

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, JANUARY 14, 2009

09-0150  
VOTING AGENDA MEETING  
CITY COUNCIL CHAMBER, CITY HALL  
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Garcia, Caraway, Medrano, Neumann, Hill, Salazar, Davis,  
Atkins, Kadane, Allen, Koop, Natinsky, Rasansky, Hunt

ABSENT: [0]

The meeting was called to order at 9:04 a.m.

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

The invocation was given by Pastor Robert Summers of Mountain Creek Community Center.

Councilmember Atkins 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 6:08 p.m.

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Mayor

ATTEST:

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Assistant City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, JANUARY 14, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, JANUARY 14, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0151

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: Richie Sheridan, 3022 Forest Lane  
REPRESENTING: Some citizens in Dallas  
SUBJECT: Greed; it's killing our nation

SPEAKER: William Hopkins, 2011 Leath St.  
SUBJECT: City management

SPEAKER: Darnell Hall, 3026 Beauchamp St.  
REPRESENTING: Problems in community  
SUBJECT: Community

SPEAKER: Brian Wesley, 8106 Max Dr.  
SUBJECT: In favor of Zoning Item #46

**OPEN MICROPHONE – END OF MEETING**

SPEAKER: Otis Fagan, 2247 Scotland Dr.  
REPRESENTING: Citizens  
SUBJECT: Lead in West Dallas

SPEAKER: Charles Goodrum, 1822 Tompkins Dr.  
REPRESENTING: Clean Organization  
SUBJECT: Lead in West 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: Is there not a cause? I shall not want.

SPEAKER: Jurline Gates Hollins, 2832 Marjorie Ave.  
REPRESENTING: Jurlinegateshollins.com  
SUBJECT: PLAG, GLSEN and DPD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0152

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

Councilmember Kadane moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0153

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-32 and addendum addition consent agenda items 1-6, was presented for consideration.

The Assistant City Secretary requested that consent agenda item 6 and addition agenda consent addendum items 3 and 4 be considered as individual items to allow citizens to speak. Mayor Leppert stated that consent agenda item 6 and addendum addition consent agenda items 3 and 4 would be considered as individual items later in the meeting there being no objection voiced to the Assistant City Secretary's request.

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

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

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

Councilmember Natinsky requested that consent agenda item 16 be considered as an individual item. Mayor Leppert stated that consent agenda item 16 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

Councilmember Rasansky requested that consent agenda items 6, 19, 21, 22, 23, 31 and 32 be considered as individual items. Mayor Leppert stated that consent agenda items 6, 19, 21, 22, 23, 31 and 32 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0153

Page 2

Mayor Pro Tem Garcia moved to approve all items on the consent agenda with the exception of consent agenda 6, 16, 19, 21, 22, 23, 31, 32 and agenda addendum addition consent items 3, 4 and 6 which would be considered later in the meeting.

Motion seconded Deputy Mayor Pro Tem Caraway and unanimously adopted. (Salazar, absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0154

Item 2: Authorize a thirty-six-month service contract for plumbing services at City facilities - Concept Facility Services LLC, lowest responsible bidder of three - Not to exceed \$718,000 - Financing: Current Funds (\$437,250), Aviation Current Funds (\$140,375), Water Utilities Current Funds (\$140,375) (subject to annual appropriations)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0155

Item 3: Authorize the purchase of four mobile video surveillance systems and related accessories for Court and Detention Services' Hidden Camera Initiative - First Witness Video Surveillance Systems, lowest responsible bidder of two - Not to exceed \$54,020 - Financing: Texas Commission on Environmental Quality of Life Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0156

Item 4: Authorize a twelve-month master agreement, with two twelve-month renewal options, for backflow preventers for fire hydrants - HD Supply Waterworks, LTD in the amount of \$273,000 and Longhorn, Inc. the deepest discount given for expenditures in the amount of \$54,000, lowest responsible bidders of four - Total not to exceed \$327,000 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0157

Item 5: Authorize a thirty-six-month master agreement for emergency road flares - Standard Fuses Corp. dba Orion Safety Products, lowest responsible bidder of four - Not to exceed \$789,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0158

Item 6: Authorize **(1)** a sixty-month service contract for centrifugal chiller maintenance at the Convention Center; and **(2)** a service contract to remove and replace the cooling tower at the White Rock Pump Station - AAF-McQuay, Inc., dba McQuay International in the amount of \$913,580 and Gulf Energy Systems, Inc. in the amount of \$119,000, lowest responsible bidders of four - Not to exceed \$1,032,580 - Financing: Convention and Event Services Current Funds (\$913,580) (subject to annual appropriations), Water Utilities Capital Construction Funds (\$119,000)

The Assistant City Secretary requested that consent agenda item 6 be considered as an individual item to allow citizens to speak. 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 the Assistant City Secretary's request.

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.

The following individual addressed the city council regarding the item:

Keith Claytor, 3605 Willowood Dr., **Garland, TX**, representing A.C.I.S.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0159

Item 7: Authorize settlement of the lawsuit styled Anthony Parker v. City of Dallas, Cause No. 07-08109-B - Not to exceed \$12,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0160

Item 8: Authorize settlement of the lawsuit styled Phillip Morris v. Roy Fry and the City of Dallas, Cause No. 06-00298-B - Not to exceed \$12,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0161

Item 9: Authorize settlement of the lawsuit styled Kenneth Watts v. City of Dallas, Cause No. 06-08503-D - Not to exceed \$40,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0162

Item 10: Authorize settlement of a claim for attorney fees in the lawsuit styled City of Dallas v. Jack Gouge, Cause No. 08-00309-D - Not to exceed \$17,000 -  
Financing: Current Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0163

Item 11: A resolution declaring approximately 177,990 square feet of City-owned land improved with an animal shelter, unwanted and unneeded located near the intersection of Forney Road and Olson Drive, and authorizing its advertisement for sale by sealed bid with a minimum bid of \$400,000 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0164

Item 12: Authorize moving expense and replacement housing payments for Benina Gonzalez 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 \$41,700 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0165

Item 13: Authorize moving expense and replacement housing payments for Hector Manuel Cindo and Dora E. Cindo 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 \$43,300 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0166

Item 14: Authorize moving expense and replacement housing payments for Josie Anguiano 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 \$40,500 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0167

Item 15: Authorize approval of a site plan for improved open space in a Community Unit Development for the Oak Forest Estates subdivision on the south side of Forest Lane, east of High Forest Drive - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0168

Item 16: An ordinance abandoning a portion of a wastewater easement to Ron Crosby and Paige Crosby, the abutting owners, containing approximately 1,078 square feet of land located near the intersection of Ash Bluff Lane and Breawood Place  
- Revenue: \$5,400 plus the \$20 ordinance publication fee

Councilmember Natinsky requested that consent agenda item 16 be considered as an individual item. Mayor Leppert stated that consent agenda item 16 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

Later in the meeting, consent agenda item 16 was brought up for consideration.

Councilmember Natinsky moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27445

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0169

Item 17: An ordinance abandoning a portion of an alley to Kenny Allan Troutt and Lisa Copeland Troutt, the abutting owners, containing approximately 2,057 square feet of land, located near the intersection of Strait and Harrys Lanes, and authorizing the quitclaim - Revenue: \$113,649 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27446

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0170

Item 18: Authorize an amendment to the development agreement with Uptown Dallas Inc., (1) to increase the contract funding from \$2,300,000 to \$2,600,000 for additional utility work and streetscape improvements supporting the development of Block 547 (located in the State-Thomas TIF District at the corner of Maple-Routh Connection, Thomas Avenue, Routh Street and Colby Street), and (2) the ratification of the pledge and dedication of \$300,000 in State-Thomas TIF funds by the State-Thomas TIF Board effective as of December 17, 2008, (the date the State-Thomas TIF District Board of Directors pledged such funding) - Financing: \$300,000 - State-Thomas TIF District Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0171

Item 19: Authorize a public hearing to be held on January 28, 2009 to receive comments concerning the creation of City of Dallas Reinvestment Zone No. 72 located at 4800 Langdon Road, Dallas, Texas; and, at the close of the hearing, consideration of: **(1)** an ordinance creating City of Dallas Reinvestment Zone No. 72; and **(2)** a 50 percent business personal property tax abatement for ten years with Advanced H2O, LLC. and DLH Dallas Logistics 634, LLC. - Financing: No cost consideration to the City

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

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

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0172

Item 20: Authorize a professional services contract with DSGN Associates, Inc., to provide design services for acoustical enhancements at the Morton H. Meyerson Symphony Center located at 2301 Flora Street - Not to exceed \$52,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0173

Item 21: Authorize the optional redemption of the Sports Arena Project Tax Exempt Special Tax Revenue Bonds, Series 1998A in an amount not to exceed \$61,015,000 in principal plus call premium of \$610,150 - Total not to exceed \$61,625,150 - Financing: Sports Arena Project Surplus Debt Redemption Funds (\$56,461,150) and Sports Arena Debt Service Reserve Funds (\$5,164,000)

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

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0174

Item 22: Authorize a twenty-year operation and lease agreement, with two five-year renewal options, for design, construction, development, occupancy, operation, maintenance and programming for a wellness center at the Juanita J. Craft Recreation Center located at 4500 Spring Avenue from January 15, 2009 to January 31, 2039 with Southern Sector Health Initiative, a Texas nonprofit corporation, and Baylor Health Care System, a Texas nonprofit corporation - Annual Revenue: \$10

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

Later in the meeting, consent agenda item 22 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 Kadane moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0175

Item 23: Authorize a contract for athletic field improvements and sports lighting at Jaycee/Zaragoza Park located at 3114 Clymer Street - Geotechnical Environmental Systems, Inc., lowest responsible bidder of three - \$701,700 - Financing: 2006 Bond Funds

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0176

Item 24: Authorize a contract for the construction of a new pavilion, security lighting, and site furnishings at Brownwood Park located at 3424 Walnut Hill Lane - A S Con, Inc., best value proposer of three - \$207,100 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0177

Item 25: Authorize a Memorandum of Understanding with the Dallas Independent School District to set out the policies and procedures for providing School Crossing Guard Services for the 2008-09 school year - Revenue: \$23,145

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0178

Item 26: Authorize the City Manager to provide a notice of establishment for a Quiet Zone along the Trinity Railway Express at the Market Center crossing as required by the Federal Railroad Administration Final Train Horn rule 49 CFR Part 222 and 229 - Financing: No cost consideration to the City

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0179

Item 27: Authorize a professional services contract with Nathan D. Maier Consulting Engineers, Inc., for the development of design and construction documents for the IH 20 Gateway Park in the Great Trinity Forest - \$190,818 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0180

Item 28: Authorize Supplemental Agreement No. 2 to the contract with Hellmuth, Obata & Kassabaum, LP, for the development of design and construction documents for the Trinity Forest Trail, Phase III from the Trinity River Audubon Center to the Texas Horse Park; from Joppa Preserve along the west side of the Trinity River northward to near Highway 310 where it will cross over the Trinity River back to Rochester Park Trailhead; and from the Joppa Trailhead eastward where it will cross the Trinity River to the Texas Horse Park - Not to exceed \$1,142,288, from \$1,014,433 to \$2,156,721 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0181

Item 29: Authorize Supplemental Agreement No. 3 to the professional services contract with Bridgefarmer and Associates, Inc. for additional engineering design and surveying services for storm drainage and landscaping upgrades for the Beckley Avenue and Commerce Street intersection improvements - Not to exceed \$49,718, from \$275,123 to \$324,841 - Financing: 2003 Bond Funds

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0182

Item 30: Authorize a professional services contract with CH2M HILL, Inc. to provide engineering services for the preliminary study and evaluation for the Lake Ray Hubbard Indirect Recycled Water Phase I Flows Transfer Project to be reimbursed from financing received from the Texas Water Development Board low interest loan program upon approval and receipt - \$2,172,279 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0183

Item 31: Authorize an Advanced Funding Agreement with the State of Texas, acting through the Texas Department of Transportation, for water and wastewater main relocations and adjustments in Motor Street from Harry Hines Boulevard to Maple Avenue - \$925,969 - Financing: Water Utilities Capital Construction Funds

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

Later in the meeting, consent agenda item 31 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.

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0184

Item 32: Authorize Supplemental Agreement No. 2 to the professional services contract with Chiang Patel and Yerby, Inc. to provide additional engineering services for the proposed East Bank-West Bank Interceptor Connection - Not to exceed \$156,535, from \$1,539,000 to \$1,695,535 - Financing: Water Utilities Capital Construction Funds

Councilmember Rasansky requested that consent agenda item 32 be considered as an individual item. Mayor Leppert stated that consent agenda item 32 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 32 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0185

Item 33: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The assistant city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2007-2009 board term updated through January 14, 2009.

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

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

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

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

**09-5065 CPC CITY PLAN AND ZONING COMMISSION**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0186

Item 34: 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 following individuals addressed the city council regarding the item:

Clarence Lindsey, 14785 Preston Rd., representing Enterprise Service Provider LLC  
Elae Thompson, 2030 Oldfield Dr., representing Sanitation Workers

Councilmember Atkins moved to defer the item until the February 18, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Rasansky.

After discussion, Mayor Pro Tem Garcia called the vote on Councilmember Atkins' motion:

Voting Yes: [8] Garcia, Medrano, Salazar, Atkins, Kadane, Koop, Rasansky,  
Hunt

Voting No: [4] Neumann, Hill, Allen, Natinsky

Absent when vote taken: [3] Leppert, Caraway, Davis

Mayor Pro Tem Garcia declared the motion adopted.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0187

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 35-43, was presented for consideration.

Agenda items 37, 39 and 43 were removed from the consent zoning docket, to be considered as individual hearings.

- Agenda item 35: Zoning Case Z078-196 (OTH)
- Agenda item 36: Zoning Case Z078-274 (RB)
- ~~Agenda item 37: Zoning Case Z078-286 (RB) [considered individually]~~
- Agenda item 38: Zoning Case Z078-293 (WE)
- ~~Agenda item 39: Zoning Case Z078-298 (MAW) [considered individually]~~
- Agenda item 40: Zoning Case Z078-300 (MAW)
- Agenda item 41: Zoning Case Z078-305 (OTH)
- Agenda item 42: Zoning Case Z078-308 (RB)
- ~~Agenda item 43: Zoning Case Z089-101 (JH) [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 hearings, 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. (Davis, Atkins absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0188

Item 35: Zoning Case Z078-196 (OTH)

The consent zoning docket, consisting of agenda items 35-43, was presented for consideration.

A public hearing was called on zoning case Z078-196 (OTH), an application for and an ordinance granting an MF-3(A) Multifamily District and a resolution accepting deed restrictions volunteered by the applicant, on property zoned an MF-2(A) Multifamily District, on the north side of East Northwest Highway, east of Shady Brook Lane

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27447

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0189

Item 36: Zoning Case Z078-274 (RB)

The consent zoning docket, consisting of agenda items 35-43, was presented for consideration.

A public hearing was called on zoning case Z078-274 (RB), an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 712 for UC-2 Urban Corridor District Uses in an area zoned Planned Development District No. 712, an IR Industrial Research District and an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area generally bounded by Medical District Drive, Cass Street, Macatee Street, and Bengal Street

(The staff and city plan commission recommended approval, subject to a conceptual 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. 27448

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0190

Item 37: Zoning Case Z078-286 (RB)

The consent zoning docket, consisting of agenda items 35-43, was presented for consideration.

Theresa O'Donnell, director of development services, reminded the city council that in accordance with subparagraphs ©(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.

Councilmember Natinsky requested that zoning consent item 37 be considered as an individual item. Mayor Leppert stated that zoning consent item 37 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

A public hearing was called on zoning case Z078-286 (RB), an application for and an ordinance granting an amendment to Specific Use Permit No. 1629 for a Private school on property zoned a CS Commercial Service District, located on the east line of Davenport Road, north of Crestland Avenue

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

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

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

- Remove the automatic renewal portion of the Specific Use Permit

and pass the ordinance.

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

Assigned ORDINANCE NO. 27449

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0191

Item 38: Zoning Case Z078-293 (WE)

The consent zoning docket, consisting of agenda items 35-43, was presented for consideration.

A public hearing was called on zoning case Z078-293 (WE), an application for and an ordinance granting a Planned Development District for multifamily uses on property zoned an MF-1(A) Multifamily District, on the northwest corner of Montfort Drive and Verde Valley Lane

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27450

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0192

Item 39: Zoning Case Z078-298 (MAW)

The consent zoning docket, consisting of agenda items 35-43, was presented for consideration.

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 Z078-298 (MAW), an application for and an ordinance granting a CS Commercial Service District on property zoned an IR Industrial Research District on the southeast corner of Walnut Hill Lane and Stemmons Freeway

(The staff and city plan commission recommended approval)

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

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

Pamela Craig, 1202 Misty Meadow Dr., **Midlothian, TX**, representing Walnut Hill I-35 Enterprises, LLC

Saeed Mahboubi, 2908 Lovers Lane, representing Walnut Hill I-35 Enterprises, LLC

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

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

Assigned ORDINANCE NO. 27451

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0193

Item 40: Zoning Case Z078-300 (MAW)

The consent zoning docket, consisting of agenda items 35-43, was presented for consideration.

A public hearing was called on zoning case Z078-300 (MAW), an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a MU-2 Mixed Use District on the north side of Gannon Lane, west of Westmoreland Road

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

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. 27452

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0194

Item 41: Zoning Case Z078-305 (OTH)

The consent zoning docket, consisting of agenda items 35-43, was presented for consideration.

A public hearing was called on zoning case Z078-305 (OTH), an application for and an ordinance granting an amendment to Planned Development District No. 747 on property generally bounded by Grand Avenue, Lamar Street, Sanger Avenue, Holmes Street, Ervay Street and the GCSF Railroad right-of-way

(The staff and city plan commission recommended approval, subject to 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. 27453



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0195

Item 42: Zoning Case Z078-308 (RB)

The consent zoning docket, consisting of agenda items 35-43, was presented for consideration.

A public hearing was called on zoning case Z078-308(RB), an application for and an ordinance granting an amendment to the conditions for Planned Development District No. 268 for SC Shopping Center District Uses in the northeast quadrant of Preston Road and Frankford Road

(The staff and city plan commission recommended approval, subject to a detached premise sign plan, detached premise sign landscape 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. 27454

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0196

Item 43: Zoning Case Z089-101 (JH)

The consent zoning docket, consisting of agenda items 35-43, was presented for consideration.

Councilmember Neumann requested that zoning consent item 43 be considered as an individual item. Mayor Leppert stated that zoning consent item 43 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

A public hearing was called on zoning case Z089-101 (JH), an application for and an ordinance granting a CR Community Retail District on property zoned an IR Industrial Research District on the southeast corner of Hampton Road and Singleton Boulevard

(The staff and city plan commission recommended approval)

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

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

Anselmo Montemayor, 8080 Park Lane, representing O'Reilly Auto Parts  
Suzan Kedron, 901 Main St., representing Dallas Area Habitat for Humanity  
Alan Clenney, 2800 N. Hampton Road, representing Dallas Area Habitat for Humanity

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

- Subject to deed restrictions volunteered by the applicant with the ordinance and deed restrictions to return on January 28, 2009.
- The volunteered deed restrictions as prohibiting the following uses: Alcoholic beverage establishments, car wash, commercial amusement (inside), commercial amusement (outside), liquor store, pawn shop, swap or buy shop, and tattoo parlor and massage parlor (under the personal service use).

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0197

Item 44: Zoning Case Z056-277 (KS) 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 Z056-277 (KS), an application for a Conservation District on property zoned an R-7.5(A) Single Family District, a CR Community Retail District, an MF-2(A) Multifamily District and a P(A) Parking District in an area generally bounded by the northern blockfaces of Angora Street, the western blockface of Old Gate, both sides of Eustis Avenue, and the eastern blockfaces of Lakeland Drive and an ordinance granting a Conservation District on property zoned an R-7.5(A) Single Family District

(The staff recommended denial of the conservation district and denial of the conceptual plan and recommended that the City Plan Commission authorize a hearing to consider a Planned Development District and city plan commission recommended approval of the conceptual plan and approval of a Conservation district, subject to the applicant's conditions with revisions on property zoned an R-7.5(A) Single Family District, with no change to property zoned a CR Community Retail District, a P(A) Parking District, and MF-2(A) Multifamily District)

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

Randall Talley, 8932 San Fernando  
Alan Hoffman, 9010 Groveland  
Angela Hights, 8934 Groveland Dr.  
Jeff Dworkin, 8707 Daytonia Ave.  
Amy Galley, 9011 Groveland  
Scott Nady, 8623 Eustis

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0197

Page 2

Mayor Leppert allowed the following individuals to state their names and addresses in opposition of the item for the record:

Robert Dorrell, 9027 Groveland  
Steven Pagel, 8819 Redondo  
Phillip Allen, 8714 Groveland  
Lynn Reagan, 8612 Forest Hills  
Gracie Reed, 8616 Forest Hills  
Joseph Gulcher, 9024 Forest Hills  
Josh Byers, 8930 Diceman  
Donald Morrow, 8715 Forest Hills  
Michael Holter, 8650 Diceman  
Clint and Rebecca Aremore, no address given  
Matt Lott, 8703 Eustis Ave.  
Pam Hoffman, 9010 Groveland Dr.  
Natalee S. Morse, 9021 Santa Clara Dr.  
Diana Miller, 9003 Santa Clara  
Meredith Talky, 8932 San Fernando Way  
D. J. White, 5639 Bell Ave.  
Mike Simons, no address given  
Steven Janeway, 8626 Groveland  
Kevin Ganter, 1438 N. Buckner Blvd.  
Eric Johnson, 9008 San Benito  
Janet Jardin, 8906 Daytonia Ave.  
Janet Franks, 8903 Vinewood  
Jenny Keller, 8920 Groveland Dr.  
Carey Bradley, 8927 Groveland  
Dan Schmalzer, 1421 El Campo Drive

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

Kat Benner, 8723 San Fernando Way, representing Little Forest Hills  
Angelica Parra, 8615 Diceman Dr., representing Conservation of Little Forest Hill  
Richard George, 8614 San Leandro Dr., representing Little Forest Hill Conservation  
Joe Beaudette, 9034 San Leandro Dr., representing Little Forest Hill Conservation  
Michael Schmitt, 8702 San Benito Way, representing Conservation of Little Forest Hill  
Franklyn Mickelsen, 8627 Eustis Ave., representing the applicant

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0197

Page 3

Mayor Leppert allowed the following individuals to state their names and addresses in favor of the item for the record:

Christine Czarnecki, 8934 Eustis Ave.  
Sibyl Koss, 8934 Santa Clara  
Paul Meaner, 9047 Angora  
John York, 6802 Vada  
Cathryn Hopkins, 8822 San Leandro  
Mike McHenry, 9010 Redondo Dr.  
Tom Mair, 9030 Forest Hills  
Larry Davison, 9034 Redondo  
Terry N. Ford, 9034 San Leandro  
Debra Griffin, 8811 San Benito Way  
Larry Harmon, 8702 Daytonia  
Cherry Harrison, 8646 San Fernando Way  
Kristin Laminack, 8639 Forest Hills  
David Fanter, 8918 San Fernando Way  
Valarie Stuart, 9033 Redondo Dr.  
Laurie Garza McClurg, 8653 Redondo  
Jim Kuchera, 8654 Angora St.  
Paula Schmitt, 8702 San Benito Way  
Larry Urban, 8823 San Leandro  
Colleen Sims, 8710 Forest Hills  
Lacey Birkline, 9039 Forest Hills  
Lisa Woodin, 1918 Lakeland  
Burgundy Bass, 9038 Redondo  
Mary Anne Harmon, 8702 Daytonia  
Robert Klug, 8718 San Benito  
Ann Albers, 9006 San Fernando Way  
Gary McCoy, 9028 Redondo  
Charles Alexander, 1702 Lakeland Dr.  
Dana Littrell, 8802 Groveland  
Kay McKinney, 8619 Daytonia  
DeJan Perge, 8922 San Leandro  
Susan Remele, 8615 Daytonia  
Angela Perge, 8922 San Leandro  
James Folger, 8654 Eustis Ave.  
Susan Fischer, 8633 Forest Hills  
Mary Jane Dietz, 9043 Angora

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0197

Page 4

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

Alan Cooper, 8810 Daytonia  
Vicki McAllister, 9010 Forest Hills  
Heather McCamey, 9010 San Fernando Way  
Paul Young, 8651 Angora St.  
Leroye Drennan, 2812 Thomas Ave.  
Mark Fletcher, 8922 Eustis Ave.  
Sharon Schumann, 8630 San Benito Way  
Finley Moll, 8624 Redondo  
Hank Henry Black, 8722 Diceman Dr.  
Amy Ewell, 9019 Eustis Ave.  
Shirley Thompson, 8910 Daytonia  
Kathleen Casey, 8638 Angora St.  
Louis Wages, 8646 Angora St.  
Vail Fassett, 9007 San Fernando Way  
Marilyn Rynearson, 9030 Groveland  
Carl McFarland, 8815 San Leandro  
Linda J. Calvert, 9003 San Fernando Way  
Karla Marie, 8643 Daytonia  
Barbara Canter, 8646 Eustis Ave.  
Michael Post, 9005 Santa Clara Dr.  
Kathryn Hurn, 9046 Redondo

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0198

Item 45: Zoning Case Z078-289 (JH) INDIVIDUAL

A public hearing was called on zoning case Z078-289 (JH), an application for a Specific Use Permit for a recycling buy-back center use on property zoned an IM Industrial Manufacturing District on the northwest side of Hickory Street, east of Malcolm X Boulevard

(The staff and city plan commission recommended denial)

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

Councilmember Medrano moved to continue the public hearing and hold under advisement until the April 22, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0199

Item 46: Zoning Case Z078-114 (WE) INDIVIDUAL

A public hearing was called on zoning case Z078-114 (WE), an application for and an ordinance granting a Specific Use Permit for an open enrollment charter school on property within Subdistrict S2b of Planned Development District No. 521 for mixed uses on the south side of Camp Wisdom Road, west of Eagle Ford Drive

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

(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:

Dallas Cothrum, 900 Jackson St., representing the applicant

Councilmember Neumann moved to close the public hearing and accept the recommendation of the city plan commission for approval with the following change:

- The property owner or operator shall pay for and install school zone signs and markings if warranted by a traffic study.
- Approved Specific Use Permit for 20 years with 10 year renewals.
- Traffic Management Plan due by May 1, 2011 and annually thereafter.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27455



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0200

Item 47: Zoning Case Z078-306 (OTH) 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 Z078-306 (OTH), an application for the renewal of and amendment to Specific Use Permit No. 1691 for an alcoholic beverage establishment for a bar, lounge, or tavern use with the addition of a Class A dance hall on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Exposition Avenue, between Ash Lane and Parry Avenue and an ordinance granting the renewal of Specific Use Permit No. 1691 for an alcoholic beverage establishment for a bar, lounge, or tavern

(The staff recommended approval of renewal of Specific Use Permit No. 1691 for an alcoholic beverage establishment for a bar, lounge, or tavern, for a two-year period subject to a site plan and conditions and city plan commission recommended approval of renewal of Specific Use Permit No. 1691 for an alcoholic beverage establishment for a bar, lounge, or tavern, for a one-year period 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:

Tim Austin, 813 Exposition Ave., representing Minc Lounge  
Julie Campbell, 10105 Branwood, representing Minc Lounge  
Woodrow Walker Rosen, 3809 Parry, representing Minc Lounge  
Lincoln Stephens, 9429 Rocky Branch, representing NeoSoulCafe.com

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0200

Page 2

Councilmember Kadane moved to closed the public hearing and accept the recommendation of the city plan commission for approval with the following change:

“The alcoholic beverage establishment limited to a bar, lounge, or tavern must obtain an amended certificate of occupancy from the building official by February 13, 2009. All requirements of this Specific Use Permit and Planned Development No. 269 must be met before the building official may issue the amended certificate of occupancy.”

and pass the ordinance.

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

Assigned ORDINANCE NO. 27456

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0201

Item 48: Zoning Case Z078-239 (RB) INDIVIDUAL

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

A public hearing was called on zoning case Z078-239 (RB), an application for and an ordinance granting a Planned Development Subdistrict for an Animal clinic with outside run, Kennel with outside run, and LC Light Commercial Subdistrict Uses on property zoned an LC Light Commercial District Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest corner McKinney Avenue and Sneed Street with consideration being given to permitting the requested animal clinic with outside run and kennel with outside run by specific use permit

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

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

James F. Batchelor, 3030 McKinney Ave., representing La Tour Condo

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

Councilmember Hunt moved to continue the public hearing and hold under advisement until the February 11, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0202

Item 49: Zoning Case Z078-256 (RB) INDIVIDUAL

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

A public hearing was called on zoning case Z078-256 (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 staff recommended approval, subject to a site plan and conditions and city plan commission recommended repeal of Specific Use Permit No. 1222)

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

Art Anderson, 1201 Elm St., representing the applicant  
Paul D. Rich, 3514 N. Fitzhugh, representing the applicant

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

Henda Salmeron, 6748 Avalon, President of Lakewood Homeowners Association  
Scott Clumpner, 7122 Coronado Ave., President of Gaston/Coronado Hill  
Neighborhood Association

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

- Amend the Specific Use Permit No. 1222 for a commercial amusement (inside) limited to a Class A dance hall, a copy of which has been distributed to the city council.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27457

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0203

Item 50: Zoning Case Z078-201 (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 Z078-201 (JH), an application for a Planned Development District for CR uses and attended donation center use on property zoned a CR Community Retail District on the southwest side of Haskell Avenue, between Lafayette Street and Delano Place

(The staff and city plan commission recommended denial)

Note: This item was considered by the City Council at public hearings on October 22 and November 10, 2008, and was held under advisement until January 14, 2009, with the public hearing open.

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.

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

John Bond, 2020 N. Haskell Ave., representing CityPlace Town Homes  
Taylor Allday, 1901 N. Haskell Ave., representing Haskell Heights Partners  
Roger Gaucin, 1920 Lucille Dr.  
Matt Crockett, 2018 N. Haskell

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

Jonathan Vinson, 6342 Vickery Blvd., representing Goodwill Industries of Dallas, Inc.  
Rod Ginther, 775 E. Rockgate, **Bartonville, TX** representing Goodwill Industries of Dallas, Inc.  
David Cohenour, 3910 Dunrich Dr. **Richardson, TX**  
Charlie M. Ransom, 3935 Munger Ave., representing Goodwill neighborhood  
Flora Daniels, 3535 Munger Ave., representing Goodwill neighborhood

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0203

Page 2

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

Timothy Lott, 3939 N. Hampton Rd., representing Dallas Housing Authority  
Diane Fullingim, 5839 Sandhurst, representing Goodwill Industries of Dallas, Inc.  
Diane Burnham, 7403 Colgate, representing Goodwill Industries of Dallas, Inc.  
Lee Carter, 6707 Lakefair Circle, representing Goodwill Industries of Dallas, Inc.  
Suzanne Charriere, 7209 Lupton Circle, representing Goodwill Industries of Dallas, Inc.  
Pam Willmann, 335 Aspen Way, representing Goodwill Industries of Dallas, Inc.  
Gloria Mansfield, 7315 Marsland Lane, **Arlington, TX**, representing Goodwill Industries of Dallas, Inc.  
Kamala Kannan, 9251 Jasmine Lane, **Irving, TX**, representing Goodwill Industries of Dallas, Inc.  
Rosie Acosta, 7215 Lost Canyon, representing Goodwill Industries of Dallas, Inc.  
M. Ayyr, 3924 David, representing Goodwill Industries of Dallas, Inc.  
Chris Simms, representing Goodwill Industries of Dallas, Inc.  
Katie Alhott, no address given, representing Goodwill Industries of Dallas, Inc.  
Kylie Allen, no address given, representing Goodwill Industries of Dallas, Inc.  
E. John Ward, 4363 W. Northwest Highway, representing Goodwill Industries of Dallas, Inc.  
Frank Mihalopoulos, 4645 N. Central Expressway, Board Chair of Goodwill Industries of Dallas, Inc.  
Rosalinda G. Martinez, 2709 Clearmeadow Court, **Bedford, TX**, representing Goodwill Industries of Dallas, Inc.  
Neal Sleeper, 3324 Blackburn St., representing Goodwill Industries of Dallas, Inc.

Councilmember Hunt moved to close the public hearing and accept the recommendation of the city plan commission to deny without prejudice.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0204

Item 51: Zoning Case Z078-151 (JH) UNDER ADVISEMENT - INDIVIDUAL

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

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

Note: This item was considered by the City Council at public hearings on October 22 and December 10, 2008, and was held under advisement until January 14, 2009, 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 28, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0205

Addendum addition 1:        Authorize settlement of the lawsuit styled Joanna Tickle and Dallas Stephens v. City of Dallas, Cause No. 07-06529-K - Not to exceed \$77,500 - Financing: Current Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0206

Addendum addition 2:           A resolution **(1)** cancelling the January 21, 2009 regular meeting of the Dallas City Council; and **(2)** authorizing a special meeting of the Dallas City Council for January 21, 2009 to be held at the Dallas Public Library - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0207

Addendum addition 3: A resolution authorizing the regulation and restriction of access to Daria Place and Daria Drive and allowing for the placement and operation of access gates and related fence and structures located at the intersection of Daria Drive and Meaders Lane - Financing: No cost consideration to the City

The Assistant City Secretary requested that addendum addition consent agenda item 3 be considered as an individual item to allow citizens to speak. 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 the Assistant City Secretary's request.

The following individual addressed the city council regarding the item:

William E. Cothrum, 900 Jackson St., representing George W. Bush

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0208

Addendum addition 4: Authorize the City Manager to enter into final negotiations with the University of North Texas System in support of establishing the School of Law in Downtown Dallas at the Municipal Building located at 106 South Harwood Street - Financing: No cost consideration to the City

The Assistant City Secretary requested that addendum addition consent agenda item 4 be considered as an individual item to allow citizens to speak. Mayor Leppert stated that addendum addition consent agenda item 4 would be considered as an individual item later in the meeting, there being no objection voiced to the Assistant City Secretary's request.

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

The following individual addressed the city council regarding the item:

Lee F. Jackson, 6011 Desco Dr., representing University of North Texas

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0209

Addendum addition 5: Authorize approval of the Dallas County Local Mitigation Strategy, which identifies strategies to mitigate natural hazards in the City of Dallas and Dallas County, subject to available funding - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0210

Addendum addition 6: An ordinance amending Chapter 27 of the Dallas City Code to: **(1)** define terms; **(2)** require apartment complexes with excessive crime rates to participate in a mandatory crime reduction program administered and enforced by the Chief of Police; **(3)** establish qualifications, procedures, requirements, formulae, and standards for the program; **(4)** establish a program fee; **(5)** provide an appeal process; **(6)** make conforming amendments to the multi-tenant property registration program; and **(7)** provide a penalty not to exceed \$2,000 - Financing: No cost consideration to the City

Mayor Pro Tem Garcia and Councilmember Hill requested that addendum addition consent agenda item 6 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 6 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia and Councilmember Hill's request.

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

Mayor Pro Tem Garcia moved to pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Caraway.

After discussion, Councilmember Atkins asked Mayor Pro Tem Garcia if she would accept a friendly amendment to her motion to amend Section 27-55 (C) of the ordinance to state "any owner, operator or property manager must have the legal authority to act on behalf of the apartment complex."

Friendly amendment was seconded by Councilmember Hill.

Mayor Pro Tem Garcia accepted Councilmember Atkins' friendly amendment as part of her motion to amend Section 27-55 (C) of the ordinance to state any "owner, operator or property manager must have the legal authority to act on behalf of the apartment complex."

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0210

Page 2

After further discussion, Mayor Leppert called the vote on Mayor Pro Tem Garcia's original motion to pass the ordinance as modified by Councilmember Atkins' friendly amendment to amend Section 27-55 (C) of the ordinance to state any owner, operator or property manager must have the legal authority to act on behalf of the apartment complex.

Mayor Leppert declared the motion as modified by the friendly amendment unanimously adopted. (Davis absent when vote taken)

Assigned ORDINANCE NO.27458

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 14, 2009

09-0211

Addendum addition 7: Authorize **(1)** a contract with EAS Contracting, L.P., lowest responsible bidder of five, for the relocation of the north and west airfield lighting vaults in an amount not to exceed \$3,302,667; **(2)** ratification of the emergency repair and/or replacement of damaged equipment in the north lighting vault at Dallas Love Field in an amount not to exceed \$74,232; and **(3)** an increase in appropriations in the Federal Aviation Administration Airport Improvement Program Grant Fund for design, construction, testing, and other contract administration costs in an amount not to exceed \$4,109,653 - Total not to exceed \$3,376,899 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds (\$2,532,674) and Aviation Capital Construction Funds (\$844,225)

Councilmember Hunt moved to approve the item.

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

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, JANUARY 14, 2009

EXHIBIT C