

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, FEBRUARY 13, 2008

08-0380  
VOTING AGENDA MEETING  
CITY COUNCIL CHAMBER, CITY HALL  
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Garcia, Caraway, Medrano, Neumann, Salazar (\*9:49),  
Davis, Atkins, Kadane, Allen, Koop, Natinsky, Rasansky, Hunt  
(\*9:27 a.m.)

ABSENT: [1] Hill

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

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

The invocation was given by Jarret Stephens of Prestonwood Baptist Church.

Councilmember Koop led the pledge of allegiance.

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

After all business properly brought before the city council had been considered the city council adjourned at 4:59 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, FEBRUARY 13, 2008

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, FEBRUARY 13, 2008

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0381

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: Albert Parker, 6318 Elm Rd.  
SUBJECT: Is Dallas a friendly business city?

SPEAKER: Linda Bates, 4144 Tram Dr.  
REPRESENTING: Citizens for Environmental Justice  
SUBJECT: West Dallas unseen justice

SPEAKER: LeVar Thomas, 2407 Club Manor  
SUBJECT: The structure of Community Development Block Grants

**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.  
REPRESENTING: Real American Women (RAW)  
SUBJECT: The future is in our hands

SPEAKER: Marvin Crenshaw, 5134 Malcom X Blvd.  
REPRESENTING: J. B. Jackson, Jr. Institute  
SUBJECT: 14-1 Struggles for political and economic democracy in Dallas

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. Dreams, Vision, Purpose, Journey and Destiny.

SPEAKER: Leslie Davis, 3035 E. Ledbetter Dr  
SUBJECT: Crime, pollution and character of the Dallas City Council

G:\2008MIN\cc012308doc

2/27/2008 10:04:52 AM

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0382

Item 1: Approval of Minutes of the January 23, 2008 City Council Meeting.

Mayor Pro Tem Garcia moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0383

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-47 and addendum addition consent agenda items 1-9, were presented for consideration.

Councilmember Atkins requested that consent agenda items 6, 36, and 39 be considered as individual items. Mayor Leppert stated that consent agenda items 6, 36 and 39 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Councilmember Rasansky requested that consent agenda items 4, 22, 24, 25, 26, 30, 32, 33, and addendum addition consent agenda items 1, 4, 5, 6, 7, and 8, be considered as individual items. Mayor Leppert stated that consent agenda items 4, 22, 24, 25, 26, 30, 32, 33, and addendum addition consent agenda items 1, 4, 5, 6, 7, and 8, would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

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

Councilmember Koop moved to approve all items on the consent agenda with the exception of consent agenda 4, 6, 22, 24, 25, 26, 30, 32, 33, 36, 39 and addendum addition consent agenda items 1, 4, 5, 6, 7, 8, and 9, which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0384

Item 2: Authorize an environmental restrictive covenant prohibiting the use of groundwater for residential, agricultural, recreational, industrial or commercial purposes without the express written pre-approval of the State of Texas for a 300 square foot portion of City-owned land at Dallas Love Field located west of Cedar Springs Road between the Dallas Love Field Terminal and Mockingbird Lane - Revenue: \$273

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0385

Item 3: Authorize a professional services contract for validation of physical fitness testing standards for the Dallas Police Department - Fitness Intervention Technologies, only proposer - Not to exceed \$52,500 - Financing: Current Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0386

Item 4: Authorize a forty-eight-month service contract for hazardous and non-hazardous material clean-up and disposal services for City departments - Green Planet, Inc., only bidder - Not to exceed \$1,042,221 - Financing: Current Funds (\$1,027,484), Convention and Event Services Current Funds (\$14,737) (subject to annual appropriations)

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

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

Councilmember Natinsky 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". (Salazar absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0387

Item 5: Authorize a thirty-six-month master agreement for the purchase of traffic cones and delineator panels - BKW Environmental Services, LLC in the amount of \$318,469, Fastenal-Datx in the amount of \$209,704, and Comade, Inc. in the amount of \$111,112, lowest responsible bidders of eight - Total not to exceed \$639,285 - Financing: Current Funds (\$424,485), Water Utilities Current Funds (\$214,800)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0388

Item 6: Authorize a thirty-six-month service contract for parking lot cleaning - H & W Cleaning Systems, Inc., lowest responsible bidder of four - Not to exceed \$435,228 - Financing: Current Funds (subject to annual appropriations)

Councilmember Atkins 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 Atkins' request.

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

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0389

Item 7: Authorize a thirty-six-month master agreement for fire hydrants and replacement parts - Clow Valve Company in the amount of \$852,954, and HD Supply Waterworks, LTD in the amount of \$52,285, lowest responsible bidders of four - Total not to exceed \$905,239 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0390

Item 8: Authorize a twelve-month master agreement for the purchase of heavy equipment - Conley Lott Nichols Machinery in the amount of \$370,645, Equipment Southwest, Inc. in the amount of \$187,195, and Bane Machinery, Inc. in the amount of \$101,266, lowest responsible bidders of four - Total not to exceed \$659,106 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes (\$633,775), 2006 Equipment Acquisition Contractual Obligation Notes (\$25,331)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0391

Item 9: Authorize the purchase of three crack seal pots to be used by Street Services - Cimline Pavement Maintenance Group, lowest responsible bidder of three - Not to exceed \$115,275 - Financing: 2006 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0392

Item 10: 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 \$35,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0393

Item 11: Authorize settlement of the lawsuit styled Meredith and William Barnes, Individually, and as Guardian for Rosalie Barnes v. City of Dallas, Cause No. 06-06917-C - Not to exceed \$16,500 - Financing: Current Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0394

Item 12: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Carrington, Coleman, Sloman & Blumenthal, L.L.P., for additional legal services related to the Simpkins property at the Elam Landfill and South Loop Landfill - Not to exceed \$35,000, from \$65,000 to \$100,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0395

Item 13: Authorize an ordinance approving Dallas-Fort Worth International Airport Board Resolution No. 2007-10-269 to amend the Construction and Fire Prevention Standards Resolution, previously approved by Resolution No. 88-147, as amended, to adopt the 2005 National Electrical Code and certain 2006 series model codes published by the International Code Council, Inc., and to amend the overall gas exploration and production program contained in Part Nine - Oil and Gas Exploration and Production of the Construction and Fire Prevention Standards Resolution - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27071.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0396

Item 14: Authorize a thirty-six-month extension to the software license agreement for computer mainframe maintenance and support with Computer Associates International, Inc. - Not to exceed \$468,024, from \$2,291,954 to \$2,759,978 - Financing: Current Funds (subject to annual appropriations)

Deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0397

Item 15: A resolution authorizing the rejection of a bid received from JS Funding, Ltd. for tax foreclosure property improved with a single family residence located at 4603 Idaho Avenue and its re-advertisement for sale - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0398

Item 16: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Metropolitan Sand & Gravel Co., L.L.C., for a total of approximately 1,400 acres of land located near the intersection of Loop 12 and Pemberton Hill Road for the Trinity River Corridor Project - \$1,975,000 - Financing: Private Funds (\$975,000) and 2006 Bond Funds (\$1,000,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0399

Item 17: Authorize the deposit of a Special Commissioners' Award and settlement of the condemnation suit for the award in City of Dallas vs. Horace H. Elam, et al., Cause No. 05-06467-b, pending in the County Court at Law No. 2, for acquisition from Horace H. Elam and Ella Elam of approximately 83 acres of land located at the intersection of Dowdy Ferry and Rylie Roads for the Trinity River Corridor project - \$585,500 - Financing: Private Funds (\$439,500) and 1998 Bond Funds (\$146,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0400

Item 18: Authorize an amendment to Kaufman County Municipal Utility District No. 4, previously approved on October 8, 2003, by Resolution No. 03-2751, to amend district boundaries by the addition of approximately 114 acres in accordance with the amendment petition dated October 26, 2007 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0401

Item 19: **Tax Foreclosed Property**            **Note:** Item Nos. 19 and 20 must  
**at 3603 Borger Street**    be considered collectively.

Authorize the sale by quitclaim deed of a tax foreclosed property located at 3603 Borger Street acquired by the taxing authorities from a Sheriff's Sale to the City of Dallas - Revenue: \$8,500

Item 20: Authorize acquisition of a tax foreclosed property located at 3603 Borger Street near its intersection with Bickers Street for the expansion of Bickers Park - \$8,500 - Financing: 2003-04 Community Development Grant Reprogramming Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0402

Item 21: An ordinance abandoning a portion of a drainage easement to MA Creekside, LP, the abutting owner, containing approximately 2,121 square feet of land located near the intersection of Audelia Road and Shadow Way - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27072.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0403

Item 22: An ordinance abandoning portions of various easements to Next Block-Dallas I, L.P., the abutting owner, containing a total of approximately 5 acres of land located near the intersection of Manderville Lane and Meadow Road - Revenue: \$5,400 plus the \$20 ordinance publication fee

Councilmember Rasansky requested that consent agenda item 22 be considered as an individual item. Mayor Leppert 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.

Mayor Pro Tem Garcia moved to approve the ordinance.

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". (Hill absent)

Assigned ORDINANCE NO. 27073.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0404

Item 23: An ordinance authorizing a correction to Ordinance No. 27057, previously approved on January 9, 2008, for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on the southwest corner of Elm Street and Crowdus Street to correct the time limit and certificate of occupancy conditions Z067-336 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27074.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0405

Item 24: **Niagara Bottling, LLC**

**Note:** Item Nos. 24, 25 and 26  
must be considered collectively.

Authorize a new business personal property tax abatement agreement for 10 years with Niagara Bottling, LLC located at 4851 Mountain Creek Parkway in the amount of 60 percent on new business personal property for years 1 through 5 and 45 percent for years 6 through 10 - Revenue: First year revenue estimated at \$94,235; 10-year revenue estimated at \$1,595,406; (Estimated revenue foregone for 10-year business personal property tax abatement estimated at \$1,806,212)

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

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0406

Item 25: **Niagara Bottling, LLC**

**Note:** Item Nos. 24, 25 and 26  
must be considered collectively.

Authorize a Chapter 380 grant agreement with Niagara Bottling, LLC located at 4851 Mountain Creek Parkway to offset certain project costs including but not limited to site work, infrastructure improvements and development fees - Not to exceed \$100,000 - Financing: Public/Private Partnership Program Funds

Councilmember Rasansky 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 Rasansky's request.

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0407

Item 26: **Niagara Bottling, LLC**

**Note:** Item Nos. 24, 25 and 26  
must be considered collectively.

Authorize an application to the Office of the Governor Economic Development and Tourism through the Economic Development Bank nominating Niagara Bottling, LLC located at 4851 Mountain Creek Parkway to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 26 be considered as an individual item. Mayor Leppert stated that consent agenda item 26 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 26 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0408

Item 27: Authorize **(1)** rescinding the acceptance of a grant with Texas Workforce Commission, previously approved on October 10, 2007 by Resolution No. 07-2967, **(2)** the acceptance of a grant for the Texas Workforce Commission to provide child care subsidies for low to moderate income parents for the period October 1, 2007 through September 30, 2008 in the amount of \$547,703, **(3)** a local match in an amount not to exceed \$250,000, and **(4)** execution of the grant agreement - Total not to exceed \$797,703 - Financing: Texas Workforce Commission Grant Funds (\$547,703) and 2007-08 Community Development Grant Funds (\$250,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0409

Item 28: Authorize **(1)** the rejection of the bid received for the replacement of exterior light poles and lights at the West Dallas Multipurpose Center located at 2828 Fish Trap Road, and **(2)** the re-advertisement for new bids - Financing: No cost consideration for the City

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0410

Item 29: Authorize a contract for construction of the heating, ventilation, and air conditioning system at Marcus Recreation Center located at 3003 Northaven Road - Mac Koshnoodi d.b.a. MK Construction Company, lowest responsible bidder of two - \$159,142 - Financing: Capital Construction Funds (\$68,560) and 2006 Bond Funds (\$90,582)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0411

Item 30: Authorize a professional services contract with Clampett Industries d.b.a. EMG Consulting to provide facility condition assessment services for 690 City owned buildings located throughout the City of Dallas - \$735,540 - Financing: 2006 Bond Funds

Councilmember Rasansky requested that consent agenda item 30 be considered as an individual item. Mayor Leppert stated that consent agenda item 30 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 30 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0412

Item 31: Ratify an emergency purchase for roof deck and shingle replacement at 2727 Municipal Street - Castro Roofing of Texas, Inc. - Not to exceed \$59,875 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0413

Item 32: Authorize a contract for the installation of a new passenger elevator and the modernization of two existing elevators for the parking garage at the Dallas Museum of Art located at 1717 North Harwood Street - EMR Elevator, Inc., only bidder - \$269,000 - Financing: 2003 Bond Funds (\$200,000) and Capital Construction Funds - (\$69,000)

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

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0414

Item 33: Authorize acquisition of a parcel improved with a vacant single-family residence at 2428 Hooper Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program (list attached) - \$25,000 including estimated closing costs - Financing: 2006-07 Community Development Grant Reprogramming Funds

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

Later in the meeting, agenda item 33 was brought up for consideration.

Councilmember Davis moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0415

Item 34: Authorize an amendment to the Architectural\Engineering contract with Good Fulton and Farrell Architects to extend the completion date from December 31, 2006 to December 31, 2009 and increase the contract by \$20,000 thereby increasing the total from \$20,000 to \$40,000 for additional architectural/engineering services for the Bexar Street Redevelopment Project - \$20,000 - Financing: 2006-07 Community Development Grant Reprogramming Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0416

Item 35: 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

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0417

Item 36: Authorize an extension through September 30, 2008 for Community Development Block Grant projects which have not met the twelve-month obligation or twenty-four-month expenditure requirement - Financing: No cost consideration to the City

Councilmember Atkins requested that consent agenda item 36 be considered as an individual item. Mayor Leppert stated that consent agenda item 36 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Later in the meeting, agenda item 36 was brought up for consideration.

Councilmember Salazar moved to approve the item.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0418

Item 37: Authorize **(1)** a contract for construction of a hike and bike trail along Hillcrest Road from McCallum Road to President George Bush Turnpike with Riverway Contractors and Management, Inc., lowest responsible bidder of three, in the amount of \$1,051,047; **(2)** establishment of appropriations in Collin County Grant Fund in the amount of \$480,750; and **(3)** execution of a license agreement with ONCOR to allow the trail to be built and maintained in the ONCOR right-of-way for the Preston Ridge Trail - Total not to exceed \$1,051,047 - Financing: 2003 Bond Funds (\$615,270) and Collin County Grant Funds (\$435,777)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0419

Item 38: Authorize a contract for the construction of the Elam Creek Channel project, Phase I, south of Lake June Road to Seco Boulevard - Jeske Construction Company, lowest responsible bidder of four - \$4,327,182 - Financing: 2003 Bond Funds (\$3,734,797) and Water Utilities Capital Construction Funds (\$592,385)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0420

Item 39: Authorize a contract for the replacement of sidewalks, curb and gutter, drive approaches, water and wastewater adjustments for Sidewalk Replacement Group 01-07 (list attached) - MACVAL Associates, L.L.C., lowest responsible bidder of seven - \$459,471 - Financing: 2006 Bond Funds (\$420,721) and Water Utilities Capital Construction Funds (\$38,750)

Councilmember Atkins requested that consent agenda item 39 be considered as an individual item. Mayor Leppert stated that consent agenda item 39 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Later in the meeting, agenda item 39 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0421

Item 40: Authorize a professional services contract with Freese and Nichols, Inc. to update the City of Dallas Storm Water Design Criteria Manual to incorporate the criteria of the Integrated Storm Water Management (iSWM) Design Manual for Site Development - Not to exceed \$153,200 - Financing: Current Funds (to be reimbursed by Storm Water Drainage Management Funds)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0422

Item 41: Authorize professional services contracts with 2 consulting firms for the engineering design of 7 erosion control projects and 2 street reconstruction projects (list attached) - \$271,050 - Financing: 2006 Bond Funds (\$263,030) and Water Utilities Capital Construction Funds (\$8,020)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0423

Item 42: Authorize **(1)** a contract for Union Station Vertical Transportation Upgrade - Escalators with KONE, Inc., the only responsible bidder, in an amount not to exceed \$750,000; **(2)** assignment of the construction contract to Hunt - Woodbine Realty Corporation as the City's construction manager for all purposes, including contract administration, inspection, supervision and coordination of construction work; and **(3)** an amendment to the Development and Reimbursement Agreement between City of Dallas and Hunt - Woodbine Realty Corporation to provide for this assignment - Not to exceed \$750,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0424

Item 43: Authorize an increase in the contract with CORE Construction Services of Texas, Inc. to provide for the replacement of concrete pavement and additional data line capacity necessary for construction of the ~~replacement~~ Bachman Lake Branch Library that replaces the existing Walnut Hill Branch Library, and will be located at 9480 Webb Chapel Road - \$64,987, from \$4,104,100 to \$4,169,087 - Financing: 2003 Bond Funds

Corrected on the addendum.

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0425

Item 44: Authorize a professional services contract with Brown Reynolds Watford Architects, Inc. to provide design services, preparation of construction documents and construction administration for the expansion and renovation of Fire Station No. 10 located at 4451 Frankford Road - \$360,800 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0426

Item 45: **Establish Rail Road Quiet Zone  
along Cotton Belt Rail Line Corridor** **Note:** Item Nos. 45, 46 and 47  
must be considered collectively.

Authorize a professional services contract with LopezGarcia Group, Inc. for engineering services to prepare the schematic design for Quiet Zone improvements along the Cotton Belt rail line corridor from Dallas Parkway to Coit Road - \$157,527 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0427

Item 46: **Establish Rail Road Quiet Zone  
along Cotton Belt Rail Line Corridor** **Note:** Item Nos. 45, 46 and 47  
must be considered collectively.

Authorize an Interlocal Agreement with the Texas Department of Transportation for Quiet Zone improvements along the Cotton Belt rail corridor from Dallas Parkway to Coit Road - \$6,220 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0428

Item 47: **Establish Rail Road Quiet Zone**      **Note:** Item Nos. 45, 46 and 47  
**along Cotton Belt Rail Line Corridor**                      must be considered collectively.

Authorize the City Manager to provide Notice of Intent to create a new Quiet Zone along the Cotton Belt rail line corridor from Dallas Parkway to Coit Road as required by the Federal Railroad Administration Final Train Horn rule 49 CFR Part 222 and 229 - Financing: No Cost Consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0429

Item 48: 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 FEBRUARY 13, 2008.

The 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.

Mayor Pro Tem Garcia moved to appoint Ester Davis, to the Senior Affairs Commission.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Hill absent)

Mayor Pro Tem Garcia moved to appoint Ester Davis, Chair, to the Senior Affairs Commission.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Hill absent)

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

**08-0458 SAC SENIOR AFFAIRS COMMISSION**  
**08-0459 BOARD OFFICERS**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0430

Item 49: Authorize Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff Americas, Inc. for electric procurement services beyond December 31, 2008; the development of a billing information system; and related energy management services such as contracting renewable wind power, evaluation of the Texas Nodal Market and evaluation of emerging technologies - Not to exceed \$593,735, from \$713,900 to \$1,307,635 - Financing: Convention and Event Services Current Funds (\$39,516), Aviation Current Funds (\$56,452), Current Funds (\$169,356), Water Utilities Current Funds (\$328,411)

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.

Mayor Pro Tem Garcia moved to defer the item indefinitely.

Motion seconded by Councilmember Salazar and unanimously adopted. (Koop abstain; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0431

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda items 50-56 were presented for consideration.

Agenda items 50, 51, and 52 were removed from the consent zoning docket, to be considered as individual hearing.

~~Agenda item 50: Zoning Case Z067-159(RB)~~ [considered individually]  
~~Agenda item 51: Zoning Case Z067-326 (OTH)~~ [considered individually]  
~~Agenda item 52: Zoning Case Z078-111 (JH)~~ [considered individually]  
Agenda item 53: Zoning Case Z078-112 (WE)  
Agenda item 54: Zoning Case Z078-118 (RB)  
~~Agenda item 55: Zoning Case Z078-121 (MD)~~ [considered individually]  
~~Agenda item 56: Zoning Case Z078-134 (MAW)~~ [considered individually]

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

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

Mayor Pro Tem Garcia 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. (Hill absent)

Later in the meeting, Councilmember Atkins requested to reconsider the zoning consent agenda to allow zoning consent agenda item 56 to be considered as an individual zoning item.

Councilmember Salazar moved to reconsider the zoning consent agenda to allow zoning consent item 56 to be considered as an individual zoning item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-0431

Page 2

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Hill absent)

Councilmember Salazar 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. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0432

Item 50: Zoning Case Z067-159 (RB)

The consent zoning docket consisting of agenda items 50-56 were presented for consideration.

Councilmember Neumann requested that zoning consent item 50 be considered as an individual item. Mayor Leppert stated that zoning consent item 50 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

A public hearing was called on zoning case Z067-159 (RB), an application for and an ordinance granting an NS(A) Neighborhood Service District and a resolution accepting deed restriction volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the east line of Westmoreland Road between Overcrest Street and Davis Street.

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

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

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

Steve Dalton, 107 N. Ravinia, representing Beverly Hills Neighborhood Association

Councilmember Neumann moved to continue the public hearing and hold under advisement until the February 27, 2008 voting agenda meeting of the city council.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0433

Item 51: Zoning Case Z067-326 (OTH)

The consent zoning docket consisting of agenda items 50-56 were presented for consideration.

Councilmember Atkins requested that zoning consent item 51 be considered as an individual item. Mayor Leppert stated that zoning consent item 51 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

A public hearing was called on zoning case Z067-326 (OTH), an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 689 on property zoned Planned Development District No. 689 and an LO-3 Limited Office District, in an area generally bounded by Willoughby Boulevard, Beckleymeade Avenue, and the I-20 Access Road.

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

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

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

- Maximum floor area for a mini-warehouse is 87,100 square feet
- Maximum lot coverage for a mini-warehouse is 29 percent
- A minimum of 38 off-street parking spaces are required for a mini-warehouse

and pass the ordinance.

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

Assigned ORDINANCE NO. 27075.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0434

Item 52: Zoning Case Z078-111 (JH)

The consent zoning docket consisting of agenda items 50-56 were presented for consideration.

Councilmember Medrano requested that zoning consent item 52 be considered as an individual item. Mayor Leppert stated that zoning consent item 52 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Medrano's request.

A public hearing was called on zoning case Z078-111 (JH), an application for and an ordinance granting the renewal of Specific Use Permit No. 1601 for commercial amusement (inside) limited to a Class A Dance Hall on property zoned a CS Commercial Service District, on the west corner of East Grand Avenue and St. Mary Avenue.

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

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 with the following changes:

- The Class A dance hall may only operate between 9:00 a.m. and 9:00 p.m. on Monday through Wednesday, between 9:00 a.m. and 2:00 a.m. (the next morning) on Thursday through Saturday, and between 12:00 p.m. (noon) and 2:00 a.m. (the next morning) on Sunday.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27076.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0435

Item 53: Zoning Case Z078-112 (WE)

The consent zoning docket consisting of agenda items 50-56 were presented for consideration.

A public hearing was called on zoning case Z078-112 (WE), an application for and an ordinance granting the creation of a new subdistrict within Subdistrict E of Planned Development District No. 305 for mixed uses, on the northeast side of Haskell Avenue and the northwest side of Capitol Avenue.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27077.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0436

Item 54: Zoning Case Z078-118 (RB)

The consent zoning docket consisting of agenda items 50-56 were presented for consideration.

A public hearing was called on zoning case Z078-118 (OTH), an application for and an ordinance granting an amendment to the conceptual plan and conditions for Planned Development District No. 711 for Multifamily Uses and Regional Retail District Uses on the southeast corner of Arapaho Road and Prestonwood Boulevard.

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27078.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0437

Item 55: Zoning Case Z078-121 (MD)

The consent zoning docket consisting of agenda items 50-56 were presented for consideration.

Councilmember Kadane requested that zoning consent item 52 be considered as an individual item. Mayor Leppert stated that zoning consent item 52 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Kadane's request.

A public hearing was called on zoning case Z078-121 (MD), regarding a Landmark Commission authorized hearing to consider an expansion of and amendment to Historic Overlay District No. 33 (Fair Park), on property zoned a CS Commercial Service District, an MF-2(A) Multifamily District, a CR Community Retail District, an NS(A) Neighborhood Service District, and Planned Development District No. 288 at 3809 Grand Avenue between Parry Avenue and Fitzhugh Avenue and an ordinance granting the expansion of and amendment to the Historic Overlay.

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

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

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

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

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Kadane abstain; Hill absent)

Assigned ORDINANCE NO. 27079.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0438

Item 56: Zoning Case Z078-143 (MAW)

The consent zoning docket consisting of agenda items 50-56 were presented for consideration.

Councilmember Atkins requested that zoning consent item 56 be considered as an individual item. Mayor Leppert stated that zoning consent item 56 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

A public hearing was called on zoning case Z078-143 (MAW), regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned an NS(A) Neighborhood Service District on the four corners of the intersection of South Beltline Road and Garden Grove Drive with consideration being given to a Planned Development District and an ordinance granting the Planned Development District on a portion of the request area.

(The staff and city plan commission recommended approval, of a Planned Development District for NS(A) Neighborhood Service District uses subject to a site plan and conditions on the southeast corner of South Belt Line Road and Garden Grove Drive with no change to the remainder of the request area)

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

Councilmember Atkins moved to close the public hearing and accept the recommendation of the city plan commission.

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

Assigned ORDINANCE NO. 27080.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0439

Item 57: Zoning Case Z056-290 (WE) INDIVIDUAL

A public hearing was called on zoning case Z056-290 (WE), an application for and an ordinance granting a CS Commercial Service District and an ordinance granting a Specific Use Permit for a commercial motor vehicle parking on property zoned an R-5(A) Single Family District, located on the north line of Toronto Street, east of Bataan Street

(The staff recommended denial and city plan commission recommended approval, of a CS Commercial Service District and approval of the Specific Use Permit for a five-year period with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions)

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

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

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

Assigned ORDINANCE NO. 27081 AND 27082.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0440

Item 58: Zoning Case Z056-311 (OTH) INDIVIDUAL

A public hearing was called on zoning case Z056-311 (OTH), an application for and an ordinance granting a Planned Development District for retail uses, certain IM Industrial Manufacturing District uses and certain IR Industrial Research District Uses, on property zoned an IR Industrial Research District on the northeast corner of Simpson Stuart Road and Interstate 45.

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

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

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

William Cothrum, 900 Jackson, representing the applicant

Councilmember Medrano moved to continue the public hearing and hold under advisement until the March 26, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Atkins and unanimously adopted. (Hill absent)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0441

Item 59: Zoning Case Z067-306(OTH) INDIVIDUAL

A public hearing was called on zoning case Z067-306 (OTH), an application for and an ordinance granting a Planned Development District for multifamily, nursing/convalescent/retirement home, single family and office uses, on property zoned an MF-1(A) Multifamily District, on the north side of Harvest Hill, between Montfort Drive and Noel Road.

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

Deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0442

Item 60: Zoning Case Z067-309 (JH) INDIVIDUAL

A public hearing was called on zoning case Z056-290 (JH), an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest corner of Oak Lawn Avenue and Rawlins Street with consideration for a Specific Use Permit for a bank or savings and loan with drive-through window service.

(The staff recommended approval, of a Specific Use Permit for a ten-year period with eligibility for automatic renewal of additional ten-year periods, subject to staff's recommended site plan, staff's recommended landscape plan, and conditions in lieu of a Planned Development Subdistrict for GR General Retail Subdistrict uses and city plan commission recommended approval, of a Planned Development Subdistrict, subject to a development 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 to the city plan commission's recommendation.

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

Augustine Ekukje, 8035 E. R. L. Thornton, representing Palm Beach

Councilmember Hunt moved to continue the public hearing and hold under advisement until the February 27, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Medrano and unanimously adopted. (Rasansky abstain; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0443

Item 61: Zoning Case Z078-110 (JH) INDIVIDUAL

A public hearing was called on zoning case Z078-110 (JH), an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial Subdistrict Uses and certain other nonresidential uses on property zoned an LC Light Commercial Subdistrict and an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and the termination of the Dry Liquor Control Overlay that encumbers portions of the site in an area generally bounded by McKinnon Street, Ivan Street, North Harwood Street, and Wolf Street.

(The staff recommended approval, subject to a conceptual plan and staff's recommended conditions and retention of the Dry Liquor Control Overlay and city plan commission recommended approval, subject to a conceptual plan and conditions and removal of the Dry Liquor Control Overlay)

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

Art Moreno, 7311 Wake Forest Dr.  
Paul Santillian, 3525 Routh St.  
Mary Ann Rittenberry, 3624 Finley Rd., **Irving, TX.**  
Tony Salinas, 3023 McKinnon St.

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

Gabriel B. Mueller, 5941 Averill Way, President of Harwood International  
Leonor B. Villarreal, 6209 Ellsworth Ave.  
Betty Hersey, 2007 Randall, representing Reading and Radio Resource  
Cecilia Overton, 6441 Southpoint, representing Topaz Townhouses  
Suzn Kedron, 901 Main St., representing the applicant

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

- Require that lots abutting single-family, duplex, or multiple-family uses with structures that are 36 feet in height or less must provide a minimum side yard setback of 10 feet and
- Not allow video board signs and prohibit on-street parking on Wolf Street

and pass the ordinance.

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

Assigned ORDINANCE NO. 27083.

G:\2008MIN\cc012308doc

2/27/2008 10:04:52 AM

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0444

Item 62: Zoning Case Z078-116 (WE) INDIVIDUAL

A public hearing was called on zoning case Z078-116 (WE), an application for and an ordinance granting a Planned Development District for an MU-3 Mixed Use District on property zoned an MU-3 Mixed Use District on the east corner of Northwest Highway and Willowbrook Road with consideration being given to an IR Industrial Research District.

(The staff recommended approval, of an IR Industrial Research District in lieu of a Planned Development District for an MU-3 Mixed Use District and city plan commission recommended approval, subject to a development 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:

William Cothrum, 900 Jackson St. representing the applicant

Councilmember Salazar 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. (Hill absent)

Assigned ORDINANCE NO. 27084.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0445

Item 63: Zoning Case Z078-124 (MAW) 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 Z078-124 (MAW), an application for and an ordinance granting a Specific Use Permit for an inside commercial amusement for a bar, lounge, or tavern and a Class A dance hall on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Main Street between Malcolm X Boulevard and Crowds Street.

(The staff recommended approval, for a three-year period, subject to a site plan and conditions 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.

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. (Rasansky abstain; Hill absent)

Assigned ORDINANCE NO. 27085.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0446

Item 64: DEVELOPMENT CODE AMENDMENTS - 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 to receive comments regarding consideration of amendments to Article VII, "Sign Regulations," of Chapter 51A, the Dallas Development Code, to provide for special signage for a city animal shelter.

(The staff recommended approval and city plan commission recommended denial.)

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

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

Skip Trimble, 5936 Woodland, representing the Animal Shelter Commission

Mayor Pro Tem Garcia moved to close the public hearing, and accept the recommendation of the staff to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway.

Later in the meeting, Deputy Mayor Pro Tem Caraway moved to substitute the motion to continue the public hearing and hold under advisement until the February 27, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Atkins.

After discussion, Mayor Pro Tem Garcia called for a vote on Deputy Mayor Pro Tem Caraway's substitute motion to continue the public and hold under advisement until the February 27, 2008 voting agenda meeting of the city council.

Mayor Pro Tem Garcia declared the motion adopted on a divided vote, with Councilmember Hunt voting "No". (Leppert, Salazar absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0447

Item 65: **Reinvestment Zone No. 69**

**Note:** Item Nos. 65, 66 and 67  
must be considered collectively.

A public hearing to receive comments concerning the creation of a reinvestment zone for commercial tax abatement, to be known as City of Dallas Reinvestment Zone No. 69, incorporating property north of Northwest Highway and west of Lullwater Drive, for the purpose of granting a real property tax abatement to Chartwell at Lake Highlands, LP - Financing: No cost consideration to the City

Item 66: An ordinance designating property north of Northwest Highway and west of Lullwater Drive, as City of Dallas Reinvestment Zone No. 69, for the purpose of granting a real property tax abatement to Chartwell at Lake Highlands, LP, establishing the boundaries of the Reinvestment Zone and providing for an effective date - Financing: No cost consideration to the City.

Item 67: Authorize a 90 percent real property tax abatement agreement for 10 years with Chartwell at Lake Highlands, LP located north of Northwest Highway and west of Lullwater Drive - Revenue: First year revenue estimated at \$ 13,836; ten-year revenue estimated at \$ 219,135 (Estimated revenue foregone for ten-year real property tax abatement estimated at \$ 2,000,000)

Councilmember Allen moved to close the public hearing, approve the item and pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Hill absent)

Assigned ORDINANCE NO. 27086.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0448

Addendum addition 1: Authorize a professional services contract to conduct a financial feasibility study for potential restructuring of Convention and Event Services' debt - HVS Convention, Sports & Entertainment Facilities Consulting, most advantageous proposer of five - Not to exceed \$170,000 - Financing: Convention and Events Services Current Funds

Councilmember Rasansky requested that addendum addition consent agenda 1 item 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 consent agenda item 1 was brought up for consideration.

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Atkins.

Councilmember Rasansky asked Councilmember Natinsky if he would accept a friendly amendment to state, "that funds would only be used for restructuring to refinance the bonds only for the funds to be used at the Convention Center itself and not a Convention Center Hotel."

Councilmember Natinsky did not accept Councilmember Rasansky's friendly amendment as a part of his motion.

Councilmember Atkins, who seconded the motion, did not accept Councilmember Rasansky's friendly amendment.

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

Voting Yes: [10] Leppert, Garcia, Caraway, Medrano, Neumann, Salazar, Atkins, Kadane, Koop, Natinsky  
Voting No: [2] Rasansky, Hunt  
Absent when vote taken: [2] Davis, Allen  
Absent: [1] Hill

Mayor Leppert declared the motion adopted.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0449

Addendum addition 2: An ordinance abandoning portions of Bennett Street and adjacent alleys to DCO Bennett Development LP, the abutting owner, containing a total of approximately 29,016 square feet of land located near the intersection of Bennett Street and Belmont Avenue, authorizing the quitclaim, and providing for the dedication of a total of approximately 9,589 square feet of land needed for street and alley rights-of-way - Revenue: \$367,753 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27087.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0450

Addendum addition 3: Authorize amendments to Ordinance No. 26799, previously approved on June 13, 2007, to change the name of Reinvestment Zone Number Sixteen, City of Dallas, Texas from Reinvestment Zone Number Sixteen, City of Dallas, Texas (Twelve Hills TIF District) to Reinvestment Zone Number Sixteen, City of Dallas, Texas (Davis Garden TIF District) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27088.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0451

Addendum addition 4: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs' 9% low income housing tax credit financing for the new construction of the Carrington Place, a 105 unit apartment complex for families composed of 18 one-bedrooms, 45 two-bedrooms and 42 three-bedrooms located in the 200 block of North St. Augustine Road for Carrington Villas Apartments of Dallas, L.P. - Financing: No cost consideration to the City

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

Later in the meeting, addendum addition consent agenda item 4 was brought up for consideration.

Councilmember Medrano moved to approve the item.

Motion seconded by Councilmember Atkins.

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

Mayor Leppert declared the motion adopted on a divided vote, with Mayor Pro Tem Garcia voting "No". (Allen absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0452

Addendum addition 5: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs' 9% low income housing tax credit financing for the new construction of 125 units composed of 121 Efficiency SRO units and 4 one bedroom units for families located at 2734 Clarence Street for Grand Avenue LifeNet Supportive Housing SRO Community, L.P. - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition consent agenda 5 item 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 Rasansky's request.

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

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0453

Addendum addition 6: A resolution authorizing support of the pre-application waiver for the Texas Department of Housing and Community Affairs' 9% low income housing tax credit financing for the acquisition and new construction of the proposed 130-unit SDC Fiji Senior Villas apartment project located at 201 Fran Way - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition consent agenda 6 item be considered as an individual item. 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 Councilmember Rasansky's request.

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

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0454

Addendum addition 7: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs' 9% low income housing tax credit financing for the acquisition and new construction of the proposed 150-unit Frazier Berean residential development for seniors located at 3326 Mingo Street - Financing: No cost consideration to the City

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

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

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0455

Addendum addition 8: Authorize an amendment to the professional services contract with CH2M Hill for additional design and project management services to extend the Trinity Lakes design for the Trinity River Corridor Project - Not to exceed \$8,450,112, from \$9,617,930 to \$18,068,042 - Financing: 1998 Bond Funds (\$7,811,092) and Water Utilities Capital Construction Fund (\$639,020)

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

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0456

Addendum addition 9: Authorize Supplemental Agreement No. 3 to the Interlocal Agreement with the North Texas Tollway Authority (NTTA) and the Texas Department of Transportation to increase the escrow of City funds for disbursement to NTTA to continue with the next phase of work associated with the Trinity Parkway Environmental Impact Statement - \$1,500,000, from \$8,500,000 to \$10,000,000 - Financing: 1998 Bond Funds

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

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

Councilmember Neumann 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 Hunt voting "No". (Davis, Atkins, Allen absent when vote taken; Hill absent)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2008

08-0457

Addendum addition 10: Authorize **(1)** funds from the Dallas Convention and Visitors Bureau in the amount of \$500,000 to be delivered to the property owner and used as consideration for an option from CP - Dallas L & Y, L.P., formerly known as Chavez Properties - Dallas III Limited Partnership, on a tract of land containing approximately 8.4 acres improved with a 2-story parking structure and surface parking located at the intersection of Lamar and Young Streets; **(2)** a purchase contract for acquisition of the tract at a specific purchase price; and **(3)** City staff to perform due diligence for the purchase of the property and develop an interim financing plan for the purchase - Financing: No cost consideration to the City.

Deputy Mayor Pro Tem Caraway moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia.

After discussion, Mayor Leppert called the vote on Deputy Mayor Pro Tem Caraway's motion:

Voting Yes: [12] Leppert, Garcia, Caraway, Medrano, Neumann, Salazar,  
Davis, Atkins, Kadane, Allen, Koop, Natinsky  
Voting No: [2] Rasansky, Hunt  
Absent: [1] Hill

Mayor Leppert declared the motion adopted.

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, FEBRUARY 13, 2008

EXHIBIT C