

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 8, 2008

08-2740
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [14] Leppert, Garcia, Caraway (*9:12 a.m.), Medrano, Neumann, Hill,
Salazar, Davis, Atkins, Kadane, Allen, Koop, Natinsky, Rasansky
(*9:04)

ABSENT: [1] Hunt

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

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

The invocation was given by Rabbi Bentzi Epstein, Dallas Area Torah Association.

Councilmember Davis led the pledge of allegiance.

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

After all business properly brought before the city council had been considered the city council adjourned at 2:06 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 8, 2008

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 8, 2008

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2741

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: Jamie Benefield, 5408 Victor St.
REPRESENTING: Concerned Citizens for Jenny
SUBJECT: Jenny the Elephant

SPEAKER: David Jones, 5739 Belmont Ave.
SUBJECT: 5522 Vanderbilt Ave.

SPEAKER: Ernestine Anderson, 7905 Marvin D. Love
SUBJECT: Transportation

SPEAKER: Anabeli Ibarra, 14647 Lasater Rd.
REPRESENTING: Cesar Chavez Task Force
SUBJECT: Cesar Chavez

SPEAKER: Tom Gibbons, 5029 Live Oak St.
SUBJECT: Police behavior in Dallas

OPEN MICROPHONE – END OF MEETING

SPEAKER: Betty Jean Emmanuel, 1926 Muncie
SUBJECT: Concerns

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

SPEAKER: Frank Ward III, P.O. Box 50694
REPRESENTING: Trinity Reunion Church
SUBJECT: The community, the sell out

SPEAKER: Marvin Crenshaw, 5134 Malcolm-X Blvd.
SUBJECT: Judgement Day

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2742

Item 1: Approval of Minutes of the September 24, 2008 City Council Meeting.

Mayor Pro Tem Garcia moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2743

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-38 and addendum addition consent agenda items 1-9, was presented for consideration.

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

Councilmember Hill requested that consent agenda item 3 be considered as an individual item. Mayor Leppert stated that consent agenda item 3 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill's request.

Councilmember Koop requested that consent agenda item 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 Koop's request.

Councilmember Rasansky requested that consent agenda items 3, 6, 10, 19, 22, 26, and addition addendum consent agenda items 2, 4, 5, and 7 be considered as individual items. Mayor Leppert stated that consent agenda items 3, 6, 10, 19, 22, 26, and addition addendum consent agenda items 2, 4, 5, and 7 would be considered as an individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Neumann moved to approve all items on the consent agenda with the exception of consent agenda items 3, 6, 10, 19, 22, 26, 38 and addendum addition consent agenda with the exception of addition addendum consent agenda items 2, 4, 5, and 7, which would be considered later in the meeting.

Motion seconded by Councilmember Kadane and unanimously adopted. (Hunt absent)

Later in the meeting, Mayor Leppert requested to reconsider the voting on the consent agenda due to his conflict of interest on addendum consent agenda item 3 and that it be considered as an individual item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-2743

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Councilmember Neumann moved to reconsider the voting on the consent agenda due to Mayor Leppert's conflict of interest on addendum consent agenda item 3 and that it be considered as an individual item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Hunt absent)

Councilmember Neumann moved to approve all items on the consent agenda with the exception of consent agenda items 3, 6, 10, 19, 22, 26, 38 and addendum addition consent agenda with the exception of addition addendum consent agenda items 2, 3, 4, 5, and 7, which would be considered later in the meeting.

Motion seconded by Councilmember Salazar and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2744

Item 2: Authorize a twelve-month master agreement for cast iron fittings - Mainline Supply Company in the amount of \$147,200 and HD Supply Waterworks, LTD in the amount of \$73,600, lowest responsible bidders of four - Total not to exceed \$220,800 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2745

Item 3: Authorize a twelve-month master agreement for the purchase of smoke detectors for homeowners - Fine Line Products, lowest responsible bidder of two - Not to exceed \$135,300 - Financing: Centers for Disease Control and Prevention Grant Funds (\$67,650) and Meadows Foundation Grant Funds (\$67,650)

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

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

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2746

Item 4: Authorize a twenty-four-month master agreement for aluminum sign blanks
- Custom Products Corporation, lowest responsible bidder of two - Not to
exceed \$1,362,104 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2747

Item 5: Authorize a thirty-six-month master agreement for the purchase of poles and light fixtures for various parks and other sites throughout the City - Summit Electric Supply, lowest responsible bidder of two - Not to exceed \$727,811 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2748

Item 6: Authorize a thirty-six-month service contract for yard waste grinding service at the City's landfill and transfer stations - National Waste Management, Inc., lowest responsible bidder of five - Not to exceed \$1,989,470 - Financing: Current Funds (subject to annual appropriations)

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

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2749

Item 7: Authorize a thirty-six-month service contract for the collection and recycling of various materials - Okon Metals, Inc., highest responsible bidder of two - Estimated Annual Revenue: \$103,064

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2750

Item 8: Authorize settlement of plaintiff Estela Menendez's claim in the lawsuit styled John Riley & Estela Menendez v. City of Dallas, Cause No. 07-00427-E - Not to exceed \$8,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2751

Item 9: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Eliza Wilhite, of approximately 56 square feet of unimproved land located near the intersection of Mouser Street and Cedar Crest Boulevard for the Mouser Street Public Improvement Project - \$134 - Financing: 2004-2005 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2752

Item 10: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of four tracts of unimproved land containing a total of approximately 63,672 square feet located near the intersection of Commerce and Griffin Streets for Belo Gardens Park (list attached) - \$4,289,300 (\$4,263,000 and closing cost not to exceed \$26,300) - Financing: 2006 Bond Funds

Councilmember Rasansky requested that consent agenda item 10 be considered as an individual item. Mayor Leppert stated that consent agenda item 10 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 10 was brought up for consideration.

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

Councilmember Koop moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted. (Rasansky abstain; Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2753

Item 11: Authorize settlement in lieu of proceeding further with condemnation in City of Dallas v. Latour Partners L.P., et. al., Cause No. cc-06-05017-B, pending in the County Court at Law No. 2, for acquisition from Latour Partners L.P of approximately 45,656 square feet of land improved with a parking garage located near the intersection of Main and St. Paul Streets for the Main Street Gardens Project - \$388,076 - Financing: Park and Recreation Department Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2754

Item 12: A resolution authorizing conveyance of an erosion control easement with a temporary construction easement containing a total of approximately 94,741 square feet of land to the Trinity River Authority of Texas for the construction and maintenance of erosion control facilities across City-owned land at Frazier Dam located near the intersection of Spur 482 and Century Boulevard - Revenue: \$1,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2755

Item 13: Authorize a replacement housing payment for homeowner, Ethel Mae Daniels, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$77,900 - Financing: 2008-09 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2756

Item 14: Authorize replacement housing payment for homeowner, Dorothy Houston, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$81,000 - Financing: 2008-09 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2757

Item 15: Authorize replacement housing payment for homeowner, Margaret Francis, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$80,000 - Financing: 2008-09 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2758

Item 16: An ordinance abandoning portions of floodway and drainage easements to Next Block-Dallas I, L.P., the abutting owner, containing a total of approximately 11,434 square feet of land located near the intersection of Manderville Lane and US Highway 75 - Revenue: \$10,673 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27358

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2759

Item 17: An ordinance abandoning a portion of a water main easement to the Dallas County Community College District, the abutting owner, containing approximately 1,672 square feet of land located near the intersection of Dallas Avenue and Wintergreen Road - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27359

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2760

Item 18: Authorize economic development grant agreements with two community-based nonprofit agencies, to enhance the quality of life for the residents in the South Dallas/Fair Park Trust Fund target area to provide funding as follows: (1) Services of Hope, Inc., in an amount not to exceed \$35,000; and (2) Preservation Link, Inc., in an amount not to exceed \$35,000 - Total not to exceed \$70,000 - Financing: South Dallas/Fair Park Trust Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2761

Item 19: Authorize a professional services contract with Conley Group, Inc. to provide architectural and engineering services for the renovation of the Municipal Building located at 2014 Main Street - \$1,142,700 - Financing: 1998 Bond Funds

Councilmember Rasansky requested that consent agenda item 19 be considered as an individual item. Mayor Leppert stated that consent agenda item 19 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 19 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2762

Item 20: Authorize **(1)** the acceptance of a Fair Housing Assistance Comprehensive Funding Approach Award from the U.S. Department of Housing and Urban Development (HUD) for the Fair Housing Assistance Program (FHAP) to process, investigate and conciliate housing discrimination complaints, to provide for administrative costs and HUD required staff training for the period October 1, 2008 through September 30, 2009; and **(2)** the execution of any and all documents related to the grant - Not to exceed \$155,800 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2763

Item 21: Authorize payment to the Texas Commission on Fire Protection for the annual certification of uniformed Fire Department personnel as required by the Texas Commission on Fire Protection - \$41,425 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2764

Item 22: A resolution declaring two properties unwanted and unneeded and authorizing their conveyance by Deed without Warranty to Hailu Ejigu, for \$10 and a promise to provide provision of mixed-use development on the properties within 3 years of execution of the deed (list attached) - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 22 be considered as an individual item. Mayor Leppert stated that consent agenda item 22 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 22 was brought up for consideration.

Councilmember Davis moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2765

Item 23: Authorize execution of a partial release of lien on the east 9.5 feet of Lot 3 in Block 25/7127 of Victory Gardens No. 5 Addition located at 2020 Shaw and delivery of the release to Dallas Neighborhood Alliance for Habitat, Inc. to allow their conveyance of this strip of land to the adjacent property owner - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2766

Item 24: Authorize a secured, no interest, forgivable loan pursuant to the Residential Development Acquisition Loan Program in the amount of \$780,000 to Dallas Neighborhood Alliance for Habitat to pay for the acquisition cost of 50 unimproved properties bounded by U.S. Highway 175 and South Beltline Road for the development of low-to-moderate income single-family homes - Not to exceed \$780,000 - Financing: 2005-06 Community Development Grant Funds (\$680,000); 2006-07 Community Development Grant Funds (\$100,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2767

Item 25: Authorize the reconstruction on-site of six homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 5322 Garland Avenue in the amount of \$87,500, 2407 Kirby Street in the amount of \$87,500, 1831 Pueblo Street in the amount of \$87,500, 3638 Darien Street in the amount of \$87,500, 2920 South Marsalis Avenue in the amount of \$87,500, and 2026 Bickers Street in the amount of \$87,500 - Total not to exceed \$525,000 - Financing: 2001-02 Community Development Grant Funds (\$58,129); 2007-08 Community Development Grant Funds (\$379,371) and 2006-07 HOME Funds (\$87,500)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2768

Item 26: Authorize modifications to the Reconstruction/SHARE Program Statement to: **(1)** include an eligibility requirement that applicants be 62 years of age or older or disabled; **(2)** increase the maximum qualifying area median income up to and including 80% as determined by HUD; **(3)** provide one reimbursement payment to the Borrower within twenty-four (24) months of the completion date for the newly constructed home that may include all ad valorem property taxes for all taxing units for only the first year after reappraisal of the new home and the property insurance premium for one year; **(4)** require no interest repayment of the note at the time of death of the Borrower or transfer of the property as described in the revised Reconstruction/SHARE Program Statement; and **(5)** execute all necessary loan documents to implement these changes - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 26 be considered as an individual item. Mayor Leppert stated that consent agenda item 26 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, agenda item 26 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2769

Item 27: Authorize the second of two twelve-month renewal options to the service contract with the Enterprise Community Partners, Inc., a non-profit corporation, for operation and administration of the Mortgage Assistance Program, including homebuyer education, for the period October 1, 2008 through September 30, 2009 - \$4,872,460 (\$4,372,460 program loan funds and \$500,000 administration/direct project costs) - Financing: 2008-09 Community Development Grant Funds (\$300,000), 2008-09 HOME Funds (\$4,500,000), 2008-09 American Dream Downpayment Initiative Funds (\$72,460)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2770

Item 28: Authorize an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to: **(1)** align the Program Statement with prior 2007 state statute changes including reducing the delinquent taxes from six consecutive years to five total years and adding uninhabitable vacant buildings or residences to the site assessment criteria, and **(2)** eliminate the community meeting requirement if the properties are packaged in groups of 10 or fewer lots
- Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2771

Item 29: Authorize modifications to the People Helping People (PHP) program statement to: **(1)** include an eligibility requirement that homeowners be low income elderly (age 62 or older) and/or disabled, **(2)** allow low income homeowners age 65 or older or who are disabled who, under the Texas Property Tax Code, have obtained tax deferrals from the Central Appraisal District or are current on their payment plans for delinquent taxes, to be eligible to apply for PHP volunteer home repair assistance, **(3)** remove roofing projects from PHP regimen of volunteer services and refer citizens with roofing needs to the Home Repair Program for possible assistance, and **(4)** include lead-based paint stabilization using safe work practices - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2772

Item 30: Authorize a contract for the installation of a new playground, parking lot replacement, sidewalks, site furnishings, and a portable toilet enclosure at McCree Park located at 9016 Plano Road - A S Con, Inc., lowest responsible bidder of three - \$239,900 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2773

Item 31: Authorize a professional services contract with LopezGarcia Group for surveying and schematic design through construction administration services for the creek bank stabilization, erosion control improvements, and trail reconstruction at various locations within the Turtle Creek Greenbelt - \$101,540
- Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2774

Item 32: Authorize an increase in the contract with Riverway Contractors and Management, Inc. for additional site furnishings, retaining wall, railroad crossing, concrete slope protection, additional drainage improvements, and pedestrian bridge modifications at Preston Ridge Trail - Not to exceed \$157,370, from \$1,051,047 to \$1,208,417 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2775

Item 33: Authorize Supplemental Agreement No. 2 to the professional services contract with Linda Tycher and Associates, Inc. for structural engineering services at Wagging Tail Park located at 5900 Keller Springs Road - Not to exceed \$6,000, from \$21,770 to \$27,770 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2776

Item 34: Authorize a public hearing to be held on November 10, 2008, to receive comments on the proposed use of a portion of Reverchon Park, totaling approximately 4,409 square feet of land, for the installation of a 54-inch wastewater main - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2777

Item 35: Authorize **(1)** the application for and acceptance of the Texas Comptroller's 2009 Tobacco Compliance Grant in the amount of \$59,000 from the Office of the Comptroller of Public Accounts for the purpose of reducing youth access to tobacco products, and to ensure compliance with the Health and Safety Code, Chapter 161 for the period of September 1, 2008 through August 31, 2009, and **(2)** execution of the grant agreement - Total not to exceed \$59,000 - Financing: Texas Comptroller's Tobacco Compliance Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2778

Item 36: Authorize **(1)** street paving, storm drainage, water and wastewater main improvements for Korgan Street from South Ewing Avenue west to dead-end; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on November 10, 2008, to receive comments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2779

Item 37: Adoption of the Great Trinity Forest 100-Year Forest Management Plan to guide future planning and implementation of the Trinity River Corridor Project - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2780

Item 38: Authorize **(1)** the rejection of bids received for the construction of the site utilities associated with the energy recovery facility at the Southside Wastewater Treatment Plant, and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City

Councilmember Koop 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 Koop's request.

Later in the meeting, consent agenda item 38 was brought up for consideration.

Councilmember Koop moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2781

08-2782

Item 39: 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 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 OCTOBER 8, 2008.

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

Councilmember Neumann moved to appoint Alexia Griffin, Dallas Member to the Reinvestment Zone Six Board (Farmers Market) and Herb Goodman, Dallas Member to the Reinvestment Zone Twelve Board (Deep Ellum).

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

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

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

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

08-5272 CDC COMMUNITY DEVELOPMENT COMMISSION
08-5273 MLB MUNICIPAL LIBRARY BOARD
08-5274 RZ06 REINVESTMENT ZONE SIX BOARD (FARMERS MARKET)
08-5275 RZ12 REINVESTMENT ZONE TWELVE BOARD (DEEP ELLUM)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2783

Item 40: Authorize a thirty-six-month professional services contract, with two twelve-month renewal options, for the continuance of the advertising campaign and media placement for the promotion and reinforcement of water conservation initiatives and the grease abatement program - Camp Dresser & McKee, Inc., most advantageous proposer of three - Not to exceed \$5,640,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Davis.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2784

Item 41: A public hearing to receive comments regarding a proposal for and an ordinance waiving certain street name change standards and changing the name of Missouri Avenue between Interstate 35E and Marsalis Avenue to Grover C. Washington Avenue - Financing: No cost consideration to the City

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

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

Ernest Wyrick, 3655 Maryland Ave., representing Marsalis Avenue Church of Christ
Willie Davis, 6433 Autumn Woods Trail
Willie J. Tucker, 2916 Bridal Wreath, representing Marsalis Avenue Church of Christ
David L. Lane, 1216 Cheyene Dr. , representing Marsalis Avenue Church of Christ
Larry Grover Washington, 920 Tarryall Dr., representing Marsalis Avenue Church of Christ
Christ
Ruth Wyrick 3655 Maryland Ave., representing Marsalis Avenue Church of Christ

Mayor Pro Tem Garcia allowed the following individuals to state their names and addresses in favor to the item for the record:

Diana Broadus, 3334 Seevers Ave., representing Marsalis Avenue Church of Christ
Lena McIntosh, 950 Green Cove, representing Marsalis Avenue Church of Christ
Charles Garrett, 1115 Lynn Park Dr.
Claudia Faye Harrison Washington, 920 Tarryall Dr., representing Marsalis Avenue Church of Christ
Nellie Washington, 938 W. Five Mile Pkwy, representing Marsalis Avenue Church of Christ
Phillip Wade, 4515 Crown Knoll, representing Marsalis Avenue Church of Christ
Harold Cannon, 2219 Trinidad Dr., representing Marsalis Avenue Church of Christ
Constance T. Cannon, 2219 Trinidad Dr., representing Marsalis Avenue Church of Christ
Annie Elder, 2426 Simpson Stuart Road
Hester Loftin, 2600 Fowler St., representing Marsalis Avenue Church of Christ
Carolyn Young, 6453 La Grange Dr., representing Marsalis Avenue Church of Christ
Natesha Wyrick Cathey, 928 Stillmeadow
Delphine M. Brewer, 311 Appian Way
Ladell Jernigan, 8371 Campanella Dr.
Chastene Reed, 1342 Whitaker Ave.
Willie Black, 4842 Elena St.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-2784

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Mayor Pro Tem Garcia allowed the following individuals to state their names and addresses in favor to the item for the record: (continued)

Willie Copeland, 924 Edgemont

Cleal Neal, 923 Green Hill Rd.

Blanche Harris, 3705 Morning View Dr.

Tommy Jennings, 1405 Sunny Glen Dr.

Zeola Davis, 1524 Caravan Trail

Helen Fears, 4224 Humphrey Dr., representing Marsalis Avenue Church of Christ

Sandra Marchant, 939 Whitestone Lane, representing Marsalis Avenue Church of Christ

Deputy Mayor Pro Tem Caraway moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Councilmember Atkins.

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

Voting Yes: [12] Garcia, Caraway, Medrano, Neumann, Hill, Salazar, Davis, Atkins, Kadane, Allen, Koop, Natinsky

Voting No: [0]

Absent when vote taken: [2] Leppert, Rasansky

Absent: [1] Hunt

Mayor Pro Tem Garcia declared the motion adopted.

Assigned ORDINANCE NO. 27360

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2785

**FY 2008-09 Urban Land Bank
Demonstration Program Plan**

Note: Item Nos. 42 and 43 must
be considered collectively.

Item 42: A public hearing to receive comments on the proposed City of Dallas FY 2008-09 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City

Item 43: Authorize approval of the City of Dallas FY 2008-09 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Neumann moved to close the public hearing and approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2786

Closed Session

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

- Legal issues regarding the development of the proposed Convention Center hotel

At 11:53 a.m. Mayor Leppert announced the closed session of the city council authorized by Chapter 551, "OPEN MEETING," of the (Texas Open Meetings Act) to discuss the following matters:

- Legal issues regarding the development of the proposed Convention Center hotel

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

Closed Session

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

- Legal issues regarding the development of the proposed Convention Center hotel

Mayor Leppert reconvened the city council meeting after the closed session at 1:04 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2787

Addendum addition 1: Authorize settlement of the lawsuit styled Robert Crider v. City of Dallas, Cause No. 07-03885-J - Not to exceed \$535,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2788

Addendum addition 2: Authorize an increase in the contract with TriTech Software Systems for professional services to comply with the Federal Bureau of Investigation's security requirements to access the Criminal Justice Information System (CJIS) to perform record checks against state and federal records - Not to exceed \$341,613, from \$5,141,650 to \$5,483,263 - Financing: Current Funds (\$50,000), 2007 Equipment Acquisition Contractual Obligation Notes (\$291,613)

Councilmember Rasansky requested that addendum addition consent agenda item 2 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 2 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Later in the meeting, addendum addition consent agenda item 2 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2789

Addendum addition 3: An ordinance granting a private license to Baylor Health Care System for the use of a total of approximately 1,120 square feet of land to construct and maintain subsurface communications cables under portions of Elm Street, Gaston and North Washington Avenues rights-of way - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Later in the meeting, Mayor Leppert requested to reconsider the consent agenda due to a conflict of interest on addendum additional consent agenda item 3 and to be considered as an individual item.

Councilmember Neumann moved to reconsider the consent agenda so that addendum addition consent agenda item 3 could be considered as an individual item due to Mayor Leppert's conflict of interest on the item.

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

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.

Councilmember Medrano moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27361

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2790

Addendum addition 4: Authorize (1) a public hearing to be held on December 10, 2008 to receive comments to consider the creation of a tax increment financing reinvestment zone for several areas adjacent to DART Light Rail stations for transit-oriented development projects (TOD TIF District) under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311); and, at the close of the hearing, (2) consideration of an ordinance creating the TOD TIF District - Financing: No cost consideration to the City

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

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

Councilmember Natinsky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2791

Addendum addition 5: Authorize Supplemental Agreement No. 2 to the development agreement with the Woodall Rodgers Park Foundation for the Woodall Rodgers Deck Plaza to amend the Agreement to update Sections 2.2 and 2.3, entitled Woodall Rodgers Park Foundation "WRPF Project Contribution" and "Estimated Funding Allocation," respectively, to: (i) reflect reductions in budgeted construction costs of approximately \$11,300,000; (ii) reallocate Phase 2 work to Phase 3; (iii) acknowledge an additional \$10,000,000 in funding secured from Texas Department of Transportation (TxDOT) by the Woodall Rodgers Park Foundation, resulting in a total Statewide Transportation Enhancement Program (STEP) grant allocation of \$20,000,000; (iv) reflect design and pre-construction cost contributions and/or contractual obligations made by the Foundation in excess of \$8,000,000; and (v) reflect the obligation of the Foundation to fund all costs in excess of the City's and TxDOT's project contributions for Phases I-4 and to apply the full balance of the Foundation's \$20,000,000 minimum in private funding obligation to Phase 5 - Financing: No cost consideration to the City

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

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

Councilmember Natinsky moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2792

Addendum addition 6: Authorize a professional services contract with Public Sector Design Studio for the development of building standards for future fire station projects, including building components, establishing adjacencies of rooms, programming, schematic design, preliminary design floor plan concepts and performance and technical specifications - Not to exceed \$75,450 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2793

Addendum addition 7: Authorize **(1)** the first amendment to the Performing Arts Center Development Agreement with the Dallas Center for the Performing Arts Foundation, Inc., an independent, nonprofit foundation, for the design, construction and development of the City Performance Hall underground parking garage; and **(2)** the first amendment to the Performing Arts Center Use Agreement with the Dallas Center for the Performing Arts Foundation, Inc. for the long-term possession, operation, maintenance and use of the City Performance Hall underground parking garage - Financing: No cost consideration to the City

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

Later in the meeting, addendum addition 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; Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2794

**Cityville Carlisle Pedestrian
Improvement Project**

Note: Item Nos. 8 and 9 must
be considered collectively.

Addendum addition 8: Authorize **(1)** an Interlocal Agreement with the North Central Texas Council of Governments for design and construction of the Cityville Carlisle pedestrian improvement project; **(2)** the receipt and deposit of funds from the North Central Texas Council of Governments in an amount not to exceed \$450,000; and **(3)** an increase in appropriations in the amount of \$450,000 in the Capital Projects Reimbursement Fund - Not to exceed \$450,000 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2795

**Cityville Carlisle Pedestrian
Improvement Project**

Note: Item Nos. 8 and 9 must
be considered collectively.

Addendum addition 9: Authorize payment to Cityville Carlisle LP, LLC for the North Central Texas Council of Government's share of design and construction costs for the Cityville Carlisle pedestrian improvement project - Not to exceed \$450,000 - Financing: Capital Projects Reimbursement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2008

08-2796

Addendum addition 10: A resolution **(1)** confirming that a public hearing was held on October 1, 2008 for the Dallas Performing Arts Cultural Facilities Corporation Cultural Facility Revenue Bonds to finance certain cultural facilities located in the City of Dallas, Texas; **(2)** approving the Series 2008 Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended; and **(3)** approving the Notice of Intent of the Dallas Performing Arts Cultural Facilities Corporation relating to the Series 2008 Bonds - Financing: No cost consideration to the City

Councilmember Rasansky moved to approve the item.

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 8, 2008

EXHIBIT C