

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 24, 2008

08-2520
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Garcia, Caraway, Medrano, Neumann, Hill, Salazar (*9:10), Davis, Atkins, Kadane, Allen, Koop, Natinsky, Rasansky, Hunt (*9:25)

ABSENT: [0]

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

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

The invocation was given by Father Christopher Constantinides, Holy Trinity Greek Orthodox Church.

Roberto Alonzo, Texas House of Representatives, 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 7:07 p.m.

Mayor

ATTEST:

Assistant City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 24, 2008

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 24, 2008

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2521

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: Beverly Perry, 1200 Main St.
REPRESENTING: Concern Citizens
SUBJECT: Jenny the Elephant

SPEAKER: Alberto Ruiz, 1520 N. Beckley
REPRESENTING: Cesar Chavez Task Force
SUBJECT: Industrial Blvd.

SPEAKER: Adelfa Callejo, 3810 Frontier Ln.
SUBJECT: Industrial Blvd.

SPEAKER: Lon Boyce, 5315 Elkridge Dr.
REPRESENTING: Project United CDC
SUBJECT: Cooper Thief

SPEAKER: Rusty Tomlinson, 2615 Royal Lane
REPRESENTING: North Texas or Justice of the Peace
SUBJECT: Cesar Chavez Issue

Mayor Leppert allowed the following individual to address the city council:

SPEAKER: Roberto Alonzo
SUBJECT: renaming Industrial Blvd. to Cesar Chavez

OPEN MICROPHONE – END OF MEETING

SPEAKER: Wayne Jamison, 2609 Easy St., **Dennison, TX**
REPRESENTING: ICom America
SUBJECT: Purchase of Radio for DPD & Fire

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
SUBJECT: Corrupt Dallas/Dart Police

SPEAKER: Frank Ward, P. O. Box 50694
REPRESENTING: The Trinity Reunion Church
SUBJECT: To the Commander and Chief

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Merrill Lynch

SPEAKER: Gwain Wooten, 4625 Bryan St.
REPRESENTING: Real American Women
SUBJECT: Dallas Clean and Green

SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
REPRESENTING: Jurlinegateshollins.com
SUBJECT: Police Department

SPEAKER: Jewel Floyd, 3815 Myrtle St.
SUBJECT: Drugs allowed by City Atty. in East Dallas

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd
REPRESENTING: J. B. Jackson, Jr. Institute
SUBJECT: Street Name Changes

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2522

Item 1: Approval of Minutes of the September 10, 2008 City Council Meeting

Councilmember Neumann moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2523

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-50 and addendum addition consent agenda items 1-15, was presented for consideration.

Councilmember Neumann 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 Neumann's request.

Councilmember Atkins requested that consent agenda items 4 and 31 be considered as individual items. Mayor Leppert stated that consent agenda items 4 and 31 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Councilmember Koop 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 Koop's request.

Councilmember Rasansky requested that consent agenda items 7, 21, 29, 38, 48, 50 and addendum addition consent agenda items 5 and 14 be considered as individual items. Mayor Leppert stated that consent agenda items 7, 21, 29, 38, 48, 50 and addendum addition consent agenda items 5 and 14 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Mayor Pro Tem Garcia moved to approve all items on the consent agenda with the exception of consent agenda items 4, 7, 21, 29, 31, 38, 44, 48 and 50, and addendum addition consent agenda items 5 and 14 which would be considered later in the meeting.

Motion seconded Councilmember Natinsky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2524

Item 2: Authorize Supplemental Agreement No. 4 to the professional services contract with ~~Unison-Maximus~~ Unison Consulting, Inc. for the following additional services: **(1)** financial analysis and development of funding and financing strategies for the Love Field Modernization Program (LFMP); **(2)** application for a new Passenger Facility Charge (PFC) authorization to partially fund the LFMP and other capital improvements; **(3)** assisting the development of terminal schematic design by defining concession space requirements; and **(4)** assistance in negotiating a Project Development Agreement (PDA) specified in the Term Sheet for the LFMP for Dallas Love Field - Not to exceed \$182,400, from \$339,600 to \$522,000 - Financing: Aviation Current Funds

Corrected on the addendum to the agenda.

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2525

Item 3: Authorize a contract with Applied Research Associates Inc. to update the pavement management system and pavement conditions reports for Dallas Love Field and Dallas Executive Airport - Not to exceed \$202,319 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds (\$151,739) and Aviation Capital Construction Funds (\$50,580)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2526

Item 4: Authorize **(1)** the purchase of equipment to expand the security system at City Hall - Henry Bros. Electronics, Inc., lowest responsible bidder of two, and **(2)** an increase in appropriations in Equipment and Building Services' budget - Not to exceed \$56,273, from \$15,877,591 to \$15,933,864 - Financing: Contingency Reserve Funds

Councilmember Atkins 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 Atkins' request.

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

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2527

Item 5: Authorize the purchase of McAfee internet security software licenses, maintenance and support - Austin Ribbon & Computer, lowest responsible bidder of two - Not to exceed \$299,742 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2528

Item 6: Authorize a thirty-six-month master agreement for communications equipment, parts and accessories - Motorola Communications, Inc. through the Houston - Galveston Area Council of Governments Purchasing Cooperative - Not to exceed \$12,936,205 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2529

Item 7: Authorize a seventy-two-month service contract for maintenance and repair of elevators and escalators - Larry Evans Elevator Service dba EMR Elevators, Inc., lowest responsible bidder of four - Not to exceed \$897,912 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

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

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2530

Item 8: Authorize settlement of the lawsuit styled Christopher Wallace and Derrick Arnold v. City of Dallas, Cause No. 04-10100-B - Not to exceed \$30,440 -
Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2531

Item 9: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Moses, Palmer & Howell, L.L.P., for additional services in connection with the City's oil and gas leasing activities - Not to exceed \$25,000, from \$45,000 to \$70,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2532

Item 10: Authorize a sixty-month microfilm service contract with the United States National Archives and Records Administration - Fort Worth Branch to microfilm essential and permanent city records in accordance with permanent preservation standards established by state law - Not to exceed \$310,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2533

Item 11: Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2008 through September 30, 2009 - \$6,838,945 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2534

Item 12: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Terrell Country Club, of approximately 278,828 square feet of unimproved land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$72,111 (\$70,411 plus closing cost not to exceed \$1,700) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2535

Item 13: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Dione C. McBride and Coy W. McBride, of approximately 17,337 square feet of land improved with a single-family residence and workshop located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$218,111 (\$215,811 plus closing cost not to exceed \$2,300)
- Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2536

Item 14: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jesse N. Lopez and Josephine G. Lopez, of approximately 32,583 square feet of land improved with a pond, a dock and aerobic system located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$138,280 (\$136,530 plus closing cost not to exceed \$1,750) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2537

Item 15: An ordinance abandoning portions of Meadowood Road to Steven F. Spiritas, the abutting owner, containing approximately 966 square feet of land located near the intersection of Meadowood Road and Rockbrook Drive, and authorizing the quitclaim - Revenue: \$26,276 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27320

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2538

Item 16: An ordinance abandoning a portion of an alley to JLB Maple Partners, L.P., the abutting owner, containing approximately 8,001 square feet of land, located near the intersection of Maple Avenue and Kimsey Drive, and authorizing the quitclaim - Revenue: \$158,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27321

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2539

Item 17: An ordinance authorizing a correction to Ordinance Nos. 27002, 26781, 27218, 27083, 27133, 27034, 24726, 26994, 27004, and 27045 to correct certain grammatical, formatting and other non-substantive errors - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27322

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2540

Item 18: Authorize moving expense and replacement housing payments for Robert Foster as a result of an official written offer of just compensation to purchase real property to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program - Not to exceed \$60,100 - Financing: 2006-07 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2541

Item 19: Authorize moving expense and replacement housing payments for Roy Simms, Jr. as a result of an official written offer of just compensation to purchase real property to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program - Not to exceed \$60,200 - Financing: 2006-07 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2542

Item 20: Authorize the second of three twelve month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2008 through September 30, 2009 - Not to exceed \$233,005 - Financing: Public/Private Partnership Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2543

Item 21: Authorize a contract with Community Dental Care for the continuation of dental health services to low-income children through age 19 and persons over age 60 for the period October 1, 2008 through September 30, 2009 - Not to exceed \$675,000 - Financing: Current Funds (subject to appropriations)

Councilmember Rasansky requested that consent agenda item 21 be considered as an individual item. Mayor Leppert stated that consent agenda item 21 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, consent agenda item 21 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2544

Item 22: Authorize a professional services contract with Temporary Medical Staffing, Inc. to provide a phlebotomist to obtain blood specimens for lead screening for residents of the City of Dallas for the period October 1, 2008 through September 30, 2009 - Not to exceed \$55,000 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2545

Item 23: Authorize a twelve-month contract, with two twelve-month renewal options, with Phoenix Houses of Texas, Inc. for outpatient substance abuse treatment services for low-income medically indigent adolescents for the period October 1, 2008 through September 30, 2009 - Not to exceed \$75,000 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2546

Item 24: Authorize an Interlocal Agreement with Dallas County Health and Human Services for the continuation of the AIDS Investigation Program for the period October 1, 2008 through September 30, 2009 - Not to exceed \$44,484 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2547

Item 25: Authorize an Interlocal Agreement with the University of Texas Southwestern Medical Center at Dallas for the continuation of a Minority AIDS Outreach Program for the period October 1, 2008 through September 30, 2009 - Not to exceed \$58,500 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2548

Item 26: Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with Dallas County Health and Human Services to reallocate funds in the amount of \$51,000 from tenant-based rental assistance program to emergency assistance - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2549

Item 27: Authorize the first twelve-month renewal option to the contract with AIDS Interfaith Network, Inc. to provide a citywide HIV/AIDS education, outreach, and prevention program targeting primarily high-risk African American and Hispanic populations for the period October 1, 2008 through September 30, 2009 - Not to exceed \$53,016 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2550

Item 28: Authorize the second twelve-month renewal option to the contract with Homeward Bound, Inc. to provide residential substance abuse treatment services for low-income medically indigent adults for the period October 1, 2008 through September 30, 2009 - Not to exceed \$150,000 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2551

Item 29: Authorize the second twelve-month renewal option to the contract with Nexus Recovery Center, Inc. to provide residential substance abuse treatment services for low-income uninsured adult females for the period October 1, 2008 through September 30, 2009 - Not to exceed \$63,840 - Financing: Current Funds (subject to appropriations)

Councilmember Rasansky requested that consent agenda item 29 be considered as an individual item. Mayor Leppert stated that consent agenda item 29 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, consent agenda item 29 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2552

Item 30: Authorize the second twelve-month renewal option to the contract with The Bethlehem Foundation to provide a family stabilization program to address the problems of economically disadvantaged persons in the southern sector of Dallas for the period October 1, 2008 through September 30, 2009 - Not to exceed \$80,000 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2553

Item 31: Authorize **(1)** an increase in the contract with Entech Sales and Services, Inc. for the City Hall Security System Upgrade, in the amount of \$71,491, from \$573,478 to \$644,969; and **(2)** an increase in appropriations in Equipment and Building Services' budget - Not to exceed \$71,491, from \$15,933,864 to \$16,005,355 - Financing: Contingency Reserve Funds

Councilmember Atkins requested that consent agenda item 31 be considered as an individual item. Mayor Leppert stated that consent agenda item 31 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Later in the meeting, consent agenda item 31 was brought up for consideration.

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2554

Item 32: Authorize a construction contract for the installation of a spill containment system at the Southeast Service Center located at 6500 Bexar Street - North Texas Contracting, Inc., lowest responsible bidder of two - \$63,000 - Financing: 2005 Certificates of Obligation

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2555

Item 33: Authorize a renewal to the contract with The University of Texas Southwestern Medical Center at Dallas for the required services of a Medical Director - Not to exceed \$152,472 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2556

Item 34: Authorize **(1)** a contract renewal for a twenty-four-month period with Parkland Memorial Hospital for Biomedical On-Line Supervision; and **(2)** Interlocal Agreements with participating local governmental entities - Total not to exceed \$1,791,387 - Financing: Current Funds (subject to annual appropriations) (\$788,209 to be received from participating cities)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2557

Item 35: Authorize approval of **(1)** a Permanent Supportive Housing Program Statement and 5-year plan endorsing city-wide implementation for the creation of 700 Permanent Supportive Housing units for chronically homeless individuals; and **(2)** use of Community Development Grant Funds, HOME Funds, General Obligation Bonds and Certificates of Obligation to fund project gap requirements to the extent permissible from each funding source - Financing: No cost consideration to the City

The assistant city secretary announced that Councilmember Allen deferred consideration of consent item 35 in accordance with Subsection 7.11 of the City Council Rules of Procedures.

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2558

Item 36: Authorize acquisition of a parcel improved with an occupied commercial structure at 6407 Municipal Street and a parcel improved with an occupied single-family residence at 6306 Canaan Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program (list attached) - \$81,000 including estimated closing costs - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2559

Item 37: Authorize the re-designation of seven census tracts comprising three Neighborhood Investment Program target areas and the designation of ten census tracts comprising two additional Neighborhood Investment Program target areas for a minimum of two years, beginning October 1, 2008 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2560

Item 38: Authorize an amendment to Resolution No. 08-0595, previously approved on February 20, 2008, authorizing the execution of an economic development loan agreement with South Dallas/Fair Park Inncity Community Development Corporation to add the following addresses for acquisition of improved and unimproved properties: 4700-4900 block of Brashear Street, 2800-3000 block of Troy Street and 4900 block of Hatcher Street - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 38 be considered as an individual item. Mayor Leppert stated that consent agenda item 38 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, consent agenda item 38 was brought up for consideration.

Councilmember Davis moved to approve the item.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2561

Item 39: Authorize Supplemental Agreement No. 4 to the professional services contract with Carter & Burgess, Inc. for the preparation of a lighting master plan at White Rock Lake Park located at 8300 Garland Road - Not to exceed \$49,340, from \$253,085 to \$302,425 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2562

Item 40: Authorize an agreement with the Internal Revenue Service, Criminal Investigation, a Treasury law enforcement agency, for the purpose of equitable sharing from asset seizure and forfeiture pursuant to a joint operation/task force for the period October 1, 2008 through September 30, 2009 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2563

Item 41: Authorize **(1)** the acceptance of the Dallas Police Department Victim Services/8 grant from the Office of the Governor, Criminal Justice Division in the amount of \$49,400 to adequately respond to victims of violent crime with needed aid, for the period July 1, 2008 through June 30, 2009, **(2)** a local match in the amount of \$12,350; and **(3)** execution of the grant agreement - Total not to exceed \$61,750 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds (\$49,400) and Current Funds (\$12,350) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2564

Item 42: Authorize the City Manager to provide a Notice of Intent for establishing a Quiet Zone along the Trinity Railway Express at the Market Center crossing as required by the Federal Railroad Administration Final Train Horn rule 49 CFR Part 222 and 229 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2565

Item 43: Authorize a contract for the construction of reinforced concrete pavement, storm drainage, water and wastewater main improvements for Raydell Place from Schooldell Drive to Barnett Avenue - MACVAL Associates, LLC, lowest responsive bidder of six - \$527,835 - Financing: 2003 Bond Funds (\$364,322) and Water Utilities Capital Construction Funds (\$163,513)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2566

Item 44: Authorize a contract for the construction of sidewalks, curbs, gutters, drive approaches, water and wastewater adjustments and barrier free ramp improvements for Sidewalk Replacement Program Group 01-08 (list attached) - Salinas Concrete L.P., lowest responsible bidder of four - \$408,580 - Financing: Current Funds (\$384,380) and Water Utilities Capital Construction Funds (\$24,200)

Councilmember Neumann and Councilmember Koop 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 Neumann and Councilmember Koop's request.

Later in the meeting, consent agenda item 44 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2567

Item 45: Authorize an increase in the contract with Jeske Construction Company for additional paving materials, a clock tower, other adjustments and improvements for the reconstruction of Bexar Street from C. F. Hawn Freeway (U.S. 175) service road to Brigham Lane - Not to exceed \$140,265, from \$3,588,259 to \$3,728,524 - Financing: 2003-04 Community Development Grant Funds (\$137,675) and Water Utilities Capital Construction Funds (\$2,590)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2568

Item 46: Authorize **(1)** an increase in the contract with TMV LLC dba Triune Associates for renovation of the Moorland YMCA Building for the Dallas Black Dance Theatre in the amount of \$309,845, from \$4,487,655 to \$4,797,500; **(2)** the receipt and deposit of funds from the Dallas Black Dance Theatre in an amount not to exceed \$302,513; **(3)** an increase in appropriations in the amount of \$302,513 in the Dallas Black Dance Theatre Participation Fund; and **(4)** acceptance of the Master Agreement Extension Option, 24-months for the Dallas Black Dance Theatre due and payable on or before December 31, 2010 - Total not to exceed \$309,845 - Financing: Private Funds (\$7,332) and 2003 Bond Funds (\$302,513) (to be reimbursed by the Dallas Black Dance Theatre)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2569

Item 47: Authorize Supplemental Agreement No. 1 to the contract with TranSystems Corporation for the engineering design of various bridge improvements (list attached) - Not to exceed \$74,725 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2570

Item 48: Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with the Texas Department of Transportation to provide additional local project funding for construction of the Beckley Avenue improvements, from Gulden Lane to approximately the Union Pacific Railroad associated with the Woodall Rodgers Extension (Spur 366) project - Not to exceed \$134,024, from \$3,548,304 to \$3,682,328 - Financing: 1998 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, consent agenda item 48 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2571

Item 49: Authorize a contract for the installation of water and wastewater mains at 15 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of six - \$5,248,305 - Financing: Water Utilities Capital Construction Funds (\$3,630,613), Water Utilities Capital Improvement Funds (\$1,612,034), and 2003 Bond Funds (\$5,658)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2572

Item 50: Authorize a revision to the City of Dallas Financial Management Performance Criteria to increase the limit of tax-exempt commercial paper from 10% to 20% of the 10-year capital improvement program in effect at the time of the commercial paper authorization - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 50 be considered as an individual item. Mayor Leppert stated that consent agenda item 50 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, consent agenda item 50 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2573

Item 51: 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 SEPTEMBER 24, 2008.

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

Councilmember Rasansky moved to appoint Carl Raines, Vice Chair, to the Automated Red Light Enforcement Commission.

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

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

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

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

08-5221 CPC CITY PLAN AND ZONING COMMISSION
08-5222 BOARD OFFICERS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2574

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 52-56, was presented for consideration.

Agenda items 54 and 56 were removed from the consent zoning docket, to be considered as individual hearings.

Agenda item 52: Zoning Case Z078-242 (OTH)

Agenda item 53: Zoning Case Z078-227 (WE)

~~Agenda item 54: Zoning Case Z078-251 (MAW) [considered individually]~~

Agenda item 55: Zoning Case Z078-261 (OTH)

~~Agenda item 56: Zoning Case Z078-262 (MAW) [considered individually]~~

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

Deputy Mayor Pro Tem Caraway moved to close the public hearing, accept the recommendations of the city plan commission on the consent zoning cases and pass the ordinances.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2575

Item 52: Zoning Case Z078-242 (OTH)

The consent zoning docket, consisting of agenda items 52-56, was presented for consideration.

A public hearing was called on zoning case Z078-242 (OTH), an application for and an ordinance granting a Planned Development District for mixed-use development on property zoned an IR Industrial Research District on the northeast side of Redfield Street, and the northwest side of Butler Street excluding parcels at the corner of Butler Street and Redfield Street with consideration being given to an MU-2 Mixed Use District

(The staff recommended approval of an MU-2 Mixed Use District in lieu of a Planned Development District and city plan commission recommended approval, subject to a development plan and conditions)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27323

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2576

Item 53: Zoning Case Z078-227 (WE)

The consent zoning docket, consisting of agenda items 52-56, was presented for consideration.

A public hearing was called on zoning case Z078-227 (WE), an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the northeast corner of Harry Hines Boulevard and Hawes Avenue with consideration being given to an MU-2 Mixed Use District

(The staff and city plan commission recommended approval of an MU-2 Mixed Use District in lieu of an MU-3 Mixed Use District)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27324

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2577

Item 54: Zoning Case Z078-251 (MAW)

The consent zoning docket, consisting of agenda items 52-56, was presented for consideration.

A public hearing was called on zoning case Z078-251 (MAW), an application for and an ordinance granting a Specific Use Permit for a financial institution with drive-in window on property zoned Subdistrict B-2 in Planned Development District 749, the Baylor University Medical Center Special Purpose District, and an LO-3 Limited Office District on the north corner of Crutcher Street and Hill Avenue

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

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

There were no speakers called by the assistant city secretary prior to the item being considered by the council.

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

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

After discussion, Mayor Pro Tem Garcia requested the item be reconsidered to allow citizens to speak on the item.

Deputy Mayor Pro Tem Caraway moved to reconsider the item to allow citizens to speak on the item.

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

The assistant city secretary announced for speakers in opposition to or in favor of the city plan commission's recommendation.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-2577

Page 2

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

The following individuals addressed the city council regarding the item:

Gwain Wooten, 4625 Bryan St.
Jurline Hollins, 2832 Marjorie Ave.
Jewel Floyd, 3815 Myrtle
William Hopkins, 2011 Leath St.

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

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Leppert abstain, Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

Assigned ORDINANCE NO. 27325

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2578

Item 55: Zoning Case Z078-261 (OTH)

The consent zoning docket, consisting of agenda items 52-56, was presented for consideration.

A public hearing was called on zoning case Z078-261 (OTH), an application for and an ordinance granting a Specific Use Permit for an extended stay hotel or motel on property zoned an IM Industrial Manufacturing District on the southeast corner of Cockrell Hill Road and La Reunion Parkway

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NOS. 27326

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2579

Item 56: Zoning Case Z078-262 (OTH)

The consent zoning docket, consisting of agenda items 52-56, was presented for consideration.

A public hearing was called on zoning case Z078-262 (OTH), an application for and an ordinance granting the renewal of Specific Use Permit No. 1683 for an alcoholic beverage establishment for a bar, lounge, or tavern use and a commercial amusement (inside) use limited to a Class A dance hall on property within Planned Development District No. 619 for Mixed Uses on the northeast corner of Main Street and Field Street

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

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

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

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

Motion seconded by Councilmember Koop and unanimously adopted. (Rasansky abstain; Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

Assigned ORDINANCE NO. 27327

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2580

Item 57: Zoning Case Z078-172 (RB) INDIVIDUAL

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

A public hearing was called on zoning case Z078-172 (RB), an application for an IM Industrial Manufacturing District on property zoned an A(A) Agricultural District and a Specific Use Permit for an Outside salvage or reclamation use, on the northeast line of South Central Expressway, south of Youngblood Road

(The staff and city plan commission recommended denial)

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

Michael Coker, representing the applicant
Mason C. Brown, Jr., 5900 Willow Lane
Trey Brown, 6047 Woodland Dr., representing Big City Crushed Concrete
Barbara Brown, 5900 Willow Lane, representing Big City Crushed Concrete

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

Councilmember Atkins moved to close the public hearing, approve a change of zoning to (CS) Commercial Service rather than (IM) Industrial Manufacturing and deny the specific use permit for outside salvage and reclamation.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27328

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2581

Item 58: Zoning Case Z078-203 (JH) 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 Z078-203 (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)

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

Councilmember Medrano moved to continue the public hearing and hold under advisement until the October 22, 2008 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2582

Item 59: Zoning Case Z078-205 (WE) INDIVIDUAL

A public hearing was called on zoning case Z078-205 (WE), an application for and an ordinance granting a Specific Use Permit for a business school on property zoned an NO(A) Neighborhood Office District on the north side of Lyndon B. Johnson Freeway, east of Abrams Road

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

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2583

Item 60: Zoning Case Z078-241 (OTH) UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z078-241 (OTH), an application for and an ordinance granting an amendment to Tract II within Planned Development District No. 740 to allow for additional floor area for office uses on the southeast corner of US Highway 75 and Mockingbird Lane

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

Note: This item was considered by the City Council at a public hearing on September 10, 2008, and was taken under advisement until September 24, 2008, with the public hearing open.

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

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

Jonathan Vinson, representing the applicant

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

- Aboveground parking structures in Tract 2 must be constructed to screen vehicle headlights from shining on adjacent property to the east and shining into the airspace above Central Expressway by a minimum four foot wall. Above the first floor, and on the first floor facing the Katy trail, all openings in the aboveground parking structure façade must be screened except for vehicle access ways. Screening may include architectural grill work or other materials that provide ventilation.
- Loading facilities and service area in Tract 2 must be located within the parking structure and screened from view from the Katy Trail.
- Garbage storage areas in Tract 2 must be screened with a solid masonry veneer wall except for access points. Access points to the garbage storage area must face away from the Katy Trail.
- Subject to an amended conceptual plan.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27329

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2584

Item 61: Zoning Case Z078-232 (MAW) UNDER ADVISEMENT - INDIVIDUAL

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)

Note: This item was considered by the City Council at a public hearing on August 27, 2008, and was taken under advisement until September 24, 2008, with the public hearing open.

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:

William Hopkins, 2011 Leath St.

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

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

Assigned ORDINANCE NO. 27330

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2585

Item 62: 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, June 25 and August 27, 2008, and was taken under advisement until September 24, 2008, with the public hearing open.

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

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

Marcus Wood, 5335 Ridgelawn
Henry Maher, 4657 Hallmark Dr.

Councilmember Neumann moved to close the public hearing, approve Plan Development District No. 784 with the city plan commission and the Trinity River Corridor Project Committee recommendations as attached and distributed to the city council today, with some additional changes that include:

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-2585

Page 2

- Removing the LEED silver requirement.
- Amending the height map to reduce minimum heights on the east side of Industrial Blvd.
- Requiring open space to be private.
- Revising the streetscape standards for Industrial Blvd.”

and pass the ordinance.

Motion seconded by Councilmember Salazar. (Medrano, Hill, Atkins absent when vote taken)

After discussion, Mayor Leppert requested the item be reconsidered for the city council to include consideration of an ordinance terminating Specific Use Permit No. 432.

Councilmember Salazar moved to reconsider the item for the city council to include consideration of an ordinance terminating Specific Use Permit No. 432.

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

Councilmember Neumann moved to close the public hearing, approve Plan Development District No. 784, approve terminating Specific Use Permit No. 432 with the city plan commission and the Trinity River Corridor Project Committee recommendations as attached and distributed to the city council today, with some additional changes that include:

- Removing the LEED silver requirement.
- Amending the height map to reduce minimum heights on the east side of Industrial Blvd.
- Requiring open space to be private.
- Revising the streetscape standards for Industrial Blvd.”

and pass the ordinances.

Motion seconded by Councilmember Salazar. (Medrano, Hill, Atkins absent when vote taken)

Assigned ORDINANCE NOS. 27331 AND 27332

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2586

Item 63: A public hearing to receive comments regarding consideration of amendments to Chapter 51A, the Dallas Development Code, to amend regulations pertaining to dedication of floodway management areas and floodway easements and an ordinance granting the amendments

(The staff and city plan commission recommended approval)

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

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

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

Assigned ORDINANCE NO. 27333

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2587

Item 64: A public hearing to receive comments regarding consideration of amendments to Chapters 51 and 51A of the Dallas Development Code, to amend the definition of "grade" in the "Interpretations and Definitions" section of Article II and an ordinance granting the amendments

(The staff and city plan commission recommended approval)

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

Keller Webster, 6931 Colfax

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

Virginia McAlester, 5703 Swiss Ave.

Judy Smith Hurst, 2512 Thomas Ave., representing State Thomas Historic District

Liz Wally, 5528 Victor

Jonathan Vinson, 6342 Vickery Blvd.

Steve Clicque, 6025 Reiger Ave.

Councilmember Hunt moved to close the public hearing, amend the definition of grade to read as follows:

"GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. For purposes of this definition, FINISHED GROUND SURFACE ELEVATION means the ground surface elevation of the building site before any construction or as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include:

- a) Fill material not necessary to make the site developable;
- b) berms; or
- c) landscape features."

and pass the ordinance.

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

Assigned ORDINANCE NO. 27334

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2588

Item 65: A public hearing to receive comments regarding consideration of amendments to Chapter 51A, the Dallas Development Code, to delete the ability to request a variance to maximum floor area requirements (FAR) and an ordinance granting the amendments

(The staff and city plan commission recommended approval)

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

Macey Davis, 8322 Ridgilea St., representing The Real Estate Council

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

Jonathan Vinson, 6342 Vickery Blvd.

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

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 Mayor Pro Tem Garcia voting "No." (Medrano, Salazar, Atkins absent when vote taken)

Assigned ORDINANCE NO. 27335

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2589

Item 66: 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 2525 W. Mockingbird, LLC located near the intersection of Mockingbird Lane and Maple Avenue and adjacent street right-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to 2525 W. Mockingbird, LLC 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 individual addressed the city council regarding the item:

Jim Adams, representing the applicant

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

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

(Note: Scott Harlan, professional geoscientist, was present but did not speak before the city council.)

Assigned ORDINANCE NO. 27336

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

082590

Item 67: 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 6814 HH Partners, LP located near the intersection of Harry Hines Boulevard and Empire Central Drive and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to 6814 HH Partners, LP 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 individual addressed the city council regarding the item:

Scott Deatherage, representing the applicant

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

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

(Note: David Allen, professional geoscientist, was present but did not speak before the city council.)

Assigned ORDINANCE NO. 27337

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2591

Item 68: 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 Occidental Chemical Corporation located near the intersection of Central Expressway and River Oaks Road and adjacent street right-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Occidental Chemical 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:

Leon Heath, representing the applicant
Roger Smith, professional geoscientist

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

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

Assigned ORDINANCE NO. 27338

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2592

Deep Ellum
Public Improvement District

Note: Item Nos. 69 and 70 must
be considered collectively.

Item 69: A public hearing to receive comments regarding the 2008 annual assessment rate for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Deep Ellum Public Improvement District for the purpose of providing supplemental services and improvements, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 70: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Deep Ellum Public Improvement District (District); approving and adopting the 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

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 addressed the city council regarding the item.

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

Motion seconded by Councilmember Koop and unanimously adopted. (Rasansky abstain; Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

Assigned ORDINANCE NO. 27339

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2593

Dallas Downtown
Public Improvement District

Note: Item Nos. 71 and 72 must
be considered collectively.

Item 71: A public hearing to receive comments regarding the annual assessment rate for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 72: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Dallas Downtown Improvement District; approving and adopting the 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Not to exceed ~~\$300,000~~ \$745,522 - Financing: Current Funds (subject to appropriations)

Corrected on the addendum to the agenda.

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 addressed the city council regarding the item.

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

Motion seconded by Councilmember Hill and unanimously adopted. (Rasansky abstain; Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

Assigned ORDINANCE NO. 27340

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2594

Lake Highlands
Public Improvement District

Note: Item Nos. 73 and 74 must
be considered collectively.

Item 73: A public hearing to receive comments regarding the annual assessment rate for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 74: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District; approving and adopting the 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 27341

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2595

Prestonwood Public Improvement District

Note: Item Nos. 75 and 76 must be considered collectively.

Item 75: A public hearing to receive comments regarding the annual assessment rate for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 76: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District; approving and adopting the 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

Assigned ORDINANCE NO. 27342

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2596

South Side Public Improvement District

Note: Item Nos. 77 and 78 must be considered collectively.

- Item 77: A public hearing to receive comments regarding the annual assessment rate for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 78: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the South Side Public Improvement District (District); approving and adopting the 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Jewel Floyd, 3815 Myrtle St.
Frank Ward, P. O. Box 50694

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

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

Assigned ORDINANCE NO. 27343

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2597

Uptown Public Improvement District

Note: Item Nos. 79 and 80 must be considered collectively.

Item 79: A public hearing to receive comments concerning the 2008 annual assessment rate for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 80: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Uptown Public Improvement District; approving and adopting the 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Hunt moved to close the public hearing with the following changes:

“In order to adjust the Uptown PID Assessment Rolls to exclude 14 town home properties that were constructed after establishment of the PID boundary, I wish to make a motion to exclude the following properties from the official Uptown 2008 PID Assessment Roll on file with the City Secretary’s Office: 3338 Blackburn, 3340 Blackburn, 3342 Blackburn, 3344 Blackburn, 3346 Blackburn, 3348 Blackburn, 3350 Blackburn, 3352 Blackburn, 3354 Blackburn, 3356 Blackburn, 3360 Blackburn, 3362 Blackburn, 3364 Blackburn and 3366 Blackburn.”

and pass the ordinance.

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

Assigned ORDINANCE NO. 27344

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2598

Vickery Meadow Public Improvement District

Note: Item Nos. 81 and 82 must be considered collectively.

- Item 81: A public hearing to receive comments concerning the 2008 annual assessment rate for the Vickery Meadow Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Vickery Meadow Public Improvement District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 82: An ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the Vickery Meadow Public Improvement District; approving and adopting the 2008 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2009; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 27345

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2599

Item 83: A benefit assessment hearing to receive comments on alley paving, storm drainage and water and wastewater adjustments for the alley between Country Club Circle and Gaston Avenue from Pearson Drive to Gaston Avenue, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with MACVAL Associates, LLC, lowest responsible bidder of seven - \$71,001 - Financing: 2006 Bond Funds (\$69,571) Water Utilities Capital Construction Funds (\$1,430)

The following individuals addressed the city council regarding the item:

Jewel Floyd, 3815 Myrtle St.
Frank Ward, P. O. Box 50694
William Hopkins, 2011 Leath St.

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

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

Assigned ORDINANCE NO. 27346

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2600

Addendum addition 1: Authorize a twelve-month service agreement, with two twelve-month extension options, for the securing of open and vacant residential structures with Vacant Property Security through an Interlocal Agreement with the Dallas Housing Authority - Not to exceed \$300,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2601

Addendum addition 2: Authorize settlement of the lawsuit styled Zondra Washington v. City of Dallas, Cause No. 07-06270-G - Not to exceed \$10,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2602

Addendum addition 3: A resolution declaring approximately 24,000 square feet of City-owned land, improved with a fire station, located near the intersection of Parrot Street and East Illinois Avenue unwanted and unneeded and authorizing its advertisement for sale by sealed bid with a minimum bid of \$86,020 -
Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2603

Addendum addition 4: An ordinance abandoning portions of Sanger Avenue and Gould, Cleveland, Parnell and Holmes Streets and alleys to the Dallas Independent School District, the abutting owner, containing a total of approximately 203,603 square feet of land, located near the intersection of Ervay Street and Grand Avenue, and authorizing the quitclaim - Revenue: \$560,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27347

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2604

Addendum addition 5: An ordinance abandoning a permanent facilities easement to 2100 Downtown Condominiums, LLC, the abutting owner, containing approximately 9,483 square feet of land, located near the intersection of Marilla and Pearl Streets - Revenue: \$5,400 plus the \$20 ordinance publication fee

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

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

Councilmember Hunt moved to approve the ordinance.

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

Assigned ORDINANCE NO. 27348

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2605

Addendum addition 6: An ordinance amending Ordinance No. 16937 to modify the replatting conditions of the adjoining properties located near the intersection of Pearl and Canton Streets - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27349

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2606

Addendum addition 7: Authorize an amendment to the Management Services Contract, Phase II, with Metro Dallas Homeless Alliance (MDHA) for the operation of The Bridge to (1) delete the payment and performance bond requirements and require MDHA to purchase a Treasury bill pledged to the City in the amount of \$175,000, and (2) the City Manager to execute a pledge and security agreement with MDHA for the Treasury bill - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2607

Addendum addition 8: Authorize the second amendment to the contract with the Department of State Health Services to accept additional grant funds for the continuation of the Special Supplemental Nutrition Program for the Women, Infants and Children Program for the period October 1, 2007 through September 30, 2008 - Not to exceed \$644,839, from \$11,631,623 to \$12,276,462 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2608

Addendum addition 9: Authorize payment for tuition, registration fees, books and parking to the Dallas County Community College District in the amount of \$50,000 and the University of Texas Southwestern Medical Center at Dallas in the amount of \$208,420 for mandatory emergency medical services training of emergency medical technicians and paramedics for the period October 1, 2008 through September 30, 2009 - Total not to exceed \$258,420 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2609

Addendum addition 10: Authorize **(1)** the acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice, Bureau of Justice Assistance Grant Funds to fund Project Reconnect, a program that will provide assistance to ex-offenders for their reintegration into the community for the period September 1, 2008 through September 30, 2009; and **(2)** execution of the grant agreement - Not to exceed \$335,381 - Financing: U.S. Department of Justice Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2610

Addendum addition 11: Authorize **(1)** the acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice, Bureau of Justice Assistance Grant Funds to define and develop the Dallas Reentry Program that will provide assistance to ex-offenders for their reintegration into the community for the period September 1, 2008 through August 31, 2011; and **(2)** execution of the grant agreement - Not to exceed \$447,174 - Financing: U.S. Department of Justice Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2611

Addendum addition 12: Authorize the preparation of plans for the issuance of Combination Tax and Revenue Certificates of Obligation, Series 2008A in an amount not to exceed \$5,500,000; and enacting other provisions in connection therewith - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2612

Addendum addition 13: Authorize the preparation of plans for the issuance of Equipment Acquisition Contractual Obligations, Series 2008 in an amount not to exceed \$35,540,000 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2613

Addendum addition 14: Authorize the preparation of plans for the issuance of General Obligation Bonds, Series 2008 in an amount not to exceed \$214,670,000 - Financing: No cost consideration to the City

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

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

Councilmember Natinsky moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2614

Addendum addition 15: Authorize Supplemental Agreement No. 1 to the contract with Hellmuth, Obata & Kassabaum, LP, for the development of design and construction documents for the Trinity Forest Trail, Phase 2 from Joppa Preserve Park to the Trinity River Audubon Center; the development of a site master plan for the Joppa Gateway/South Central Park; and the development of design and construction documents for the Rochester Park trailhead - Not to exceed \$408,160, from \$606,273 to \$1,014,433 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2615

Addendum addition 16: Final reading and adoption of appropriation ordinances for the proposed FY 2008 -09 City of Dallas Operating, Grants and Trusts, and Capital Budgets - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Ruben Ramirez, 2701 Reagan, representing the Resource Center of Dallas
J. P. Cano, 2701 Reagan
Andres Carbajal, 2701 Reagan, representing the Resource Center of Dallas

Mayor Pro Tem Garcia move to approve the ordinances.

Motion seconded by Deputy Mayor Pro Tem Caraway.

After discussion, Councilmember Hunt moved to substitute Mayor Pro Tem Garcia's motion to amend the budget to include the amendments proposed by Councilmember Rasansky and also include her amendments presented at the City Council Budget Briefing meeting of September 15, 2008, which included Streets, Public Safety enhancements, Code Compliance and included pay adjustments for Sanitation workers.

Motion seconded by Councilmember Rasansky.

Later in the meeting, Councilmember Natinsky asked Mayor Pro Tem Garcia if she would accept a friendly amendment to her motion to incorporate a once a week recycle and garbage starter initiative in District 3 for approximately 400 homes at the request of Councilmember Neumann.

Mayor Pro Tem Garcia agreed to accept the friendly amendment as part of her motion.

Deputy Mayor Pro Tem Caraway, who seconded the original motion, also accepted Councilmember Natinsky's friendly amendment.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-2615

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Mayor Leppert called the vote on Councilmember Hunt's substitute motion to amend the budget to include the amendments proposed by Councilmember Rasansky and also include her amendments presented at the City Council Budget Briefing meeting of September 15, 2008, which included Streets, Public Safety enhancements, Code Compliance and included pay adjustments for Sanitation workers:

Voting Yes: [2] Rasansky, Hunt
Voting No: [11] Leppert, Garcia, Caraway, Neumann, Hill, Salazar, Davis,
Kadane, Allen, Koop, Natinsky
Absent when vote taken: [2] Medrano, Atkins

Mayor Leppert declared the substitute motion failed.

Mayor Leppert called the vote on Mayor Pro Tem Garcia's original motion with Councilmember Natinsky's friendly amendment to incorporate a once a week recycle and garbage starter initiative in District 3 for approximately 400 homes at the request of Councilmember Neumann:

Voting Yes: [11] Leppert, Garcia, Caraway, Neumann, Hill, Salazar, Davis,
Kadane, Allen, Koop, Natinsky
Voting No: [2] Rasansky, Hunt
Absent when vote taken: [2] Medrano, Atkins

Mayor Leppert declared the motion adopted.

Assigned ORDINANCE NOS. 27350 AND 27351

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2617

Addendum addition 18: Ratify the property tax increase reflected in the FY 2008-09 budget - Revenue: \$44,507,520

Councilmember Natinsky moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway.

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

Voting Yes: [10] Leppert, Garcia, Caraway, Neumann, Salazar, Davis, Kadane, Allen, Koop, Natinsky

Voting No: [2] Rasansky, Hunt

Absent when vote taken: [3] Medrano, Hill, Atkins

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2618

Addendum addition 19: An ordinance amending Chapters 2, 5A, 15D, 17, 18, 24 and 50 of the Dallas City Code to revise and establish various fees for City services - Estimated Revenue: \$14,616,297

Councilmember Natinsky moved to approve the ordinance.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted. (Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

Assigned ORDINANCE NO. 27353

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2619

Addendum addition 20: An ordinance amending Chapter 15D of the Dallas City Code to establish a motor vehicle accident cleanup fee and to provide for waiver of the fee for City of Dallas residents -
Estimated Revenue: \$1,125,000

Mayor Pro Tem Garcia moved to approve the ordinance.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted.
(Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

Assigned ORDINANCE NO. 27354

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2620

Addendum addition 21: Authorize **(1)** adoption of the 2009 Employee and Retiree Health Benefits Plans (self-funded Preferred and Exclusive Provider Organizations), including the Flexible Benefits (Section 125) Plan; **(2)** supplemental agreement with UnitedHealthcare to offer and provide administrative services for the Health Reimbursement Account (HRA), Employee Assistance Program and other voluntary benefits to commence on January 1, 2009 through December 31, 2009, and will include renewal options for FY 2010 and 2011; **(3)** termination of contract with Alliance Work Partner to administer Employee Assistance Program (EAP) effective December 31, 2008; and **(4)** approval of the proposed health coverage premium rates - Total cost is based on the number of employee/retiree participants in the plan - Financing: Employee Benefits Current Funds (subject to appropriations)

Councilmember Natinsky moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2621

Addendum addition 22: Authorize **(1)** position changes; and **(2)** approval of revised salary schedules for fiscal year 2008-09

Deputy Mayor Pro Tem Caraway moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2622

Addendum addition 23: An ordinance amending Chapter 49 of the Dallas City Code to establish and adjust certain rates, charges and fees relating to water and wastewater services for Dallas and customer cities effective October 1, 2008 (fee list attached) - Estimated Revenue: \$24,551,550

Councilmember Natinsky moved to approve the ordinance.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted. (Medrano, Neumann, Salazar, Davis, Atkins absent when vote taken)

Assigned ORDINANCE NO. 27355

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2623

Addendum addition 24: Zoning Case Z078-177 (RB) INDIVIDUAL

A public hearing was called on zoning case Z078-177 (RB), an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 486 for a Community service center and CH Clustered Housing District Uses on property zoned a D(A) Duplex District, an MF-1(A) Multifamily District, a CH Clustered Housing District, a CS Commercial Service District and Planned Development District No. 486 in an area generally bounded by Bank Street, Gurley Avenue, Carroll Avenue, and Parry Avenue

(The staff and city plan commission recommended approval, subject to a conceptual plan, Tract 1A development/landscape plan, Tract 2 development plan, and conditions)

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

Shusheron Busari, 4609 Gurley
Jewel Floyd, 3815 Myrtle
Ozumba Lnuk-X, 4106 Vineyard Dr.
Kathryn Scroggins, 8101 Eagle

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

Audrey Buckley, 2700 Swiss Ave.
Walt Humann, 3131 Lovers Lane, President & Chairman of the Jubilee Center
Jesse A. Banda, 4811 Gurley, representing the Jubilee residents
Kathleen Burnett, 4512 Gurley, representing the Jubilee residents
Yolanda Davis, 4542 Congo St., representing Jubilee community
Demarcus Campbell, 3708 Hancock, representing Jubilee Center volunteer

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

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

Assigned ORDINANCE NO. 27356

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2624

Addendum addition 25: Zoning Case Z067-259 (OTH) INDIVIDUAL

A public hearing was called on zoning case Z067-259 (OTH), an application for and an ordinance granting a Planned Development District for mixed uses on property zoned an MF-1(A) Multifamily District, in an area bounded by Lovers Lane, Amesbury Drive, Milton Street, and Matilda Street

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

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

Sandra Barron, 4715 Ridgelawn Dr.

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

Steve Stamos, representing Fairfield Residential
Mary Sheehan, 5044 Matilda
Gretchen Luedtke, 5811 Birchbrook
Barbara Coffey, 5816 Milton
Jill DeVito, 5154 Amesbury
Kat Truitt, 5082 Matilda

Mayor Leppert allowed the following individual to state their name and address in opposition to the item:

Peggy Johnson, 5148 Amesbury

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-2624

Page 2

Councilmember Hunt moved to close the public hearing, approve Planned Development District No. 799 with the following changes:

- “The following minimum number of trees must be provided between the building facade and the curb and may count toward site, parking lot, and street tree requirements:
 - Along Lovers Lane in Subarea I, 15 trees; in Subarea II, 33 trees.
 - Along Matilda in Subarea I, 18 trees.
 - Along Amesbury in Subarea II, 9 trees.
 - Along Matilda in Subarea II, 10 trees; in Subarea III, 12 trees.
- In Subarea I, maximum number of stories above grade is two.
- In Subarea II, Zones A, C, and D, maximum number of stories above grade is four for all structures except parking structures, but parking garages. No maximum number of stories for parking structures, but parking structures must comply with the height requirements in Paragraph (3).
- In Subarea II, Zone B, maximum number of stories above grade in three.
- In Subarea III, maximum number of stories above grade is three.
- Blade signs may not exceed 50 square feet in effective area.
- Commercial amusement (inside) uses are prohibited.
- In Subarea II, garbage storage areas must be located within a parking structure and may not be visible from the right-of-way and garbage pick-up areas are limited to the west entrance of the parking garage.”

and pass the ordinance.

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

Assigned ORDINANCE NO. 27357

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2625

NOTICE OF DEFERRED OR DELETED ITEMS

CITY COUNCIL MEETING
SEPTEMBER 24, 2008

POSTED ON FRIDAY, SEPTEMBER 19, 2008

THE FOLLOWING AGENDA ITEMS HAVE BEEN DEFERRED AND/OR DELETED ON THE CITY COUNCIL VOTING AGENDA MEETING BY MEMBERS OF THE COUNCIL AND CITY MANAGER IN ACCORDANCE WITH RULE 7.11 OF THE CITY COUNCIL RULES OF PROCEDURE:

Agenda Item 35: Authorize approval of **(1)** a Permanent Supportive Housing Program Statement and 5-year plan endorsing city-wide implementation for the creation of 700 Permanent Supportive Housing units for chronically homeless individuals; and **(2)** use of Community Development Grant Funds, HOME Funds, General Obligation Bonds and Certificates of Obligation to fund project gap requirements to the extent permissible from each funding source - Financing: No cost consideration to the City - **Deferred by Councilmember Allen**

Deborah Watkins
CITY SECRETARY

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2626

Dallas Regional Chamber
Legislative Luncheon Series

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 24, 2008

08-2627

Council Committee Update

Councilmember Hill, Chair, Legislative Ad Hoc Committee – State Legislative
Priorities

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 24, 2008

EXHIBIT C