

MINUTES OF THE DALLAS CITY COUNCIL  
MONDAY, DECEMBER 10, 2008

08-3290  
VOTING AGENDA MEETING  
CITY COUNCIL CHAMBER, CITY HALL  
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Garcia, Caraway, Medrano, Neumann, Hill, Salazar  
(\*9:27 a.m.), Davis, Atkins, Kadane, Allen, Koop, Natinsky,  
Rasansky, Hunt

ABSENT: [0]

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

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

The invocation was given by Rabbi Andrew Paley of Temple Shalom.

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 7:40 p.m.

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Mayor

ATTEST:

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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  
MONDAY, DECEMBER 10, 2008

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL  
MONDAY, DECEMBER 10, 2008

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3291

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: Billy MacLeod, 1800 Lear St.  
SUBJECT: Sustainable Economic Development

SPEAKER: Richie Sheridan, 3022 Forest Lane  
SUBJECT: Join everyone and save the U.S.

SPEAKER: Al Lipscomb, 830 Clearwood Dr.  
SUBJECT: Information regarding franchisement

SPEAKER: Roy Williams, 5881 Preston View Blvd.  
REPRESENTING: Forty acres and a mule  
SUBJECT: Freedom of Speech

SPEAKER: Walter Velez, 1103 N. Bishop Ave.  
SUBJECT: Illegal storage next door, no permit

**OPEN MICROPHONE – END OF MEETING**

SPEAKER: Richard Hill, 1125 Pimberton Hill Rd.  
REPRESENTING: Restoration in Christ Church  
SUBJECT: Library policy – purchasing materials

SPEAKER: James Dunn, 3635 Blue Ridge Blvd.  
REPRESENTING: Neighborhood  
SUBJECT: A lack of mental health care in Dallas

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

SPEAKER: Frank Ward, P. O. Box 50694  
REPRESENTING: The Trinity Reunion Church/Community  
SUBJECT: The truth bears & endures all things

SPEAKER: Gwain Wooten, 3625 Bryan St.  
REPRESENTING: Real American Women  
SUBJECT: Southern sector forest animal types

SPEAKER: Jewel Floyd, 3815 Myrtle St.  
SUBJECT: Why did they cut off afternoon speakers

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3292

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

Councilmember Rasansky moved to approve the minutes with corrections to the following agenda items:

Items 89 and 90 to reflect citizens addressed the council on the items instead of reflecting in opposition or in favor of the item.

Motion seconded by Councilmember Neumann and unanimously adopted.

**Note: Miscellaneous hearings do not reflect in favor or in opposition unless the items reflect the position of the city plan commission. These items did not reflect the position of the city plan commission.**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3293

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-77 and addendum addition consent agenda items 1-40, was presented for consideration.

The City Secretary requested that consent agenda item 8 and addendum addition consent agenda items 15 and 21 be considered as individual items to allow citizens to speak. Mayor Leppert stated that consent agenda item 8 and addendum addition consent agenda items 15 and 21 would be considered as individual items later in the meeting there being no objection voiced to the City Secretary's request.

Mayor Leppert requested that consent agenda item 40 be considered as an individual item. Mayor Leppert stated that consent agenda item 40 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Leppert's request.

Mayor Pro Tem Garcia requested that addendum addition consent agenda items 12 and 15 be considered as individual items. Mayor Leppert stated that addendum addition consent agenda items 12 and 15 would be considered as individual items later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia's request.

Deputy Mayor Pro Tem Caraway requested that addendum addition consent agenda item 13 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 Deputy Mayor Pro Tem Caraway's request.

Councilmember Neumann requested that consent agenda item 71 and addendum addition consent agenda items 15, 21 and 23 be considered as individual items. Mayor Leppert stated that consent agenda item 71 and addendum addition consent agenda items 15, 21 and 23 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Kadane requested that addendum addition consent agenda item 21 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 21 would be considered as individual item later in the meeting, there being no objection voiced to Councilmember Kadane's request.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-3293

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Councilmember Rasansky requested that consent agenda items 3, 6, 8, 9, 28, 44, 46, 47, 48, 49, 71 and addendum addition consent agenda items 1, 2, 3, 5, 15, 17, 19, 25, 26, 31 and 40 be considered as individual items. Mayor Leppert stated that consent agenda items 3, 6, 8, 9, 28, 44, 46, 47, 49, 71 and addendum addition consent agenda items 1, 2, 3, 5, 15, 17, 19, 25, 26, 31 and 40 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Hunt requested that consent agenda items 8, 46, 47 and addendum addition consent agenda items 11, 17, 18 and 19 be considered as individual items. Mayor Leppert stated that consent agenda items 8, 46, 47 and addendum addition consent agenda items 11, 17, 18 and 19 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Hunt's request.

Mayor Pro Tem Garcia moved to approve all items on the consent agenda with the exception of consent agenda items 3, 6, 8, 9, 28, 40, 44, 46, 47, 48, 49, 71 and addendum addition consent agenda items 1, 2, 3, 5, 11, 12, 13, 15, 17, 18, 19, 21, 23, 25, 26, 31 and 40 which would be considered later in the meeting.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3294

Item 2: Authorize a service contract for the purchase and installation of two outdoor mounted direct fire gas heating systems for the Southside Wastewater Treatment Plant - Powers MEP Engineering, Inc., lowest responsible bidder of two - Not to exceed \$88,500 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3295

Item 3: Authorize a nine-month master agreement for National Sanitation Foundation (NSF) 60 Dipotassium Orthophosphate to be used by Water Utilities - Simply Aquatics, Inc., lowest responsible bidder of two - Not to exceed \$514,836 - Financing: Water Utilities Current Funds

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

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3296

Item 4: Authorize a forty-eight-month professional services contract, with two twelve-month renewal options, for benefits consulting and actuarial services - Buck Consultants, LLC, most advantageous proposer of six - Not to exceed \$1,000,000 - Financing: Employee Benefits Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3297

Item 5: Authorize a sixty-month professional service contract for a Risk Management Consultant to provide consulting service and technical assistance which encompass all phases of risk management - Aon Risk Services Southwest, Inc., most advantageous proposer of three - Not to exceed \$625,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3298

Item 6: Authorize the purchase of six combination rotoboom and truck units - Southwest International Trucks, Inc. in the amount of \$416,560, and Heil of Texas in the amount of \$313,650, through BuyBoard, a Texas Local Government Purchasing Cooperative - Total not to exceed \$730,210 - Financing: 2006 Equipment Acquisition Contractual Obligation Notes (\$123,000), 2007 Equipment Acquisition Contractual Obligation Notes (\$242,105) and 2008 Equipment Acquisition Contractual Obligation Notes (\$365,105)

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

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

Councilmember Neumann moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia.

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

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Rasansky voting "No."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3299

Item 7: Authorize a thirty-six-month service contract, with three twelve-month renewal options, for repair and maintenance of the electrical transmission substations at the Southside Wastewater Treatment Plant and the Eastside Water Treatment Plant - National Switchgear Systems, Inc., lowest responsible bidder of two - Not to exceed \$1,016,611 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3300

Item 8: Authorize a thirty-six-month service contract for the purchase, installation, application hosting service and maintenance of Global Positioning System equipment for route optimization of Sanitation fleet vehicles - Remote Dynamics, Inc., most advantageous proposer of six - Not to exceed \$697,059 - Financing: Current Funds (subject to annual appropriations)

The City Secretary requested that consent agenda item 8 be considered as an individual item to allow citizens to speak. Mayor Leppert stated that consent agenda item 8 would be considered as an individual item later in the meeting, there being no objection voiced to the City Secretary's request.

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

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

The following individuals addressed the city council regarding the item:

Clarence E. Lindsey, 14785 Preston Rd., representing Enterprise ESP Service Provider  
Paul Black, 3303 Wendelkin St., representing Sanitation employees  
Mack Middleton, 220 East Overton Rd., representing Sanitation employees  
Steve Jackson, 2619 Kilburn Ave., representing Street Department  
Ealee Thompson, 2030 Old Field Dr., representing Sanitation employees

Councilmember Atkins moved to defer the item until the January 14, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3301

Item 9: Authorize the purchase of ten fire pumpers and four aerial ladder trucks - Metro Fire Apparatus Specialists, through the Houston-Galveston Area Council of Governments, a Texas Local Government Purchasing Cooperative - Total not exceed \$7,833,682 - Financing: 2006 Equipment Acquisition Contractual Obligation Notes (\$58,135), 2007 Equipment Acquisition Contractual Obligation Notes (\$574,497), 2008 Equipment Acquisition Contractual Obligation Notes (\$6,201,050), 2006 Bond Funds (Public Safety Facility Fund) (\$1,000,000)

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

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

Mayor Pro Tem Garcia 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."



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3302

Item 10: Authorize Supplemental Agreement No. 1 to the service contract with AudioFidelity Communication Corp. to provide and install additional audio and visual equipment for the Fusion Center at the Jack Evans Police Headquarters building - Not to exceed \$82,016, from \$514,968 to \$596,984 - Financing: 2005-06 Urban Area Security Initiative Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3303

Item 11: Authorize **(1)** the rejection of bids received for a twenty-four-month service contract for armed stationary and mobile security guards to patrol the Water Utilities facilities; and, **(2)** 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

DECEMBER 10, 2008

08-3304

Item 12: Authorize a professional services contract with the law firm of Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C. for legal services in matters related to the Atmos Energy Corporation, Mid-Tex Division's Statement of Intent to Increase Gas Utility Rates within the Incorporated Areas of the City of Dallas - Not to exceed \$110,000 - Financing: Current Funds (the full amount is reimbursable by Atmos Gas Corporation subject to approval by the Railroad Commission of Texas)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3305

Item 13: Authorize settlement of a claim filed by Community Waste Disposal, Claim  
No. 08219272 - Not to exceed \$15,907 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3306

Item 14: Authorize settlement of a claim filed by Esperanza Gamez, Claim No. 07191457 - Not to exceed \$6,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3307

Item 15: Authorize settlement of the lawsuit styled William Holeman v. City of Dallas,  
Cause No. 07-13666-M - Not to exceed \$80,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3308

Item 16: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Brown & Hofmeister, L.L.P., for additional legal services necessary in the lawsuit styled R. B. Barton et al. v. Jeffrey Nelson et al., Civil Action No. 3:08-CV-1151-B - Not to exceed \$75,000, from \$25,000 to \$100,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3309

Item 17: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. for additional legal services necessary in the lawsuit styled Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-B - Not to exceed \$130,000, from \$85,000 to \$215,000 - Financing: Current Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3310

Item 18: Authorize Supplemental Agreement No. 4 to the professional services contract with the law firm of Guida, Slavich & Flores, P.C., for additional legal services necessary in the lawsuits styled The Environmental Conservation Organization v. The City of Dallas, Civil Action No. 3:03-CV-2951-BD, Environmental Conservation Organization v. City of Dallas, No. 08-252, The Environmental Conservation Organization v. City of Dallas, No. 07-11247, and any other matters relating to the subject matter of these lawsuits - Not to exceed \$12,000, from \$1,150,000 to \$1,162,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3311

Item 19: Authorize a three-year Interlocal Agreement with Dallas County to provide Dallas County with two-way radio service, equipment, antenna space, microwave service, and radio system airtime for the period October 1, 2008 through September 30, 2011 - Revenue: \$304,580

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3312

Item 20: Authorize a five-year Interlocal Agreement with the City of Cockrell Hill to provide the City of Cockrell Hill with two-way radio maintenance service and radio system airtime for the period of June 1, 2008 through May 31, 2013 - Revenue: \$12,480

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3313

Item 21: Authorize a Memorandum of Understanding with the Society for the Prevention of Cruelty to Animals (SPCA of Texas) in preparation for, and responding to certain disaster situations including animal rescue, sheltering and transportation of animals at the request of the Office of Emergency Management and Dallas Animal Services - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3314

Item 22: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of three tracts of unimproved land containing a total of approximately 30 acres located near the intersection of Wintergreen and Houston School Roads for the Wintergreen Pump Station Project (list attached) - Not to exceed \$1,752,000 (\$1,740,000 plus closing costs not to exceed \$12,000) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3315

Item 23: Authorize settlement in lieu of proceeding with condemnation in City of Dallas vs. Bobby Barfield, Sabrina Barfield, Collin County, and City of Dallas, Defendants, Cause No. 002-1603-2008 for acquisition from Bobby Barfield and Sabrina Barfield of approximately 10,399 square feet of land located near the intersection of Creek Drive and Mapleshade Lane for the Upper McKamy Flood Control Improvement Project - \$202,259 (\$200,000 plus closing cost not to exceed \$2,259) - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3316

Item 24: Authorize settlement in lieu of proceeding with condemnation of a tract of unimproved land containing approximately 567 square feet from Shero Industrial Properties, L.P. located at the intersection of Cadiz Street and Industrial Boulevard for the Cadiz Pump Station Improvement Project - \$4,335 (\$2,835 plus closing costs not to exceed \$1,500) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3317

Item 25: Authorize settlement in lieu of proceeding with condemnation of approximately 184,158 square feet of unimproved land from Robert W. Williams, Sr. located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$96,016 (\$93,016 plus closing costs not to exceed \$3,000) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3318

Item 26: Authorize settlement in lieu of proceeding with condemnation of approximately 46,758 square feet of land improved with a 1,623 square foot single-family dwelling from Yvette Patton located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$127,451 (\$124,451 plus closing costs not to exceed \$3,000) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3319

Item 27: Authorize settlement in lieu of proceeding with condemnation of approximately 1,640 square feet of unimproved land from Felix Flores located near the intersection of Peak Street and Gaston Avenue for the relocation of a wastewater main - \$32,500 (\$30,000 plus closing costs not to exceed \$2,500)  
- Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3320

Item 28: Authorize settlement in lieu of proceeding with condemnation of approximately 2,000 square feet of unimproved land from Charles Krovetz located near the intersection of Peak Street and Gaston Avenue for the relocation of a wastewater main - \$38,500 (\$36,000 plus closing costs not to exceed \$2,500) - Financing: Water Utilities Capital Construction Funds

Councilmember Rasansky requested that consent agenda item 28 be considered as an individual item. Mayor Leppert stated that consent agenda item 28 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, consent agenda item 28 was brought up for consideration.

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

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Hill and unanimously adopted. (Rasansky abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3321

Item 29: Authorize settlement in lieu of proceeding with condemnation of approximately 2,139 square feet of unimproved land from MSC-1, Ltd. located near the intersection of Peak Street and Gaston Avenue for the relocation of a wastewater main - \$41,500 (\$39,000 plus closing costs not to exceed \$2,500) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3322

Item 30: Authorize settlement in lieu of proceeding with condemnation of approximately 2,279 square feet of unimproved land from J.D. Martin Properties, LLC located near the intersection of Peak Street and Gaston Avenue for the relocation of a wastewater main - \$43,500 (\$41,000 plus closing costs not to exceed \$2,500) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3323

Item 31: Authorize the deposit of a Special Commissioners' Award in City of Dallas v. Naomi Cook, et al., Cause No. 002-1604-2008, pending in the County Court at Law No. 2, for acquisition from Naomi Cook of approximately 10,399 square feet of land improved with a single family dwelling located near the intersection of Creek Drive and Mapleshade Lane for the Upper McKamy Flood Control Improvement Project - \$250,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3324

Item 32: Authorize an actual reasonable moving and related expenses-nonresidential payment for DFW A-1 Pallet, who was displaced as a direct result of real property acquisition of the property at 2101 Manana Road, to be used in conjunction with the Elm Fork Flood Protection Project - Not to exceed \$222,307 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3325

Item 33: Authorize replacement housing payment for homeowner, Hollis Polk, as a result of an order to vacate and demolish by the Urban Rehabilitation Standards Board - Not to exceed \$80,625 - Financing: 2008-09 Community Development Grant Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3326

Item 34: Authorize moving expense and replacement housing payments for Rachel Jimenez in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property for the new Dallas Police Academy - Not to exceed \$35,900 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3327

Item 35: Authorize moving expense and replacement housing payments for Esteban Castillo Melgarejo and Deyci Santos in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property for the new Dallas Police Academy - Not to exceed \$42,900 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3328

Item 36: Authorize an increase in the replacement housing payment for homeowner, Lena Davis, previously approved on August 22, 2007 by Resolution No. 07-2345, due to the inability to find a decent, safe, and sanitary replacement home for the \$22,500 - Not to exceed \$61,400, from \$22,500 to \$83,900 - Financing: 2008-09 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3329

Item 37: An ordinance abandoning a portion of Flora Street to the Dallas Independent School District, the abutting owner, containing approximately 1,003 square feet of land located near the intersection of Flora and Routh Streets, authorizing the quitclaim, and providing for the dedication of approximately 1,039 square feet of land needed for street right-of-way - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27411

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3330

Item 38: An ordinance abandoning a portion of a fire lane easement to DCO Bennett Development, LP, the abutting owner, containing approximately 2,000 square feet of land located near the intersection of Bennett and Capitol Avenues - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27412

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3331

Item 39: An ordinance abandoning portions of wastewater and sanitary sewer easements to Golden King Properties, the abutting owner, containing approximately 1,722 square feet of land located near the intersection of Garland Road and Winsted Avenue - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27413

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3332

Item 40: An ordinance abandoning portions of water easements to The Episcopal School of Dallas, Inc., the abutting owner, containing a total of approximately 8,210 square feet of land located near the intersection of Montwood Lane and Midway Road - Revenue: \$5,400 plus the \$20 ordinance publication fee

Mayor Leppert requested that consent agenda item 40 be considered as an individual item. Mayor Leppert stated that consent agenda item 40 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Leppert's request.

Later in the meeting, consent agenda item 41 was brought up for consideration.

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

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Medrano and unanimously adopted. (Leppert abstain)

Assigned ORDINANCE NO. 27414

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3333

Item 41: An ordinance granting a private license to the Dallas Independent School District for the use of approximately 60 square feet of land, to construct and maintain a subsurface communications conduit under a portion of Haskell Avenue right-of-way - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27415



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3334

Item 42: An ordinance granting a revocable license to 7-Eleven, Inc. for the installation and maintenance of two projecting attached signs, one attached facade sign, and one canopy over portions of Commerce Street and Field Streets rights-of-way located near the intersection of Commerce Street and Field Street - Revenue: \$3,000 one-time fee plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27416

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3335

Item 43: An ordinance granting a revocable license to Sangria, L.L.C. for the use of approximately 338 square feet of land to install and maintain a sidewalk café on a portion of Cole Avenue right-of-way located near its intersection with Knox Avenue - Revenue: \$1,035 annual fee plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27417

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3336

Item 44: An ordinance amending Chapter 54, "Dallas Plumbing Code, as amended," of the Dallas City Code by amending Appendix J, "Standard for Designing, Installing, and Maintaining Landscape Irrigation Systems" and Chapter 57, "Dallas One and Two-Family Dwelling Code, as amended," of the Dallas City Code by amending Appendix A; providing compliance with the requirements of the Texas Commission on Environmental Quality - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 44 be considered as an individual item. Mayor Leppert stated that consent agenda item 44 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

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

Councilmember Rasansky moved to pass the ordinance with the following changes:

- Use state regulations of 4 inches

Motion seconded by Councilmember Koop and unanimously adopted.

Assigned ORDINANCE NO. 27418

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3337

Item 45: An ordinance amending Chapter 56 of the Dallas City Code, "Dallas Electrical Code", to adopt the 2008 National Electrical Code, with local amendments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27419

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3338

**City Center TIF District**

**Note:** Item Nos. 46 and 47 must be considered collectively.

Item 46: Authorize **(1)** a development agreement with Brian Foster for the redevelopment of 1400 Main Street located in Tax Increment Financing Reinvestment Zone Five (City Center TIF District); and **(2)** the City Center TIF District Board of Directors intent to dedicate future tax increment revenue of the City Center TIF District in an amount not to exceed \$475,000 - Not to exceed \$475,000 - Financing: City Center TIF District Funds

Councilmember Rasansky and Councilmember Hunt requested that consent agenda item 46 be considered as an individual item. Mayor Leppert stated that consent agenda item 46 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky and Councilmember Hunt's request.

Later in the meeting, consent agenda item 46 was brought up for consideration.

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

Councilmember Hunt moved to defer the item until the January 28, 2009 voting agenda meeting of the city council at the request of the City of Dallas staff, to allow further consideration by the City Center TIF District Board of Directors.

Motion seconded by Councilmember Kadane and unanimously adopted. (Rasansky abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3339

**City Center TIF District**

**Note:** Item Nos. 46 and 47 must be considered collectively.

Item 47: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Five (City Center TIF District) to reimburse Brian Foster for eligible expenditures pursuant to the development agreement with Brian Foster - Financing: No cost consideration to the City

Councilmember Rasansky and Councilmember Hunt requested that consent agenda item 47 be considered as an individual item. Mayor Leppert stated that consent agenda item 47 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky and Councilmember Hunt's request.

Later in the meeting, consent agenda item 47 was brought up for consideration.

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

Councilmember Hunt moved to defer the item until the January 28, 2009 voting agenda meeting of the city council at the request of the City of Dallas staff, to allow further consideration by the City Center TIF District Board of Directors.

Motion seconded by Councilmember Kadane and unanimously adopted. (Rasansky abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3340

Item 48: Authorize a construction contract for heating, ventilation, and air conditioning replacement for Fretz Park Library located at 6990 Beltline Road - American Mechanical Services of Texas, LLC, lowest responsible bidder of four - Not to exceed \$268,035 - Financing: 2006 Bond Funds (\$250,000) and 2003 Bond Funds (\$18,035)

Councilmember Rasansky requested that consent agenda item 48 be considered as an individual item. Mayor Leppert stated that consent agenda item 48 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

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

Councilmember Koop moved to approve the item.

Motion seconded by Councilmember Medrano and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3341

Item 49: Authorize a professional services contract with Campos Engineering, Inc., to provide engineering and design services for improvements to the electrical, mechanical and air handling systems for the Data Center located at 1500 Marilla Street - Not to exceed \$300,000 - Financing: 2008A Combination Tax and Revenue Certificates of Obligation

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

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

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3342

Item 50: Authorize the acceptance of additional grant funds from the Dallas Housing Finance Corporation for the purpose of providing emergency and warranty home repairs for low-income qualified families under the Home Repair Program - \$125,000, from \$38,272 to \$163,272 - Financing: Dallas Housing Finance Corporation Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3343

Item 51: Authorize the acceptance of the 2008 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Area Security Initiative, the State Homeland Security Program and the Metropolitan Medical Response System to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 5, 2008 through March 15, 2011 - Not to exceed \$8,053,868 - Financing: U.S. Department of Homeland Security Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3344

Item 52: An ordinance approving Dallas-Fort Worth International Airport Board Resolution No. 2008-09-218 which amends Chapter 3, Section 3 of the Code of Rules and Regulations of the Dallas Fort-Worth International Airport Board to permit the possession of animals at the airport incidental to airport-operated or tenant-operated pet care facilities - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27420

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3345

Item 53: Authorize **(1)** the acceptance of a federal grant through the Texas State Library for Family Literacy Programs for the period September 1, 2008 through May 31, 2009; and **(2)** execution of the grant agreement - Not to exceed \$75,000 - Financing: Texas State Library and Archives Commission Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3346

Item 54: Authorize a professional services contract with Saitas and Seales to provide consultant services in matters related to environmental issues for the period January 1, 2009 through December 31, 2009 - Not to exceed \$75,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3347

Item 55: A resolution extending the City Council's decision deadline for Atmos Energy Corporation's proposed new gas rate schedules for 90 days, from the effective date of the filing from December 11, 2008 to March 11, 2009 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3348

Item 56: Authorize a professional services contract with Diversified Utility Consultants, Inc., for expert consulting services and testimony in matters related to the statement of intent for Atmos Energy Corporation, Mid-Tex Division to change rates in the City of Dallas, filed November 5, 2008 - Not to exceed \$75,000 - Financing: Current Funds (to be fully reimbursed by Atmos Energy)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3349

Item 57: Authorize a contract for the reconstruction of the Esplanade fountain, including reconstruction of the fountain basin, historic lights, historic pylon and paving; construction of new water features, mechanical equipment, underground vaults, electrical equipment, and landscaping; and restoration of the Parry Avenue gate at Fair Park - Rogers-O'Brien Construction Company, Inc., best value proposer of four - Not to exceed \$12,664,365 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3350

Item 58: Authorize a contract for erosion control improvements at Anderson Bonner Park and trail improvements and site furnishings at White Rock Creek Greenbelt - Riverway Contractors and Management, Inc., lowest responsible bidder of three - Not to exceed \$1,135,680 - Financing: 2003 Bond Funds (\$758,217) and 2006 Bond Funds (\$377,463)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3351

Item 59: Authorize a ten-year park beautification partnership program agreement with Cedar Springs Lofts Condominium Association, Inc. to maintain public property at Harry Hines Triangle, bounded by Harry Hines Boulevard, Cedar Springs Road, Ashland Street and Harwood Street - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3352

Item 60: Authorize a ten-year agreement with two five-year renewal options, with Dallas Radio Control Flying Club for the placement, operation, and development of a radio control flying field at Simonds Lake Park located at 1911 Bowers Road, Seagoville, Texas - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3353

Item 61: Authorize **(1)** the acceptance and execution of a grant in the amount of \$1,000,000 from the Texas Parks and Wildlife Department for property acquisition and Phase I development of the Elm Fork Athletic Complex located near the 2200 Block of Walnut Hill Lane, **(2)** the allocation of \$1,000,000 in 2003 and 2006 Bond Funds for the City's required match of the grant; and **(3)** establishment of appropriations in the amount of \$1,000,000 in the Texas Parks and Wildlife Grant Fund - \$2,000,000 - Financing: 2003 Bond Funds (\$500,000), 2006 Bond Funds (\$500,000) and Texas Parks and Wildlife Grant Funds (\$1,000,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3354

Item 62: Authorize **(1)** the acceptance of a reimbursable matching grant from Preserve America Grant Program in the amount of \$250,000, **(2)** a grant agreement with the United States Department of the Interior, administered by the National Park Service, for a visitor information booth, permanent outdoor exhibit, interpretive signage and printed materials at Fair Park; and **(3)** the establishment of appropriations in the amount of \$250,000 in the Preserve America Grant Fund - \$500,000 - Financing: 2003 Bond Funds (\$250,000) and Preserve America Grant Funds (\$250,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3355

Item 63: Authorize **(1)** an application for and acceptance of the 2008 Internet Crimes Against Children grant No. 2008-MC-CX-K024 in the amount of \$489,319 from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, for response to the sexual abuse and exploitation of children facilitated by the use of computer technology related to the investigation of Internet-facilitated child exploitation, for the period September 1, 2008 through August 31, 2009; and **(2)** execution of the grant agreement - Not to exceed \$489,319 - Financing: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3356

Item 64: Authorize **(1)** an application for and acceptance of the 2008 Internet Crimes Against Children Training and Equipment grant No. 2008-MC-CX-K026 in the amount of \$60,681 from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, to sponsor a training conference and purchase computer equipment to investigate and prosecute web-related crimes for response to the sexual abuse and exploitation of children facilitated by the use of computer technology related to the investigation of Internet-facilitated child exploitation, for the period September 1, 2008 through August 31, 2009; and **(2)** execution of the grant agreement - Not to exceed \$60,681 - Financing: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3357

Item 65: Authorize Cooperative Working Agreements with Arlington Police Department in the amount of \$15,000, Garland Police Department in the amount of \$4,500, Longview Police Department in the amount of \$15,000, Tarrant County District Attorney's Office in the amount of \$15,000, Dallas County District Attorney's Office in the amount of \$5,000, Lubbock County District Attorney's Office in the amount of \$4,500, Potter County District Attorney's Office in the amount of \$4,500, Collin County Sheriff's Office in the amount of \$4,500, Taylor County Sheriff's Office in the amount of \$4,500, the Dallas Children's Advocacy Center in the amount of \$12,000 for the investigation, prosecution, education and counseling activities related to the Dallas Internet Crimes Against Children Task Force, and the Fox Valley Technical College sponsor of the Internet Crimes Against Children Technical Training and Assistance Program in the amount of \$93,845, for the period September 1, 2008 through August 31, 2009 - Total not to exceed \$178,345 - Financing: 2008 Internet Crimes Against Children Grant Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3358

Item 66: Authorize **(1)** the application for and acceptance of the 2008 Project Safe Neighborhood/Anti-Gang initiative grant in the amount of \$30,000 from the U.S. Department Justice, Office of Justice Programs, Bureau of Justice Assistance for Gang Unit officer overtime reimbursement to combat gangs, guns and drug activity for the period October 1, 2008 through September 30, 2011, **(2)** a local match in the amount of \$8,250, and **(3)** execution of the grant agreement - Total not to exceed \$38,250 - Financing: U.S. Department of Justice Grant Funds (\$30,000), and Current Funds (\$8,250)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3359

Item 67: Authorize **(1)** the application for and acceptance of the 2008 Project Safe Neighborhood/Anti-Gang initiative grant in the amount of \$12,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for overtime reimbursement for the Dallas/Fort Worth Fugitive Apprehension Strike Team to utilize Dallas Police Department Task Force officers to investigate and apprehend violent fugitives, including gang members and gang associates for the period October 1, 2008 through September 30, 2011, **(2)** a local match in the amount of \$3,330, and **(3)** execution of the grant agreement - Total not to exceed \$15,330 - Financing: U.S. Department of Justice Grant Funds (\$12,000), and Current Funds (\$3,330)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3360

Item 68: Authorize **(1)** the application for and acceptance of the Impaired Driving Mobilization Selective Traffic Enforcement Program, Overtime Enforcement grant in the amount of \$89,949 from the Texas Department of Transportation for a statewide Driving While Intoxicated enforcement campaign to operate during various holiday periods, for the period December 19, 2008 through September 7, 2009, **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$25,398, and **(3)** execution of the grant agreement - Total not to exceed \$115,347 - Financing: Current Funds (\$25,398) and Texas Department of Transportation Grant Funds (\$89,949)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3361

Item 69: Authorize a contract for the reconstruction of street paving, storm drainage and water main improvements on Fox Creek Trail from Mountain Creek Parkway to FM 1382 - Jeske Construction Company, lowest responsible bidder of nine - Not to exceed \$1,789,433 - Financing: 2003 Bond Funds (\$1,560,256) and Water Utilities Capital Construction Funds (\$229,177)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3362

Item 70: Authorize **(1)** Supplemental Agreement No. 14 to the contract with Jacobs Engineering Group, Inc. (formerly Carter & Burgess, Inc.) for additional design services for the preparation of construction drawings and specifications and the construction administration services for the relocation of the airfield lighting vaults at Dallas Love Field in the amount of \$163,047, from \$4,479,520 to \$4,642,567; and **(2)** an increase in appropriations in an amount not to exceed \$250,000 in the Aviation Capital Improvement Fund - Not to exceed \$163,047 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3363

Item 71: Authorize Supplemental Agreement No. 4 to the Interlocal Agreement with the North Texas Tollway Authority (NTTA) and Texas Department of Transportation to increase the escrow of City funds for disbursement to NTTA to continue with the next phase of work to include the schematic design and real estate activities associated with the Trinity Parkway Environmental Impact Statement - \$4,500,000, from \$10,000,000 to \$14,500,000 - Financing: 1998 Bond Funds

Councilmember Neumann and Councilmember Rasansky requested that consent agenda item 71 be considered as an individual item. Mayor Leppert stated that consent agenda item 71 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, consent agenda item 71 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Kadane.

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

Voting Yes: [14] Leppert, Garcia, Caraway, Medrano, Neumann, Hill, Salazar, Davis,  
Atkins, Kadane, Allen, Koop, Natinsky, Rasansky

Voting No: [1] Hunt

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3364

Item 72: Authorize continuation of the contract with the Department of Interior-United States Geological Survey for operation of streamflow and water quality gauging stations in the Trinity River basin, a bromide loading study in the Red River in the Red River basin, a lake evaporation station on Lake Lewisville and a pharmaceutical and personal care products water quality study on the Trinity River from December 10, 2008 through September 30, 2009 - \$287,167 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3365

Item 73: Ratify an emergency purchase of approximately 60 linear feet of 66-inch pipe and four stainless steel clamps to repair a water main located on Daniieldale Road between Hampton and Interstate 35 - Hanson Concrete Products, Inc. - Not to exceed \$103,760 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3366

Item 74: Authorize a contract for the installation of water and wastewater mains at 17 locations (list attached) - Atkins Bros. Equipment Co., Inc., lowest responsible bidder of four - \$4,411,933 - Financing: Water Utilities Capital Improvement Funds (\$4,399,787) and 2003 Bond Funds (\$12,146)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3367

Item 75: Authorize a contract with North Texas Municipal Water District for the exchange of its permitted return flows in Lake Ray Hubbard and the Elm Fork of the Trinity River for an equivalent volume of Dallas' permitted return flows from Dallas' Central and Southside wastewater treatment plants - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3368

Item 76: Authorize an amendment to the existing contract with Keystone Exploration, Ltd. to purchase untreated water from Grapevine Lake for a period of one year, from December 10, 2008 to December 9, 2009 for drilling and fracing a gas well in Flower Mound, Texas - Estimated Revenue: \$3,212

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3369

Item 77: Authorize Supplemental Agreement No. 1 to the professional services contract with Malcolm Pirnie, Inc. to provide additional design phase services and construction administration services for the proposed dewatering facility at the Southside Wastewater Treatment Plant - \$1,783,485, from \$2,785,165 to \$4,568,650 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3370

08-3371

Item 78: 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)

During the executive session, prior to appointment of boards and commission nominees, the City Council considered the appointment of David Wilson, nominee to the Board of Adjustment, authorized by Section 551.074, Personnel Matters, of the Texas Open Meetings Act to confer with the city attorney.

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 DECEMBER 10, 2008.

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

Councilmember Natinsky moved to appoint James W. Welch, Interested Citizen, to the Cultural Affairs Commission; Robert W. Ivey, Qualified Voter, to the Reinvestment Zone One Board (State-Thomas); J.B. Jones, Qualified Voter, to the Reinvestment Zone Fifteen Board (Fort Worth Avenue); and Lee Raphael, Active Community Involvement, to the South Dallas/Fair Park Trust Fund Board.

Motion seconded Councilmember Atkins and unanimously adopted.

Councilmember Natinsky 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.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-3370

08-3371

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

<b>08-5297</b>	<b>BOA BOARD OF ADJUSTMENT</b>
<b>08-5298</b>	<b>CAC CULTURAL AFFAIRS COMMISSION</b>
<b>08-5299</b>	<b>CSX CIVIL SERVICE BOARD ADJUNCT MEMBERS</b>
<b>08-5300</b>	<b>EHC ENVIRONMENTAL HEALTH COMMISSION</b>
<b>08-5301</b>	<b>RZ01 REINVESTMENT ZONE ONE BOARD (STATE-THOMAS)</b>
<b>08-5302</b>	<b>RZ15 REINVESTMENT ZONE FIFTEEN BOARD (FORT WORTH AVENUE)</b>
<b>08-5303</b>	<b>SDF SOUTH DALLAS/FAIR PARK TRUST FUND BOARD</b>

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3372

Item 79: Authorize **(1)** a development agreement with Motor Street Apartments Limited Partnership, to provide funding for the design, engineering, professional services, and construction of public infrastructure improvements for the Alexan Farmers Market Project located in Tax Increment Financing Reinvestment Zone Number Six (Farmers Market TIF District); and **(2)** the Farmers Market TIF District Board of Directors to dedicate up to \$2,687,500 from Farmers Market TIF revenues in accordance with the development agreement - \$2,687,500 - Financing: Farmers Market TIF District Funds

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3373

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 80-88 and addendum addition agenda items 42 and 43, was presented for consideration.

Agenda items 83, 84 and addendum addition agenda items 43 were removed from the consent zoning docket, to be considered as individual hearings.

- Agenda item 80: Zoning Case Z078-155 (MWW)
- Agenda item 81: Zoning Case Z078-272 (WE)
- Agenda item 82: Zoning Case Z078-284 (JA)
- ~~Agenda item 83: Zoning Case Z078-290 (WE) [considered individually]~~
- ~~Agenda item 84: Zoning Case Z078-292 (JH) [considered individually]~~
- Agenda item 85: Zoning Case Z078-294 WE)
- Agenda item 86: Zoning Case Z078-295 (WE)
- Agenda item 87: Zoning Case Z078-297 (WE)
- Agenda item 88: Zoning Case Z078-311 (JH)
- Addendum agenda item 42: Zoning Case Z078-302 (OTH)
- ~~Addendum agenda item 43: Zoning Case Z089-110 (MAW) [considered individually]~~

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

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

Motion seconded by Councilmember Kadane and unanimously adopted. (Garcia absent when vote taken)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3374

Item 80: Zoning Case Z078-155 (MWW)

The consent zoning docket, consisting of agenda items 80-88 and addendum addition agenda items 42 and 43, was presented for consideration.

A public hearing was called on zoning case Z078-155 (MWW), to receive comments regarding a Landmark Commission authorized hearing to consider expansion of the Harwood Historic District Overlay No. 48, and creation of a subdistrict on property zoned Planned Development District No. 619 and Historic Overlay No. 48 on a portion of the site on the northeast corner of St. Paul Street and Commerce Street with revisions to preservation criteria and exhibits and an ordinance granting an expansion

(The staff and city plan commission recommended approval, subject to preservation criteria)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27421

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3375

Item 81: Zoning Case Z078-272 (WE)

The consent zoning docket, consisting of agenda items 80-88 and addendum addition agenda items 42 and 43, was presented for consideration.

A public hearing was called on zoning case Z078-272 (WE), an application for and an ordinance granting an MU-1-D-1 Mixed Use District with a D-1 Liquor Control Overlay and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and Guard Road

(The staff and city plan commission recommended approval; subject to a deed restrictions volunteered by the applicant and retention of the D-1 Liquor Control Overlay)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27422

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3376

Item 82: Zoning Case Z078-284 (JA)

The consent zoning docket, consisting of agenda items 80-88 and addendum addition agenda items 42 and 43, was presented for consideration.

A public hearing was called on zoning case Z078-284 (JA), to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Tract IIA within Conservation District No. 6, the Hollywood Heights/Santa Monica Conservation District, on property zoned a CR Community Retail District and Tract IIA of CD No. 6 on both sides of Shadyside Lane between Vivian Avenue and Lindsley Avenue, and the northeast side of Shadyside Lane between Vivian Avenue and East Grand 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.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27423

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3377

Item 83: Zoning Case Z078-290 (WE)

The consent zoning docket, consisting of agenda items 80-88 and addendum addition agenda items 42 and 43, was presented for consideration.

Councilmember Rasansky requested that zoning consent item 83 be considered as an individual item. Mayor Leppert stated that zoning consent item 83 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 Z078-290 (WE), an application for and an ordinance granting a Specific Use Permit for a commercial amusement (inside) use for an amusement center on property zoned a CR Community Retail District, on the southeast corner of Forest Lane and Marsh Lane

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

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

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

Aimee Griffiths, 4816 Twin Post Road, representing G & G Pizza Partners, Inc.  
Paul Griffiths, 4816 Twin Post Road, representing G & G Pizza Partners, Inc.

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

- The commercial amusement (inside) use limited to an amusement center is only permitted when sharing floor area with a restaurant with a certificate of occupancy as a restaurant without drive-in or drive-through service.
- A minimum six-foot-high solid brick or concrete screening fence must be maintained along the southern boundary of the property, as shown on the attached site plan.
- No light standards over 5 feet 6 inches along the southern boundary.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-3377

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- The commercial amusement (inside) use may only operate 11:00 a.m. through 8:00 p.m. Sunday through Thursday and between 10 a.m. through 10 p.m. on Friday and Saturday with the exception on Sunday to open at 12:00 p.m. (noon).
- The Specific Use Permit approval is recommended for two years only.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27424

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3378

Item 84: Zoning Case Z078-292 (JH)

The consent zoning docket, consisting of agenda items 80-88 and addendum addition agenda items 42 and 43, was presented for consideration.

Councilmember Hill requested that zoning consent item 84 be considered as an individual item. Mayor Leppert stated that zoning consent item 84 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 Z078-292 (JH), an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned an R-7.5(A) Single Family District west of Polk Street, south of Drury Drive

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

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

Councilmember Hill moved to close the public hearing and approve Specific Use Permit No. 1732 with the following addition:

- An eight-foot high solid masonry screening wall and an evergreen hedge consisting of evergreen plant materials (e.g. holly) that are a minimum of three feet in height and capable of reaching a solid appearance within three years must be provided and maintained in the locations shown on the attached site plan. The evergreen hedge must be maintained in a healthy, growing condition.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27425

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3379

Item 85: Zoning Case Z078-294 (WE)

The consent zoning docket, consisting of agenda items 80-88 and addendum addition agenda items 42 and 43, was presented for consideration.

A public hearing was called on zoning case Z078-294 (WE), an application for and an ordinance granting a Specific Use Permit for a Tower/antenna for cellular communication on property zoned Planned Development District No. 644 for a public school and R-7.5(A) Single Family uses on the southeast corner of Marsh Lane and Clover Lane

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27426

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3380

Item 86: Zoning Case Z078-295 (WE)

The consent zoning docket, consisting of agenda items 80-88 and addendum addition agenda items 42 and 43, was presented for consideration.

A public hearing was called on zoning case Z078-295 (WE), an application for and an ordinance granting for a Specific Use Permit for a metal salvage facility on property zoned Planned Development District No. 406, the Ledbetter/Eagle Ford Special Purpose District, in an area generally bounded by Ruder Street, Progressive Drive and Chippewa Drive

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27427



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3381

Item 87: Zoning Case Z078-297 (WE)

The consent zoning docket, consisting of agenda items 80-88 and addendum addition agenda items 42 and 43, was presented for consideration.

A public hearing was called on zoning case Z078-297 (WE), an application for and an ordinance granting a Specific Use Permit for a child-care facility within Tract 2A of Planned Development District No. 160 for residential and office uses, on the west side of Bishop Avenue, between 5<sup>th</sup> Street and Neches Street

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27428

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3382

Item 88: Zoning Case Z078-311 (JH)

The consent zoning docket, consisting of agenda items 80-88 and addendum addition agenda items 42 and 43, was presented for consideration.

A public hearing was called on zoning case Z078-311 (JH), an application for and an ordinance granting an amendment to and expansion of Specific Use Permit No. 1661 for an open-enrollment charter school on property zoned an IR Industrial Research District bounded by Hampton Road, Beckleymeade Avenue, Stoneview Drive, and Westfall Drive

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27429

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3383

Item 89: Zoning Case Z078-277 (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 Z078-277 (MAW), an application for an MF-1(A) Multifamily District with deed restrictions volunteered by the applicant on property zoned a CR-D Community Retail District with a D Liquor Control Overlay and an R-7.5(A) Single Family District on the south side of Lake June Road, east of Hawley Lane

(The staff recommended approval subject to deed restrictions volunteered by the applicant and retention of the D Liquor Control Overlay on a portion of the site.and city plan commission recommended denial)

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

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

Stuart Pully, representing Federal Senior Housing, LLC

Councilmember Hill moved to remand back to the city plan commission.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3384

Item 90: Zoning Case Z078-256 (RB) INDIVIDUAL

A public hearing was called on zoning case Z078-256 (RB), to receive comments regarding a City Council authorized hearing with consideration being given to determining the land use compatibility of Specific Use Permit No. 1222 for a Commercial amusement (inside) use for a Class A Dance hall on property zoned a CR Community Retail District on the northeast line of Gaston Avenue, northwest of Garland Road and an ordinance repealing Specific Use Permit No. 1222

(The city plan commission recommended Repeal of Specific Use Permit No. 1222)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3385

Item 91: 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)

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

Art Anderson, 1201 Elm St., representing Winstead PC  
Louis Okon, 2001 S. Industrial Boulevard, representing HML Holdings  
John Hargrove, 10455 Yorkford, representing Orr Reed Wrecking  
Paul Hardie, 1120 Rock Island St., representing Industrial Electric Equipment Inc. and Hurt and Hardie Inc.

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

Councilmember Neumann moved to continue the public hearing and hold under advisement until the February 25, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3386

Item 92: Zoning Case Z078-279 (SA) 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 Z078-279 (SA), an application for a Specific Use Permit for a Metal Salvage Facility on property zoned an IM Industrial Manufacturing District on the southeast corner of Dearborn Street and Industrial Boulevard

(The staff and city plan commission recommended denial)

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

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

Paul Hardie, 1119 S. Industrial Bouvelard, representing Industrial Electric Equipment Inc. and Hurt and Hardie Inc.

Councilmember Medrano moved to close the public hearing, and accept the recommendation of the city plan commission to deny.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3387

Item 93: Zoning Case Z078-151 (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 Z078-151 (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)

Note: This item was considered by the City Council at public hearings on October 22, 2008, and was held under advisement until December 10, 2008, with the public hearing open.

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

Councilmember Neumann moved to continue the public hearing and hold under advisement until the January 14, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Kadane and unanimously adopted. (Garcia absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3388

Item 94: Zoning Case Z078-228 (WE) 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 Z078-228 (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 restrictions volunteered by the applicant

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

Note: This item was considered by the City Council at public hearings on October 22, 2008, and was held under advisement until DECEMBER 10, 2008, with the public hearing open.

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

Councilmember Neumann moved to close the public hearing and accept the recommendation of the staff to deny without prejudice.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3389

Item 95: DEVELOPMENT CODE AMENDMENTS

A public hearing to receive comments regarding consideration of amendments to Sections 51A-1.105 and 51A-4.501 in Chapter 51A of the Dallas Development Code, to amend the provisions for regulations pertaining to appeals of the Landmark Commission decisions and an ordinance granting the amendments

(The staff and city plan commission recommended approval)

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

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

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

Assigned ORDINANCE NO. 27430

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3390

Item 96: A public hearing to receive comments regarding a proposal for and an ordinance waiving certain street name change standards and changing the name of Yale Boulevard between US 75/Central Expressway and Greenville Avenue to SMU Boulevard - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 27431

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3391

**TOD TIF District**

**Note:** Item Nos. 97 and 98  
must be considered collectively.

Item 97: A public hearing to receive comments concerning the creation of Tax Increment Financing Reinvestment Zone Number Seventeen for several areas adjacent to DART Light Rail stations for transit-oriented development projects to be known as the TOD TIF District under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311) - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Natinsky moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3392

**TOD TIF District**

**Note:** Item Nos. 97 and 98  
must be considered collectively.

Item 98: An ordinance establishing Tax Increment Financing Reinvestment Zone Number Seventeen to be known as the TOD TIF District under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311) - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Natinsky moved to pass the ordinance.

Motion seconded by Councilmember Hill and unanimously adopted.

Assigned ORDINANCE NO.27432

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3393

**Southwestern Medical TIF District**

**Note:** Item Nos. 99 and 100  
must be considered collectively

Item 99: A public hearing to receive comments on an amendment to Tax Increment Financing Reinvestment Zone Number Ten (Southwestern Medical TIF District) Project Plan and Reinvestment Zone Financing Plan (Project Plan) (1) to increase the geographic area of the Southwestern Medical TIF District to include the area bounded by Harry Hines Boulevard, Inwood Road and Maple Avenue and the area bounded by Production Drive, Hawthorne Avenue and Afton Street (excludes the single-family houses at the corner of Hawthorne Avenue and Afton Street); (2) support development of the private bio-medical industry and applied research associated with UT Southwestern Medical Center; (3) improve pedestrian connections between DART's Parkland light rail station and adjacent neighborhoods to the north and the south; (4) add Bio-Medical Industry development as an eligible category for TIF spending under the budget for the Southwestern Medical TIF District; and (5) increase the total TIF budget from \$10,777,998 to \$18,418,663 (an increase of \$7,640,665, NPV in 2006 dollars) - Financing: No cost consideration to the City

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

No one addressed the city council regarding the item.

Councilmember Medrano moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3394

**Southwestern Medical TIF District**

**Note:** Item Nos. 99 and 100  
must be considered collectively

Item 100: An ordinance amending Ordinance Nos. 25965, previously approved on April 27, 2005 and 26204, previously approved on January 11, 2006, to increase the geographic area of the Southwestern Medical TIF District to include the area bounded by Harry Hines Boulevard, Inwood Road and Maple Avenue and the area bounded by Production Drive, Hawthorne Avenue and Afton Street (excludes the single-family houses at the corner of Hawthorne Avenue and Afton Street) - Financing: No cost consideration to the City

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

No one addressed the city council regarding the item.

Councilmember Medrano moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27433

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3395

**Downtown Connection TIF District**

**Note:** Item Nos. 101 and 102  
must be considered collectively.

Item 101: A public hearing to receive comments on an amendment to the Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District) Project Plan and Reinvestment Zone Financing Plan (Project Plan) to increase the geographic area of the Downtown Connection TIF District to include 2307 Caroline Street, 2311 Caroline Street, 1600 Ashland Street, and 1601 Cedar Springs Road under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311) - Financing: No cost consideration to the City

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

No one addressed the city council regarding the item.

Councilmember Hunt moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3396

**Downtown Connection TIF District**

**Note:** Item Nos. 101 and 102  
must be considered collectively.

Item 102: An ordinance amending Ordinance Nos. 26020 and 26096, passed on June 8, 2005 and August 29, 2005, respectively, to increase the geographic area of the Downtown Connection TIF District to include 2307 Caroline Street, 2311 Caroline Street, 1600 Ashland Street, and 1601 Cedar Springs Road - Financing: No cost consideration to the City

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

No one addressed the city council regarding the item.

Councilmember Hunt moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27434



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3397

**Maple/Mockingbird TIF District**

**Note:** Item Nos. 103 and 104  
must be considered collectively.

Item 103: A public hearing to receive comments concerning the creation of Tax Increment Financing Reinvestment Zone Number Eighteen for the Maple/Mockingbird area to be known as the Maple/Mockingbird TIF District under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311) - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Carol A. Shuey, 5305 Fleetwood Oaks Ave.

Councilmember Medrano moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3398

**Maple/Mockingbird TIF District**

**Note:** Item Nos. 103 and 104  
must be considered collectively.

Item 104: An ordinance establishing Tax Increment Financing Reinvestment Zone Number Eighteen to be known as the Maple/Mockingbird TIF District under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311) - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Carol A. Shuey, 5305 Fleetwood Oaks Ave.

Councilmember Medrano moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27435

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3399

Item 105: Authorize **(1)** a public hearing to receive comments on the FY 2008-09 Consolidated Plan Reprogramming Budget #2 proposed use of funds; and **(2)** final adoption of the FY 2008-09 Consolidated Plan Reprogramming Budget #2 to: **(a)** reallocate \$259,440 of HOME Funds from the Mortgage Assistance Program to the Reconstruction/SHARE Program and \$518,880 of Community Development Grant Funds from the Reconstruction/SHARE program to People Helping People, a Volunteer Home repair program; and **(b)** adjust appropriations to reflect realignment of Code Compliance Services by increasing Code Compliance Services by \$258,659 and decreasing City Attorney's Office appropriation by the same amount - Not to exceed \$778,320 - Financing: 2008-09 HOME Funds (\$259,440) and 2008-09 Community Development Grant Funds (\$518,880)

No one addressed the city council regarding the item.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3400

Item 106: A public hearing to receive comments on the proposed use of the Juanita J. Craft Park and Recreation Center for the development and operation of a community wellness center dedicated to providing charity care and health services for diabetes care and prevention, to be named, subject to all required approvals, the "Health and Wellness Institute at Juanita J. Craft Center" - Financing: No cost consideration to the City

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.

The following individuals addressed the city council regarding the item:

Willie Mae Coleman, 3802 York St.  
Frank Ward, P. O. Box 50694  
Jewel Floyd, 3815 Myrtle St.  
Gwain Wooten, 4625 Bryan

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

Motion seconded by Councilmember Allen and unanimously adopted. (Leppert abstain; Garcia, Rasansky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

Closed Session [**08-3401; HELD**]

5ES

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

- City of Dallas v. Jack Gouge, Cause No. 08-00309-E
- City of Dallas v. Virginia Aerospace, L.L.C. and Love Terminal Partners, L.P., Cause No. JE-0802085-P, Virginia Aerospace, L.L.C. and Love Terminal Partners, L.P. v. City of Dallas, Cause No. 08-15110-E
- James Curtis Giles v. City of Dallas, et al., Civil Action No. 3:08-CV-1767-D, Billy James Smith v. City of Dallas, et al., Civil Action No. 3:07-CV-1413-O, James Douglas Waller v. City of Dallas, et al., Civil Action No. 3:08-CV-0728-M, Charles Chatman v. City of Dallas, et al., Civil Action No. 3:08-CV-0767-D

At 2:36 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.)

- City of Dallas v. Jack Gouge, Cause No. 08-00309-E
- City of Dallas v. Virginia Aerospace, L.L.C. and Love Terminal Partners, L.P., Cause No. JE-0802085-P, Virginia Aerospace, L.L.C. and Love Terminal Partners, L.P. v. City of Dallas, Cause No. 08-15110-E
- James Curtis Giles v. City of Dallas, et al., Civil Action No. 3:08-CV-1767-D, Billy James Smith v. City of Dallas, et al., Civil Action No. 3:07-CV-1413-O, James Douglas Waller v. City of Dallas, et al., Civil Action No. 3:08-CV-0728-M, Charles Chatman v. City of Dallas, et al., Civil Action No. 3:08-CV-0767-D

The following item was made a part of the closed session as authorized by Section 551.074, Personnel Matters, of the Texas Open Meetings Act to confer with the city attorney:

"Item 78 - Consideration of appointments to boards and commissions and the evaluation and duties of board and commission." Discuss appointment of David E. Wilson, nominee to the Board of Adjustment.

Mayor Leppert reconvened the city council meeting after the closed session at 3:30 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3402

Addendum addition 1:           An ordinance amending Chapter 5 of the Dallas City Code to: **(1)** adjust landing fees charged for commercial aircraft at Dallas Love Field and Dallas Executive Airport; and **(2)** increase fees paid to the City by fixed-base operators and self-fueling operators selling or dispensing fuel at Dallas Love Field and Dallas Executive Airport - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition consent agenda item 1 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 1 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 1 was brought up for consideration.

Councilmember Hunt moved to pass the ordinance.

Motion seconded by Councilmember Koop and unanimously adopted.

Assigned ORDINANCE NO. 27436

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3402

Addendum addition 2:            Authorize a twenty-year amended and restated lease of terminal building premises with Southwest Airlines Co. at Dallas Love Field - Estimated Annual Revenue: \$2,067,918

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

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

Councilmember Hunt moved to approve the item.

Motion seconded by Councilmember Koop.

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." (Davis absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3404

Addendum addition 3:            Authorize a twenty year amended and restated lease of terminal building premises with Continental Airlines, Inc. at Dallas Love Field - Estimated Annual Revenue: \$128,350

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

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

Councilmember Salazar moved to approve the item.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3405

Addendum addition 4:            Authorize a twenty-year amended and restated lease of terminal building premises with American Airlines, Inc. at Dallas Love Field - Estimated Annual Revenue: \$483,795

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3406

Addendum addition 5: Authorize a forty-eight-month agreement, with two twelve-month renewal options, to operate and manage an on-site medical clinic at City Hall - Concentra Health Services, Inc., most advantageous proposer of two - Not to exceed \$2,400,000 - Financing: Employee Benefits Current Funds (subject to annual appropriations)

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

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

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Davis absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3407

Addendum addition 6:            Authorize the purchase of a mobile command post with integrated communications and networking technologies - BearCom Operating LLC, most advantageous proposer of seven - Not to exceed \$973,900 - Financing: Current Funds (\$73,900), U.S. Department of Homeland Security Grant Funds (\$900,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3408

Addendum addition 7: Authorize Supplemental Agreement No. 1 to the service contract with SAP, Inc. for the purchase of BusinessObjects Enterprise Premium, Crystal Reports XI Developer, BusinessObjects Web Intelligence, and BusinessObjects Data Quality Management Professional - Not to exceed \$392,782, from \$3,915,450 to \$4,308,232 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3409

Addendum addition 8:            Authorize settlement of the lawsuit styled Ashley Yarberry v. City of Dallas, Civil Action No. 3:07-CV-0893-M - Not to exceed \$60,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3410

Addendum addition 9: Authorize administration and satisfaction of the judgment in a lawsuit styled A.E. Brewster et al. v. City of Dallas, Cause No. DV-98-08100-M, in the 298th District Court of Dallas County, by authorizing the City Attorney to implement the terms of a Class Action Distribution Plan and authorizing the City Controller **(1)** to reimburse class members who paid fire registration fees on or after July 28, 1995, and **(2)** to pay attorney fees to Lynn Tillotson Pinker & Cox, L.L.P. and Olson Nicoud & Gueck, L.L.P. - Not to exceed \$2,500,000 - Financing: Current Funds (\$2,200,000) and Current Funds (\$300,000) (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3411

Addendum addition 10: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Munck Carter, P.C. for additional legal services necessary in the lawsuit styled United States of America v. City of Dallas, Texas, Civil Action No. 3:08-CV-1063-K - Not to exceed \$150,000, from \$117,500 to \$267,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3412

Addendum addition 11: An ordinance appointing either Esther Grossman, Thomas Stanton or Denise Campbell to fill two vacant associate (part-time) municipal judge positions to preside over the City of Dallas municipal court of record for terms ending on May 31, 2010 - Financing: No cost consideration to the City

Councilmember Hunt requested that addendum addition consent agenda item 11 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 11 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

Later in the meeting, addendum addition consent agenda item 11 was brought up for consideration.

Councilmember Hunt moved to pass an ordinance to appoint Thomas Stanton and Denise Campbell to fill the two vacant associate (part-time) municipal judge positions for the City of Dallas Municipal Court of records for terms ending May 31, 2010.

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

Assigned ORDINANCE NO. 27437



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3413

Addendum addition 12: An ordinance amending Chapter 13 of the Dallas City Code to create a new municipal court of record which will be a community court located at the West Dallas Multi-Purpose Center - Financing: No cost consideration to the City

Mayor Pro Tem Garcia requested that addendum addition consent agenda item 12 be considered as an individual item. Mayor Pro Tem Garcia 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 Mayor Pro Tem Garcia's request.

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

Councilmember Salazar moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27438

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3414

Addendum addition 13:       An ordinance amending Chapter 41 of the Dallas City Code to: **(1)** prohibit the sale of individual cigars; **(2)** require that cigars be sold in packages of at least five; **(3)** provide defenses; and **(4)** provide a penalty not to exceed \$500 -  
Financing: No cost consideration to the City

Deputy Mayor Pro Tem Caraway requested that addendum addition consent agenda item 13 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 Deputy Mayor Pro Tem Caraway's request.

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

Deputy Mayor Pro Tem Caraway moved to defer the item until the January 28, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Salazar and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3415

Addendum addition 14: Authorize a three-year Interlocal Agreement with the Town of Addison to provide the Town of Addison with two-way radio service and radio system airtime for the period September 9, 2008 through September 8, 2011 - Revenue: \$17,800

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3416

Addendum addition 15: Authorize (1) amendment of the three-party Pre-Development Agreement between Matthews Holdings Southwest, Inc., the City of Dallas and the City's local government corporation (LGC) (Dallas Convention Center Hotel Development Corporation) to extend the deadline dates for execution of the developer agreement and the GMP construction contract until January 31, 2009, and (2) authorize the City Manager to finalize the documentation of the developer agreement for subsequent approval by the City Council and the LGC - Financing: No cost consideration to the City

The City Secretary requested that addendum addition consent agenda item 15 be considered as an individual item to allow citizens to speak. 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 the City Secretary's request.

Mayor Pro Tem Garcia, Councilmember Neumann and Councilmember Rasansky requested that addendum addition consent agenda item 15 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.

The following individuals addressed the city council regarding the item:

Phillip Jones, 325 N. St. Paul, President/CEO Dallas Convention Center/Visitors Bureau

Renee McKenney, 2813 Daniel Ave., representing Dallas Convention Center/Visitors Bureau

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

08-3416

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Councilmember Atkins' moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway

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

Voting Yes: [11] Leppert, Caraway, Medrano, Neumann, Salazar, Davis, Atkins,  
Kadane, Allen, Koop, Natinsky

Voting No: [2] Hill, Hunt

Abstain: [2] Garcia, Rasansky

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3417

Addendum addition 16: An ordinance abandoning a portion of a garbage collection and public utilities easement to LJB Springs, LP, the abutting owner, containing approximately 2,146 square feet of land, located near the intersection of Wander Lane and Wander Place - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27439

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3418

**Hall Lone Star Associates, L.P.**

**Note:** Addendum Item Nos. 17 and 18 must be considered collectively.

Addendum addition 17: Authorize **(1)** a development agreement with Hall Lone Star Associates, L.P., for the redevelopment of 2301 Ross Avenue (known as the Dallas Arts District Garage), 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 \$7,000,000 plus interest up to \$2,000,000 for a total incentive amount, including interest, not to exceed \$9,000,000 - Not to exceed \$9,000,000 - Financing: Downtown Connection TIF District Funds

Councilmember Rasansky and Councilmember Hunt requested that addendum addition consent agenda item 17 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 17 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky and Councilmember Hunt's request.

Later in the meeting, addendum addition consent agenda item 17 was brought up for consideration.

Councilmember Hunt moved to defer the item until the January 28, 2009 voting agenda meeting of the city council at the request of City of Dallas staff, to allow staff additional time to finalize deal points with the developer.

Motion seconded by Councilmember Natinsky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3419

**Hall Lone Star Associates, L.P.**

**Note:** Addendum Item Nos. 17 and 18  
must be considered collectively.

Addendum addition 18: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse Hall Lone Star Associates, L.P., for eligible expenditures pursuant to the development agreement with Hall Lone Star Associates, L.P. - Financing: No cost consideration to the City

Councilmember Hunt requested that addendum addition consent agenda item 18 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 Hunt's request.

Later in the meeting, addendum addition consent agenda item 18 was brought up for consideration.

Councilmember Hunt moved to defer the item until the January 28, 2009 voting agenda meeting of the city council at the request of City of Dallas staff, to allow staff additional time to finalize deal points with the developer.

Motion seconded by Councilmember Natinsky and unanimously adopted.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3420

Addendum addition 19: Authorize **(1)** an amendment to the sublease agreement dated January 23, 1986 with Metropolitan/Harbord Joint Venture, and its successor, Hall Lone Star Associates, L.P., a Texas limited partnership, for the Arts District Garage located at 2301 Ross Avenue to provide for a change in the operation of the Dallas Arts District Garage commencing on January 1, 2009, and **(2)** an amendment to the Garage Lease Agreement dated January 23, 1986 to provide certain conforming changes - Estimated Revenue: \$100,700,000

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

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

Councilmember Hunt moved to defer the item until the January 28, 2009 voting agenda meeting of the city council at the request of City of Dallas staff, to allow staff additional time to finalize deal points with the developer.

Motion seconded by Councilmember Natinsky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3421

Addendum addition 20: Authorize an amendment to the real property tax abatement and economic development grant agreement with KP Million, LP to: **(1)** extend the substantial completion date from December 31, 2008 to December 31, 2010, and **(2)** revise the start of the real property tax abatement from January 1, 2009 to January 1, 2011 with KP Million, LP for the construction of Shinchon Grand Shopping Plaza, pursuant to Resolution No. 07-1514, previously approved on May 23, 2007 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3422

Addendum addition 21: An ordinance amending Chapter 41 of the Dallas City Code to: **(1)** prohibit smoking in all indoor and enclosed areas in the city and within 15 feet of any entrance to an indoor or enclosed area; **(2)** provide certain defenses; **(3)** provide signage and other requirements; **(4)** provide for enforcement of smoking violations against both the person smoking and the owner, operator, or person in control of the establishment or area where smoking is prohibited; and **(5)** provide a penalty of \$200 - Financing: This action has no cost consideration to the City

Councilmember Neumann and Councilmember Kadane requested that addendum addition consent agenda item 21 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 21 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann and Councilmember Kadane's request.

Later in the meeting, addendum addition consent agenda item 21 was brought up for consideration.

Councilmember Atkins moved to defer the item until the February 11, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Hill.

After discussion, Mayor Leppert called the vote on Councilmember Atkins' motion to defer the item until the February 11, 2009 voting agenda meeting of the city council.

Voting Yes: [6] Hill, Salazar, Atkins, Kadane, Allen, Rasansky

Voting No: [9] Leppert, Garcia, Caraway, Medrano, Neumann, Davis, Koop, Natinsky, Hunt

Mayor Leppert declared the motion failed.

The following individuals addressed the city council regarding the item:

Kevin McCormack, 3988 Clover Lane, representing Time Out Tavern  
Dorothy Dean, 1504 Russell Glen Lane  
Michelle Fiaschetti, 3241 Springwood Lane, representing Grapevine Bar  
Frank Seltzer, 6034 Palo Pinto  
Eva Jones, 2320 Martin Luther King Boulevard, representing Eva's House of BBQ

Councilmember Rasansky moved to suspend Section 6.3. of the City Council Rules of Procedures to allow speakers five additional minutes to address the item.

Motion seconded by Councilmember Atkins.

After discussion, Mayor Leppert called the vote on Councilmember Rasansky's motion to allow speakers five additional minutes to address the item:

Voting Yes: [13] Garcia, Caraway, Neumann, Medrano, Hill, Salazar, Atkins,  
Kadane, Allen, Koop, Natinsky, Rasansky, Hunt  
Voting No: [ 2] Leppert, Davis

Mayor Leppert declared the motion adopted.

The following individuals addressed the city council regarding the item: (continued)

Keith Mitchell, 1712 Lovella Court, **Hurst, TX**, representing Post Time  
Bodine Slaughter, 7115 Marvin D. Love, representing of Billy G's Rhythm &  
Jazz Club  
James Graham, 5944 Luther Lane  
Albert Dadamio, 14905 Preston Road, representing Al's Hideaway Sports Lounge  
and Restaurant  
Cindy Mallette, 807 Brazos, **Austin, TX**, representing American's for Prosperity  
Sharon Middlebrooks, 2235 Harbor St.  
Paulette Heggins-Carter, 4568 Mountain Laurel, representing the Gold Rush Bar  
Janie Heggins, 4333 Baldwin, **Grand Prairie, TX**, representing the Gold Rush  
Bar  
Jada Wooten, 5620 Live Oak  
Stan Mongaras, 4321 Irvin Simmons Dr., representing A.M.O.T.  
Loren Webb, 2838 Monet Place, representing Click's Billiards

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The following additional individuals addressed the city council regarding the item:  
(continued)

Al Lipscomb, 830 Clearwood Dr.  
Mat Levitsky, 6107 Big Bend  
Jennifer Spears, 5661 Saddleback Road  
Peter Irestone, 5737 Goodwin Ave., representing Cooper Spurs  
Tanya D. Mueller, 19049 Marsh Lane, representing Click's Billiards  
Ozumba Lnuk-X, 4106 Vineyard Drive  
Gwain Wooten, 4625 Bryan Street  
Marvin Crenshaw, 5134 Malcolm X Boulevard, representing House that Jock  
Built, Ghetto Club and R. L. Blues House  
Ahmet Khera, 5323 Harry Hines Boulevard, representing UT Southwestern  
Medical Center  
John T. Carlo, 2337 N. Stemmons Freeway, representing Dallas County Health  
and Human Services  
Phil Huang, 100 N. Interstate Highway 35, **Austin, TX**, representing Travis  
County Health and Human Services  
Alan Pierce, 3912 Cedar Springs, owner of Round Up Saloon  
Melinda Little, 12403 Boheme Drive, representing Campaign for Tobacco Free  
Kids  
Cortney Nicolato, 10710 Shady Downs Ct.  
Karen Potasznik, 7626 Fisher Road  
Jason Pilot , 1122 Jackson  
Maria Clark, 3787 Vinecrest Drive  
Lee Wadley, 5747 Goodwin Avenue  
Laura Strother, 986 N. Rustic Circle  
Jessica Mandala, 9466 Timberleaf Drive  
Judith Waldrop, 3993 Beechwood  
Heather Anderson, 4414 Cedar Springs Road  
Heidi Parsons, 12404 Park Central Drive  
Barry Johnson, 1329 Treeline, **DeSoto, TX**  
Molly Nolan, 4510 Druid Lane, representing American Heart Association

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The following additional individuals addressed the city council regarding the item:  
(continued)

Tim Hauter, 4455 LBJ Freeway  
Linda Hardy, 5005 LBJ Freeway, representing Susan G. Komen for the  
Advocacy Alliance  
Daniel McDonald, 4420 Dickson Avenue  
Jesse Frederick, representing Mark Twain Elementary School  
Destiny Cox, representing Mark Twain Elementary School  
Lenisha Lee, representing Mark Twain Elementary School

The following individuals were not present but requested to have their name read into the  
record:

Paula Casey, 6924 Robin Willow Dr.  
Dottie Hind, 5956 Charleston Dr.  
Carol Hooper, 5912 E. University  
William Moss, 7718 Marquette Street  
Judy Moss, 7718 Marquette Street  
Charlotte Dearien, 3217 Beverly Drive, **Park Cities, TX**  
Cynthia Shipley, 3706 Colgate, **Park Cities, TX**  
Ted Walker, 16951 Addison Road, **Addison, TX**

Councilmember Medrano moved to approve the ordinance recommended by the Ad Hoc  
Committee.

Motion seconded by Councilmember Koop.

**Amendment 1** - Councilmember Allen moved to amend the ordinance to prohibit  
smoking in private vehicles with minors present, subject to fine of a Class C  
misdemeanor.

Mayor Leppert called the vote on the motion by a show of hands.

Mayor Leppert declared the motion failed.

**Amendment 2** - Councilmember Davis moved to amend the ordinance to “grandfather” in existing pool halls.

Mayor Leppert called the vote on the motion by a show of hands.

Mayor Leppert declared the motion failed.

**Amendment 3** - Councilmember Atkins moved to amend the ordinance to eliminate the prohibition of smoking within 15 feet of a doorway.

Mayor Leppert called the vote on the motion by a show of hands.

Mayor Leppert declared the motion failed.

**Amendment 4** - Councilmember Atkins moved to amend the ordinance to allow smoking in the public right of way.

Mayor Leppert called the vote on the motion by a show of hands.

Mayor Leppert declared the motion failed.

**Amendment 5** - Councilmember Kadane moved to amend the ordinance to exempt pool halls.

Mayor Leppert called the vote on the motion by a show of hands.

Mayor Leppert declared the motion failed.

**Amendment 6** - Councilmember Kadane moved to amend the ordinance to exempt privately contracted meeting and banquet halls at lodging establishments.

Mayor Leppert called the vote on the motion by a show of hands.

Mayor Leppert declared the motion failed.

**Amendment 7** - Councilmember Kadane moved to amend the ordinance to exempt any privately contracted facility, meeting and banquet halls.

Mayor Leppert called the vote on the motion by a show of hands.

Mayor Leppert declared the motion failed.

**Amendment 8** - Councilmember Kadane moved to amend the ordinance to exempt bars.

Mayor Leppert called the vote on the motion by a show of hands.

Mayor Leppert declared the motion failed.

**Amendment 9** - Councilmember Salazar moved to amend the ordinance to gross revenue of tobacco sales at cigar bars from 20 percent to 15 percent.

Mayor Leppert called the vote on the motion by a show of hands.

Mayor Leppert declared the motion adopted.

**Amendment 10** - Councilmember Neumann moved to amend the ordinance to smoking violations fine from \$200 to range from a minimum \$100 to a maximum of \$200.

Mayor Leppert called the vote on the motion by a show of hands.

Mayor Leppert declared the motion failed.

After further discussion, Mayor Leppert called the vote on Councilmember Medrano's motion to pass the ordinance recommended by the Ad Hoc Committee with the friendly Amendment 10 by Councilmember Salazar to amend the gross revenue of tobacco sales at cigar bar from 20 percent to 15 percent.

Voting Yes: [10] Leppert, Garcia, Caraway, Medrano, Neumann, Davis, Allen, Koop,  
Natinsky, Hunt

Voting No: [5] Hill, Salazar, Atkins, Kadane, Rasansky

Mayor Leppert declared the motion adopted.

Assigned ORDINANCE NO. 27440



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3423

Addendum addition 22: Authorize an increase in the contract with Gilbert May, Inc. dba Phillips/May Corporation for protection of the archive collection of Dallas Historical Society at the Hall of State located at 3939 Grand Avenue - \$323,496, from \$6,253,000 to \$6,576,496 - Financing: 2006 Bond Funds (\$292,605) and Current Funds (\$30,891)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3424

Addendum addition 23: Authorize Supplemental Agreement No. 1 to the contract with Southwest General Services of Dallas, LLC for additional collection, billing and reporting services assessed for motor vehicle accident cleanup fees - Estimated Annual Revenue: \$1,125,000

Councilmember Neumann requested that addendum addition consent agenda item 23 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 23 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 23 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Medrano and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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08-3425

Addendum addition 24: Authorize acquisition of two vacant lots located at 6214 Municipal Street and 2511 St. Clair Street and one parcel improved with an occupied commercial structure located at 6211 Municipal Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program (list attached) - \$62,000 including estimated closing costs - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3426

Addendum addition 25: Authorize a subordination agreement with Wachovia Multifamily Capital, Inc. to subordinate the Deed Restrictions for affordable rents for the benefit of the City originally placed on the vacant property located at 1201 South Ewing Avenue at the time of purchase by SDC Ewing Court, LP - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition consent agenda item 25 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 25 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 25 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Rasansky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3427

Addendum addition 26: Authorize **(1)** an amendment to Resolution No. 08-1895, previously approved on June 25, 2008, authorizing the execution of an economic development loan agreement with East Dallas Community Organization (EDCO) to allow EDCO to be released from a portion of the indebtedness on the note as each property is sold to an eligible homebuyer; and **(2)** an amendment to the HOME Investment Partnership loan agreement with EDCO to forgive a portion of the indebtedness on the note as each property is sold to an eligible homebuyer - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition consent agenda item 26 be considered as an individual item. Mayor Leppert stated that addendum addition 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, addendum addition consent agenda item 26 was brought up for consideration.

Councilmember Davis moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3428

Addendum addition 27: Authorize the adoption of the City's Master Plan Document that governs the City's 2009 Employee and Retiree Health Benefits Plans (self-funded Preferred and Exclusive Provider Organizations), including the Flexible Benefits (Section 125) - Total cost is based on the number of employees/retiree participants in the plan - Financing: Employee Benefits Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3429

Addendum addition 28: Authorize a one-year renewal option of the contract with Marsh@WorkSolutions to provide voluntary benefits to employees and qualified retirees - Financing: No cost consideration to the City (to be funded by employees and retirees through payroll deduction)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3430

Addendum addition 29: Authorize a contract for the fabrication and installation of a site-specific artwork to be installed in the seating area where Bishop Street terminates into Davis Street - Graphic Content, Inc. - Not to exceed \$49,600 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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08-3431

Addendum addition 30:        Authorize a contract for the fabrication and installation of two site-specific artworks to be installed inside Lochwood Library located at 11221 Lochwood Boulevard - Rex Kare  
- Not to exceed \$50,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3432

Addendum addition 31: Authorize **(1)** the second amendment to the Performing Arts Center Development Agreement with the Dallas Center for the Performing Arts Foundation, Inc., an independent, nonprofit foundation, for the design and construction of the Annette Strauss Artist Square; and **(2)** the second amendment to the Performing Arts Center Use Agreement with the Dallas Center for the Performing Arts Foundation, Inc. for operation and use of the Annette Strauss Artist Square - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition consent agenda item 31 be considered as an individual item. Mayor Leppert stated that addendum addition 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, addendum addition consent agenda item 31 was brought up for consideration.

Councilmember Hunt moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3433

Addendum addition 32: Authorize the acceptance of a grant from the U.S. Department of Homeland Security under the Emergency Management Performance Grant Program to fund emergency preparedness operations and planning related to emergency response activities for the period October 1, 2007 through September 30, 2008 - Not to exceed \$180,338 - Financing: U.S. Department of Homeland Security Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3434

Addendum addition 33: Authorize adjustments to appropriations for various multi-year funds and to authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3435

Addendum addition 34: Authorize the recognition and participation in the Dallas County Criminal Justice Advisory Board as the board commits its efforts to synergize public safety programs and services across Dallas County, coordinate programs and systems to reduce crime, and maximize the effectiveness of criminal justice resources throughout Dallas County -  
Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3436

Addendum addition 35: Authorize a fifteen-month agreement for software maintenance of the Data Integration System for Law Enforcement software with Greystone Digital Technologies, Inc., a Texas corporation, for access of specific computer information required by the Dallas Police Department for criminal investigations for the period October 1, 2007 through December 31, 2008 - Not to exceed \$125,000 - Financing: 2005-06 Urban Area Security Initiative Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3437

Addendum addition 36: Authorize a professional services contract with Hellmuth, Obata + Kassabaum, LP for preparation of a master plan study for an Asian American Cultural Center; coordination of community input, development of conceptual design, analysis and recommendation of potential site locations and preparation of cost estimates for design and construction phases of the project - Not to exceed \$262,500 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3438

Addendum addition 37: Authorize Supplemental Agreement No. 2 to the contract with Huitt-Zollars, Inc. for additional services for managing and providing construction inspection throughout the duration of construction of State-Thomas TIF District Groups I through IV - Not to exceed \$281,276, from \$292,330 to \$573,606 - Financing: State-Thomas TIF District Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3439

Addendum addition 38: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of six properties located near the intersection of Sylvan Avenue and Morris Street for the Oncor Transition Facility associated with the West Levee Norwood 345 kV Transmission Line and the Sylvan Avenue Bridge Project (list attached) - Not to exceed \$381,250 (\$367,750 plus closing costs not to exceed \$13,500) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3440

Addendum addition 39: Authorize acquisition from the County of Dallas, including the exercise of the right of eminent domain, if such becomes necessary, and subsequent sale to Oncor Electric Delivery Company, of an unimproved tract of land containing approximately 16,040 square feet located near the intersection of Sylvan Avenue and Morris Street for the Oncor Transition Facility associated with the West Levee Norwood 345 kV Transmission Line - Not to exceed \$26,060 (\$24,060 plus closing costs not to exceed \$2,000) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3441

Addendum addition 40: Authorize an amendment to the Purchase and Sale Agreement with Union Pacific Railroad Company to modify certain conditions precedent to the sale for the acquisition of land known as portions of the Trinity Industrial Lead located adjacent to the northeast side of the east Trinity Levee near the Continental Viaduct extending to Mockingbird Lane - Financing: No cost consideration to the City

Councilmember Rasansky requested that addendum addition consent agenda item 40 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 40 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 40 was brought up for consideration.

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3442

Addendum addition 41:       An ordinance amending 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 - Financing: No cost consideration to the City

Councilmember Natinsky moved to defer the item no later than the February 25, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Salazar.

After discussion, Councilmember Salazar asked Councilmember Natinsky if he would accept a friendly amendment to his motion to refer the item for consideration at a special meeting of the Housing Council Committee scheduled for Tuesday, January 29, 2009, and to return to the city council not later than February 25, 2009.

Councilmember Natinsky agreed to accept Councilmember Salazar’s friendly amendment to refer the item for consideration at a special meeting of the Housing Council Committee scheduled for Tuesday, January 29, 2009, and to return to the city council not later than February 25, 2009.

After further discussion, Mayor Leppert called the vote on Councilmember Natinsky’s original motion to defer the item to be considered not later than the February 25, 2009 voting agenda meeting of the city council as modified by Councilmember Salazar’s friendly amendment to refer the item for consideration at a special meeting of the Housing Council Committee scheduled for Tuesday, January 29, 2009 and to return to the city council not later than February 25, 2009.

Mayor Leppert declared the motion as modified by the friendly amendment unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3443

Addendum addition 42: Zoning Case Z078-302 (OTH)

The consent zoning docket, consisting of agenda items 80-88 and addendum addition agenda items 42 and 43, was presented for consideration.

A public hearing was called on zoning case Z078-302 (OTH), to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private school on property zoned an R-7.5(A) Single Family District on the south corner of Cortland Avenue and Bombay Avenue

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27441

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3444

Addendum addition 43: Zoning Case Z089-110 (MAW)

The consent zoning docket, consisting of agenda items 80-88 and addendum addition agenda items 42 and 43, was presented for consideration.

A public hearing was called on zoning case Z089-110 (MAW), an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment use for a private club on property zoned an MU-1 Mixed Use District on the west side of Marvin D. Love Freeway, south of Camp Wisdom Road

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

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

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

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

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

Assigned ORDINANCE NO. 27442

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3445

**Davis Garden TIF District**

**Note:** Addendum Item Nos. 44 and 45  
must be considered collectively.

Addendum addition 44: A public hearing to receive comments on an amendment to Tax Increment Reinvestment Zone Number Sixteen (Davis Garden TIF District) to increase the geographic area of the TIF District to include selected adjacent properties - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Hill moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3446

**Davis Garden TIF District**

**Note:** Addendum Item Nos. 44 and 45  
must be considered collectively.

Addendum addition 45: An ordinance amending Ordinance No. 26799, passed by the City Council on June 13, 2007, to increase the geographic area of the Tax Increment Reinvestment Zone Number Sixteen (Davis Garden TIF District) to include selected adjacent properties; establishing an effective date; making a finding regarding feasibility; providing a severability clause; and enacting other matters related hereto - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Hill moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27443



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 10, 2008

08-3447

Addendum addition 46: An ordinance authorizing an amendment to the Project Plan and Reinvestment Zone Financing Plan ("Plan") for Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to increase the geographic area of the Davis Garden TIF District to include certain adjacent properties - Financing: No cost consideration to the City

Councilmember Neumann moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27444

MINUTES OF THE DALLAS CITY COUNCIL  
MONDAY, DECEMBER 10, 2008

EXHIBIT C