize an amendment to the list of employees who are authorized to conduct transactions for the investment of City funds in the Texas Local Government Investment Pool - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 22 be considered as an individual item. Mayor Pro Tem Garcia stated that consent agenda item 22 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 22 was brought up for consideration

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Neumann.

After discussion, Mayor Pro Tem Garcia called for a vote on the motion.

Mayor Pro Tem Garcia declared the motion adopted on a divided vote, with Councilmember Rasansky voting "No". (Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0315

Item 23: Authorize renewal of the Interlocal Agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas, for the provision of forensic, drug, toxicological, environmental, and physical evidence analysis, and other similar medical/forensic analytical services for the period October 1, 2007 through September 30, 2008 - Not to exceed \$3,800,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0316

Item 24: Authorize **(1)** the Dallas Police Department to expend funds for overtime, in the amount of \$600,000, to be reimbursed from various federal and state law enforcement agencies for FY 2007-08 (list attached), **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$170,220, and **(3)** execution of the grant agreements - Total not to exceed \$770,220 - Financing: Current Funds (\$600,000 to be reimbursed by various federal and state law enforcement agencies)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0317

Item 25: Authorize a contract for the construction of sidewalk paving and barrier free ramp improvements for Sidewalk Group 03-130 (list attached) - Ken-Do Contracting, L.P., lowest responsible bidder of three - \$446,145 - Financing: 2003 Bond Funds (\$408,345) and Water Utilities Capital Construction Funds (\$37,800)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0318

Item 26: Authorize a contract for the construction of street paving, storm drainage, sidewalk, water and wastewater main improvements for Project Group 03-3003 (list attached) - Tiseo Paving Company, lowest responsible bidder of six - \$2,111,627 - Financing: 2003 Bond Funds (\$1,596,989) and Water Utilities Capital Construction Funds (\$514,638)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0319

Item 27: Authorize a contract for the reconstruction of street paving, storm drainage, and water main improvements for McKinney Avenue from the Atwater alley to McCommas Boulevard - P & E Contractors, Inc., lowest responsible bidder of three - \$848,780 - Financing: 2003 Bond Funds (\$749,755) and Water Utilities Capital Construction Funds (\$99,025)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0320

Item 28: Authorize an increase in the contract with Jeske Construction Company for additional quantities of paving materials and subgrade preparation needed for the reconstruction of street paving, storm drainage, streetscape, street and pedestrian lighting, water and wastewater main improvements on Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham Lane - \$106,523, from \$3,330,241 to \$3,436,764 - Financing: 2004-05 Community Development Grant Funds (\$83,868) and Water Utilities Capital Construction Funds (\$22,655)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0321

Item 29: Authorize Supplemental Agreement No. 1 to the professional services contract with Meyer Scherer & Rockcastle, Ltd. to provide additional design services to incorporate the renovation of a vacant gymnasium into the design for the replacement Lochwood Branch Library to be located at 11221 Lochwood Boulevard - \$41,500, from \$453,138 to \$494,638 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0322

Item 30: Authorize payment to Dallas County for the City's share of construction costs for the reconstruction of Dolphin Road from IH 30 to north of Military Parkway - \$1,375,000 - Financing: 2003 Bond Funds (\$147,006), 2006 Bond Funds (\$864,653), and Water Utilities Capital Construction Funds (\$363,341)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0323

Item 31: Authorize payment to the Dallas Area Rapid Transit (DART) for the City's share of design and construction costs related to the construction of the Central Business District Fair Park Link project from Hall Street to Exposition Street where it crosses DART's SE-1 light rail transit line - \$2,050,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0324

Item 32: Authorize professional services contracts with 6 consulting firms for the engineering design of 5 erosion control projects, 1 street reconstruction project, 1 streetscape/urban design project, and 4 thoroughfare projects (list attached) - \$1,860,335 - Financing: 2006 Bond Funds (\$1,737,963) and Water Utilities Capital Construction Funds (\$122,372)

Councilmember Koop requested that consent agenda item 32 be considered as an individual item. Mayor Pro Tem Garcia stated that consent agenda item 32 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Koop's request.

Later in the meeting, agenda item 32 was brought up for consideration.

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

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Koop abstain; Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0325

Item 33: Authorize an increase in the contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA Building located at 2700 Flora Street to provide ADA-compliant facilities and value engineering recommendations for the Dallas Black Dance Theatre - \$65,018, from \$4,422,637 to \$4,487,655 - Financing: Private Funds (\$12,506) and 2003 Bond Funds (\$52,512)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0326

Item 34: Authorize **(1)** Supplemental Agreement No. 4 to the contract with Charles Gojer and Associates, Inc. to provide additional construction administration services and on-site resident project representative for the terminal apron repairs, Phase 2 at Dallas Love Field due to weather related project delays in the amount of \$30,160, from \$484,904 to \$515,064; and **(2)** an increase of appropriations in an amount not to exceed \$30,160 - Total not to exceed \$30,160 - Financing: Aviation Capital Construction Funds (\$7,540) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$22,620)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0327

Item 35: Authorize an economic development grant agreement with Keep Dallas Beautiful Inc., for services to promote economic development and revitalization in six neighborhoods within the southern sector of Dallas pursuant to Chapter 380 of the Texas Local Government Code - Not to exceed \$435,000 - Financing: Current Funds

Councilmember Hill, Councilmember Neumann and Councilmember Rasansky requested that consent agenda item 35 be considered as an individual item. Mayor Pro Tem Garcia stated that consent agenda item 35 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill, Councilmember Neumann and Councilmember Rasansky's request.

Later in the meeting, agenda item 35 was brought up for consideration.

Mayor Pro Tem Garcia request that Council District 1 be reflected as one of the six neighborhoods within the southern sector for services to promote economic development and revitalization. The agenda information sheet was revised to reflect Council District 1.

Councilmember Hill moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Allen absent when vote taken; Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0328

Item 36: Authorize a contract for the installation of water and wastewater mains at 20 locations (list attached) - Barson Utilities, Inc., lowest responsible bidder of five - \$5,369,065 - Financing: Water Utilities Capital Improvement Funds (\$5,359,065), 2003 Bond Funds (\$10,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0329

Item 37: 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 JANUARY 23, 2008.

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 John Capello, experience in Real Estate, to the Commission on Productivity and Innovation.

Motion seconded by Councilmember Kadane and unanimously adopted. (Leppert absent on city business)

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 Kadane and unanimously adopted. (Leppert absent on city business)

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

08-0344	CPI	COMMISSION ON PRODUCTIVITY AND INNOVATION
08-0345	CSX	CIVIL SERVICE BOARD ADJUNT MEMBERS
08-0346	PLA	PERMIT AND LICENSE APPEAL BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0330

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 38-40 were presented for consideration.

No items were removed from the consent zoning docket, to be considered as individual hearing.

Agenda item 38: Zoning Case Z067-346(OTH)

Agenda item 39: Zoning Case Z078-107 (MAW)

Agenda item 40: Zoning Case Z078-108 (JH)

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

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 Deputy Mayor Pro Tem Caraway and unanimously adopted. (Salazar, Koop absent when vote taken; Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0331

Item 38: Zoning Case Z067-346 (OTH)

The consent zoning docket consisting of agenda items 38-40 were presented for consideration.

A public hearing was called on zoning case Z067-346 (OTH), an application for and an ordinance granting an amendment to the conditions for Planned Development District No. 751, in an area generally bounded by Cliff Creek Crossing Drive, Hampton Road, Wheatland Road and Old Hickory Trail

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27063.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0332

Item 39: Zoning Case Z078-107 (MAW)

The consent zoning docket consisting of agenda items 38-40 were presented for consideration.

A public hearing was called on zoning case Z078-107 (MAW), an application for and an ordinance granting a CR Community Retail District on property zoned an LI Light Industrial District on the south side of West Illinois Avenue, west of Coombs Creek Road

(The staff and city plan commissions recommended approval)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27064.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0333

Item 40: Zoning Case Z078-108 (JH)

The consent zoning docket consisting of agenda items 38-40 were presented for consideration.

A public hearing was called on zoning case Z078-108 (JH), an application for and an ordinance granting an amendment to Planned Development District No. 344 for Commercial amusement (inside and outside) on the north line of Park Lane, northwest of Abrams Road

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27065.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0334

Item 41: Zoning Case Z078-106 (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 Z078-106 (MF), an application for a Neighborhood Stabilization Overlay (NSO) on property zoned an R-16(A) Single Family District on properties generally bounded by, and including both sides of, Brennans Drive, Brennans Place, Dominique Drive, Dalgreen Drive and Dalgreen Circle and an ordinance granting a Neighborhood Stabilization Overlay on a portion of the requested area

(The staff recommended approval. The city plan commission recommended except for Lots 8, 9, 10, 11, 12 and 13 in City Block A/2998 which are recommended for denial without prejudice)

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

Dawn Dohery, 3958 Dalgreen Drive
Michael Wasberg, 3936 Dalgreen Circle

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

Ryan Berube, 7325 Dominique
Michelle Berube, 7325 Dominique
Kay Aylesworth, 3962 Dalgreen

Councilmember Kadane moved to close the public hearing and deny without prejudice.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0335

Item 42: Zoning Case Z067-329 (OTH) INDIVIDUAL

A public hearing was called on zoning case Z067-329 (OTH), an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 738 to allow for certain CR Community Retail uses and a Vehicle Display Sales and Service use on property zoned Planned Development District No. 738 and an IR Industrial Research District, in an area generally bounded by Lemmon Avenue, Mockingbird Lane, Prosper Street and Haggar Way

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

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

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

Jonathan Vinson, representing the applicant
Kirk Williams, 3012 Rosedale
Joyce Lockley, 4718 Watkea Dr.

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

Motion seconded by Councilmember Hill and unanimously adopted. (Leppert absent on city business)

Assigned ORDINANCE NO. 27066.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0336

Item 43: SPECIAL PROVISION SIGN DISTRICT

A public hearing to receive comments regarding an application for and an ordinance granting the designation of an Extraordinarily Significant Sign on property on Goat Hill Road northeast of Stemmons Freeway

(The staff and city plan commissions recommended approval)

The following individuals addressed the city council regarding the item:

Karl Crawley, 900 Jackson St., representing the applicant

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

Motion seconded by Councilmember Salazar and unanimously adopted. (Leppert absent on city business)

Assigned ORDINANCE NO. 27067.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0337-01

08-0337-02

Item 44: A benefit assessment hearing to receive comments on alley paving, storm drainage, water and wastewater main improvements for Alley Group 03-1122, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction - P & E Contractors, Inc., lowest responsible bidder of five (list attached) - \$844,062 - Financing: 2003 Bond Funds (\$459,802) Water Utilities Capital Construction Funds (\$384,260)

No one addressed the city council regarding the item.

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

Motion seconded by Councilmember Neumann and unanimously adopted. (Leppert absent on city business)

Assigned ORDINANCE NO. 27068.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0338

Closed Session [**HELD**]

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

- Paul Lavell Jennings v. Albert Martinez, et al., Civil Action No. 3:05-CV-2044-P

At 11:36 a.m. Mayor Pro Tem Garcia announced the closed session of the city council authorized by Chapter 551, "OPEN MEETING," of the (Texas Open Meetings Act) to discuss the following matters:

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

- Paul Lavell Jennings v. Albert Martinez, et al., Civil Action No. 3:05-CV-2044-P

Mayor Pro Tem Garcia reconvened the city council after the closed session at 1:00 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0339

Addendum addition 1: Authorize a twenty-four-month lease agreement for two modular buildings to be used as Code Compliance district offices at Northeast (8789 Adlora) and Northwest (2502 Shorecrest) - Nortex Modular Space through the Texas Multiple Award Schedule - Not to exceed \$166,118 - Financing: Current Funds

Councilmember Neumann requested that addendum addition consent agenda 1 item be considered as an individual item. Mayor Pro Tem Garcia 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 Neumann's request.

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

Councilmember Neumann moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Natinsky absent when vote taken; Leppert absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0340

Addendum addition 2: An ordinance amending Article I of the Dallas Development Code to establish a fee in the amount of \$3,825, per application, for municipal utility district applications and annexation, disannexation, and waiver of extraterritorial jurisdiction applications - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27069.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0341

Addendum addition 3: An ordinance establishing residential, commercial and industrial rates for natural gas service to be charged by Atmos Energy Corporation - Financing: No cost consideration to the City

Councilmember Neumann and Councilmember Rasansky requested that addendum addition consent agenda 3 item be considered as an individual item. Mayor Pro Tem Garcia stated that addendum addition consent agenda item 3 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann and Councilmember Rasansky's request.

Later in the meeting, addendum addition consent agenda item 3 was brought up for consideration.

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

Councilmember Allen moved to approve the item.

Motion seconded by Councilmember Neumann and unanimously adopted. (Rasansky abstain; Salazar absent when vote taken; Leppert absent on city business)

Assigned ORDINANCE NO. 27070.

Note: The City Attorney notified the City Secretary he had a conflict of interest on addendum addition consent agenda 3 and would leave the City Council Chamber during the vote on the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0342

Addendum addition 4: Authorize a contract with McCarthy Building Companies, Inc. for construction manager at risk design phase services for the City Performance Hall - Not to exceed \$215,400 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 23, 2008

08-0343

Addendum addition 5: Authorize an increase in the contract with Big Sky Construction Company, Inc. for revisions to the foundation system due to unforeseen site conditions discovered during construction of the replacement facility for Fire Station No. 42 located at 3333 West Mockingbird Lane - \$228,962, from \$3,127,000 to \$3,355,962 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 23, 2008

EXHIBIT C