

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 22, 2008

08-2820
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [13] Leppert, Garcia, Caraway, Medrano, Neumann, Hill, Salazar (*9:45 a.m.), Atkins, Kadane, Allen, Koop, Natinsky, Rasansky

ABSENT: [2] Davis, Hunt absent on city business

The meeting was called to order at 9:08 a.m.

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

The invocation was given by Councilmember Hill.

Councilmember Koop led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 5:33 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, OCTOBER 22, 2008

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 22, 2008

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2821

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: Trudy Hess, 16816 Davenport Ct.
REPRESENTING: Concerned Citizens for Jenny
SUBJECT: Jenny the Elephant

SPEAKER: Richie Sheridan, 3022 Forest Lane
REPRESENTING: Citizen Speaking for Citizens
SUBJECT: A call for our children

SPEAKER: Willy Gonzalez, 8610 Southwestern Blvd.
REPRESENTING: Convention Center Hotel
SUBJECT: Unite here

SPEAKER: Donald Bell, 1700 Commerce St.
REPRESENTING: Black Brand Engineering
SUBJECT: Incompetent Fire Code staff

SPEAKER: Alton Kolpien, 2255 N. Washington Avenue
SUBJECT: Moonlighting policy of DPD

OPEN MICROPHONE – END OF MEETING

SPEAKER: B. M. Randolph, P. O. Box 210315
REPRESENTING: Making a Difference F. J. C.
SUBJECT: Dallas Budget/DISD

SPEAKER: Robert Lewis, 3710 Pueblo St.
REPRESENTING: West Dallas
SUBJECT: Neglect of West Dallas

SPEAKER: Tom Gibbons, 5029 Live Oak St.
SUBJECT: Police Behavior

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
SUBJECT: Corrupt DPD & Dart Police

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Convention Center Hotel

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

SPEAKER: Gwain Wooten, 4625 Bryan St.
REPRESENTING: R.A.W. (Real American Women)
SUBJECT: WIIFM

SPEAKER: Jewel Floyd, 3815 Myrtle St.
SUBJECT: 4910 Gurley Ave.

SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
SUBJECT: Dallas Police Department

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2822

Item 1: Approval of Minutes of the October 8, 2008 City Council Meeting

Mayor Pro Tem Garcia moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2823

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-55 and addendum addition consent agenda items 1-17, was presented for consideration.

Mayor Pro Tem Garcia requested that consent agenda items 27, 38 and addendum addition consent agenda items 8 and 15 be considered as individual items. Mayor Leppert stated that consent agenda items 27, 38 and addendum addition consent agenda items 8 and 15 would be considered as individual items later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia's request.

Councilmember Neumann requested that consent agenda items 5, 13, 48 and addendum addition consent agenda items 5, 8, 12 and 15 be considered as individual items. Mayor Leppert stated that consent agenda items 5, 13, 48 and addendum addition consent agenda items 5, 8, 12 and 15 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Hill 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 Hill's request.

Councilmember Atkins requested that consent agenda items 4, 5, 9 and 13 be considered as individual items. Mayor Leppert stated that consent agenda item 4, 5, 9 and 13 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Councilmember Rasansky requested that consent agenda items 11, 15, 21, 26, 31, 36 and addendum addition consent agenda items 2, 5, 8, 13 and 15 be considered as individual items. Mayor Leppert stated that consent agenda items 11, 15, 21, 26, 31, 36 and addendum addition consent agenda items 2, 5, 8, 13 and 15 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Koop moved to approve all items on the consent agenda with the exception of consent agenda items 4, 5, 9, 11, 13, 15, 19, 21, 26, 27, 31, 36, 38, 48 and addendum addition consent agenda items 2, 5, 8, 12, 13 and 15 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2824

Item 2: A resolution authorizing the conveyance of: **(1)** land improved with a fence, landscaping, concrete and asphalt paving for the construction and maintenance of light rail transit equipment and appurtenances containing approximately 112,473 square feet; and **(2)** a two-year temporary construction easement on property containing approximately 58,701 square feet located at Dallas Love Field adjacent to Denton Drive and the Dallas Area Rapid Transit line - Revenue: \$916,689

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2825

Item 3: Authorize an amendment to Resolution No. 08-2405, previously approved on September 10, 2008, to correct the hourly rates charged for parking at Dallas Love Field - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2826

Item 4: Authorize **(1)** amendments to the Good Faith Effort (GFE) Plan; and **(2)** renaming the GFE Plan to the Business Inclusion and Development (BID) Plan
- Financing: No cost consideration to the City

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, agenda item 4 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2827

Item 5: Authorize a twelve-month master agreement, with two twelve-month renewal options, for water meters, detector check valves and parts - Hersey Meters Company in the amount of \$4,556,565, Neptune Technology Group, Inc. in the amount of \$3,543,364, Badger Meter, Inc. in the amount of \$2,694,762, Sensus Metering Systems, Inc. in the amount of \$206,777, and HD Supply Waterworks, LTD in the amount of \$53,550, lowest responsible bidders of six - Total not to exceed \$11,055,018 - Financing: Water Utilities Capital Construction Funds

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

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2828

Item 6: Authorize a twelve-month master agreement for gaskets, packing and washers - Fort Worth Gasket & Supply in the amount of \$59,489 and Municipal Water Works Supply, L.P. in the amount of \$9,900, lowest responsible bidders of two - Total not to exceed \$69,389 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2829

Item 7: Authorize a twenty-four-month master agreement for the purchase of water bill stock paper and envelopes - Berndt Business Forms, Inc. in the amount of \$113,955 and Texas Star Envelopes in the amount of \$340,144, lowest responsible bidders of five - Total not to exceed \$454,099 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2830

Item 8: Authorize a thirty-six-month master agreement for the purchase of recycled concrete rock - Big City Crushed Concrete, Inc., lowest responsible bidder of two - Not to exceed \$1,575,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2831

Item 9: Authorize **(1)** a twenty-four-month service contract for job order contracting services - ~~Amistad Contracting & Service Co., Inc.~~, Centennial Contractors Enterprises, Inc., Frontier Electric, LLC, Lakeview Enterprises, LLC, Lopez Electric Co., Inc., MetalMan Design/Build Corp., ~~Gilbert May, Inc. dba Phillips/May Corp.~~, ReSource Flooring Group, L.P., most advantageous proposers of eight, and **(2)** use of job order contracting for individual jobs not to exceed \$150,000 each - Not to exceed \$2,000,000 - Financing: Current Funds (subject to annual appropriations)

Corrected on the addendum to the agenda.

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

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

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2832

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

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2833

Item 11: Authorize a thirty-six-month service contract for armored car service for City facilities that conduct monetary transactions - Dunbar Armored, Inc., lowest responsible bidder of two - Not to exceed \$477,180 - Financing: Current Funds (subject to annual appropriations)

Councilmember Rasansky requested that consent agenda item 11 be considered as an individual item. Mayor Leppert stated that consent agenda item 11 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 11 was brought up for consideration.

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2834

Item 12: Authorize a thirty-six-month service contract for temporary veterinary practitioners - RSVP & ACT, Inc., lowest responsible bidder of two - Not to exceed \$429,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2835

Item 13: Authorize an increase in the master agreement with Integrian, Inc. for the purchase and installation of additional equipment necessary for the installation of mobile data computers and in-car digital video camera systems for the City's fleet of vehicles - Not to exceed \$2,125,000, from \$8,500,000 to \$10,625,000 - Financing: Current Funds

Councilmember Neumann and Councilmember Atkins requested that consent agenda item 13 be considered as an individual item. Mayor Leppert stated that consent agenda item 13 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann and Councilmember Atkins' request.

Later in the meeting, agenda item 13 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Davis, Hunt absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2836

Item 14: Authorize Supplemental Agreement No. 1 to the professional services contract with the certified public accounting firm of Don B. Southerland, Jr., CPA, CFE, for additional expert witness and consulting services necessary in the lawsuit styled AHF Community Development Corp. v. City of Dallas et al., Civil Action No. 3:06-CV-1035-D - Not to exceed \$15,000, from \$25,000 to \$40,000
- Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2837

Item 15: An ordinance amending Chapter 13 of the Dallas City Code to establish a convenience charge for certain payments of Municipal Court fines, penalties, court costs, and other fees made through the internet or through an interactive voice response (IVR) telephone system - Estimated Annual Revenue: \$68,988

Councilmember Rasansky requested that consent agenda item 15 be considered as an individual item. Mayor Leppert stated that consent agenda item 15 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 15 was brought up for consideration.

Councilmember Natinsky moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27362

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2838

Item 16: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of one tract of unimproved land, from 88 Dallas Rosewood, LP., containing a total of approximately 147,757 square feet located near the intersection of Highland Road and Ferguson Road for the White Rock Hills Recreation Center Project - \$410,000 (\$406,000 plus closing costs not to exceed \$4,000) - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2839

Item 17: An ordinance abandoning a portion of a water easement to Murdine Berry, the abutting owner, containing approximately 29,065 square feet of land located near the intersection of Lancaster-Hutchins and Cleveland Roads - Revenue: \$7,242 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27363

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2840

Item 18: An ordinance granting a Specific Use Permit for an alcoholic beverage establishment for a private club-bar for a three-year period on property within a portion of Subarea 4 of Planned Development District No. 366-D-1, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay and an IM-D-1 Industrial Manufacturing District with a Liquor Control Overlay on the east side of Buckner Boulevard, north of Kipling Drive - Z078-250 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27364

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2841

Item 19: An ordinance granting an MF-2(A) Multifamily District, subject to deed restrictions volunteered by the applicant, on the west side of Holmes Street, south of Pennsylvania Avenue - Z078-207 - Financing: No cost consideration to the City

Councilmember Hill 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 Hill's request.

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

Councilmember Hill moved to defer the item until the November 10, 2008 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2842

Item 20: An ordinance waiving certain street name change standards, and changing the name of Motor Street between Stemmons Freeway and Irving Boulevard to Medical District Drive - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27365

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2843

Item 21: Authorize the nomination of Ryan, Inc. located at 13155 Noel Road, Suite 100 in Three Galleria Tower to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank - Financing: No cost consideration to the City

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, agenda item 21 was brought up for consideration.

Councilmember Koop moved to approve the item.

Motion seconded by Councilmember Natinsky.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2844

Item 22: Authorize the nomination of Solo Cup Operating Corporation located at 4444 West Ledbetter Drive to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2845

Item 23: Authorize **(1)** a development and reimbursement agreement with Billingsley Arts Partners LTD for the reconstruction of Routh Street from Woodall Rodgers Expressway to Flora Street in the Central Business District; **(2)** the receipt and deposit of funds from Billingsley Arts Partners LTD in an amount not to exceed \$2,500,000 (to be reimbursed from the proceeds of the sale of 2006 General Obligation Bonds), and **(3)** the establishment of appropriations in the amount of \$2,500,000 in the Billingsley Arts Partners Advance Fund - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2846

Item 24: Authorize the first twelve-month renewal option to the contract with Resource Center of Dallas, Inc. to provide a citywide HIV/AIDS education, outreach, and prevention program targeting primarily high-risk Hispanic populations for the period October 1, 2008 through September 30, 2009 - Not to exceed \$75,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2847

Item 25: Authorize a seven-year lease agreement with Liam, Ltd. for approximately 5,030 square feet of office space located at 1050 North Westmoreland Road, to be used as a Women, Infants and Children Clinic for the period December 1, 2008 through November 30, 2015 - Not to exceed \$582,726 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2848

Item 26: Ratify emergency services for water clean-up and repairs resulting from flooding in the City Hall cafeteria located at 1500 Marilla Street - Dalworth Restoration, Inc. - Not to exceed \$45,268 - Financing: Current Funds

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 Natinsky and unanimously adopted. (Davis, Hunt absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2849

Item 27: Authorize adoption of the City of Dallas' State Legislative Program for the 81st Session of the Texas State Legislature - Financing: No cost consideration to the City

Mayor Pro Tem Garcia requested that consent agenda item 27 be considered as an individual item. Mayor Leppert stated that consent agenda item 27 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia's request.

Later in the meeting, consent agenda item 27 was brought up for consideration.

Mayor Pro Tem Garcia moved to defer the item until the November 10, 2008 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2850

Item 28: Authorize contracts with cultural organizations for the provision of services to the City through Cultural Services Contracts Program (list attached) - Not to exceed \$4,686,285 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2851

Item 29: Authorize **(1)** acceptance of a Texas Emissions Reduction Program (TERP) grant from the Texas Commission on Environmental Quality (TCEQ) in the amount of \$183,000 for the purpose of replacing seven Park and Recreation agricultural tractors, seven Streets Department tractors, one DWU dump truck and one DWU service truck; and **(2)** execution of the grant agreement - Not to exceed \$183,000 - Financing: Texas Commission on Environmental Quality Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2852

Item 30: Authorize adoption of the 2009 City Calendar - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2853

Item 31: Authorize payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to the Airports Council International in the amount of \$51,876, American Water Works Association Research Foundation in the amount of \$286,573, Dallas Regional Mobility Coalition in the amount of \$37,500, National Association of Clean Water Agencies in the amount of \$27,160, National League of Cities in the amount of \$33,276, North Central Regional Certification Agency in the amount of \$36,140, North Central Texas Council of Governments in the amount of \$130,035, North Texas Commission in the amount of \$108,843, Public Technology Institute in the amount of \$30,000, Regional Storm Water Management Program of North Central Texas in the amount of \$33,734, Texas Coalition of Cities For Utility Issues in the amount of \$52,014, Texas Municipal League in the amount of \$47,824, Transportation Excellence for the 21st Century in the amount of \$25,000, Trinity River Common Vision in the amount of \$29,800, United States Conference of Mayors in the amount of \$41,442, Water Environment Research Foundation in the amount of \$79,543 - Total not to exceed \$1,050,760 - Financing: Current Funds (\$605,608), Aviation Current Funds (\$51,876) and Water Utilities Current Funds (\$393,276)

Councilmember Rasansky 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 Rasansky's request.

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

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2854

Item 32: Authorize a contract for the installation of a pavilion and playground, screen enclosure for portable toilets, and built-in concrete tables and benches at Pecan Grove Park located at 3443 West Kiest Boulevard - MetalMan Design/Build Corporation, best value proposer of three - \$303,978 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2855

Item 33: Authorize a contract for the renovation of an historic pavilion, including new rest rooms and a meeting room, construction of a new parking lot and associated landscaping, and construction of a semi-circular plaza at Grauwlyer Park located at 7500 Harry Hines Boulevard - Mart, Inc., best value proposer of three - Not to exceed \$328,535 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2856

Item 34: Authorize twelve-month contracts with Dallas Arboretum and Botanical Society, Inc. in the amount of \$342,050, Texas Discovery Gardens in the amount of \$88,645, and Dallas County Audubon Society, Inc. dba Audubon Dallas in the amount of \$35,000 to provide services and programs within the City of Dallas - Total not to exceed \$465,695 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2857

Item 35: Authorize an increase in the contract with Henneberger Construction, Inc. for erosion control improvements at the ball diamond at Arcadia Park located at 5516 Arcadia Drive - Not to exceed \$56,145, from \$234,656 to \$290,801 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2858

Item 36: Authorize a second amendment to the lease agreement with the State Fair of Texas to grant the State Fair of Texas the right to seek naming rights contracts for the Cotton Bowl Stadium and Summer Place Park Operation on behalf of the City - Estimated Revenue: \$500,000 to \$1,000,000 annually for ten years for a total of \$5,000,000 to \$10,000,000

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

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

Councilmember Atkins moved to approve the item.

Motion seconded by Councilmember Natinsky.

After discussion, Councilmember Neumann moved to amend Councilmember Atkins' motion to approve the item and insert "with city council confirmation".

Motion seconded by Deputy Mayor Pro Tem Caraway.

After further discussion, Mayor Leppert called the vote on Councilmember Neumann's motion to amend Councilmember Atkins' motion and insert "with city council confirmation":

Voting Yes: [11] Leppert, Garcia, Caraway, Medrano, Neumann, Salazar,
Atkins, Kadane, Allen, Koop, Natinsky
Voting No: [1] Rasansky
Absent when vote taken: [1] Hill
Absent: [2] Davis, Hunt absent on city business

Mayor Leppert declared the motion adopted.

Later in the meeting, Councilmember Neumann moved to reconsider the vote on agenda item 36 after consultation with the City Attorney to reword the amendment to the motion.

Motion seconded by Councilmember Salazar.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-2858

Page 2

Mayor Leppert called for a vote on the motion to reconsider.

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Rasansky voting "No" and that agenda item 36 was before the council for reconsideration. (Hill absent when vote taken; Davis, Hunt absent on city business)

Councilmember Neumann moved to approve the item and insert the following wording to read “Any proposed naming rights contracts will be subject to approval by the Park and Recreation Board, subject to the right of City Council to veto the Park and Recreation Board’s approval of the naming rights contract. If the Park and Recreation Board approves the naming rights contract, the Director of the Park and Recreation Department shall submit the proposed naming rights contract to the City Council for their information with 5 calendar days after approval by the Park and Recreation Board. Upon receipt of the naming rights contract, the City Council shall, pursuant to City Council resolution, have 60 calendar days following receipt to exercise its right to veto the Park and Recreation Board’s approval of the naming rights contract. The naming rights contract may not become effective until after the expiration of the City Council’s 60 day veto period.”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2859

Item 37: Authorize **(1)** the application for and acceptance of the Comprehensive Selective Traffic Enforcement Program grant from the U.S. Department of Transportation pass through Texas Department of Transportation in the amount of \$3,600,000 for overtime reimbursement for the period October 1, 2008 through September 30, 2011, **(2)** a local match in the amount of \$1,248,830, **(3)** a local In-Kind contribution in the amount of \$785,995, and **(4)** execution of the grant agreement - Total not to exceed \$5,634,825 - Financing: Texas Department of Transportation Grant Funds (\$3,600,000), In-Kind Contributions (\$785,995), and Current Funds (\$1,248,830) (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2860

Item 38: Authorize a Collaboration Agreement by and among the City of Dallas, the Dallas Police Department, University of North Texas System, University of North Texas, University of North Texas Dallas Campus, University of North Texas Foundation, Inc., The University of Texas at Dallas, and Communities Foundation of Texas for the purpose of establishing and operating the W. W. Caruth, Jr. Police Institute at Dallas - Financing: No cost consideration to the City

Mayor Pro Tem Garcia 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 Mayor Pro Tem Garcia's request.

Later in the meeting, consent agenda item 38 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. (Hill absent when vote taken; Davis, Hunt absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2861

Item 39: Authorize renewal of the Interlocal Agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas, for the provision of forensic, drug, toxicological, environmental, and physical evidence analysis, and other similar medical/forensic analytical services for the period October 1, 2008 through September 30, 2009 - Not to exceed \$3,800,000 - Financing: Confiscated Monies Funds (\$2,000,000), Current Funds (\$1,800,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2862

Item 40: Authorize **(1)** the receipt, deposit, and disbursement of funds from Dallas Area Rapid Transit for equipment, material and labor costs provided by the City related to the implementation of a Transit Signal Priority System in the Downtown Transitway Mall in an amount not to exceed \$4,000,000; and **(2)** an increase in appropriations in an amount not to exceed \$4,000,000 in the Capital Projects Reimbursement Fund - Not to exceed \$4,000,000 - Financing: Dallas Area Rapid Transit Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2863

Item 41: Authorize an additional payment to the Texas Department of Transportation for the City's share of construction costs for paving, drainage, landscaping, irrigation, water and wastewater main improvements on Samuell Boulevard from IH 30 to the Mesquite city limits - Not to exceed \$136,839, from \$8,530,579 to \$8,667,418 - Financing: 1998 Bond Funds (\$116,698) and Water Utilities Capital Construction Funds (\$20,141)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2864

Item 42: Authorize the rejection of bids for streetscape improvements for Meadow Road, Rambler Road, and Treehouse Lane and the re-advertisement for new bids -
Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2865

Item 43: Authorize a contract for street and streetscape improvements at Zang Boulevard and Colorado Boulevard at Lake Cliff Tower - Texas Standard Construction, Ltd., lowest responsible bidder of five - Not to exceed \$392,092 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2866

Item 44: Authorize a professional services contract with Halff Associates, Inc. to provide final engineering design services for a flood relief by-pass swale located along the Upper McKamy Branch from Mapleshade Lane to Villa Road - Not to exceed \$73,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2867

Item 45: Authorize a professional services contract with HDR Engineering, Inc. for preliminary engineering services for the Ricketts Branch Detention Basin - Not to exceed \$187,211 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2868

Item 46: Authorize an amendment to Resolution No. 08-2078, previously approved on August 13, 2008, which authorized the recommended plan for the proposed alignment of Brockbank Drive from Lombardy Lane to 600 feet north of Wheelock Street, from its current alignment to the proposed alignment of Brockbank Drive - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2869

Item 47: Authorize an increase in the contract with Ed Bell Construction Company for reconstruction of street paving, drainage, water and wastewater main improvements for Motor Street from Medical Center Drive to Harry Hines Boulevard - Not to exceed \$68,563, from \$2,060,797 to \$2,129,360 - Financing: 2003 Bond Funds (\$15,879) and Water Utilities Capital Construction Funds (\$52,684)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2870

Item 48: Authorize an increase in the contract with Texas Standard Construction, Ltd., for additional pedestrian lighting on Patterson Avenue, paver replacement, and improvements to reconfigure the pedestrian crossing, median barrier free ramps, and signal configuration at the Live Oak/Pacific/St. Paul intersection, for the North/South streets streetscape extension, Phase I project on Akard Street and Ervay Street, from Pacific Avenue to Ross Avenue, and streets adjacent to the Republic Center - Not to exceed \$163,140, from \$2,726,193 to \$2,889,333 - Financing: 2003 Bond Funds

Councilmember Neumann 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 Neumann's request.

Later in the meeting, agenda item 48 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2871

Item 49: Authorize **(1)** an increase in the contract with Rebcon, Inc. for the construction of paving and drainage improvements for Dallas Parkway from Briargrove Lane to the Kansas City Southern Railroad north of President George Bush Turnpike and from Briargrove Lane to Haverwood Lane in the amount of \$341,791, from \$1,578,279 to \$1,920,070; **(2)** the receipt and deposit of funds from Collin County in an amount not to exceed \$170,896 in the Capital Projects Reimbursement Fund; and **(3)** an increase in appropriations in the amount of \$170,896 in the Capital Projects Reimbursement Fund - Not to exceed \$341,791 - Financing: 2003 Bond Funds (\$170,896) and Capital Projects Reimbursement Funds (\$170,895)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2872

**IH 635 (LBJ Freeway) from Luna Road
to US 75 (Central Expressway)**

Note: Item Nos. 50 and 51 must
be considered collectively.

Item 50: Authorize **(1)** a Project Specific Agreement with Dallas County for funding participation for the design and construction of paving and drainage improvements for LBJ Freeway from Luna Road to Central Expressway; **(2)** the receipt and deposit of funds from Dallas County in an amount not to exceed \$2,820,000; and **(3)** an increase in appropriations in the amount of \$2,820,000 in the Capital Projects Reimbursement Fund - Not to exceed \$2,820,000 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2873

**IH 635 (LBJ Freeway) from Luna Road
to US 75 (Central Expressway)**

Note: Item Nos. 50 and 51 must
be considered collectively.

Item 51: Authorize a Local Project Advanced Funding Agreement with and payment to the Texas Department of Transportation for the design and construction of paving and drainage improvements for LBJ Freeway from Luna Road to Central Expressway - Not to exceed \$7,987,000 - Financing: 2003 Bond Funds (\$5,167,000) and Capital Projects Reimbursement Funds (\$2,820,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2874

Item 52: Authorize a professional services contract with Terracon Consultants, Inc. for environmental investigation, assessment and remedial designs related to the Elam and South Loop Landfills, and Simpkins tracks for the Trinity River Corridor Project - \$814,484 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2875

Item 53: Authorize an increase in the contract with Sedalco, LP for a new double-sided monument sign at the Loop 12 entry, a new entry fence and gate, landscaping and irrigation from the Loop 12 entry to the parking lot, replacement of site landscaping and irrigation, and a building dedication plaque for the Trinity River Audubon Center - Not to exceed \$212,518, from \$12,232,827 to \$12,445,345 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2876

Item 54: Authorize additional work associated with an existing study with the Tarrant Regional Water District (TRWD) to determine the feasibility of raw water transmission facilities to deliver water from Lake Palestine to the Dallas/Fort Worth Metroplex - \$149,121 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2877

Item 55: Authorize a Utility Joint Use Acknowledgement Agreement with the State of Texas, acting through the Texas Department of Transportation, in conjunction with the relocation of an existing fire hydrant and routine appurtenance adjustments along Spur 366 (Woodall Rodgers Freeway) at Pearl and Olive Streets - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2878

08-2879

Item 56: 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 22, 2008.

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

Mayor Pro Tem Garcia moved to appoint Frederick L. Medlin, Interested Citizen, to the Cultural Affairs Commission, George Allen, Jr., to the Civil Service Board, Collin Chase Evans, Dallas Member, to the Reinvestment Zone Twelve Board (Deep Ellum), and W. Gregg Hill, Business Owner in South Dallas/Fair Park Area, to the South Dallas/Fair Park Trust Fund Board.

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

Mayor Pro Tem Garcia 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 Atkins and unanimously adopted. (Hill absent when vote taken; Davis, Hunt absent on city business)

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

08-5279	ARC	AUTOMATED RED LIGHT ENFORCEMENT COMMISSION
08-5280	CAC	CULTURAL AFFAIRS COMMISSION
08-5281	CSB	CIVIL SERVICE BOARD
08-5282	PLA	PERMIT AND LICENSE APPEAL BOARD
08-5283	RZ12	REINVESTMENT ZONE TWELVE BOARD (DEEP ELLUM)
08-5284	SDF	SOUTH DALLAS/FAIR PARK TRUST FUND BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2880

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 57-65 and addendum agenda item 23, was presented for consideration.

Agenda items 57, 60, 63, and 64 were removed from the consent zoning docket, to be considered as individual hearings.

~~Agenda item 57: Zoning Case Z078-115 (MAW) [considered individually]~~
Agenda item 58: Zoning Case Z078-146(OTH)
Agenda item 59: Zoning Case Z078-149 (OTH)
~~Agenda item 60: Zoning Case Z078-246 (WE) [considered individually]~~
Agenda item 61: Zoning Case Z078-263 (OTH)
Agenda item 62: Zoning Case Z078-264 (OTH)
~~Agenda item 63: Zoning Case Z078-265 (OTH) [considered individually]~~
~~Agenda item 64: Zoning Case Z078-269 (JH) [considered individually]~~
Agenda item 65: Zoning Case Z078-275 (WE)
Addendum Agenda item 23: Zoning Case Z078-310 (DW)

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

The following individuals addressed the city council regarding items:

William Hopkins, 2011 Leath St. spoke on item 61 and addendum item 23
Frank Ward III, P. O. Box 50694, spoke on all items
Jurline Gates Hollins, 2832 Marjorie Ave. spoke on addendum item 23

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

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Davis, Hunt absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2881

Item 57: Zoning Case Z078-146 (OTH)

The consent zoning docket, consisting of agenda items 57-65 and addendum agenda item 23, was presented for consideration.

Councilmember Hill requested that zoning consent item 57 be considered as an individual item. Mayor Leppert stated that zoning consent item 57 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill's request.

A public hearing was called on zoning case Z078-146 (OTH), an application for and an ordinance granting an MF-1(A) Multifamily District on property zoned an MF-2(A) Multifamily District and an R-7.5(A) Single Family District on the east side of St. Augustine Road, north of Bruton Road and a resolution accepting the deed restrictions volunteered by the applicant

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

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:

Frank Ward III, P. O. Box 50694

Councilmember Hill moved to continue the public hearing and hold under advisement until the November 10, 2008 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2882

Item 58: Zoning Case Z078-146 (OTH)

The consent zoning docket, consisting of agenda items 57-65 and addendum agenda item 23, was presented for consideration.

A public hearing was called on zoning case Z078-146 (OTH), an application for and an ordinance granting an LO-1 Limited Office District on property zoned an A(A) Agriculture District on the north side of Camp Wisdom Road, west of Clarkridge Drive

(The staff and city plan commission recommended approval)

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:

Frank Ward III, P. O. Box 50694

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27366

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2883

Item 59: Zoning Case Z078-149 (OTH)

The consent zoning docket, consisting of agenda items 57-65 and addendum agenda item 23, was presented for consideration.

A public hearing was called on zoning case Z078-149 (OTH), an application for and an ordinance granting a Planned Development Subdistrict for Multiple Family Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area bounded by Knight Street, Brown Street, Throckmorton Street, and Fairmount Street

(The staff 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.

The following individual addressed the city council regarding the item:

Frank Ward III, P. O. Box 50694

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27367

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2884

Item 60: Zoning Case Z078-246 (WE)

The consent zoning docket, consisting of agenda items 57-65 and addendum agenda item 23, was presented for consideration.

Councilmember Rasansky requested that zoning consent item 60 be considered as an individual item. Mayor Leppert stated that zoning consent item 60 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

A public hearing was called on zoning case Z078-246 (WE), an application for a Planned Development District for a private school and the termination of Specific Use Permit No. 1262 for a private school on property zoned an R-10(A) Single Family District with Specific Use Permit No. 1262 on the northwest corner of Midway Road and Rosa Road with consideration being given to an amendment to, and expansion of, Specific Use Permit 1262 and an ordinance granting a Planned Development District and an ordinance expanding and amending Specific Use Permit No. 1262

(The staff recommended approval of an amendment to, and expansion of, Specific Use Permit No. 1262 for a private school for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions in lieu of a Planned Development District and city plan commission recommended approval, of a Planned Development District for R-10(A) Single Family District uses, subject to conditions and approval of the expansion of and amendment to Specific Use Permit No. 1262 for a private school use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, a traffic management plan and conditions)

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

The following individual addressed the city council regarding the item:

Frank Ward III, P. O. Box 50694

Councilmember Rasansky moved to continue the public hearing and hold under advisement until the November 10, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Hill and unanimously adopted. (Davis, Hunt absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2885

Item 61: Zoning Case Z078-263 (OTH)

The consent zoning docket, consisting of agenda items 57-65 and addendum agenda item 23, was presented for consideration.

A public hearing was called on zoning case Z078-263 (OTH), an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school on property zoned an R-7.5(A) Single Family District located on the northwest side of Garland Road, between Easton Road and Lochwood Boulevard

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

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

The following individuals addressed the city council regarding the item:

William Hopkins, 2011 Leath St.
Frank Ward III, P. O. Box 50694

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27368

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2886

Item 62: Zoning Case Z078-264 (OTH)

The consent zoning docket, consisting of agenda items 57-65 and addendum agenda item 23, was presented for consideration.

A public hearing was called on zoning case Z078-264 (OTH), an application for and an ordinance granting an amendment to Specific Use Permit No. 1008 for a Public School on property zoned an R-7.5(A) Single Family District, on the east side of Jim Miller Road, between Elam Road and Loop 12

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

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

The following individual addressed the city council regarding the item:

Frank Ward III, P. O. Box 50694

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27369

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2887

Item 63: Zoning Case Z078-265 (OTH)

The consent zoning docket, consisting of agenda items 57-65 and addendum agenda item 23, was presented for consideration.

Councilmember Rasansky requested that zoning consent item 63 be considered as an individual item. Mayor Leppert stated that zoning consent item 63 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

A public hearing was called on zoning case Z078-265 (OTH), an application for and an ordinance granting an amendment to Planned Development District No. 696 for a Public School other than an open-enrollment charter school and R-16(A) Single Family uses in an area bounded by Ridgeside Drive, Welch Road, Rickover Drive and Crestline Avenue

(The staff 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.

The following individual addressed the city council regarding the item:

Frank Ward III, P. O. Box 50694

Councilmember Rasansky moved to continue the public hearing and hold under advisement until the November 10, 2008 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2888

Item 64: Zoning Case Z078-269 (JH)

The consent zoning docket, consisting of agenda items 57-65 and addendum agenda item 23, was presented for consideration.

Mayor Leppert requested that zoning consent item 64 be considered as an individual item. Mayor Leppert stated that zoning consent item 64 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Leppert's request.

A public hearing was called on zoning case Z078-269 (JH), an application for and an ordinance granting a P(A) Parking District on property zoned an MF-2(A) Multifamily District on the southeast side of Crutcher Street, northeast of Hill Avenue

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

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.

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:

Frank Ward III, P. O. Box 50694

Councilmember Medrano 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; Davis, Hunt absent on city business)

Assigned ORDINANCE NO. 27370

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2889

Item 65: Zoning Case Z078-275 (WE)

The consent zoning docket, consisting of agenda items 57-65 and addendum agenda item 23, was presented for consideration.

A public hearing was called on zoning case Z078-275 (WE), an application for and an ordinance granting an MU-2 Mixed Use District on property zoned an IR Industrial Research District on the east corner of Maple Avenue and Bomar Avenue

(The staff and city plan commission recommended approval)

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:

Frank Ward III, P. O. Box 50694

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27371

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2890

Item 66: Zoning Case Z067-147 (SA) INDIVIDUAL

A public hearing was called on zoning case Z067-147 (SA), to receive comments regarding a City Council authorized hearing to determine proper zoning on property zoned an MU-2 Mixed Use District, CS Commercial Service District, IM Industrial Manufacturing District, with Specific Use Permit No. 1484 for Commercial Amusement (Inside) for Class A Dance Hall with consideration given to appropriate zoning for that area including use, development standards, parking, landscaping, sign, and other appropriate regulations in an area generally bounded by Interstate 35 and Interstate 30 to the northwest, the Union Pacific Railroad right-of-way to the northeast, the DART Railroad right-of-way to southeast, and the Trinity Levee to the southwest and an ordinance granting a new subarea within Planned Development District No. 784, the Trinity River Corridor Special Purpose District

(The staff and city plan commission recommended approval of a new subarea and form districts within Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to conditions and a regulating plan for property located southeast of Interstate 35 and Interstate 30, with retention of Specific Use Permit No. 1484 and no change of zoning to property generally bounded by Cadiz Street, the existing sumps, Industrial Boulevard, and the Union Pacific Railroad)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2891

Item 67: Zoning Case Z067-298 (JH) INDIVIDUAL

A public hearing was called on zoning case Z067-298 (JH), an application for and an ordinance granting a Planned Development District for mixed uses on property zoned an IM Industrial Manufacturing District and a CS Commercial Service District in an area generally bounded by Cadiz Street, Industrial Boulevard, Rock Island Street, and the Union Pacific Railroad

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

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

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

Jonathan Vinson, 901 Main Street, representing the applicant

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

- There is no limit to the number of blade signs.
- The maximum area for blade signs is 30 square feet.
- Blade signs may be located no closer than 12 feet and no further than 25 feet from street level.
- A blade sign cannot project more than three feet into the right-of-way.
- A blade sign cannot be located closer than 15 feet to another projecting sign.
- Loading spaces must be screened with a solid fence that is consistent and compatible with the main structure and must include brick, stone, concrete masonry, stucco, concrete, or wood. Screening must be at least half as high as the objects being screened, but not less than six feet in height.
- A five foot planting and amenity zone must be provided adjacent to the curb on Industrial Boulevard. A 10 foot sidewalk must be provided adjacent to the five foot planting and amenity zone. A six foot planting and amenity zone must be provided adjacent to the sidewalk. (21 feet total).

and pass the ordinance.

Motion seconded by Councilmember Neumann and unanimously adopted. (Davis, Hunt absent on city business)

Assigned ORDINANCE NO. 27372

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2892

Item 68: Zoning Case Z078-151 (JH) INDIVIDUAL

A public hearing was called on zoning case Z078-151 (JH), an application for and an ordinance granting a Planned Development District for multifamily and certain limited non-residential uses on property zoned an MF-1(A) Multifamily District on both sides of Bahama Drive, north of Plymouth Road

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

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

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

Abel Escobedo, 1536 Holveck Dr., **Cedar Hill, TX**

Councilmember Neumann moved to continue the public hearing and hold under advisement until the December 10, 2008 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2893

Item 69: Zoning Case Z078-201 (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 Z078-201 (JH), an application for a Planned Development District for CR uses and attended donation center use on property zoned a CR Community Retail District on the southwest side of Haskell Avenue, between Lafayette Street and Delano Place

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

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

Councilmember Koop moved to continue the public hearing and hold under advisement until the November 10, 2008 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2894

Item 70: 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)

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

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

Bradley Mindlin, 1640 S. Sepulveda Blvd., representing Northcreek Business Park, LTD.

Manny Ybarra, 10440 N. Central

Larry Moeller, 9606 Baseline Dr., representing Chimney Lane Patio Homes

Jordan Wagnon, 9111 Brady Dr., Student at UT Dallas

Eliana Calzada, 7135 Fair Oaks Avenue, Student at UT Dallas

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

- Approval for a 15 year period specific use permit with one five year automatic renewal.

and pass the ordinance.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Davis, Hunt absent on city business)

Assigned ORDINANCE NO. 27373

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2895

Item 71: Zoning Case Z078-235 (MAW) INDIVIDUAL

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

A public hearing was called on zoning case Z078-235 (MAW), an application for a Specific Use Permit for a commercial amusement (inside) use limited to a bingo parlor on property zoned a CR Community Retail District on the south side of Oates Drive, between Rustown Drive and Maverick Avenue

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

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

Councilmember Kadane moved to continue the public hearing and hold under advisement until the November 10, 2008 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2896

Item 72: Zoning Case Z078-228 (WE) 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 Z078-228 (WE), an application for and an ordinance granting a TH-3(A) Townhouse District on property zoned an R-7.5(A) Single Family District on the west side of Cockrell Hill Road at Love Bird Lane and a resolution accepting deed restriction volunteered by the applicant

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

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

Councilmember Neumann moved to continue the public hearing and hold under advisement until the December 10, 2008 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2897

Item 73: Zoning Case Z078-254 (MAW) INDIVIDUAL

A public hearing was called on zoning case Z078-254 (MAW), an application for and an ordinance granting a CS Commercial Service District and a resolution accepting an amendment to the deed restrictions on property zoned a CR Community Retail District on the east side of Cayuga Drive, north of Stevens Street

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

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

Councilmember Kadane 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. (Garcia absent when vote taken; Davis, Hunt absent on city business)

Assigned ORDINANCE NO. 27374

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2898

Item 74: Zoning Case Z078-203 (JH) UNDER ADVISEMENT - 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 Specific Use Permit for a 15-year period, subject to a site plan and conditions)

Note: This item was considered by the City Council at a public hearing on September 24, 2008, and was taken under advisement until October 22, 2008, with the public hearing open.

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

Jeffrey B. Thomas, 1803 S. Ervay St., representing Millers Ferry Row Homeowners Association

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

Councilmember Medrano moved to continue the public hearing and hold under advisement until the November 10, 2008 voting agenda meeting of the city council.

Motion seconded by Councilmember Hill and unanimously adopted. (Davis, Hunt absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

Closed Session **[08-2899]**

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

- Ashley Yarberry v. City of Dallas, Civil Action No. 3:07-CV-0893-M

At 12:21 p.m. Mayor Leppert announced the closed session of the city council authorized by Chapter 551, "OPEN MEETING," of the (Texas Open Meetings Act) to discuss the following matters:

Closed Session

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

- Ashley Yarberry v. City of Dallas, Civil Action No. 3:07-CV-0893-M

Mayor Leppert reconvened the city council meeting after the closed session at 2:31 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2900

Addendum addition 1: Authorize the purchase of air diffusers for the sludge basins at the Central Wastewater Treatment Plant - Siemens Water Technologies Corp., lowest responsible bidder of two - Not to exceed \$525,000 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2901

Addendum addition 2: Authorize a eighty-four-month service contract, with three twelve-month renewal options, for the installation and maintenance of multiple-unit news racks within the expanded central business district - The Dallas Morning News, Inc., only bidder - Not to exceed \$340,200 - Financing: Current Funds (subject to annual appropriations)

Councilmember Rasansky requested that addendum addition consent agenda 2 item 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 Rasansky'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; Davis, Hunt absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2902

Addendum addition 3: Authorize settlement of the lawsuit styled Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-B - Not to exceed \$150,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2903

Addendum addition 4: Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Munck Carter, P.C. (formerly Munck Butrus, P.C.) for additional legal services and related expenses necessary in the lawsuit styled Dora Saucedo-Falls v. David Kunkle, Randy Hampton, and City of Dallas, Civil Action No. 3:05-CV-0730-N and any other proceeding relating to the subject matter of this lawsuit - Not to exceed \$25,000, from \$175,000 to \$200,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2904

Addendum addition 5: Authorize the City Auditor's 2008-09 Annual Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

Councilmember Neumann and 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 Neumann and Councilmember Rasansky's request.

Later in the meeting, addendum addition consent agenda item 5 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. (Hill absent when vote taken; Davis, Hunt absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2905

Addendum addition 6: A resolution authorizing the City of Dallas' participation, as endorsing municipality, to initiate the establishment of the Other Events Trust Fund by the State Comptroller of Public Accounts with respect to National Collegiate Athletic Association Men's Final Four - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2906

Addendum addition 7: A resolution authorizing the City of Dallas' participation, as endorsing municipality, to initiate the establishment of the Other Events Trust Fund by the State Comptroller of Public Accounts with respect to the National Collegiate Athletic Association Women's Final Four - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2907

Addendum addition 8: Authorize **(1)** execution of an amendment of the three-party Pre-Development Agreement between Matthews Holdings Southwest, Inc., the City of Dallas and the City's local government corporation (Dallas Convention Center Hotel Development Corporation) to provide additional pre-development design services prior to issuance of hotel revenue bonds, **(2)** an economic development grant in an amount not to exceed \$4,000,000 to the Dallas Convention Center Hotel Development Corporation for payment of specified pre-development services, in accordance with the terms of the three-party Pre-development Agreement, as amended (to be reimbursed from the sale of Hotel Revenue Bonds), and **(3)** increase appropriations in the amount of \$4,000,000 in the Convention Center Hotel Development Corporation (LGC) Fund - Not to exceed \$4,000,000 - Financing: Convention and Event Services Capital Construction Funds (to be reimbursed from the future sale of Hotel Revenue Bonds)

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-2907

Page 2

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

Anne Raymond, 4111 W. Lawther Drive

Katherine Button, 4336 Holland

Jewel Floyd, 3815 Myrtle Street

Dave Johnson, 7300 Swanson

Steve Van, 9606 Jourdan Way

William Hopkins, 2011 Leath Street

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

John Wiley Price, 411 Elm Street

Phillip Jones, 325 N. St. Paul Street, representing Dallas Convention and Visitors Bureau

Margo Posey, President of the Dallas/Fort Worth Minority Business Council

Ozumba Lnuke-X, 4106 Vineyard Drive

Bob Sambol, 4334 Gilbert Avenue

Tony Vedda, 6920 Santa Maria Lane, representing North Texas GLBT Chamber

Laura Estrada, 1339 Cedar Hill

The following individual addressed the city council regarding the item:

Jurline Hollins, 2832 Marjorie Avenue

Councilmember Natinsky moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway.

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

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Hill voting "No." (Garcia, Rasansky abstain; Davis, Hunt absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2908

Addendum addition 9: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from the White Rock Church of Christ, of approximately 341,490 square feet of unimproved land located near the intersection of Ferguson Road and Hibiscus Street for the construction of the White Rock Creek Library - \$704,906 (\$700,000 plus closing cost not to exceed \$4,906) - Financing: 2003 Bond Funds (\$569,589) and 2006 Bond Funds (\$135,317)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2909

Addendum addition 10: An ordinance abandoning a portion of an alley to Janlaw Properties, Inc., the abutting owner, containing approximately 1,690 square feet of land located near the intersection of Montfort Drive and Alpha Road, authorizing the quitclaim and providing for the dedication of an easement for the passage of vehicular and pedestrian traffic - Revenue: \$43,095 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27375

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2910

Addendum addition 11: An ordinance abandoning portions of a water and sanitary sewer easement, a sanitary and storm sewer easement, and a storm sewer easement to Q Fort Worth Ave., II, L.P. and Q Fort Worth Ave., L.P., the abutting owners, containing a total of approximately 5,236 square feet of land located near the intersection of Fort Worth Avenue and Bahama Street - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27376

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2911

Addendum addition 12: Authorize **(1)** an Interlocal Agreement with Dallas County for the provision of homeless assistance services at the Homeless Assistance Center through Metro Dallas Homeless Alliance through September 30, 2009, **(2)** the receipt and deposit of monthly payments from Dallas County in the amount of \$83,333 for the period October 1, 2008 through September 30, 2009 in an amount not to exceed \$1,000,000, and **(3)** the counting of Dallas County's monthly payments toward Metro Dallas Homeless Alliance's required financial contribution for the management and operation of the Homeless Assistance Center, as provided for in the Management Services Contract, Phase II with Metro Dallas Homeless Alliance - Not to exceed \$1,000,000 - Financing: Current Funds

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

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2912

Addendum addition 13: Authorize three contracts for roof replacement and asbestos abatement at nineteen City-owned facilities, including: **(1)** Roof Bundle A with H E C Roofing Company, lowest responsible bidder of four in the amount of \$1,723,034, **(2)** Roof Bundle B with Castro Roofing of Texas, LP, lowest responsible bidder of four, in the amount of \$1,176,142, and **(3)** Roof Bundle C with AA Applicators, Inc., lowest responsible bidder of four in the amount of \$942,120 - Total not to exceed \$3,841,296 - Financing: Capital Construction Funds (\$701,913), 2003 Bond Funds (\$221,250), and 2006 Bond Funds (\$2,918,133)

Councilmember Rasansky requested that addendum addition consent agenda 13 item be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 13 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 13 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; Davis, Hunt absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2913

Addendum addition 14: A resolution denying the rate filing made by Oncor Electric Delivery Company on June 27, 2008 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2914

Addendum addition 15: Authorize **(1)** the preparation of plans for the issuance of Civic Center Convention Complex Revenue Refunding and Improvement Bonds, Series 2008 in an amount not to exceed \$325,000,000, and **(2)** the establishment of appropriations in an amount not to exceed \$40,000,000 - Financing: This action has no cost consideration to the City

Mayor Pro Tem Garcia, Councilmember Neumann and Councilmember Rasansky requested that addendum addition consent agenda 15 item be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 15 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia, Councilmember Neumann and Councilmember Rasansky's request.

Later in the meeting, addendum addition consent agenda item 15 was brought up for consideration.

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

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

Anne Raymond, 4111 W. Lawther Drive
Katherine Button, 4336 Holland
Jewel Floyd, 3815 Myrtle Street
Dave Johnson, 7300 Swanson
Steve Van, 9606 Jourdan Way
William Hopkins, 2011 Leath Street

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

John Wiley Price, 411 Elm Street
Phillip Jones, 325 N. St. Paul Street, representing Dallas Convention and Visitors Bureau
Margo Posey, President of the Dallas/Fort Worth Minority Business Council
Ozumba Lnuk-X, 4106 Vineyard Drive
Bob Sambol, 4334 Gilbert Avenue
Tony Vedda, 6920 Santa Maria Lane, representing North Texas GLBT Chamber
Laura Estrada, 1339 Cedar Hill

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
08-2914
Page 2

The following individual addressed the city council regarding the item:

Jurline Hollins, 2832 Marjorie Avenue

Councilmember Natinsky moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway.

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

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Hill voting "No." (Garcia, Rasansky abstain; Davis, Hunt absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2915

Addendum addition 16: Authorize a professional services contract with JBI Partners, Inc. for topographic survey and construction documents through construction administration services for athletic field improvements at Randall Park located at 100 South Glasgow
- Not to exceed \$50,265 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2916

Addendum addition 17: Authorize an amendment to the Memorandum of Agreement entitled “City of Dallas-Tarrant Regional Water District Interlocal Cooperation Contract” with the Tarrant Regional Water District to add language which is specific to the acquisition of Oklahoma water - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2917

Downtown Connection TIF District

Note: If Addendum Item No. 18 does not pass, Council will not consider Addendum Item No. 19.

Addendum addition 18: An ordinance amending the Project Plan and Reinvestment Financing Plan ("Plan") for Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District) in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311), to permit the direct lease or sale of City-owned/City-controlled property without complying with auction and bidding requirements on the condition that the property is redeveloped in accordance with the Downtown Connection TIF District Plan - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition consent agenda 18 item be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 18 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 18 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 Medrano moved to pass the ordinance.

Motion seconded by Councilmember Atkins and unanimously adopted. (Rasansky abstain; Hill, Salazar absent when vote taken; Davis, Hunt absent on city business)

Assigned ORDINANCE NO. 27377

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2918

Downtown Connection TIF District

Note: If Addendum Item No. 18 does not pass, Council will not consider Addendum Item No. 19.

Addendum addition 19: Authorize Supplemental Agreement No. 3 to the development agreement among the City of Dallas, the Downtown Dallas Development Authority (the DDDA), and FC Merc Complex, L.P., FC Continental Complex, L.P., FC Atmos, Inc., and FC Lessee (collectively Forest City) to: **(1)** extend the due dates of each of the remaining option fee payments by 12 months; **(2)** direct the transfer of title of the Atmos Complex without auction and bidding from FC Atmos, Inc. to Hamilton Atmos LP for redevelopment in accordance with the Downtown Connection TIF Project Plan and without requiring the acceleration of payment of the unpaid portion of the \$750,000 option fee prior to the new deadline dates; **(3)** require FC Atmos, Inc. to retain maintenance obligations through October 26, 2010; and **(4)** require FC Atmos, Inc. to continue obligations for payment of option fees of \$250,000 on October 26, 2009 and an additional \$250,000 on October 26, 2010 if Hamilton Atmos LP is unable to obtain building permits by those dates - Financing: No cost consideration to the City

Councilmember Natinsky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2919

Downtown Connection TIF District

Note: If Addendum Item No. 19 does not pass, Council will not consider Addendum Item Nos. 20 & 21.

Addendum addition 20: Authorize **(1)** a development agreement with Hamilton Atmos LP, for the redevelopment of 301 South Harwood Street, 1915 Wood Street, 1815 Wood Street, and 300 East St. Paul Avenue (known as the Atmos Complex), located in Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District), and, **(2)** the Downtown Connection TIF District Board of Directors intent to dedicate future tax increment revenue of the Downtown Connection TIF District in an amount not to exceed \$12,560,401, plus interest up to \$10,439,599, for a total incentive amount, including interest, not to exceed \$23,000,000 - Not to exceed \$23,000,000 - Financing: Downtown Connection TIF District Funds

Councilmember Natinsky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2920

Downtown Connection TIF District

Note: If Addendum Item No. 19 does not pass, Council will not consider Addendum Item Nos. 20 & 21.

Addendum addition 21: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse Hamilton Atmos LP, for eligible expenditures pursuant to the development agreement with Hamilton Atmos LP - Financing: No cost consideration to the City

Councilmember Natinsky moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2921

Addendum addition 22: Authorize **(1)** Supplemental Agreement No. 2 to the contract with Lea + Elliott, Inc. to provide additional study of alternative methods of connecting the new Dallas Area Rapid Transit Light Rail Station (Love Field Station) on Denton Drive to the Love Field Terminal Building, including the possible relocation of related ground transportation activities, in an amount not to exceed \$182,987, from \$773,936 to \$956,923; and **(2)** an increase in appropriations in an amount not to exceed \$182,987 in the Federal Aviation Administration Airport Improvement Program Grant Fund - Financing: Aviation Capital Construction Funds (\$45,747) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$137,240)

Councilmember Koop moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2922

Addendum addition 23: Zoning Case Z078-310 (DW)

The consent zoning docket, consisting of agenda items 66-68 and addendum agenda item 23, was presented for consideration.

A public hearing was called on zoning case Z078-310 (DW), regarding authorization of a public hearing to determine the proper zoning on property zoned R-5(A) Single Family District with consideration being given to suitable zoning to allow R-5(A) Single Family District uses and a local utility use of an electrical transition station to allow the undergrounding of a portion of the West Levee-Norwood transmission line in an area generally east of Sylvan Avenue, north of Morris Street, west of Topeka Street and south of Canada Drive

(The staff and city plan commission recommended approval, of a Planned Development District, subject to a development/landscape plan and conditions)

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:

William Hopkins, 2011 Leath St.
Jurline Hollins, 2832 Marjorie Ave.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27378

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2923

DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

Addendum addition 24: A public hearing to receive comments regarding consideration of amendments to Chapter 51A of the Dallas City Code to add an Article XIII creating new "Form Districts" for walkable, mixed use developments at a range of densities and an ordinance granting the amendments

(The staff recommended approval of staff alternative recommendations and city plan commission recommended approval, of attached ordinance)

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

Councilmember Natinsky moved to continue the public hearing and hold under advisement until the November 10, 2008 voting agenda meeting of the city council.

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 22, 2008

EXHIBIT C

“AMENDED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2907

Addendum addition 8: Authorize (1) execution of an amendment of the three-party Pre-Development Agreement between Matthews Holdings Southwest, Inc., the City of Dallas and the City's local government corporation (Dallas Convention Center Hotel Development Corporation) to provide additional pre-development design services prior to issuance of hotel revenue bonds, (2) an economic development grant in an amount not to exceed \$4,000,000 to the Dallas Convention Center Hotel Development Corporation for payment of specified pre-development services, in accordance with the terms of the three-party Pre-development Agreement, as amended (to be reimbursed from the sale of Hotel Revenue Bonds), and (3) increase appropriations in the amount of \$4,000,000 in the Convention Center Hotel Development Corporation (LGC) Fund - Not to exceed \$4,000,000 - Financing: Convention and Event Services Capital Construction Funds (to be reimbursed from the future sale of Hotel Revenue Bonds)

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

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

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

“AMENDED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-2907

Page 2

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

Anne Raymond, 4111 W. Lawther Drive
Katherine Button, 4336 Holland
Jewel Floyd, 3815 Myrtle Street
Dave Johnson, 7300 Swanson
Steve Van, 9606 Jourdan Way
William Hopkins, 2011 Leath Street

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

John Wiley Price, 411 Elm Street
Phillip Jones, 325 N. St. Paul Street, representing Dallas Convention and Visitors
Bureau
Margo Posey, President of the Dallas/Fort Worth Minority Business Council
Ozumba Lnuke-X, 4106 Vineyard Drive
Bob Sambol, 4334 Gilbert Avenue
Tony Vedda, 6920 Santa Maria Lane, representing North Texas GLBT Chamber
Laura Estrada, 1339 Cedar Hill

The following individual addressed the city council regarding the item:

Jurline Hollins, 2832 Marjorie Avenue

Councilmember Natinsky moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway.

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

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Hill voting "No." (Garcia, Rasansky abstain; Davis, Hunt absent on city business)

Note: Councilmember Rasansky requested Addendum item #8 and Addendum item #15 be discussed as separate items. However, the items were simultaneously discussed.

“AMENDED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 22, 2008

08-2914

Addendum addition 15: Authorize **(1)** the preparation of plans for the issuance of Civic Center Convention Complex Revenue Refunding and Improvement Bonds, Series 2008 in an amount not to exceed \$325,000,000, and **(2)** the establishment of appropriations in an amount not to exceed \$40,000,000 - Financing: This action has no cost consideration to the City

Mayor Pro Tem Garcia, Councilmember Neumann and Councilmember Rasansky requested that addendum addition consent agenda 15 item be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 15 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia, Councilmember Neumann and Councilmember Rasansky's request.

Later in the meeting, addendum addition consent agenda item 15 was brought up for consideration.

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

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

Anne Raymond, 4111 W. Lawther Drive
Katherine Button, 4336 Holland
Jewel Floyd, 3815 Myrtle Street
Dave Johnson, 7300 Swanson
Steve Van, 9606 Jourdan Way
William Hopkins, 2011 Leath Street

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

John Wiley Price, 411 Elm Street
Phillip Jones, 325 N. St. Paul Street, representing Dallas Convention and Visitors Bureau
Margo Posey, President of the Dallas/Fort Worth Minority Business Council
Ozumba Lnuk-X, 4106 Vineyard Drive
Bob Sambol, 4334 Gilbert Avenue
Tony Vedda, 6920 Santa Maria Lane, representing North Texas GLBT Chamber
Laura Estrada, 1339 Cedar Hill

“AMENDED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-2914

Page 2

The following individual addressed the city council regarding the item:

Jurline Hollins, 2832 Marjorie Avenue

Councilmember Natinsky moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway.

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

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Hill voting "No." (Garcia, Rasansky abstain; Davis, Hunt absent on city business)

Note: Councilmember Rasansky requested Addendum item #8 and Addendum item #15 be discussed as separate items. However, the items were simultaneously discussed.