

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

08-1220
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Garcia, Caraway, Medrano, Neumann, Hill, Salazar (*9:30 a.m.), Davis, Atkins, Kadane, Allen, Koop, Natinsky, Rasansky, Hunt

ABSENT: [0]

The meeting was called to order at 9:00 a.m.

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

The invocation was given by Reverend David Wilson, Founding Pastor of Greater Cornerstone Baptist Church in Dallas.

Students of Arcadia Park Elementary School led the pledge of allegiance.

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

After all business properly brought before the city council had been considered the city council adjourned at 2:55 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, APRIL 23, 2008

EXHIBIT A

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

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1221

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: Ronna Miller, 7119 Rutgers Dr.
SUBJECT: Animal Welfare

SPEAKER: Ana Brinker, 5910 Vanderbilt
SUBJECT: Animal Welfare

SPEAKER: Ygnacio Diaz, 760 Fairwood Dr. (present did not speak)
REPRESENTING: Masonic Lodge #341
SUBJECT: Community Builders Award

SPEAKER: Joe Hocker, (not provided).
REPRESENTING: Masonic Lodge #341
SUBJECT: Community Builders Award

SPEAKER: Michael Piazza, 2711 Welborn St.
REPRESENTING: Hope for Justice and Peace Cathedral
SUBJECT: Living wage for sanitation workers

SPEAKER: Edna Pemberton, 9438 Sophora Dr.
REPRESENTING: Get Kidz Fit
SUBJECT: Childhood Obesity

SPEAKER: Whitney Strauss, 3620 Cooper Stone Dr.
REPRESENTING: Get Kidz Fit
SUBJECT: Childhood Obesity

OPEN MICROPHONE – END OF MEETING

SPEAKER: Jurline Gates-Hollins, 2832 Marjorie St..
SUBJECT: Mayor, City Council and City Manager - Outlaws

SPEAKER: Bishop Bell, 4335 Woodhollow Dr.
REPRESENTING: CPT Ministries
SUBJECT: Community

OPEN MICROPHONE – END OF MEETING
(Continue)

SPEAKER: Silas Hughes, 10812 Stone Canyon Rd.
REPRESENTING: CPT Ministries
SUBJECT: Community

SPEAKER: Corey Matthews, 316 Classen Dr.
SUBJECT: Proposed animal ordinance change

SPEAKER: Elizabeth DeBusk Babcock, 7828 Idlewood Lane
SUBJECT: Buying land for a proposed convention hotel

SPEAKER: Bernard C. Lee, 3550 E. Overton Rd
REPRESENTING: Sanitation and SEIU
SUBJECT: Pay check and living wage

SPEAKER: Verjean Lunenschloss, 1616 Commerce Dr.
REPRESENTING: Code Compliance
SUBJECT: Animal Shelter, Chapter 7

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

SPEAKER: Jewel Floyd, 3815 Myrtle St.
SUBJECT: Why does the City Council bribe people?
Agenda Item 32, 33, 37 & 38

SPEAKER: James Bush, 2228 Southland
SUBJECT: Southland Terrace Apartments

SPEAKER: Donna Green, 2218 Southland
SUBJECT: Southland Terrace Apartments

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: Ernestine Anderson, 6108 Abrams Rd.
SUBJECT: Texas Public Safety

SPEAKER: Leslie Allen Davis, 3035 E. Ledbetter
SUBJECT: The New Frontier

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1222

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

Mayor Pro Tem Garcia moved to approve the minutes.

Motion seconded by Councilmember Neumann and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1223

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-64 and addendum addition consent agenda items 1-10, were presented for consideration.

Councilmember Neumann requested that consent agenda item 49 and addition addendum consent agenda items 3 and 4 be considered as individual items. Mayor Leppert stated that consent agenda items 49 and addition addendum consent agenda items 3 and 4 be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Natinsky requested that addition addendum consent agenda items 7 and 8 be considered as individual items. Mayor Leppert stated that addition addendum consent agenda items 7 and 8 be considered as individual items later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

Councilmember Rasansky requested that consent agenda items 4, 35 and 49 and addition addendum consent agenda items 3 and 10 be considered as individual items. Mayor Leppert stated that consent agenda items 4, 35, 49 and addition addendum consent agenda items 3 and 10 be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

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

Mayor Pro Tem Garcia moved to approve all items on the consent agenda with the exception of consent agenda items 4, 35, 49 and addendum addition consent agenda with the exception of addition addendum consent agenda items 3, 4, 7, 8 and 10 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1224

Item 2: Authorize Memorandum of Agreement No. DTFASW-08-L-00138, to replace multiple lease agreements for navigation facilities, with the Federal Aviation Administration, at Dallas Love Field Airport - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1225

Item 3: Authorize a professional services contract for the appraisal of leasable aviation use properties at Dallas Love Field and Dallas Executive Airport - ABS Aviation Consultancy, Inc. d/b/a Airport Business Solutions, lowest proposer of two - Not to exceed \$47,500 - Financing: Aviation Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1226

Item 4: Authorize a sixty-month service contract for Citywide recycling drop-off collection services - Champion Waste Services, LLC., lowest responsible bidder of two - Not to exceed \$1,022,740 - Financing: Current Funds (subject to annual appropriations)

Councilmember Rasansky and Councilmember Hunt 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 and Councilmember Hunt's request.

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

Councilmember Koop moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1227

Item 5: Authorize a thirty-six-month service contract for herbicide treatment of drainage channels within the Trinity River Levee System - Landmark Earth Services, LLC., lowest responsible bidder of two - Not to exceed \$299,430 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1228

Item 6: Authorize a thirty-six-month service contract for lawn irrigation system maintenance, parts and labor for City-owned property - Good Earth, Inc., lowest responsible bidder of four - Not to exceed \$90,991 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1229

Item 7: Authorize a twelve-month service contract for reflectorized pavement marking application - Striping Technology LP., lowest responsible bidder of three - Not to exceed \$124,800 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1230

Item 8: Authorize a twenty-four-month master agreement for mobile concrete - Custom Crete/Custom Stone in the amount of \$4,751,910, and Southern Star Concrete, Inc. in an amount of \$2,191,440, lowest responsible bidders of two - Total not to exceed \$6,943,350 - Financing: Current Funds (\$3,284,125), Water Utilities Current Funds (\$3,659,225)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1231

Item 9: Authorize settlement of a claim filed by Cayetano Guzman, Claim No. 06163489 - Not to exceed \$8,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1232

Item 10: Authorize a professional services contract with Jacobs Carter Burgess, Inc., for consulting services necessary to evaluate the claim filed by Trans Health, Inc. d/b/a Fundamental, Claim No. 06168975 - \$61,300 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1233

Item 11: Authorize a professional services contract with Halff Associates, Inc. for consulting services necessary to evaluate the claim filed by Trans Health, Inc. d/b/a Fundamental, Claim No. 06168975 - \$104,335 - Financing: Current Funds (\$77,291) and 2003 Bond Funds (27,044)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1234

Item 12: Authorize moving expense and replacement housing payments for homeowner, Roena Mozelle Clem, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$77,700 - Financing: 2007-08 Community Development Grant Funds

Approved as part of the consent agenda..

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1235

Item 13: Authorize a replacement housing payment and disbursement of funds from the SHARE Program for homeowner, Betty Hooks Davis, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$87,500 - Financing: 2001-02 Community Development Grant Funds (\$65,000) and 2007-08 Community Development Grant Funds (\$22,500)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1236

Item 14: Authorize a replacement housing payment for homeowners, Frank and Minnie Simmons, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$78,900 - Financing: 2007-08 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1237

Item 15: Authorize moving expense and replacement housing payments for Jesse Edward Lewis in the Cadillac Heights Neighborhood as a result of an official written offer of just compensation to purchase real property for the new Dallas Police Academy - Not to exceed \$41,090 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1238

Item 16: Authorize an increase in the contract amount for one additional month for the final hosting and support services, in support of converting the Human Resources Information System from USinternetworking, Inc. to the City of Dallas Communication and Information Services Department - Not to exceed \$45,152, from \$711,608 to \$756,760 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1239

Item 17: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Roger Reyna and Rosa Reyna of approximately 3,009 square feet of unimproved land located at the intersection of Cadiz Street and Industrial Boulevard for the Cadiz Pump Station Improvement Project - \$1,353 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1240

Item 18: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Shero Industrial Properties, L.P., of approximately 567 square feet of unimproved land located at the intersection of Cadiz Street and Industrial Boulevard for the Cadiz Pump Station Improvement Project - \$1,786 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1241

Item 19: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Darrel R. Stephens and Dimple M. Stephens of approximately 109,916 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$37,845 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1242

Item 20: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Mehdi Mahdavi and Jackie Mahdavi of approximately 14,600 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$175,000 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1243

Item 21: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Wanda True, of approximately 28,480 square feet of land located near the intersection of Lakeland Drive and Arturo Road for the Ash Creek Drainage Project - \$121,500 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1244

Item 22: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Marjorie Jane Catlin Walter, aka Jane C. Walter, Individually and as Trustee of the Jane C. Walter Revocable Trust, Mary Elaine Walter and Peter Martin Walter, Successor Trustees of the Jane C. Walter Revocable Trust, Emily Catlin Levorsen, aka Emily C. Levorsen, Individually and as Trustee of The Levorsen Living Trust and James K. Levorsen as Trustee of The Levorsen Living Trust of approximately 24,219 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$13,900 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1245

Item 23: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Hwy. 205 Farm, Ltd., of a total of approximately 33 acres of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$460,159 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1246

Item 24: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from John Mark Collins, William M. Collins and Richard D. Newton, of approximately 193,310 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$66,570 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1247

Item 25: An ordinance abandoning portions of fire lane and water line easements to DP Apartments, LP, the abutting owner, containing approximately 16,105 square feet of land, located near the intersection of Cedar Springs Road and Wycliff Avenue and authorizing the quitclaim - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27140

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1248

Item 26: Authorize **(1)** the acceptance of a Shelter Plus Care Grant from the U.S. Department of Housing and Urban Development in the amount of \$86,160 to provide sponsor-based rental assistance for permanent housing for homeless veterans with disabilities for the period October 1, 2008 through September 30, 2009; **(2)** a contract with Operation Relief Center, Inc. to provide sponsor-based rental assistance; and **(3)** execution of the grant agreement - Not to exceed \$86,160 - Financing: U.S. Department of Housing and Urban Development Grant Funds
The 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 APRIL 23, 2008.

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1249

Item 27: Authorize **(1)** the acceptance of a Shelter Plus Care Grant from the U.S. Department of Housing and Urban Development to provide tenant based rental assistance for permanent housing and supportive services for homeless persons with disabilities for the period October 1, 2008 through September 30, 2009; and **(2)** execution of the grant agreement - Not to exceed \$879,960 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1250

Item 28: Authorize **(1)** the acceptance of a Shelter Plus Care Grant from the U.S. Department of Housing and Urban Development to provide tenant based rental assistance for permanent housing for homeless persons with disabilities for the period May 1, 2008 through April 30, 2009; and **(2)** execution of the grant agreement - Not to exceed \$458,760 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1251

Item 29: Authorize **(1)** the third twelve-month renewal option to the contract with the U.S. Department of Housing and Urban Development for the Shelter Plus Care Grant which provides rental assistance funds to be distributed by the Dallas Housing Authority for single room occupancy of homeless persons with HIV/AIDS at Hillcrest House located at 834 North Marsalis for the period May 12, 2008 through May 11, 2009; and **(2)** execution of the agreement - Total not to exceed \$371,712 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1252

Item 30: Authorize a contract for improvements at Dallas City Hall located at 1500 Marilla Street including renovation at L1-Green entrance, installation of audio/visual monitor in the main lobby, and construction of gates at each end of Marilla Street - Mart, Inc., lowest responsible bidder of three - \$373,444 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1253

Item 31: Authorize a contract for elevator repairs at the Fair Park Music Hall located at 909 First Avenue - EMR Elevator, Inc., lowest responsible bidder of three - \$111,127 - Financing: Capital Construction Funds (\$29,305) and the Majestic Theater Gift and Trust Funds (\$81,822)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1254

Item 32: Authorize a contract for replacement of the roof, water infiltration repairs and drainage grading at the African American Museum located at Fair Park, 3536 Grand Avenue - Castro Roofing of Texas, L.P., lowest responsible bidder of two - \$497,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1255

Item 33: Authorize a contract for heating, ventilation and air conditioning improvements at the African American Museum located at Fair Park, 3536 Grand Avenue - Decker Mechanical, Inc., lowest responsible bidder of three - \$788,751 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1256

Item 34: Authorize an amendment to the 2007-08 Fair Housing Assistance Program award from the U.S. Department of Housing and Urban Development to increase the award for the purpose of staff attending training related to the National Policy Conference - Not to exceed \$8,500, from \$204,400 to \$212,900 - Financing: U.S. Department of Housing and Urban Development, Fair Housing Assistance Program Comprehensive Funding Approach Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1257

Item 35: Authorize acceptance of payment in the amount of \$6,000 in lieu of providing an affordable house on the property at 804 Beckley Avenue obtained under the HB110 process through the Land Transfer Program and authorize release of reverter and termination of deed restrictions - Revenue: \$6,000

Councilmember Rasansky requested that consent agenda item 35 be considered as an individual item. Mayor Leppert stated that consent agenda item 35 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 35 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1258

Item 36: Authorize acquisition of two parcels improved with vacant single-family residences at 2500 St. Clair Drive and 2513 St. Clair Drive for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program (list attached) - \$50,500, including estimated closing costs - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1259

Item 37: Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by East Dallas Community Organization for the construction of affordable houses, **(2)** the sale of 11 vacant lots from Dallas Housing Acquisition and Development Corporation to East Dallas Community Organization; and, **(3)** execution of a release of non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1260

Item 38: Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by East Dallas Community Organization for the construction of affordable houses, **(2)** the sale of 13 vacant lots from Dallas Housing Acquisition and Development Corporation to East Dallas Community Organization; and, **(3)** execution of a release of non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1261

Item 39: Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Sphinx Development Corporation for the construction of affordable houses, **(2)** the sale of 6 vacant lots from Dallas Housing Acquisition and Development Corporation to Sphinx Development Corporation; and, **(3)** execution of a release of non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1262

Item 40: Authorize **(1)** the acceptance of amended proposal from Builders of Hope Community Development Corporation for the development of 6 tracts of unimproved land obtained under the surplus process through the Land Transfer Program, and **(2)** a time extension for the development and execution of a Correction Quitclaim Deed and amended Deed Restrictions (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1263

Item 41: Authorize **(1)** the acceptance of amended proposals from Texas Heavenly Homes, Ltd. for the development of 3 unimproved properties obtained under the non-tax lien process through the Land Transfer Program, and **(2)** a time extension for the development and execution of amended Deed Restrictions (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1264

Item 42: Authorize **(1)** the acceptance of an amended proposal from Builders of Hope Community Development Organization for the development of 1 unimproved property located at 1715 Pueblo obtained under the HB110 process through the Land Transfer Program, and **(2)** a time extension for the development and amended Deed Restrictions - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1265

Item 43: Authorize **(1)** the release of non-tax City liens against 2 privately held vacant properties located at 433 Sparks Avenue and 505 Sparks Avenue, in exchange for Texas Heavenly Homes, Ltd. providing an unsecured promissory note in the amount of the non-tax liens, estimated to be \$1,421 for the property at 433 Sparks Avenue and \$3,130 for the property at 505 Sparks Avenue, paying all delinquent taxes, penalties and interest on the properties, and providing affordable housing on each property for low-income households in accordance with the City's Land Transfer Policy and Program Statement, and **(2)** an exception to the City's Land Transfer Policy and Program Statement extending the development period from 2 years to 4 years of release of non-tax liens - Estimated revenue foregone: \$4,551

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1266

Item 44: Authorize **(1)** an amendment to Resolution No. 07-3306 previously approved on November 12, 2007, to provide that the maximum \$87,500 Reconstruction/SHARE loan may include an amenities package; and **(2)** the reconstruction on-site of 9 homes in accordance with the Reconstruction/SHARE Program Statement requirements for homeowners and properties (list attached) - Total not to exceed \$781,880 - Financing: 2000-2001 Home Funds (\$87,499), 2005-2006 HOME Funds (\$276,375), 2006-2007 HOME Funds (\$216,355), 2007-2008 HOME Funds (\$172,280), 2006-2007 Community Development Grant Funds (\$29,371)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1267

Item 45: Authorize **(1)** the acceptance of a grant from The Sue Pope Fund in the amount of \$150,000 for the purpose of linking green building techniques with affordable housing initiatives to construct highly efficient green homes under the Dallas Sustainable Skylines Initiative, and **(2)** execution of the grant agreement - Not to exceed \$150,000 - Financing: The Sue Pope Fund

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1268

Item 46: Authorize **(1)** the acceptance of a grant from The Sue Pope Fund in the amount of \$325,000 for the purpose of facilitating the replacement of existing taxis in the Dallas-Fort Worth region with very low emitting vehicles under the Dallas Sustainable Skylines Initiative, and **(2)** execution of the grant agreement - Not to exceed \$325,000 - Financing: The Sue Pope Fund

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1269

Item 47: Authorize **(1)** the acceptance of a grant from The Sue Pope Fund in the amount of \$45,000 for the purpose of hosting an event entitled, "Mow Down Air Pollution" where citizens can trade their gas-powered mowers for clean-running electric mowers at a discounted rate, and **(2)** execution of the grant agreement - Not to exceed \$45,000 - Financing: The Sue Pope Fund

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1270

Item 48: Authorize an amendment to the contract with U. S. Bank National Association to extend the term of the contract for a two-year period from May 1, 2008 through April 30, 2010 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1271

Item 49: Authorize the preparations of plans for issuance in an amount not to exceed \$170,000,000 in Waterworks and Sewer System Revenue Refunding Bonds, Series 2008 - Financing: This action has no cost consideration to the City

Councilmember Rasansky and Councilmember Neumann requested that consent agenda item 49 be considered as an individual item. Mayor Leppert stated that consent agenda item 49 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky and Councilmember Neumann's request.

Later in the meeting, agenda item 49 was brought up for consideration.

Councilmember Rasansky moved to refer the item to the Finance, Audit and Accounting Committee and return for consideration on the May 14, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Natinsky and unanimously adopted

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1272

Item 50: Authorize a contract for the demolition of the existing pavilion and construction of a new pavilion and sidewalks at Hattie Rankin Moore Park located at 3212 North Winnetka Avenue - MetalMan Design/Build Corporation, best value proposer of five - Not to exceed \$338,255 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1273

Item 51: Authorize a contract for the installation of a new playground at Arcadia Park located at 5516 Arcadia Drive - Henneberger Construction, Inc., lowest responsible bidder of three - Not to exceed \$234,656 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1274

Item 52: Authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. for topographic survey and schematic design through construction administration services for the restoration of the historic park elements in the neighborhood park at Stevens Park located at 1005 North Montclair Avenue - \$139,705 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1275

Item 53: Authorize a professional services contract with CEI Engineering Associates, Inc. for topographic survey and schematic design through construction administration services for erosion control along the creek, playground, and connecting walks at Westhaven Park located at 4600 Lynnacre Drive - \$53,675 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1276

Item 54: Authorize a professional services contract with Lopez Garcia Group for topographic survey, master plan, and schematic design through bidding services for an off-leash dog park, plaza, parking, sidewalks, and trails located in far North Dallas at 4911 Haverwood Lane on Dallas Water Utilities-owned property to be managed by the Park and Recreation Department - \$78,470 - Financing: 2003 Bond Funds (\$32,961) and 2006 Bond Funds (\$45,509)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1277

Item 55: Authorize application for the continuation of the Commercial Auto Theft Interdiction Squad/16 grant to provide a specialized proactive automobile burglary and theft program from the Texas Automobile Burglary & Theft Prevention Authority for the period September 1, 2008 through August 31, 2009 - Not to exceed \$506,250 (local match in an amount not to exceed \$101,250 of all expenses will be required if awarded and in-kind contributions in the amount of \$516,681 will be contributed by the Dallas Police Department) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1278

Item 56: Authorize a professional services contract with EJES, Inc. for engineering design services for the reconstruction of Pearl Street from Commerce Street to Live Oak Street - \$274,058 - Financing: 2006 Bond Funds (\$264,713) and Water Utilities Capital Construction Funds (\$9,345)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1279

Item 57: Authorize a professional services contract with Lim & Associates, Inc. for the engineering design of 6 erosion control improvements (list attached) - \$97,647 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1280

Item 58: Authorize a professional services contract with Urban Engineers Group, Inc. for the engineering design of street, alley and drainage infrastructure improvements for Project Group 06-3009 (list attached) - \$201,730 - Financing: 2003 Bond Funds (\$168,140) and Water Utilities Capital Construction Funds (\$33,590)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1281

Item 59: Authorize an increase in the contract with CORE Construction Services of Texas, Inc. to provide modifications to the scope of work to include the addition of an audio-visual system modifications to the concrete pavement to comply with accessibility standards, modification of structural steel framing for the Black Box theater, and the addition of interior lighting for the Bachman Lake Branch Library to be located at 9480 Webb Chapel Road - \$61,246, from \$4,169,087 to \$4,230,333 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1282

Item 60: Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on Montfort Drive at Alpha Road and Peterson Lane in an amount not to exceed \$88,306; and **(2)** a local match in an amount not to exceed \$22,077 - Not to exceed \$110,383 - Financing: Texas Department of Transportation Grant Funds (\$88,306) and Current Funds (\$22,077)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1283

Item 61: Authorize **(1)** street paving, storm drainage, water and wastewater main improvements for Street Group 03-447 to provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on June 11, 2008, to receive comments (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1284

Item 62: Authorize **(1)** Supplemental Agreement No. 7 to the contract with HNTB Corporation to provide design services, preparation of construction documents, construction administration and resident project representative for the runway safety area enhancements and taxiway reconstruction at Dallas Love Field in the amount of \$1,289,847, from \$1,783,821 to \$3,073,668; and **(2)** establish appropriations in the Aviation Airport Improvement Program Grant Fund in the amount of \$1,289,847 - Total not to exceed \$1,289,847 - Financing: Aviation Capital Construction Funds (\$138,332); Aviation Passenger Facility Charge Funds (\$184,130); and Federal Aviation Administration Airport Improvement Program Grant Funds (\$967,385)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1285

Item 63: Authorize a contract with Encino Landscape, Incorporated for the construction of an open air pavillion, pedestrian bridge, walkways and landscaping for the Moore Park Gateway, Phase 1 of the Trinity River Corridor Project - \$924,062 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1286

Item 64: Authorize the City Manager to apply for Lake Ray Hubbard water use permit, to submit related application materials and authorize associated application fees - Not to exceed \$49,826 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1287

Item 65: 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)

There was no consideration of appointments to boards and commissions.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1288

Item 66: Consideration and appointment of members to the Dallas Area Rapid Transit (DART) Board for Place 2 and Place 4 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A) (List of nominees is available in the City Secretary's Office)

Councilmember Natinsky moved to defer voting on Place 2 and Place 4 until the May 28, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Neumann and unanimously adopted.

Councilmember Davis moved to go into executive session under Personnel, Sec. 551.074, T.O.M.A to discuss the appointment of members to the Dallas Area Rapid Transit (DART) Board.

Motion seconded by Councilmember Hunt.

After discussion, Mayor Leppert called the vote on Councilmember Davis' motion to go into executive session:

Voting Yes: [7] Medrano, Hill, Davis, Atkins, Koop, Rasansky, Hunt

Voting No: [8] Leppert, Garcia, Caraway, Neumann, Salazar, Kadane, Allen, Natinsky

Mayor Leppert declared the motion failed.

Later in the meeting, Mayor Leppert called the vote to reconsider consent agenda item 66 to clarify the appointments of members to the Dallas Area Rapid Transit (DART) Board for Place 2 and Place 4.

Mayor Pro Tem Garcia moved to reconsider consent agenda item 66.

Motion seconded by Councilmember Salazar and unanimously adopted.

Councilmember Natinsky moved to defer voting on Place 04 until the May 28, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Salazar and unanimously adopted.

Councilmember Medrano moved to appoint the following individual to the Dallas Area Rapid Transit (DART) Board:

- Place 02 Angel Reyes

Motion seconded by Councilmember Salazar and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1289

Item 67: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of two tracts of unimproved land containing a total of approximately 20,376 square feet located near the intersection of Cadiz and Industrial Streets for the Cadiz Pump Station Improvement Project (list attached) - \$181,717 - Financing: Water Utilities Capital ~~Improvement~~ Construction Funds

Corrected on the addendum to the agenda.

Councilmember Medrano moved to defer the item until the May 28, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Davis and unanimously adopted. (Garcia, Salazar, Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1290

Item 68: A resolution authorizing advertisement for lease with an option to purchase by sealed bid of approximately 23,670 square feet of City-owned land, improved with a former library located near the intersection of Hampton Road and Illinois Avenue - Financing: No cost consideration to the City

Councilmember Neumann moved to approve with the following amendment:

- Advertise at least with an option purchase for the former Hampton/Illinois Library and to advertise for 45 days.

Motion seconded by Councilmember Allen and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1291

CONSENT ZONING DOCKET

The consent zoning docket consisting of agenda item 69 was presented for consideration.

Agenda item 69 was removed from the consent zoning docket, to be considered as an individual hearing.

~~Agenda item 69: Zoning Case Z067-225(JH)~~ **[considered individually]**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1292

Item 69: Zoning Case Z067-150 (MAW)

The consent zoning docket consisting of agenda item 69 was presented for consideration.

Councilmember Hill requested that zoning consent item 69 be considered as an individual item. Mayor Leppert stated that zoning consent item 69 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill's request.

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for vehicle or engine repair and maintenance use on property zoned Subdistrict 3 within Planned Development District No. 533, the C.F. Hawn Special Purpose District, on the northeast side of C.F. Hawn Freeway, south of Lake June Road

(The staff recommended denial and the city plan commission recommended approval for a one-year time period with eligibility for automatic renewal for one additional one-year time period, subject to a site plan and conditions.)

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

Councilmember Hill moved to continue the public hearing and hold under advisement until May 28, 2008 voting meeting of the city council.

Motion seconded by Councilmember Hunt and unanimously adopted. (Caraway, Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1293

Item 70: Zoning Case Z078-150 (MAW) INDIVIDUAL

A public hearing was called on zoning case Z078-150 (MAW), an application for and an ordinance granting an MU-3 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an MU-2-D Mixed Use District with the D Dry Liquor Control overlay on the northeast corner of Josey Lane and Forest Lane

(The staff and city plan commission recommended approval, subject to deed restrictions volunteered by the applicant and retention of the Dry Liquor Control Overlay.)

Note: This case was considered by the City Council at a public hearing on April 9, 2008, and was taken under advisement until April 23, 2008, with the public hearing open.

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

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

Kirk Williams, 5400 Renaissance, representing the applicant

Councilmember Natinsky moved to close the public hearing and deny with prejudice.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted. (Hill, Davis, Rasansky, Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1294

Item 71: Zoning Case Z078-115 (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 Z078-115 (MAW), an application for an MF-1(A) Multifamily District on property zoned an MF-2(A) Multifamily District and an R-7.5(A) Single Family District on the east side of St. Augustine Drive, north of Bruton Road.

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

Note: This item was considered by the City Council at a public hearing on March 26, 2008, and was taken under advisement until April 23, 2008, with the public hearing open.

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

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

Karl Crawley, 900 Jackson St., representing the applicant

Councilmember Hill moved to close the public hearing and remand this item back to the City Plan Commission for further consideration

Motion seconded by Councilmember Hunt and unanimously adopted. (Caraway, Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1295

Item 72: Zoning Case Z056-331 (OTH) INDIVIDUAL

A public hearing was called on zoning case Z056-331 (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)

Note: This case was considered by the City Council at public hearings on February 13 and March 26, 2008, and was taken under advisement until April 23, 2008, with the public hearing open.

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

Councilmember Hill moved to close the public hearing and approve the revised ordinance creating Planned Development District No. 778 with the following amendment:

- The irrigation requirements in Section 51A-10.106 do not apply to the tree preservation zone or the required evergreen trees in Subarea A.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27141

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1296

Item 73: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 7-Eleven, Inc. located near the intersection of Sunnyvale Street and Ledbetter Drive and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to 7-Eleven, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water

(The staff recommended approval)

The City Secretary read the following statement into the record:

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

The following individuals addressed the city council regarding the item:

Pat Larkins, representing the applicants
Lee Grover, professional geologist

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

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

Assigned ORDINANCE NO. 27142.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1297

Item 74: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by LG Magnolia, LP located near the intersection of McKinney Avenue and Magnolia Street and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to LG Magnolia, LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water

(The staff recommended approval)

The City Secretary read the following statement into the record:

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

The following individuals addressed the city council regarding the item:

Elizabeth Mack, 2200 Ross Ave., representing the applicant
Sue Alvarez, professional engineer

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

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

Assigned ORDINANCE NO. 27143.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1298 [HELD]

Closed Session

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

- City of Dallas v. Weir Brothers Partnership, Cause No. cc-04-07686-c
- City of Dallas v. Weir Brothers Partners, L.L.C., et al., Cause No. 05-06517-J
- City of Dallas v. TCI West End, Inc., Cause No. 06-04868-H
- Legal issues involving the acquisition of part or all of tracts of land totaling approximately 1,418 acres north and south of S. Loop 12 immediately east of the Trinity River owned by Metropolitan Sand & Gravel Co., LLC.

Real Property Deliberations (Sec. 551.072 T.O.M.A.)

- Legal issues involving the acquisition of part or all of tracts of land totaling approximately 1,418 acres north and south of S. Loop 12 immediately east of the Trinity River owned by Metropolitan Sand & Gravel Co., LLC.

At 12:09 p.m. Mayor Leppert 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.)

- City of Dallas v. Weir Brothers Partnership, Cause No. cc-04-07686-c
- City of Dallas v. Weir Brothers Partners, L.L.C., et al., Cause No. 05-06517-J
- Legal issues involving the acquisition of part or all of tracts of land totaling approximately 1,418 acres north and south of S. Loop 12 immediately east of the Trinity River owned by Metropolitan Sand & Gravel Co., LLC.

Mayor Leppert reconvened the city council after the closed session at 1:36 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1299

Addendum addition 1: Authorize an increase in the twelve-month master agreement for automobiles, light trucks, motorcycles, vans and utility trucks with Caldwell Country Chevrolet - Not to exceed \$208,572, from \$8,987,930 to \$9,196,502 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1300

Addendum addition 2: Authorize settlement of the lawsuit styled Brandon Campbell and Kenneth Rean v. City of Dallas, Texas, Cause No. 07-07990-L - Not to exceed \$55,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1301

Addendum addition 3: Authorize **(1)** an increase in appropriations in the amount of \$1,879,506 in the Code Compliance Services budget to support an enhanced service level, and **(2)** rescheduling the Safe Complex Symposium from the third week in May 2008 to the third week in August 2008 and provide for a make-up day in the last week of September 2008 - Not to exceed \$1,879,506, from \$25,266,527 to \$27,146,033 - Financing: Contingency Reserve Funds

Councilmember Neumann and Councilmember Rasansky requested that addendum addition consent agenda item 3 be considered as an individual item. Mayor Leppert 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 item 3 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1302

Addendum addition 4: Authorize **(1)** a public hearing to be held on May 28, 2008 to receive comments on the proposed revisions to the City of Dallas Residential Antidisplacement and Relocation Assistance Plan, and, at the close of the public hearing, **(2)** consideration of a resolution approving revisions to the City of Dallas Residential Antidisplacement and Relocation Assistance Plan - Financing: No cost consideration to the City

Councilmember Neumann requested that addendum addition consent agenda item 4 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 Neumann's request.

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

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Kadane and unanimously adopted. (Caraway, Davis, Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1303

Addendum addition 5: An ordinance abandoning a portion of an easement area containing approximately 17,558 square feet of land, retained within a previously abandoned portion of Turtle Creek Boulevard, by Ordinance No. 21048, to 1400 Turtle Creek Apartments Limited Partnership, the abutting owner, located near the intersection of Turtle Creek Boulevard and Hi-Line Drive - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27144.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1304

Addendum addition 6: An ordinance amending Ordinance No. 26737 to extend dedication and replatting deadlines, revise Exhibit C to correct the legal description and specify that successors and assigns can dedicate and replat the property - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27145

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1305

Addendum addition 7: An ordinance granting a Planned Development District for LI Light Industrial District Uses and a resolution granting an amendment to the public deed restrictions on property zoned an LI Light Industrial District on the west side of Waterview Parkway at Synergy Drive - Z078-154 - Financing: No cost consideration to the City

Councilmember Natinsky requested that addendum addition consent agenda item 7 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 Natinsky's request.

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

Councilmember Natinsky moved to defer the item until the May 14, 2008 voting agenda meeting of the city council.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted. (Caraway, Davis, Rasansky absent when vote taken)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1306

Addendum addition 8: Authorize an economic development grant agreement with ZTE USA, Inc. and Prime Art and Jewel, Inc. related to ZTE's U.S. corporate headquarters relocation to 18325 Waterview Parkway and related tenant improvements at the site - Not to exceed \$192,750 - Financing: Public/Private Partnership Program Funds

Councilmember Natinsky requested that addendum addition consent agenda item 8 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 Natinsky's request.

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

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted.

Councilmember Natinsky requested to reconsider addendum addition consent item 8 to read the changes into the record.

Mayor Pro Tem Garcia moved to reconsider addendum addition consent item 8 to read the changes into the record.

Motion seconded by Councilmember Salazar and unanimously adopted.

After discussion, Councilmember Natinsky moved to approve the item with the following amendments:

- Change the investment from 1 million to a minimum of \$250,000, change the number of jobs to be relocated from 100 to 65.
- Section 2 reads that the economic development grant with ZTE USA, Inc. and Prime Art and Jewel, Inc. (PAJ), in an amount not to exceed \$192,750 will be payable upon substantial completion of a minimum of \$250,000 improvements and the relocation of 65 jobs to the new U.S. corporate headquarters for ZTE USA, Inc. at 18325 Waterview Parkway by September 30, 2008.

Motion seconded by Councilmember Salazar and unanimously adopted. (Caraway, Davis, Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1307

Addendum addition 9: Authorize the establishment of the Dallas Police Department Museum located on the second floor lobby of the Jack Evans Police Headquarters Facility - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1308

Addendum addition 10: Authorize **(1)** a contract with McMahon Contracting, L.P., lowest responsible bidder of five, for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Treehouse Lane, Meadow Road and Rambler Road; **(2)** assignment of the contract to Next Block-Dallas I, L.P., for construction administration; **(3)** the receipt and deposit of funds from Next Block-Dallas I, L.P. in the amount of \$1,886,268; and **(4)** an increase in appropriations in the amount of \$1,886,268 - Total not to exceed \$4,065,810 - Financing: 2006 Bond Funds (\$2,179,542) and Capital Projects Reimbursement Funds (\$1,886,268)

Councilmember Rasansky requested that addendum addition consent agenda item 10 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 10 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 10 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1309

Addendum addition 11: An ordinance amending Chapter 15A of the Dallas City Code to: **(1)** provide requirements, procedures, and exemptions for the electronic filing of campaign finance reports; **(2)** provide for the posting of campaign finance reports on the city's website and the provision of paper copies of the reports upon request; **(3)** clarify reporting requirements of general purpose political committees; **(4)** provide transitional provisions; and **(5)** provide a penalty not to exceed \$500 - Financing: No cost consideration to the City

Councilmember Natinsky moved to approve with the following amendments:

- Section 15A-10 (b)(1)(B) change the amount from \$20,000 to \$1,000
- Delete last sentence on section 3, page 5; which reads "Campaign finance reports required prior to the January 15, 2009 reports may be filed with the city secretary in paper or electronic formats."

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

Assigned ORDINANCE NO. 27146

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 23, 2008

08-1310

Addendum addition 12: Authorize **(1)** the issuance and sale of City of Dallas, Texas Combination Tax and Revenue Certificates of Obligation, Series 2008, in an amount not to exceed \$42,000,000; **(2)** approval of the Preliminary Official Statement; and **(3)** execution of the bond purchase agreement, and all other matters related thereto - Not to exceed \$211,400 - Financing: 2008 Certificates of Obligation

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.

Mayor Leppert announced this item does not need approval or vote.

Mayor Leppert read the following statement into the record:

At this time, as a result of having received an extension to the date under the land purchase agreement to exercise the city's right to purchase the land without occurring penalty, that on the date of the city council agenda authorizing issuances and sales of certificates of obligation shall be delayed until the next regular scheduled meeting of the city council which will be held on May 14, 2008. This agenda item shall be posted for consideration at the next regular scheduled meeting of the city council in accordance to applicable law.

The following individuals addressed the city council regarding the item:

Gina Norris, 3641 Mockingbird Lane, **Highland Park, TX.**, representing Crow Holdings

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

EXHIBIT C