

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, AUGUST 27, 2008

08-2220  
VOTING AGENDA MEETING  
CITY COUNCIL CHAMBER, CITY HALL  
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [13] Leppert, Garcia (\*10:26), Neumann, Hill, Salazar, Davis, Atkins,  
Kadane, Allen, Koop, Natinsky, Rasansky, Hunt (\*9:30)

ABSENT: [2] Caraway absent on city business, Medrano

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

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

The invocation was given by Pastor Robert Jeffress, First Baptist Church.

Councilmember Salazar 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 3:07 p.m.

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Mayor

ATTEST:

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Assistant City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, AUGUST 27, 2008

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, AUGUST 27, 2008

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2221

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: Whaylon Howard, 3922 De Kalb Ave.  
REPRESENTING: Temporary sanitation workers  
SUBJECT: Low pay, bad working conditions

SPEAKER: Joshua Weiss, 6405 Shadow Lane.  
SUBJECT: Building inspections

SPEAKER: Daniel Webb, 4830 Cedar Springs  
REPRESENTING: Concerned Citizens for Jenny  
SUBJECT: Jenny the Elephant

SPEAKER: Avis Hardaman, 2157 Volga Ave.  
SUBJECT: The rail station at VA Medical Center

SPEAKER: William White, 2020 W. Wheatland  
REPRESENTING: The Exonerated for the City of Dallas  
SUBJECT: Advocacy on behalf of the exonerated

SPEAKER: Frank Ward, P.O. Box 50694  
REPRESENTING: The Trinity Community Church and The Community At Large  
SUBJECT: Revelations: The Kingdom of God is here. The Kingdom of Heaven is now. I am Christ, I am Ethiopia, I am a Jew in Christ Jesus, by faith

**OPEN MICROPHONE – END OF MEETING**

SPEAKER: Ilise Lipton, 6945 Walling Lane  
REPRESENTING: Concerned Citizens for Jenny  
SUBJECT: Jenny the Elephant – Dallas Zoo

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-2221

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

SPEAKER: Carney Anne Chester, 8918 White Pine Lane  
SUBJECT: Jenny the Elephant – Dallas Zoo

SPEAKER: Melissa Martinez, 502 Valencia St.  
REPRESENTING: Concerned Citizens for Jenny  
SUBJECT: Jenny the Elephant – Dallas Zoo

SPEAKER: Margaret Morin, 2200 Northcrest Dr., **Plano, TX**  
REPRESENTING: Concerned Citizens for Jenny  
SUBJECT: Jenny the Elephant – Dallas Zoo

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.  
SUBJECT: Corrupt Dallas Police Officer, criminal justice system, code compliance supervisor, past DA prosecuting attorney at Lew Sterret now in civil, and Dallas is a racist city

SPEAKER: Jewel Floyd, 3815 Myrtle St.  
SUBJECT: Code enforcement harassment of property at 4911 and 4923 Gurley, and noise issues at 3826 Myrtle St.

SPEAKER: Gwain Wooten, 4625 Bryan St.  
REPRESENTING: R.A.W. (Real American Women)  
SUBJECT: Freedom of speech is not a constitutional right in the City of Dallas

SPEAKER: William Hopkins, 2011 Leath St.  
SUBJECT: Racism against the City of Dallas, bond money for animal shelter, but none for city employees

SPEAKER: B. M. Randolph, P. O. Box 210315  
REPRESENTING: Making a Difference FJC (For Jesus Christ) and Helping People  
SUBJECT: Suggestions and recommendation for DISD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2222

Item 1: Approval of Minutes of the August 13, 2008 City Council Meeting

Councilmember Neumann moved to approve the minutes with the following corrections:

Item 107: Paul Maute, speaker, should indicate appeared in opposition to the city plan commission recommendation.

Motion seconded by Councilmember Salazar and unanimously adopted. (Garcia absent when vote taken, Caraway absent on city business, Medrano absent)

## OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2223

### CONSENT AGENDA

The consent agenda, consisting of agenda items 2-62 and addendum addition consent agenda items 1-16, was presented for consideration.

Mayor Pro Tem Garcia requested that consent agenda items 39, and 45 be considered as individual items. Mayor Leppert stated that consent agenda items 39 and 45 would be considered as individual items later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia's request.

Councilmember Neumann requested that consent agenda items 16, 39, 42, 43, 56, 58 and addendum addition consent agenda item 12 be considered as individual items. Mayor Leppert stated that consent agenda items 16, 39, 42, 43, 56, 58 and addendum addition consent agenda item 12 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Rasansky requested that consent agenda items 4, 5, 9, 12, 14, 20, 33, 34, 39, 44, 47, 48, 49, 56 and addendum addition consent agenda items 4, and 12 be considered as individual items. Mayor Leppert stated that consent agenda items 4, 5, 9, 12, 14, 20, 33, 34, 39, 44, 47, 48, 49, 56 and addendum addition consent agenda items 4, and 12 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Koop 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 Koop's request.

Councilmember Kadane moved to approve all items on the consent agenda with the exception of consent agenda items 4, 5, 9, 12, 14, 16, 20, 33, 34, 39, 42, 43, 44, 45, 47, 48, 49, 56, 58 and addendum addition consent agenda items 4, 9, and 12 which would be considered later in the meeting.

Motion seconded Councilmember Salazar and unanimously adopted. (Garcia, Hill absent when vote taken; Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2224

Item 2: Authorize two thirty-six month maintenance agreement renewal options to the Interlocal Agreement with the North Texas Tollway Authority for the use and maintenance of the Automated Vehicle Identification System for the parking facilities at Dallas Love Field - Total not to exceed \$576,000 - Financing: Aviation Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2225

Item 3: Authorize **(1)** Supplemental Agreement No. 4 to the contract with URS Corporation to provide additional design services and construction administration for the Airport Access Control System at Dallas Love Field in an amount not to exceed \$148,344, from \$716,236 to \$864,580; and **(2)** an increase in appropriations in an amount not to exceed \$148,344 in the Federal Aviation Administration Airport Improvement Program Grant Funds - Not to exceed \$148,344 - Financing: Aviation Capital Construction Funds (\$37,086), and Federal Aviation Administration Airport Improvement Program Grant Funds (\$111,258)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2226

Item 4: Authorize an increase in the annual lease rental rates from **(1)** \$.32 to \$.40 square feet per year for unimproved land, **(2)** \$.46 square feet per year to \$.65 square feet per year for improved land, **(3)** \$2.24 square feet per year to \$3.50 square feet per year for storage hangar, **(4)** \$2.24 square feet per year to \$3.75 square feet per year for maintenance hangar space; and **(5)** \$5.08 square feet per year to \$8.00 square feet per year for office space at Dallas Love Field - Estimated Revenue: \$10,000,000 (over a ten year period)

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 Councilmember Hill.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2227

Item 5: Authorize (1) a twenty-year lease agreement with Southwest Airlines Co., ~~mpny~~ with the 20 years commencing as of beneficial occupancy of the new capital improvements, for approximately 5.89 acres of land at Dallas Love Field to be used primarily as a new air cargo facility, with an estimated annual rental revenue in the amount of \$102,677 (estimated \$2.4 million total revenue over the term of the lease at 2% growth annually) and has made a commitment of ~~\$10,000,000~~ \$5,000,000 to construct new capital improvements, and (2) an execution of a Donation Agreement with Southwest Airlines Co., ~~mpny~~ to provide for the acceptance of a donation of materials to be used for the construction of new capital improvements to replace facilities scheduled for demolition - Estimated Annual Revenue: \$102,677

Corrected on the addendum to the agenda.

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

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

Councilmember Koop moved to approve the item.

Motion seconded by Councilmember Salazar.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2228

Item 6: Authorize an amendment to Resolution No. 08-1754, previously approved on June 25, 2008, to correct the proposed lessee's name from MD Promenade, Inc. to MD Executive, L.L.C. - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2229

Item 7: Authorize a one-hundred-twenty month concession contract, with a sixty-month renewal option, for operation of the banquet facility at Cedar Crest Golf Course - IAMJ Enterprises Inc., most advantageous proposer of four - Estimated Annual Revenue: \$15,692

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2230

Item 8: Authorize a thirty-six-month master agreement for the removal of used oil and oil filters from City facilities - United Recyclers, L.P., highest bidder of three - Estimated Annual Revenue: \$46,835

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2231

Item 9: Authorize the purchase of turnstiles and swing gates for Fair Park - Hayward Turnstiles, Inc., lowest responsible bidder of three - Not to exceed \$98,732 - Financing: Fair Park Improvement Funds

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

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

Councilmember Davis moved to approve the item.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2232

Item 10: Authorize an eighteen-month master agreement for the purchase of Capital Improvement Program construction project signs - Industrial Design & Production, lowest responsible bidder of three - Not to exceed \$217,150 - Financing: Current Funds (\$131,086), Water Capital Construction Funds (\$86,064)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2233

Item 11: Authorize a thirty-six-month master agreement for cement treated base, rebase, and super slurry - TXI Operations, LP, lowest responsible bidder of two - Not to exceed \$4,787,481 - Financing: Current Funds (\$4,730,649), Water Utilities Current Funds (\$56,832)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2234

Item 12: Authorize a thirty-six-month master agreement for industrial equipment, tools and supplies - Nationwide Supply in the amount of \$552,618, MSC Industrial Supply in the amount of \$589,904, Colonial Hardware Corporation in the amount of \$469,631, Applied Industrial Technologies - TX LP in the amount of \$414,894, Fort Worth Bolt & Tool Company LLP in the amount of \$280,240, NMTC, Inc. dba Matco Tools in the amount of \$227,832, Fastenal Company in the amount of \$205,907, Big D Tool Center in the amount of \$152,823, Toy Carnival, Inc. dba Ed's Lawn Equipment in the amount of \$70,938, Midway Auto Supply Co. in the amount of \$63,752, and Snap-On Industrial in the amount of \$50,133, lowest responsible bidders of thirteen - Total not to exceed \$3,078,672 - Financing: Current Funds (\$717,622), Water Utilities Current Funds (\$2,361,050)

Councilmember Rasansky requested that consent agenda item 12 be considered as an individual item. Mayor Leppert stated that consent agenda item 12 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 12 was brought up for consideration.

Councilmember Natinsky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2235

Item 13: Authorize a thirty-six-month master agreement for police riot gear and accessories - AirGas Southwest in the amount of \$341,696, Dallas Public Safety Supply, Inc. in the amount of \$336,959, and C & G Wholesale in the amount of \$77,834, lowest responsible bidders of ten - Total not to exceed \$756,489 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2236

Item 14: Authorize a thirty-six-month master agreement for the rental and maintenance of portable toilets - Lone Star PRR, L.P., lowest responsible bidder of two - Not to exceed \$1,673,895 - Financing: Current Funds

Councilmember Rasansky requested that consent agenda item 14 be considered as an individual item. Mayor Leppert stated that consent agenda item 14 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

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

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2237

Item 15: Authorize a thirty-six-month master agreement for concrete and asphalt saw blades - National Diamond, Inc. in the amount of \$106,900, and Simba Industries in the amount of \$4,320 lowest responsible bidders of five - Total not to exceed \$111,220 - Financing: Current Funds (\$103,115), Water Utilities Current Funds (\$8,105)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2238

Item 16: Authorize **(1)** participation in an Interlocal Purchasing Agreement with The Cooperative Purchasing Network, and **(2)** a thirty-six-month master agreement for Trane heating, ventilation and air conditioning parts and equipment, Dallas Trane through The Cooperative Purchasing Network - Not to exceed \$193,645 - Financing: Current Funds

Councilmember Neumann requested that consent agenda item 16 be considered as an individual item. Mayor Leppert stated that consent agenda item 16 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, consent agenda item 16 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted. (Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2239

Item 17: Authorize a forty-eight-month master agreement for Taser X26 non-lethal weapons and accessories - GT Distributors, Inc. in the amount of \$889,914, lowest responsible bidder of two - Not to exceed \$889,914 - Financing: Current Funds (\$745,414), Bureau of Justice Assistance Grant Funds (\$144,500)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2240

Item 18: Authorize a twenty-four-month service contract for the removal and disposal of waste collected in sand, grease traps and septic tanks - PSC Recovery Systems, Inc. in the amount of \$262,372 and Liquid Environmental Solutions in the amount of \$29,323, lowest responsible bidders of two - Total not to exceed \$291,695 - Financing: Current Funds (\$290,624), Convention and Event Services Current Funds (\$1,071) (to be partially reimbursed from Storm Water Drainage Management Funds) (subject to annual appropriations)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2241

Item 19: Authorize a sixty-month service contract for pest control services at City facilities - Terminix International Co. LP in the amount of \$424,998 and Prime Pest Management in the amount of \$28,800, lowest responsible bidders of five - Total not to exceed \$453,798 - Financing: Current Funds (\$397,368), Water Utilities Current Funds (\$29,738), Convention and Event Services Current Funds (\$16,512), Aviation Current Funds (\$10,180) (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2242

Item 20: Authorize an increase in the existing managed service agreement with AT&T for communication infrastructure, data network hardware and software to replace end of life equipment which is no longer supported by the vendor - Not to exceed \$11,205,979 from \$59,984,714 to \$71,190,693 - Financing: Current Funds (subject to annual appropriations)

Councilmember Rasansky requested that consent agenda item 20 be considered as an individual item. Mayor Leppert stated that consent agenda item 20 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Natinsky and Councilmember Rasansky's request.

Later in the meeting, agenda item 20 was brought up for consideration.

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

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Rasansky abstain; Garcia, Hill absent when vote taken; Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2243

Item 21: Authorize settlement of the lawsuit styled Celestino Guzman, Jr. v. City of Dallas, Cause No. 07-12512-A - Not to exceed \$6,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2244

Item 22: Authorize settlement of the lawsuit styled Elijah Arredondo, Sr., Elijah Arredondo, Jr. and Justen Frye v. City of Dallas, Cause No. 07-05173-D - Not to exceed \$60,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2245

Item 23: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Munck Carter, P.C. for additional legal services necessary in the lawsuit styled United States of America v. City of Dallas, Texas, Civil Action No. 3:08-CV-1063-K - Not to exceed \$92,500, from \$25,000 to \$117,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2246

Item 24: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Thomas K. Booker of approximately 356,565 square feet of unimproved land located in Hunt County for the Lake Fork Water Pipeline - \$336,295 (\$332,295 plus closing costs not to exceed \$4,000) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2247

Item 25: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of eight tracts of land containing a total of approximately 26 acres of land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline (list attached) - \$1,304,826 (\$1,289,726, plus closing costs not to exceed \$15,100) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2248

Item 26: Authorize the deposit of a Special Commissioners' Award in Cause No.: cc-07-13259-e, City of Dallas v. Farah Real Estate Limited Partnership and Farah Financial, Inc., et al., pending in the Dallas County Court at Law No. 5, for acquisition from Farah Real Estate, LP, of approximately 66,363 square feet of unimproved land located near the intersection of Lake June and St. Augustine Roads for the Prairie Creek Branch Library Project - \$276,261 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2249

Item 27: Authorize the deposit of a Special Commissioners' Award in Cause No.: cc-07-13258-c, City of Dallas vs. Iglesia Nueva Vision, Inc. et al, pending in the Dallas County Court at Law No. 3, for acquisition from Iglesia Nueva Vision, Inc., of approximately 52,714 square feet of land improved with a religious worship facility located near the intersection of Lake June and St. Augustine Roads for the Prairie Creek Branch Library Project - \$380,029 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2250

Item 28: Authorize moving expense and replacement housing payments for Virgie Hawkins 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 \$55,900 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2251

Item 29: Authorize a moving and related expenses payment for Family Gateway, Inc., who will be temporarily relocated as a direct result of federally funded rehabilitation of the city-owned leased property at 711 South St. Paul Street and is scheduled for completion in approximately 90 days - Not to exceed \$122,000 - Financing: 2007-2008 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2252

Item 30: An ordinance granting a private license to FC Merc Complex, L.P. for the purpose of installing and maintaining a projecting attached sign above a portion of Main Street right-of-way located near its intersection with Ervay Street - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27290

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2253

Item 31: An ordinance abandoning portions of various easements to TC Timbercreek Associates, L.P., the abutting owner, containing a total of approximately 13 acres of land located near the intersection of Northwest Highway and Skillman Street - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27291

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2254

Item 32: Authorize an amendment to Resolution Nos. 06-2022 and 06-2023, previously approved on August 9, 2006, which approved incentives for The Beat at South Side Station project, to **(1)** extend the deadline from June 30, 2008 to March 31, 2009; **(2)** reduce the public funding by (\$700,000), from \$1,500,000 to \$800,000; and **(3)** authorize the Director of the Office of Economic Development to extend project deadlines up to an additional 6 months for cause, if supported by additional consideration or benefit to the City - (\$700,000) - Financing: Cedars TIF District Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2255

Item 33: Authorize an amendment to Resolution No. 07-3700, previously approved on December 12, 2007, to (1) include Comerica Bank as a party to the tax abatement agreement; and (2) remove 1717 Dallas Partners, LLC as a party to the agreement - Financing: No cost consideration to the City

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 Natinsky moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2256

Item 34: Authorize **(1)** rescinding the contract with JAC Commercial and Residential Construction, LLC, previously approved on December 12, 2007 by Resolution No. 07-3703, for drug vault expansion, security enhancements at the public service entry, and restroom improvements at the Police Property Room Building located at 1725 Baylor Street, and **(2)** the re-advertisement for new bids - Financing: No cost consideration for the City

Councilmember Rasansky requested that consent agenda item 34 be considered an individual item. Mayor Leppert stated that consent agenda item 34 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 34 was brought up for consideration.

Mayor Pro Tem Garcia moved to defer the item until the September 24, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Salazar absent when vote taken; Caraway absent on city business, Medrano absent)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2257

Item 35: Authorize a fourth amendment to the land bank contract with the Dallas Housing Acquisition and Development Corporation to **(1)** extend the term of the contract to September 30, 2009; **(2)** provide that the City may refer up to 300 parcels of real property intended for acquisition by the Land Bank for filing of tax lawsuits by March 31, 2009; and **(3)** provide pro bono legal services to prosecute the lawsuits during the extended term of the contract - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2258

Item 36: Authorize a fourth amendment to the Land Bank Interlocal Cooperation Contract by and among the City of Dallas, Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District to **(1)** extend the term of the contract to September 30, 2009; and **(2)** provide that the City may refer up to 300 parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2009 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2259

Item 37: Authorize the issuance of a tax-exempt revenue note to be issued by the Italy Higher Education Facilities Corporation in an aggregate principal amount not to exceed \$4,000,000 for the benefit of Dallas Educational Academy d/b/a Dallas Academy Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2260

Item 38: Authorize the issuance of tax-exempt educational facilities bonds to be issued by the Ames Higher Education Facilities Corporation (the "*Issuer*") in an aggregate principal amount not to exceed \$20,000,000 for the benefit of The Episcopal School of Dallas - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2261

Item 39: Authorize **(1)** an amendment to Ordinance No. 25714, previously approved on August 25, 2004, to amend the Credit Agreement with Bank of America, N.A. to extend the term of the contract for a three-year period from September 28, 2008 through September 30, 2011 for the City of Dallas, Texas Waterworks and Sewer System Series B short term obligations in an aggregate principal amount not to exceed \$200,000,000; and **(2)** an amendment to Ordinance No. 25715, previously approved on August 25, 2004, to amend the Credit Agreement with Bank of America, N.A. to extend the term of the contract for a three-year period from September 28, 2008 through September 30, 2011 for the City of Dallas, Texas Waterworks and Sewer System Series C short term obligations in an aggregate principal amount not to exceed \$100,000,000 - Total not to exceed \$3,450,712 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Mayor Pro Tem Garcia, Councilmember Neumann and Councilmember Rasansky 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 Mayor Pro Tem Garcia, Councilmember Neumann and Councilmember Rasansky's request.

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

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

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Garcia, Rasansky abstain; Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2262

Item 40: Authorize a contract for the renovation of Dealey Plaza to include historic colonnade renovation on Houston Street, concrete flatwork at the fountain plazas to Houston Street, modifications to the fountain plumbing, installation of the first phase of new fountain systems, and repairs to the fountain basins - Phoenix I Restoration and Construction, Ltd., best value proposer of three - Not to exceed \$785,000 - Financing: 1998 Bond Funds (\$121,480), 2003 Bond Funds (\$463,520) and Capital Gifts, Donation and Development Funds (\$200,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2263

Item 41: Authorize **(1)** a contract for the construction of the Main Street Garden Park consisting of a food concession pavilion and outdoor dining terrace, fountain, off-leash dog run, playground, shelters, lighting, landscaping, irrigation, signage, sidewalks, trails, and public art - Gilbert May, Inc. dba Phillips/May Corporation, best value proposer of two; **(2)** the receipt and deposit of funds in the amount of \$200,000 in the Capital Gifts, Donation and Development Fund; and, **(3)** an increase in appropriations in the amount of \$200,000 in the Capital Gifts, Donation and Development Fund - Not to exceed \$8,019,937 - Financing: 1998 Bond Funds (\$195,139), 2003 Bond Funds (\$671,860) and 2006 Bond Funds (\$7,152,938)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2264

Item 42: Authorize an increase in the contract with Sedalco, LP for audio and lighting revisions to the interactive flood model; modifications required by the Texas Commission on Environmental Quality to the septic and drain field; french drain at the mechanical yard; additional safety fencing; and other minor modifications to the Trinity River Audubon Center - Not to exceed \$82,870, from \$12,125,684 to \$12,208,554 - Financing: 1998 Bond Funds

Councilmember Neumann requested that consent agenda item 42 be considered as an individual item. Mayor Leppert stated that consent agenda item 42 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, consent agenda item 42 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted. (Salazar absent when vote taken; Caraway absent on city business, Medrano absent)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2265

Item 43: Authorize **(1)** the acceptance of the Commercial Auto Theft Interdiction Squad/16 grant from the Texas Automobile Burglary & Theft Prevention Authority in the amount of \$506,250 to provide a specialized proactive automobile theft program, for the period September 1, 2008 through August 31, 2009, **(2)** a local match in an amount not to exceed \$101,250, **(3)** In-Kind contributions in the amount of \$516,681, and **(4)** execution of the grant agreement - Total not to exceed \$1,124,181 - Financing: Texas Automobile Burglary & Theft Prevention Authority Grant Funds (\$506,250), In-Kind Contributions (\$516,681) and Current Funds (\$101,250) (subject to appropriations)

Councilmember Neumann requested that consent agenda item 43 be considered as an individual item. Mayor Leppert stated that consent agenda item 43 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, consent agenda item 43 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted. (Salazar, Atkins absent when vote taken; Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2266

Item 44: An ordinance establishing the Police and Fire Garden of Honor Policy governing the interment of police, fire, and other law enforcement personnel who died honorably, in the line of duty, and in the employ of a political subdivision located either wholly or partially in Dallas County, Texas; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 44 be considered as an individual item. Mayor Leppert stated that consent agenda item 44 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 44 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the ordinance.

Motion seconded by Councilmember Salazar and unanimously adopted. (Caraway absent on city business, Medrano absent)

Assigned ORDINANCE NO. 27292

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2267

Item 45: An ordinance adding Chapter 12B to the Dallas City Code to provide registration, safety, and security requirements for convenience stores -  
Financing: No cost consideration to the City

Mayor Pro Tem Garcia requested that consent agenda item 45 be considered as an individual item. Mayor Leppert stated that consent agenda item 45 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia 's request.

Later in the meeting, consent agenda item 45 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the ordinance.

Motion seconded by Councilmember Kadane and unanimously adopted. (Caraway absent on city business, Medrano absent)

Assigned ORDINANCE NO. 27293

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2268

Item 46: Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on Walnut Street at Richland College, Abrams Road, Greenville Avenue, Audelia Road, Whispering Hills Drive and Valley View Lane at TI Boulevard in an amount not to exceed \$80,282; and **(2)** a local match in an amount not to exceed \$20,071 - Not to exceed \$100,353 - Financing: Texas Department of Transportation Grant Funds (\$80,282) and 1998 Bond Funds (\$20,071)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2269

Item 47: Authorize a contract with Oncor Electric Delivery Company to provide electrical service for the City Performance Hall site located at 2520 Flora Street - Not to exceed \$668,111 - Financing: 1998 Bond Funds (\$321,354) and 2003 Bond Funds (\$346,757)

Councilmember Rasansky requested that consent agenda item 47 be considered as an individual item. Mayor Leppert stated that consent agenda item 47 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 47 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2270

Item 48: Authorize a professional services contract with Lina T. Ramey and Associates, Inc. for surveying and alignment services on Haskell Avenue from Lemmon Avenue to Main Street - Not to exceed \$193,104 - Financing: 1995 Bond Funds

Councilmember Rasansky requested that consent agenda item 48 be considered as an individual item. Mayor Leppert stated that consent agenda item 48 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 48 was brought up for consideration.

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

Councilmember Hunt moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Rasansky abstain; Garcia absent when vote taken; Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2271

Item 49: Authorize a professional services contract with TranSystems Corporation for the engineering design of Deep Ellum Streetscape (list attached) - Not to exceed - \$340,405 - Financing: 2003 Bond Funds (\$56,881) and 2006 Bond Funds (\$283,524)

Councilmember Rasansky 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's request.

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

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

Councilmember Hunt moved to approve the item.

Motion seconded by Councilmember Koop and unanimously adopted. (Rasansky abstain; Garcia absent when vote taken; Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2272

Item 50: Authorize **(1)** alley paving and installation of a storm drainage system for the Alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue; provide for partial payment of alley construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on September 24, 2008, to receive comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2273

Item 51: Authorize an increase in the contract with V.A. Construction, Inc. for handrails and slope protection, and additional quantities of masonry steps, separate curb and gutter, reinforced concrete steps, and retaining wall for the Tenth Street Historic District project - Not to exceed \$125,000, from \$687,365 to \$812,365 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2274

Item 52: An ordinance amending Chapter 28 of the Dallas City Code to **(1)** designate school traffic zones; **(2)** regulate the speed and direction of vehicles on certain streets, expressways, and freeways; **(3)** update references to the Texas Manual on Uniform Traffic Control Devices; and **(4)** clarify offenses for violations of the city's traffic barricade manual (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27294

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2275

Item 53: An ordinance amending Chapter 45 of the Dallas City Code to modify the taxicab age limit requirement for vehicles that operate on alternative fuel -  
Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27295

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2276

Item 54: Authorize a contract for the construction of Booster Chlorination Facilities throughout the Dallas water distribution system - Archer Western Contractors, Ltd., lowest responsible bidder of two - \$3,594,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2277

Item 55: Authorize a contract for the construction of ozone completion improvements at the Elm Fork Water Treatment Plant - Archer Western Contractors, Ltd., lowest responsible bidder of two - \$5,307,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2278

Item 56: Authorize a contract for the construction of repairs to the retaining walls and improvements to the surrounding structures at the White Rock Lake spillway - Rebcon, Inc., only bidder - Not to exceed \$16,748,070 - Financing: Water Utilities Capital Construction Funds (\$15,651,250) and 2003 Bond Funds (\$1,096,820)

Councilmember Neumann and Councilmember Rasansky requested that consent agenda item 56 be considered as an individual item. Mayor Leppert stated that consent agenda item 56 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, agenda item 56 was brought up for consideration.

Councilmember Kadane moved to approve the item.

Motion seconded by Councilmember Neumann and unanimously adopted. (Hill, Davis absent when vote taken; Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2279

Item 57: Authorize a contract for the construction of the Sunset Pump Station improvements - Archer Western Contractors, Ltd., lowest responsible bidder of three - \$22,739,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2280

Item 58: Authorize a contract for the installation of water and wastewater mains at 13 locations (list attached) - Atkins Bros. Equipment Co., Inc., lowest responsible bidder of five - \$6,382,677 - Financing: Water Utilities Capital Improvement Funds (\$6,377,677) and 2003 Bond Funds (\$5,000)

Councilmember Neumann requested that consent agenda item 58 be considered as an individual item. Mayor Leppert stated that consent agenda item 58 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, consent agenda item 58 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2281

Item 59: Authorize a contract for the installation of water and wastewater mains at 19 locations (list attached) - Barson Utilities, Inc., lowest responsible bidder of five - \$3,825,732 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2282

Item 60: Authorize a professional services contract with Carollo Engineers, P.C. for engineering services to perform analysis, develop alternatives, and provide a Wastewater Treatment Facilities Strategic Plan - \$3,546,492 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2283

Item 61: Authorize Supplemental Agreement No. 1 to the professional services contract with Malcolm Pirnie, Inc. for additional engineering services for the development of final plans and specifications for the Sunset Pump Station improvement project - \$94,187, from \$1,016,427 to \$1,110,614 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2284

Item 62: Authorize Supplemental Agreement No. 4 to the professional services contract with Freese and Nichols, Inc. for additional construction administration services on the process improvements contract at the Central Wastewater Treatment Plant - \$137,270, from \$4,616,875 to \$4,754,145 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2285

Item 63: 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 August 27, 2008.

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

Mayor Pro Tem Garcia moved to appoint Jose Angel Gutierrez, Citizen-at-Large to the Judicial Nominating Commission, and Aaron Smith, Junior at Christway Academy, and Marcos Carrillo, Freshman at Bishop Dunne High School, to the Youth Commission.

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

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

**08-5136      ARC    AUTOMATED RED LIGHT ENFORCEMENT COMMISSION**  
**08-5137      JNC    JUDICIAL NOMINATING COMMISSION**  
**08-5138      YAC    YOUTH COMMISSION**

**“CORRECTION”**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2286

Item 64: Authorize an appeal of the City Plan Commission’s decision to deny a development plan for Planned Development District No. 738 on the north corner of Lemmon Avenue and Haggar Way and consideration of alternate resolutions either affirming or reversing the decision of the City Plan Commission - D078-017 - Financing: No cost consideration to the City)

Councilmember Hunt moved to approve the item.

Motion seconded by Councilmember Hill and unanimously adopted. (Davis, Salazar absent when vote taken; Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2287

Item 65: Authorize an amendment to Resolution No. 08-0835, previously approved on March 26, 2008, to modify the appointment of six underwriting syndicate members and replace UBS Securities LLC with Goldman, Sachs & Co. as a co-senior manager of the underwriting syndicate for the Convention Center Hotel debt issuances - Financing: No cost consideration to the City

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

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Atkins.

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

Voting Yes:	[9]	Leppert, Neumann, Salazar, Davis, Atkins, Kadane, Allen, Koop, Natinsky
Voting No:	[2]	Hill, Hunt
Abstain:	[2]	Garcia, Rasansky
Absent:	[2]	Caraway absent on city business, Medrano

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2288

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 66-68 and addendum agenda item 17, was presented for consideration.

Agenda items 66 and addendum agenda item 17 were removed from the consent zoning docket, to be considered as individual hearings.

~~Agenda item 66: Zoning Case Z078-232 (MAW)~~ **[considered individually]**

Agenda item 67: Zoning Case Z078-234(MAW)

Agenda item 68: Zoning Case Z078-247 (JH)

~~Addendum Agenda item 17: Zoning Case Z078-203 (JH)~~ **[considered individually]**

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

The following individual addressed the city council regarding items 67 and 68:

Lorna Scruggs, 8528 Breakers Point

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

Motion seconded by Councilmember Salazar and unanimously adopted. (Davis absent when vote taken; Caraway absent on city business, Medrano absent when vote taken)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2289

Item 66: Zoning Case Z078-232 (MAW)

The consent zoning docket, consisting of agenda items 66-68 and addendum agenda item 17, was presented for consideration.

Councilmember Neumann requested that zoning consent item 66 be considered as an individual item. Mayor Leppert stated that zoning consent item 66 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 Z078-232 (MAW), an application for and an ordinance granting a Specific Use Permit for an open enrollment charter school on property zoned an A(A) Agricultural District on the north side of Grady Niblo Road, east of Spur 408

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

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

Councilmember Neumann moved to continue the public hearing and hold under advisement until the September 24, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Kadane and unanimously adopted. (Davis absent when vote taken; Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2290

Item 67: Zoning Case Z078-234 (MAW)

The consent zoning docket, consisting of agenda items 66-68 and addendum agenda item 17, was presented for consideration.

A public hearing was called on zoning case Z078-234 (MAW), an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District and Country Club uses with Private Membership on property zoned an R-7.5(A) Single Family District, an R-10(A) Single Family District and a CR Community Retail District and an ordinance terminating Specific Use Permit No. 453 for a Country Club with Private Membership on the west side of Greenville Avenue, south of Royal Lane

(The staff recommended approval subject to a development plan and staff's conditions and approval of the termination of Specific Use Permit No. 453 and city plan commission recommended approval subject to a development plan and conditions and approval of the termination of Specific Use Permit No. 453)

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

The following individual addressed the city council regarding the item:

Lorna Scruggs, 8528 Breakers Point

Approved as part of the consent zoning docket.

Assigned ORDINANCE NOS. 27296 AND 27297

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2291

Item 68: Zoning Case Z078-247 (JH)

The consent zoning docket, consisting of agenda items 66-68 and addendum agenda item 17, was presented for consideration.

A public hearing was called on zoning case Z078-247 (JH), an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1631 for a Bank or Savings and Loan Office with drive-through lanes on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest corner of Fitzhugh Avenue and McKinney Avenue

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

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

The following individual addressed the city council regarding the item:

Lorna Scruggs, 8528 Breakers Point

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27298

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2292

Item 69: Zoning Case Z078-203 (JH) INDIVIDUAL

A public hearing was called on zoning case Z078-203 (JH), an application for and an ordinance granting a new subdistrict within Planned Development District No. 317, the Cedars Area Special Purpose District, and an ordinance granting a Specific Use Permit for a commercial engraving and etching facility on property zoned Subdistrict 2 within Planned Development District No. 317 on the east corner of Ervay Street and Hickory Street

(The staff recommended denial and city plan commission recommended approval, of a new subdistrict and approval of a Specific Use Permit for a 15-year period subject to a site plan and conditions)

Deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2293

Item 70: Zoning Case Z078-217 (OTH) UNDER ADVISEMENT-INDIVIDUAL

A public hearing was called on zoning case Z078-217 (OTH), an application for and an ordinance granting a Specific Use Permit for a day care facility on property zoned an R-10(A) Single Family District, on the southwest corner of Crepe Myrtle Lane and Larkspur Lane

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

Note: This item was considered by the City Council at a public hearing on August 13, 2008, and was taken under advisement until August 27, 2008, with the public hearing open.

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

Councilmember Neumann moved to close the public hearing and approve the specific use permit with the following change:

- A one year time limit on the specific use permit, terminating on August 27, 2009

and pass the ordinance.

Motion seconded by Councilmember Kadane and unanimously adopted. (Davis absent when vote taken; Caraway absent on city business, Medrano absent)

Assigned ORDINANCE NO. 27299

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2294

Item 71: Zoning Case Z067-148 (DW) UNDER ADVISEMENT-INDIVIDUAL

A public hearing was called on zoning case Z067-148 (DW), to receive comments regarding a City Council authorized hearing to determine proper zoning on property zoned an IM Industrial Manufacturing District, CS Commercial Service District, CA-2(A) Central Area District, MU-2(SAH) Mixed Use District, Planned Development District No. 774, within the Downtown Special Provision Sign District with Specific Use Permit No. 432 for a Private Animal Pound and Specific Use Permit No. 1203 for a Government Installation Other Than Listed on property generally bounded by Continental Avenue to the north, Interstate 35 to the east and south, and the Trinity River levee to the west with consideration being given to appropriate zoning for that area including use, development standards, parking, landscaping, sign, and other appropriate regulations and an ordinance granting a Planned Development District and an ordinance terminating Specific Use Permit No. 432

(The staff and city plan commission recommended approval of a planned development district, subject to conditions and a regulating plan for property located south of the Union Pacific Rail Line, with termination of Specific Use Permit No. 432, and no change to zoning for property located north of the Union Pacific Rail Line)

Note: This item was considered by the City Council at public hearings on May 28, June 11 and June 25, 2008, and was taken under advisement until August 27, 2008, with the public hearing open.

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

Councilmember Neumann moved to continue the public hearing and hold under advisement until the September 24, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Allen.

After discussion, Councilmember Salazar moved to substitute Councilmember Neumann's motion to approve and follow the recommendation of the city plan commission.

Motion seconded by Councilmember Atkins.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-2294

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Councilmember Salazar moved to amend his substitute motion to continue the public hearing and hold under advisement until the September 10, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Atkins.

After further discussion, Mayor Leppert called the vote on Councilmember Salazar's amended substitute motion to continue the public hearing and hold under advisement until the September 10, 2008 voting agenda meeting of the city council.

Voting Yes:	[6]	Leppert, Garcia, Salazar, Atkins, Koop, Rasansky
Voting No:	[6]	Neumann, Hill, Kadane, Allen, Natinsky, Hunt
Absent when vote taken:	[1]	Davis
Absent:	[2]	Caraway absent on city business, Medrano

Mayor Leppert declared the amended substitute motion failed.

Mayor Leppert called for the vote on Councilmember Neumann's motion to continue the public hearing and hold under advisement until the September 24, 2008 voting agenda meeting of the city council.

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Salazar voting "No." (Davis absent when vote taken; Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2295

Item 72: Zoning Case Z067-306 (OTH) UNDER ADVISEMENT-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)

Note: This item was considered by the City Council at public hearings on March 26, May 28 and June 25, 2008, and was taken under advisement until August 27, 2008, with the public hearing open.

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

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

Motion seconded by Councilmember Hill and unanimously adopted. (Davis absent when vote taken; Caraway absent on city business, Medrano absent)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2296

SPECIAL PROVISION SIGN DISTRICT - UNDER ADVISEMENT - INDIVIDUAL

Item 73: A public hearing to receive comments regarding a proposal for and an ordinance granting an amendment to the Downtown Special Provision Sign District to renew and amend the "Supergraphic Sign" provisions, which expire on September 1, 2008, that allow supergraphic signs to be placed on certain buildings in an area generally bounded by Woodall Rodgers to the north, Interstate 45/US 75 to the east, Interstate 30 / R.L. Thornton to the south and Interstate 35 / Stemmons Freeway to the west

(The staff and city plan commission recommended approval to extend the supergraphic provisions for an additional five-year period)

Note: This item was considered by the City Council at a public hearing on August 13, 2008, and was taken under advisement until August 27, 2008, with the public hearing open.

No one addressed the city council regarding the item.

Councilmember Natinsky moved to close the public hearing and follow the city plan commission recommendation for approval with the following change:

- Shorten the sunset date to February 27, 2009

and pass the ordinance.

Motion seconded by Councilmember Hill and unanimously adopted. (Davis absent when vote taken; Caraway absent on city business, Medrano absent)

Assigned ORDINANCE NO. 27300

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2297

Item 74: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by South Dallas/Fair Park Innerscity Community Development Corporation located near the intersection of Grand and Trunk Avenues and adjacent street right-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to South Dallas/Fair Park Innerscity Community Development Corporation by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

(The staff recommended approval)

The assistant 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:

Frank W. Clark, professional engineer  
Jewel Floyd, 3815 Myrtle St.  
William Hopkins, 2011 Leath St.

Councilmember Hill moved to close the public hearing, accept the recommendation of the staff and pass the ordinance.

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

Assigned ORDINANCE NO. 27301

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2298

Item 75: A public hearing to receive comments on the proposed FY 2008-09 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Bert Holmes, 4415 W. Lawther, representing Senior Affairs Commission  
Ester Davis, 2204 Millermore, representing Senior Affairs Commission  
Sydney Kay, 5718 Harvest Hill Rd., representing Senior Affairs Commission  
Bonnie Mathias, 904 Lufkin, representing ACORN

Mayor Pro Tem Garcia moved to close the public hearing.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Davis absent when vote taken; Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2299

Addendum addition 1:        A resolution reappointing Craig Daniel Kinton as City Auditor for a two-year term, effective September 6, 2008 - \$172,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2300

Addendum addition 2: An ordinance abandoning a portion of Watkins Street and a portion of a sanitary sewer easement to RHDFJ Partners, L.P., the abutting owner, containing a total of approximately 4,140 square feet of land located near its intersection with Flora Avenue, authorizing the quitclaim and providing for the dedication of approximately 4,103 square feet of land needed for street right-of-way - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27302

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2301

Addendum addition 3:           An ordinance abandoning a portion of an alley to Good-Latimer, LP, the abutting owner, containing approximately 5,928 square feet of land located near the intersection of Swiss Avenue and Hawkins Street, and authorizing the quitclaim - Revenue: \$201,552 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27303

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2302

**The Oak Cliff Foundation**

Addendum addition 4: Authorize a modification to the loan agreement with The Oak Cliff Foundation to extend the project completion deadline from December 31, 2006 to September 30, 2009, for the renovation of the Texas Theatre project located at 231 West Jefferson Boulevard and all other matters relating thereto - 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.

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Davis absent when vote taken; Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2303

**The Oak Cliff Foundation**

Addendum addition 5: Authorize acquisition, from The Oak Cliff Foundation, including the exercise of the right of eminent domain, if such becomes necessary, of three tracts of unimproved land containing a total of approximately 19,876 square feet, located near the intersection of Sunset Avenue and Zang Boulevard for the Oak Cliff Multi-Cultural Center - \$167,000 (\$165,000 plus closing cost not to exceed \$2,000) - Financing: 2003 Bond Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2304

**The Oak Cliff Foundation**

Addendum addition 6: Authorize the City Manager to enter into a twenty-year license agreement with two ten-year renewal options with The Oak Cliff Foundation for the use of approximately 19,876 square feet of land for additional parking located near the intersection of Sunset Avenue and Zang Boulevard - Estimated Revenue: \$46,548

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2305

Addendum addition 7: Authorize an amendment to the lease agreement with Rainer Metroplex Partners, L.P., formerly Crowe Texas Portfolio 1, L.P. for an additional 5 years, to include an additional area of approximately 530 square feet of space and improvements for a total of approximately 5,102 square feet of office space in the Meadow Park Central IV Building located at 10260 North Central Expressway, Suite 210, for the continued use as a Women, Infants and Children Program office for the period September 1, 2008 through August 31, 2013 - Not to exceed \$433,670 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2306

Addendum addition 8: Authorize a third amendment to the lease agreement with Carrollton Park II, L.P. to extend and amend the lease for an additional 86 months at the Carrollton Park II Shopping Center located at 1235 South Josey Lane, Suite 517-518, Carrollton, Texas for the continued use as a Women, Infants and Children Program office for the period August 1, 2010 through September 30, 2017 - Not to exceed \$263,500 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2307

Addendum addition 9: Authorize the City Manager to **(1)** accept the best and final Heat Rate Pricing offers for each of the three electricity groups from the four short-listed Retail Electric Providers: Constellation New Energy, Inc., Gexa Energy, L.P., Suez Energy Resources NA, Inc., and Texas General Land Office; **(2)** enter into three electric services contracts with the preferred Retail Electric Provider(s) for a period of either 12, 24, or 36 months under the advisement of the City's energy consultants; **(3)** lock prices for Group 1 based on the movement of the price of Natural Gas as traded on NYMEX and within the guidelines briefed to the Finance, Audit, and Accountability Committee on August 12, 2008; and **(4)** lock prices for Group 2 and Group 3 based on the price of Natural Gas as traded on NYMEX on the 5 trading days after entering into the contract - Total not to exceed \$89,214,056 for 12-month contracts, \$178,428,112 for 24-month contracts or \$267,642,168 for 36-month contracts - Financing: Current Funds (subject to annual appropriations)

Councilmember Koop requested that addendum addition consent agenda 9 item 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 Koop's request.

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

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

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Neumann and unanimously adopted. (Koop abstain; Davis absent when vote taken; Caraway absent on city business, Medrano absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2308

Addendum addition 10: Authorize a professional services contract with IDA Engineering, Inc., to provide engineering and design services for chiller replacement at the Science Place 1 located at 1318 Second Avenue - \$85,000 - Financing: 2007 Certificates of Obligation

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2309

Addendum addition 11: Authorize a resolution finding that the rate adjustments and tariffs presented in the “Interim Rate Adjustment Filing Calendar Year 2007” filed by Atmos Energy Corp. on May 23, 2008 have been withdrawn by virtue of Atmos Energy Corp’s August 1, 2008 Gas Reliability Infrastructure Program (GRIP) filing, denying the rate adjustments and tariffs that have been withdrawn and extending the City Council’s decision deadline for Atmos Energy Corp., Mid-Tex Division’s proposed new GRIP Interim Rate Adjustment, filed with the City on August 1, 2008, from September 30, 2008 to November 14, 2008 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2310

Addendum addition 12: An ordinance amending Ordinance No. 26957 (FY 2007-2008 Operating Budget Appropriation Ordinance) to make certain adjustments to fund appropriations for fiscal year 2007-08 for the maintenance and operation of various departments and activities and to authorize the City Manger to implement those adjustments - Financing: No cost consideration to the City

Councilmember Neumann and Councilmember Rasansky requested that addendum addition consent agenda 12 item be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 12 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann and Councilmember Rasansky's request.

Later in the meeting, addendum addition consent agenda item 12 was brought up for consideration.

Councilmember Rasansky moved to approve the ordinance.

Motion seconded by Councilmember Salazar and unanimously adopted. (Davis absent when vote taken; Caraway absent on city business, Medrano absent)

Assigned ORDINANCE NO. 27304

**NOTE: Councilmember Rasansky stated for the record, "that if there is a five percent (5%) variance on any appropriation line, it will go to the Chairman of Finance Audit and Accounting Committee with copies going to all other members of the Finance Audit and Accounting Committee for notification purposes."**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2311

Addendum addition 13: Authorize **(1)** acquisition of land known as portions of the Trinity Industrial Lead Corridor from the Union Pacific Railroad Company located adjacent to the northeast side of the east Trinity Levee extending northward from the Continental Viaduct extending to Mockingbird Lane, **(2)** payment of earnest money in the amount of \$20,000; and **(3)** a Purchase and Sale Agreement with the Union Pacific Railroad Company - Total not to exceed \$2,122,625 (\$2,110,000 plus closing costs not to exceed \$12,625) - Financing: 1998 Bond Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2312

Addendum addition 14: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of six properties improved with single-family homes located near the intersection of Sylvan Avenue and Morris Street for the Oncor transition facility associated with the West Levee Norwood 345 kV transmission line and the Sylvan Avenue Bridge project (list attached) - Not to exceed \$432,500 (\$419,500, plus closing costs not to exceed \$13,000) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2313

Addendum addition 15: Authorize Supplemental Agreement No. 1 to the contract with Halff Associates, Inc. for additional design services needed to complete construction documents for the Santa Fe Trestle Trail project to include additional cultural resource investigation for the Standing Wave project - Not to exceed \$334,745, from \$1,116,282 to \$1,451,027 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2314

Addendum addition 16: Authorize Supplemental Agreement No. 2 to the contract with MESA Design Group for additional design services needed to prepare construction documents for phases 2 thru 4 for the Moore Park Gateway project, which includes parking lot expansion, amphitheater, landscaping and site furnishings - Not to exceed \$294,195, from \$302,105 to \$596,300 - Financing: Private Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2315

Addendum addition 17: Zoning Case Z078-257 (RB)

The consent zoning docket, consisting of agenda items 66-68 and addendum agenda item 17, was presented for consideration.

Councilmember Neumann requested that zoning addendum addition consent item 17 be considered as an individual item. Mayor Leppert stated that addendum addition zoning consent item 17 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 Z078-257 (RB), an application for and an ordinance granting an amendment to the Tract 6A portion of Planned Development District No. 170 for Mixed Uses and an ordinance granting a Specific Use Permit for an Animal clinic without outside run, limited to boarding and grooming on the west line of Preston Road, south of Lloyd Drive

(The staff and city plan commission recommended approval of an amendment to the Tract 6A portion of Planned Development District No. 170, and approval of a Specific Use Permit for an Animal clinic without outside run, limited to boarding and grooming, for a three-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions)

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

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

Councilmember Natinsky moved to close the public hearing and follow the city plan commission recommendation for approval of the amendment to Planned Development 170 and also follow the city plan commission recommendation for approval of the specific use permit with the following changes:

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-2315

Page 2

- The specific use permit is approved for a two-year period, but is eligible for automatic renewal for additional three-year periods.
- HVAC equipment must include filtration systems designed to eliminate airborne bacteria, particulate matter, and noxious odors.
- A maximum of 75 animals may be boarded at any one time.
- Dumpsters must be provided in the locations shown on the site plan.
- Dumpsters must be monitored for noxious odors and treated to eliminate odors if noxious odors are present.
- Flooring must be installed in a manner to control all fluids and prevent any leakage beneath the installed flooring.
- The grooming component of the animal clinic may only operate between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m., Saturday and Sunday.
- Noise mitigation measures must be utilized so that noise levels measured at adjacent lot lines do not exceed that permitted by Section 51-6.102 for permissible sound levels at the boundary line between a retail district and a residential district (56 dB(A) daytime, 49 dB(A) night time).
- All animals must remain indoors except when being dropped off or picked up. Animals may not be walked or exercised outside the building for any purpose.
- Public access is only permitted through the north facing door. Animals may only enter or leave the facility through the north facing door.
- The screening fence on the south side of the property must be maintained in a state of good repair at all times (and prior to the issuance of a certificate of occupancy) such that:
  - A. the screening is not out of vertical alignment more than six inches, measured at the top of the screening; and
  - B. any rotted, fire damaged, or broken slats or support posts are repaired or replaced.

and pass the ordinance.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted. (Rasansky abstain; Davis absent when vote taken; Caraway absent on city business, Medrano absent)

Assigned ORDINANCE NOS. 27305 AND 27306

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, AUGUST 27, 2008

EXHIBIT C

**“CORRECTION”**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 27, 2008

08-2286

Item 64: Authorize an appeal of the City Plan Commission’s decision to deny a development plan for Planned Development District No. 738 on the north corner of Lemmon Avenue and Haggar Way and consideration of alternate resolutions either affirming or reversing the decision of the City Plan Commission - D078-017 - Financing: No cost consideration to the City)

Councilmember Hunt moved to approve the item to reverse the decision of the city plan commission.

Motion seconded by Councilmember Hill and unanimously adopted. (Davis, Salazar absent when vote taken; Caraway absent on city business, Medrano absent)