

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 28, 2009

09-0260
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Garcia (*9:17 a.m.), Caraway, Medrano, Neumann, Hill (*11:56 a.m.), Salazar, Davis, Atkins (*9:34 a.m.), Kadane, Allen, Koop, Natinsky, Rasansky, Hunt (*9:15 a.m.)

ABSENT: [0]

The meeting was called to order at 9:05 a.m.

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

The invocation was given by Cantonese Minister Andy Ho of The Dallas Chinese Bible Church.

Councilmember Neumann 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 3:21 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 28, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 28, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0261

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: Steven Meeks, 3223 Carpenter Ave.
SUBJECT: Neighborhood issues

SPEAKER: Irish Watson, 3979 Granite Hill
SUBJECT: Crime & holding parents accountable

OPEN MICROPHONE – END OF MEETING

SPEAKER: Charley Fryar, 1818 Corsicana St.
SUBJECT: The Bridge Homeless Center Issues

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
SUBJECT: I came offering an olive branch

SPEAKER: Gwain Wooten, 3625 Bryan St.
SUBJECT: Code enforcement & apartment complexes

SPEAKER: Frank Ward III, P. O. Box 50694
REPRESENTING: Trinity Reunion Church/Community
SUBJECT: Agenda item #29

SPEAKER: William Hopkins, 2011 Leath
SUBJECT: City manager

SPEAKER: Nadeem Noorall, 9512 C. F. Hawn Freeway
SUBJECT: Issues with Dallas Police

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0262

Item 1: Approval of Minutes of the January 14, 2009 City Council Meeting

Councilmember Rasansky moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0263

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-51 and addendum addition consent agenda items 1-9, was presented for consideration.

The City Secretary requested that consent agenda item 16 be considered as an individual item to allow citizens to speak. 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 the City Secretary's request.

Councilmember Neumann requested that consent agenda items 23, 24, 25, 26 and addendum addition consent agenda items 2 and 6 be considered as individual items. Mayor Leppert stated that consent agenda items 23, 24, 25, 26 and addendum addition consent agenda items 2 and 6 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Hill 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 Hill's request.

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

Councilmember Rasansky requested that consent agenda items 5, 10, 11, 14, 22, 23, 24, 41, 42, 50 and addendum addition consent agenda items 3, 4 and 5 be considered as individual items. Mayor Leppert stated that consent agenda items 5, 10, 11, 14, 22, 23, 24, 41, 42, 50 and addendum addition consent agenda items 3, 4 and 5 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 item 42 and addendum addition consent agenda item 8 be considered as individual items. Mayor Leppert stated that consent agenda item 42 and addendum addition consent agenda item 8 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Hunt's request.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0263

Page 2

Councilmember Kadane moved to reconsider consent zoning agenda item 41 of the January 14, 2009 city council meeting to be considered at the February 11, 2009 city council voting agenda meeting.

Motion seconded by Councilmember Neumann.

After discussion with the City Attorney, Councilmember Kadane withdrew his motion to reconsider consent zoning agenda item 41 of the January 14, 2009 city council meeting to be considered at the February 11, 2009 city council voting agenda meeting.

Councilmember Neumann, who seconded the original motion, also withdrew his second to the motion.

Councilmember Salazar moved to approve all items on the consent agenda with the exception of consent agenda 5, 10, 11, 14, 16, 22, 23, 24, 25, 26, 41, 42, 50 and agenda addendum addition consent items 2, 3, 4, 5, 6, 7 and 8 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0264

Item 2: Authorize a twenty-four-month master agreement for aggregates including sandy loam, crushed limestone for flexbase, calcium carbonate, sand, and gravel - Earth Haulers, Inc. in the amount of \$2,499,035, Martin Marietta Materials Southwest, Ltd. in the amount of \$1,915,172, Hanson Aggregates in the amount of \$1,132,093, Estes, Inc. in the amount of \$232,800, Texas Industries, Inc. in the amount of \$200,538, Eagle Express Truck Services, Inc. in the amount of \$195,930, and Southwest Crushing, LLC in the amount of \$10,350, lowest responsible bidders of eleven - Total not to exceed \$6,185,918 - Financing: Current Funds (\$3,630,788), Water Utilities Current Funds (\$2,555,130)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0265

Item 3: Authorize the purchase and installation of a Forensic Digital Image Archive Software system - Data Works Plus, LLC, most advantageous proposer of two - Not to exceed \$108,821 - Financing: Bureau of Justice Assistance Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0266

Item 4: Authorize the purchase of sixty-six forcible entry tools for Dallas Fire-Rescue Department - Safeware, Inc., lowest responsible bidder of four - Not to exceed \$106,227 - Financing: Urban Area Security Initiative Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0267

Item 5: Authorize **(1)** the purchase of one 40-ton articulating dump truck to be used by Sanitation Services - Holt Texas Ltd. in the amount of \$435,735, lowest responsible bidder of three, and **(2)** trade-in of one articulating dump truck and two wheel tractor scrapers with Holt Texas Ltd. - Not to exceed \$435,735 - Financing: 2004 Equipment Acquisition Contractual Obligation Notes

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

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

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0268

Item 6: Authorize **(1)** a software license and implementation service agreement in the amount of \$666,668, and **(2)** a thirty-six month maintenance agreement to upgrade the Lawson Human Resources Information System in the amount of \$147,632 - Lawson Software, Sole Source - Total not to exceed \$814,300 - Financing: Current Funds (\$147,632) (subject to annual appropriations), 2007 Equipment Acquisition Contractual Obligation Notes (\$666,668)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0269

Item 7: Authorize a thirty-six-month master agreement for computer desktop software, network management products, and design and presentation software with SHI Government Solutions, Inc. through the Department of Information Resources, State of Texas Cooperative contract - Not to exceed \$3,000,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0270

Item 8: Authorize a thirty-six-month master agreement for oil, grease and lubricants - Felts Heavy Duty Oil, LLC. in the amount of \$997,155, Schaeffer Mfg. Co. in the amount of \$281,954, and Certified Labs, Division of NCH in the amount of \$56,013, lowest responsible bidders of three - Total not to exceed \$1,335,122 - Financing: Current Funds (\$890,639), Water Utilities Current Funds (\$444,483)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0271

Item 9: Authorize a thirty-six-month master agreement for the purchase of pre-cast water meter vaults - Oldcastle Precast, Inc., only bidder - Not to exceed \$182,580 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0272

Item 10: Authorize a thirty-six-month master agreement for the purchase of valves, accessories and parts - Mueller Co., LTD in the amount of \$2,285,673, Clow Valve Company in the amount of \$1,688,690, M & H Valve Co. in the amount of \$310,422, and Kennedy Valve Co. in the amount of \$266,410, lowest responsible bidders of six - Total not to exceed \$4,551,195 - Financing: Water Utilities Current Funds

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

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0273

Item 11: Authorize a thirty-six-month master agreement for the purchase of fire vehicle pump parts - E-One, Inc., lowest responsible bidder of two - Not to exceed \$69,000 - Financing: Current Funds

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

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0274

Item 12: Authorize a twelve-month master agreement for traffic radar units and accessories - Applied Concepts, Inc., lowest responsible bidder of three - Not to exceed \$294,933 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0275

Item 13: Authorize an increase with ViON Corporation for the purchase and installation of additional enterprise storage, backup, and recovery system and backup mainframe capacity - Not to exceed \$300,000, from \$2,800,000 to \$3,100,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0276

Item 14: Authorize a thirty-six-month concession contract, with two twelve-month renewal options, for operation of the food and drink concession at Kiest Park and Kiest Softball Complex - East Pointe Holdings, Inc. dba Heartland Food Group, highest responsible bidder of two - Estimated Annual Revenue: \$7,500

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

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

Councilmember Neumann moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia.

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

Voting Yes: [13] Leppert, Garcia, Caraway, Medrano, Neumann, Salazar,
Davis, Atkins, Kadane, Allen, Koop, Natinsky, Hunt

Voting No: [1] Rasansky

Absent when vote taken: [1] Hill

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0277

Item 15: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of a tract of unimproved land containing approximately 52,348 square feet from Texas A&M University System, located near the intersection of Cullum Lane and Waterview Parkway - \$16,850 (\$15,738 plus closing costs not to exceed \$1,112) - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0278

Item 16: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of ten tracts of land containing a total of approximately 11,273 square feet located near Brockbank Drive and Lombardy Lane for the Brockbank Drive Street Improvement Project (list attached) - \$201,722 (\$190,168 plus closing costs not to exceed \$11,554) - Financing: 2006 Bond Funds

The City Secretary requested that consent agenda item 16 be considered as an individual item to allow citizens to speak. 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 the City Secretary's request.

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

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0279

Item 17: Authorize **(1)** a Purchase Contract with The Trust for Public Land for the acquisition of approximately 30 acres of land for the Chalk Hill Trail project at a specific purchase price and certain reimbursements for due-diligence costs; and **(2)** the acquisition of the land located between Illinois Avenue and Davis Street for the proposed Chalk Hill Trail project, from The Trust for Public Land - \$1,281,000 (\$1,201,000 plus closing costs not to exceed \$80,000) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0280

Item 18: Authorize moving expense and replacement housing payments for Oscar D. and Martha P. Hernandez 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 \$43,100 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0281

Item 19: An ordinance abandoning a portion of a drainage and sanitary sewer easement to Sohail Akbani, the abutting owner, containing approximately 1,452 square feet of land located near the intersection of Kessler Woods Trail and Kessler Woods Court - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27459

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0282

Item 20: An ordinance abandoning a portion of a right-of-way easement to MC Townhomes I, L.P., the abutting owner, containing approximately 930 square feet of land located near the intersection of Greenville Avenue and Yale Boulevard, authorizing the quitclaim, and providing for the dedication of approximately 933 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. 27460

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0283

Item 21: An ordinance abandoning a portion of a wastewater easement to WXIII/PWM Real Estate Limited Partnership, the abutting owner, containing approximately 3,435 square feet of land located near the intersection of Montfort Drive and Belt Line Road - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27461

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0284

Item 22: An ordinance granting a private license to Elm 1414 Properties, LTD. for the use of approximately 98 cubic feet of air space to install and maintain one canopy over a portion of Elm Street right-of-way located near its intersection with Akard Street - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

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

Later in the meeting, consent agenda item 22 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 approve the item.

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

Assigned ORDINANCE NO. 27462

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0285

Fort Worth Avenue TIF District

Note: Item Nos. 23, 24 & 25 must be considered collectively.

Item 23: An ordinance amending the Fort Worth Avenue TIF Tax Increment Financing District Project Plan and Reinvestment Zone Financing Plan (Plan), to **(1)** shift funds among budget categories to decrease the total budget for public infrastructure improvements in the amount of (\$6,000,000), from \$43,259,794 to \$37,259,794; to delete a budget category, grants for high density developments, in the amount of (\$4,000,000) and create a new budget category, economic development grants, with a budget of \$10,000,000; **(2)** correct the 2007 base value by (\$329,057) from \$86,462,504 to \$86,133,447 to reflect the final certified roll; and **(3)** make corresponding modifications to the Plan and Ordinance No. 27129 to implement such Plan amendments for the Fort Worth Avenue TIF District in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311) - Financing: No cost consideration to the City

The city secretary announced that Councilmember Salazar deferred consideration of consent item 23 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedures.

After the Notice of Deferred Item was posted, Councilmember Salazar notified the city secretary in writing that he wished to withdraw the deferral and consider the item as an individual item.

Mayor Leppert stated that consent agenda item 23 would be considered later in the meeting, there being no objection voiced to Councilmember Salazar's request.

Later in the meeting, consent agenda item 23 was brought up for consideration.

Councilmember Neumann moved to approve the item and to pass the ordinance.

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

Assigned ORDINANCE NO. 27463

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0286

Fort Worth Avenue TIF District

Note: Item Nos. 23, 24 & 25 must be considered collectively.

Item 24: Authorize **(1)** the establishment of the City of Dallas Fort Worth Avenue Grant Program to implement the Project Plan and Reinvestment Zone Financing Plan (Project Plan) for Tax Increment Financing Reinvestment Zone Number Fifteen, (Fort Worth Avenue TIF District) pursuant to Chapter 311 of the Texas Tax Code, V.T.C.A. to be administered by the City of Dallas - Office of Economic Development to promote economic development within the Fort Worth Avenue TIF District, **(2)** a development agreement with Fairways at La Reunion, LLC and/or its affiliates to implement the Project Plan in an amount not to exceed \$6,500,000, payable from future Fort Worth Avenue TIF District funds in consideration of Fairways at La Reunion, LLC and/or its affiliates' development of La Reunion Phase I in Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District); and **(3)** the Fort Worth Avenue TIF District Board of Directors to dedicate up to \$6,500,000 from future Fort Worth Avenue TIF revenues in accordance with the development agreement - Not to exceed \$6,500,000 - Financing: Fort Worth Avenue TIF District Funds

The city secretary announced that Councilmember Salazar deferred consideration of consent item 24 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedures.

After the Notice of Deferred Item was posted, Councilmember Salazar notified the city secretary in writing that he wished to withdraw the deferral and consider the item as an individual item

Mayor Leppert stated that consent agenda item 24 would be considered later in the meeting, there being no objection voiced to Councilmember Salazar's request.

Later in the meeting, consent agenda item 24 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0287

Fort Worth Avenue TIF District

Note: Item Nos. 23, 24 & 25 must be considered collectively.

Item 25: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District) to reimburse Fairways at La Reunion, LLC and/or its affiliates (La Reunion Towncenter, LLC; 2505 Ft Worth Avenue, LLC; and Courtyards at La Reunion, LLC) for eligible expenditures pursuant to the development agreement with Fairways at La Reunion, LLC and/or its affiliates (La Reunion Towncenter, LLC; 2505 Ft Worth Avenue, LLC; and Courtyards at La Reunion, LLC) up to \$6,500,000 for certain improvements related to the development of La Reunion Phase I in the Fort Worth Avenue TIF District - Financing: No cost consideration to the City

The city secretary announced that Councilmember Salazar deferred consideration of consent item 25 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedures.

After the Notice of Deferred Item was posted, Councilmember Salazar notified the city secretary in writing that he wished to withdraw the deferral and consider the item as individual item.

Mayor Leppert stated that consent agenda item 25 would be considered later in the meeting, there being no objection voiced to Councilmember Salazar's request.

Later in the meeting, consent agenda item 25 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0288

Item 26: Authorize approval for (1) the addition of three sanitarian positions; and (2) an increase in appropriations in the budget for Environmental and Health Services for implementation of the expanded smoking ordinance effective April 10, 2009 - Not to exceed \$165,674, from \$20,482,701 to \$20,648,375 - Financing: Contingency Reserve Funds

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

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

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway.

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

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

Voting No: [3] Salazar, Kadane, Rasansky

Absent when vote taken: [2] Caraway, Hill

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0289

Item 27: Authorize the acceptance of a grant from the U.S. Department of Housing and Urban Development to be used for the provision of a transitional homeless housing placement program for the period April 1, 2009 through March 31, 2012 - Not to exceed \$1,183,680 - Financing: 2008-09 Housing Opportunities for Persons with AIDS Competitive Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0290

Item 28: Authorize a professional services contract with T. Howard and Associates, Inc. to provide architectural design and construction administration services for repairs and improvements at the McCommas Bluff Landfill located at 5100 Youngblood Road, the Southwest Transfer Station located at 4610 South Westmoreland Road, the Northeast Transfer Station located at 7677 Fair Oaks Avenue and the Northwest Transfer Station located at 9500 Harry Hines Boulevard - Total not to exceed \$343,706 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0291

Item 29: Authorize the Program Statement for the CDBG Section 108 Guarantee Loan Program providing requirements for individual loan applications for financing for economic development, large-scale physical development projects, public facilities and mixed use development, and eligible activities and project criteria for Section 108 Loan projects - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0292

Item 30: Authorize the reconstruction on-site of three homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 3163 East Ledbetter Drive in the amount of \$87,500, 1044 Hutchins Road in the amount of \$87,500, and 1827 Dennison Street in the amount of \$87,500 - Total not to exceed \$262,500 - Financing: 1998-99 Community Development Grant Funds (\$10,557), 2002-03 Community Development Reprogramming Funds (\$13,515), 2007-08 Community Development Grant Funds (\$227,265), and 2006-07 HOME Funds (\$11,164)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0293

Item 31: Authorize **(1)** a public hearing to be held April 8, 2009 to receive comments on the proposed amendments to the City of Dallas FY 2008-09 Urban Land Bank Demonstration Program Plan which would allow rental housing units on the Land Bank lots and/or rental housing units above a retail/commercial/office development located on the Land Bank lots and require 15-year deed restrictions for affordability to households with incomes not greater than sixty percent of area median family income in any rental housing units and as further restricted by statute; and **(2)** at the close of the public hearing, consideration of approval of the amended City of Dallas FY 2008-09 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0294

Item 32: Authorize an Interlocal Agreement between the Dallas Independent School District (DISD) and the City of Dallas Park and Recreation Department for Provision of Enhanced Enrichment Programs at eighteen DISD sites from February 1, 2009 through June 30, 2009 - Estimated Revenue: \$126,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0295

Item 33: Authorize a contract for the restoration of the historic structures, stone tables and drinking fountain, restoration of the decorative fountain, repairs of creek channel walls, construction of new accessible walkways, and installation of additional security lighting at Lake Cliff Park located at 300 East Colorado Boulevard - Phoenix I Restoration and Construction, Ltd., best value proposer of three - \$852,000 - Financing: 2003 Bond Funds (\$411,920) and 2006 Bond Funds (\$440,080)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0296

Item 34: Authorize a fifteen-year maintenance agreement, with two ten-year renewal options, with For the Love of the Lake, Inc. for the maintenance repair and/or replacement of trees, two connecting trails, benches, monuments and plaques comprising The Celebration Tree Grove at White Rock Lake Park located at 800 East Lawther Drive - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0297

Item 35: Authorize an increase in the contract with The Gilbert Construction Group, Inc. for mechanical system filtration, water treatment, and automatic backwash for the sprayground at Ferguson Park located at 1900 Gross Road - Not to exceed \$66,234, from \$1,255,617 to \$1,321,851 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0298

Item 36: Authorize Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. for Phase III erosion control and stormwater quality improvements for additional modifications to the Woodlands Exhibit to accommodate white rhinos in the Wilds of Africa at the Dallas Zoo located at 650 South R.L. Thornton Freeway - \$79,000, from \$553,820 to \$632,820 - Financing: 2004 Certificates of Obligation

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0299

Item 37: Authorize **(1)** the Dallas Police Department to expend funds for overtime, in the amount of \$600,000, to be reimbursed from various federal and state law enforcement agencies for FY 2008-09 (list attached), **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$170,400, and **(3)** execution of the grant agreements - Total not to exceed \$770,400 - Financing: Current Funds (\$600,000 to be reimbursed by various federal and state law enforcement agencies)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0300

Item 38: Authorize **(1)** the application for and acceptance of the Governor's Gang Initiative Grant in the amount of \$500,000 from the Office of the Governor, Criminal Justice Division for the purpose of Gang Unit officer overtime reimbursement to combat gangs, guns and drug activity for the period of November 1, 2008 through September 30, 2009, and **(2)** execution of the grant agreement - Not to exceed \$500,000 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0301

Item 39: Authorize an Interlocal Agreement with North Central Texas Council of Governments for the purchase of digital aerial orthophotography, in and around the City of Dallas - Not to exceed \$39,502 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0302

Item 40: Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on Central Expressway at Forest Lane - Not to exceed \$28,978 - Financing: Texas Department of Transportation Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0303

Item 41: Authorize **(1)** the receipt and deposit of funds from TC Timbercreek Associates, LP for reimbursement of materials and labor for adjustments to the traffic signal hardware at Skillman Street and Impala Lane; and **(2)** an increase in appropriations in the amount of \$130,000 in the Capital Projects Reimbursement Fund - Not to exceed \$130,000 - Financing: Private Funds

Councilmember Rasansky requested that consent agenda item 41 be considered as an individual item. Mayor Leppert stated that consent agenda item 41 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 41 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-00304

Item 42: Authorize approval of the recommended plan for the proposed alignment of Central Expressway from Commerce Street to Live Oak Street, from its current alignment to the proposed alignment of Central Expressway - Financing: No cost consideration to the City

Councilmember Rasansky and Councilmember Hunt requested that consent agenda item 42 be considered as an individual item. Mayor Leppert stated that consent agenda item 42 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 42 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 February 25, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0305

Item 43: Authorize a professional services contract with Teal Engineering Services, Inc. to provide engineering services and staff assistance related to the implementation of a Transit Signal Priority System in the Downtown Transitway Mall - Not to exceed \$1,158,322 - Financing: Capital Projects Reimbursement Funds (to be reimbursed by Dallas Area Rapid Transit)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0306

Item 44: Authorize Supplemental Agreement No. 1 to the contract with ARS Engineers, Inc., for additional design services and construction plans preparation for Routh Street from Woodall Rodgers Freeway to Ross Avenue and Routh Street from Ross Avenue to San Jacinto Avenue - Not to exceed \$153,902, from \$334,698 to \$488,600 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0307

Item 45: Authorize Supplemental Agreement No. 1 to the professional services contract with Booziotis & Company Architects to provide additional design services for Phase II through Phase IV of the Dallas Theater Center Master Plan for the Kalita Humphreys Theater and adjacent administration facility located at 3636 Turtle Creek Boulevard to develop strategic planning, program development conceptual design and planning - Not to exceed \$161,608, from \$152,848 to \$314,456 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0308

**East Dallas Veloway Phase II Extension
from Elm Street to Parry Avenue**

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

Item 46: Authorize Supplemental Agreement No. 3 to the contract with Nathan D. Maier Consulting Engineers, Inc. for design of the East Dallas Veloway, Phase II Extension, from Elm Street to Parry Avenue in the amount of \$167,410, from \$291,895 to \$459,305 - Not to exceed \$167,410 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0309

**East Dallas Veloway Phase II Extension
from Elm Street to Parry Avenue**

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

Item 47: Authorize a license agreement with Dallas Area Rapid Transit (DART) for the use of DART right-of-way to construct and maintain the East Dallas Veloway, Phase II Extension, from Elm Street to Parry Avenue - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0310

Item 48: Authorize **(1)** a contract for the construction of a 30-acre waste cell at the McCommas Bluff Landfill, including composite liner, leachate collection system with Ranger Excavating, L.P. in the amount of \$2,991,928, lowest responsible bidder of six; and **(2)** an increase in appropriations in the Sanitation Waste Cell Sinking Fund in the amount of \$2,991,928 - Total not to exceed \$2,991,928 - Financing: Sanitation Waste Cell Sinking Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0311

Item 49: Authorize acquisition from Dallas County, and subsequent conveyance, of an unimproved tract of land containing approximately 9,507 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 \$15,460 (\$14,260, plus closing costs not to exceed \$1,200) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0312

Item 50: Authorize a five-year lease agreement with Pan Coastal Limited Partnership for the continued use of approximately 33,967 square feet of office space located at 2121 Main Street to be used to house the Capital Improvements staff of the Water Utilities Department for the period April 24, 2009 through April 23, 2014 - Not to exceed \$2,335,232 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Councilmember Rasansky requested that consent agenda item 50 be considered as an individual item. Mayor Leppert stated that consent agenda item 50 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, consent agenda item 50 was brought up for consideration.

Deputy Mayor Pro Tem Caraway moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0313

Item 51: Authorize **(1)** the continuation of work with the Tarrant Regional Water District (TRWD) to determine the feasibility of raw water transmission facilities to deliver water from East Texas and other area existing and proposed reservoirs, to jointly participate in the development, construction, and operation of infrastructure capable of delivering raw water supply to the Dallas/Fort Worth Metroplex, and **(2)** authorize the joint submittal of a Texas Water Development Board Planning Grant application for a portion of the joint study cost - \$2,610,556 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0316

Item 53: 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

The following individual addressed the city council regarding the item:

Ken Benson, 325 N. St. Paul St., representing John Middleton Co. & Altria Client Services

Councilmember Atkins moved to defer the item indefinitely.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0317

City Center TIF District

Note: Item Nos. 54 and 55
must be considered collectively.

Item 54: 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

Item 55: 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 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 February 11, 2009 voting agenda meeting of the city council at the request of City of Dallas staff, to allow a necessary Amendment to the City Center TIF District Project Plan to be presented to the Economic Development Council Committee on February 2, 2009.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0318

Hall Lone Star Associates, L.P.

Note: Item Nos. 56 and 57
must be considered collectively.

Note: If Agenda Item Nos. 56 and 57 do not pass, Council will not consider Agenda Item No. 58.

Item 56: 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

Item 57: 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 moved to defer the item until the February 11, 2009 voting agenda meeting of the city council at the request of City of Dallas staff, to allow a necessary Amendment to the Downtown Connection TIF District Project Plan to be presented to the Economic Development Council Committee on February 2, 2009.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0319

Hall Lone Star Associates, L.P.

Note: Item Nos. 56 and 57
must be considered collectively.

Note: If Agenda Item Nos. 56 and 57 do not pass, Council will not consider Agenda Item No. 58.

Item 58: 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 Hunt moved to defer the item until the February 11, 2009 voting agenda meeting of the city council at the request of City of Dallas staff, to allow a necessary Amendment to the Downtown Connection TIF District Project Plan to be presented to the Economic Development Council Committee on February 2, 2009.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0320

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 59-67, was presented for consideration.

Agenda items 65 and 67 were removed from the consent zoning docket, to be considered as individual hearings.

- Agenda item 59: Zoning Case Z078-216 (OTH)
- Agenda item 60: Zoning Case Z078-275 (JH)
- Agenda item 61: Zoning Case Z078-249 (MAW)
- Agenda item 62: Zoning Case Z078-268 (JH)
- Agenda item 63: Zoning Case Z078-271 (JH)
- Agenda item 64: Zoning Case Z078-303 (OTH)
- ~~Agenda item 65: Zoning Case Z089-104 (WE) [considered individually]~~
- Agenda item 66: Zoning Case Z089-107 (MAW)
- ~~Agenda item 67: Zoning Case Z089-109 (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 Atkins 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. (Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0321

Item 59: Zoning Case Z078-216 (OTH)

The consent zoning docket, consisting of agenda items 59-67, was presented for consideration

A public hearing was called on zoning case Z078-216 (OTH), an application for and an ordinance granting a Specific Use Permit for a bank or savings and loan with drive-through window service on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Oak Lawn Avenue and Brown Street

(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. 27464

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0322

Item 60: Zoning Case Z078-245 (JH)

The consent zoning docket, consisting of agenda items 59-67, was presented for consideration

A public hearing was called on zoning case Z078-245 (JH), an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 51 for a public school other than open enrollment charter school and MF-2 Multiple-Family Subdistrict uses with Historic Overlay No. H/124, within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northeast side of Gilbert Avenue between Prescott Avenue and Hershel 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.

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27465

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0323

Item 61: Zoning Case Z078-249 (MAW)

The consent zoning docket, consisting of agenda items 59-67, was presented for consideration

A public hearing was called on zoning case Z078-249 (MAW), regarding an application for and an ordinance granting an amendment to amend Specific Use Permit No. 1477 for an open enrollment charter school on property zoned an IR Industrial Research District located on the north side of Red Bird Lane, between Westmoreland Road and Watership Lane

(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. 27466

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0324

Item 62: Zoning Case Z078-268 (JH)

The consent zoning docket, consisting of agenda items 59-67, was presented for consideration

A public hearing was called on zoning case Z078-268 (JH), an application for and an ordinance granting an amendment to amend Specific Use Permit No. 1357 for a private school on property zoned an R-7.5(A) Single Family District on the northwest corner of Bruton Road and McCutcheon Lane

(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, revised 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. 27467

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0325

Item 63: Zoning Case Z078-271 (JH)

The consent zoning docket, consisting of agenda items 59-67, was presented for consideration

A public hearing was called on zoning case Z078-271 (JH), an application for and an ordinance granting a Specific Use Permit for an Open-enrollment Charter School on property zoned an R-7.5(A) Single Family District, located on the northwest corner of Bohannon Drive and Holcomb 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, 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. 27468

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0326

Item 64: Zoning Case Z078-303 (OTH)

The consent zoning docket, consisting of agenda items 59-67, was presented for consideration

A public hearing was called on zoning case Z078-303 (OTH), an application for and an ordinance granting a Specific Use Permit for an animal shelter or clinic with outside run on property zoned an IR Industrial Research District on the north corner of Cedar Springs Road and Timber Lane, northwest of Inwood Boulevard

(The staff and city plan commission recommended approval for a five-year period with eligibility for automatic renewal 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. 27469

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0327

Item 65: Zoning Case Z089-104 (WE)

The consent zoning docket, consisting of agenda items 59-67, was presented for consideration

Councilmember Rasansky requested that zoning consent item 65 be considered as an individual item. Mayor Leppert stated that zoning consent item 65 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 Z089-104 (WE), an application for and an ordinance granting the creation of new subdistricts within Planned Development District No. 619 for mixed uses on property generally bounded by Commerce Street, Browder Street, Jackson Street and Field Street

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

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

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

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

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

Assigned ORDINANCE NO. 27470

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0328

Item 66: Zoning Case Z089-107 (MAW)

The consent zoning docket, consisting of agenda items 59-67, was presented for consideration

A public hearing was called on zoning case Z089-107 (MAW), an application for and an ordinance granting a renewal of Specific Use Permit No. 1653 for an outside industrial potentially incompatible use on property zoned an IM Industrial Manufacturing District with deed restrictions located on the north side of Mañana Street, west of Newkirk Street

(The staff and city plan commission recommended approval for a three-year period 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. 27471

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0329

Item 67: Zoning Case Z089-109 (MAW)

The consent zoning docket, consisting of agenda items 59-67, 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 Z089-109 (MAW), an application for and an ordinance granting the creation of a new tract within Planned Development District No. 44 to allow for medical clinic or ambulatory surgical center and business school uses located on the southeast corner of Greenville Avenue and Amberton Parkway

(The staff and city plan commission recommended approval subject to a development plan, landscape 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:

Jonathan Vinson, 6342 Vickery Blvd., representing the applicant

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

Motion seconded by Councilmember Salazar and unanimously adopted.

Assigned ORDINANCE NO. 27472

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0330

Item 68: Zoning Case Z089-103 (WE) INDIVIDUAL

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

A public hearing was called on zoning case Z089-103 (WE), an application for a Specific Use Permit for a motel or hotel use on property zoned a CC Community Commercial Subdistrict in Planned Development District No. 595, the South Dallas Fair Park Special Purpose District, on the south corner of Peabody Avenue and Colonial Avenue

(The staff and city plan commission recommended denial)

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

Jason Mathis, 901 Main St., representing the applicant
Meendxi J. Patel, 3103 Colonial Ave., representing the applicant

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

Terry Flowers, 401 Royal Crest, **DeSoto, TX**, representing St. Phillip's School and Community Center
Monifa Bandele, 1500 Mountain Laurel Lane, representing St. Phillip's Parent's Association
P. Michael Jung, 4400 Bank of America Plaza, representing St. Phillip's School

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

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0331

Item 69: Zoning Case Z089-114 (OTH) INDIVIDUAL

A public hearing was called on zoning case Z089-114 (OTH), an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern and a commercial amusement (inside) limited to a Class A dance hall on property zoned an RS-MU Regional Service Mixed Use Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the east side of South Lamar Street, between Starks Avenue and Haven Street, west of Central Expressway

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

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

Donald R. Parrish, 3114 Dorrington Circle
Alfred Walker, Jr., 1403 Oxbow Dr., **Cedar Hill, TX**, representing South Dallas Hope Initiative

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

Augustine Ekukpe, 1937 Red Cloud Dr., applicant

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

- Specific Use Permit approved for a two year period

and pass the ordinance.

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

Assigned ORDINANCE NO. 27473

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0332

Item 70: 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 January 14, 2009, and was held under advisement until January 28, 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 close the public hearing, accept the recommendation of the city plan commission with the following changes:

- Changing the maximum dwelling unit density in Subarea 2 from 75 to 85 units per acre.
- Changing the height in Subarea 2 to 180 feet for the area shown on the conceptual plan. And making any building over 85 feet height subject to a maximum floor plate area of 25,000 square feet. Changing the maximum height in Subarea 3 from 60 to 75 feet.
- Changing the allowable height of a structure over a residential proximity slope from 36 to 45 feet.
- Changing the residential proximity slope termination point of Subarea 1 to 200 feet from private property in a single-family district and in Subarea 2 to 100 feet from the right-of-way of North Plymouth Road.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0332

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- Eliminate the maximum number of stories.
- Changing the parking reduction from two to five percent.
- Adding a masonry requirement for 85 percent of the building façade as an option to receive a parking reduction.
- Adding a screening wall option to the screening requirement for surface parking lots.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27474

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0333

Item 71: SPECIAL PROVISION SIGN DISTRICT - UNDER ADVISEMENT – INDIVIDUAL

A public hearing to receive comments regarding an application for an amendment to the provisions of the Downtown Special Provision Sign District, to create a new Subdistrict to allow for video board signs on a tract of land generally between Main Street and Elm Street west of Akard Street

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

Note: This item was considered by the City Council at public hearings on November 28, 2007, February 27, March 26, June 25 and September 10, 2008, and was taken under advisement until January 28, 2009, with the public hearing open.

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

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0334

Advanced H2O, LLC

Note: Item Nos. 72, 73 and 74
must be considered collectively.

Item 72: A public hearing to receive comments concerning the creation of a reinvestment zone for a business personal property tax abatement, to be known as City of Dallas Reinvestment Zone No. 72, incorporating approximately 37.80 acres of property located at 4800 Langdon Road Dallas, Texas in southern Dallas for the purpose of granting economic development incentives to Advanced H2O, LLC. and DLH Dallas Logistics 634, LLC. - Financing: No cost consideration to the City

Item 73: An ordinance designating approximately 37.80 acres of property located at 4800 Langdon Road for the purpose of granting economic development incentives to Advanced H2O, LLC. and DLH Dallas Logistics 634, LLC. and establishing the boundaries of the Reinvestment Zone and providing for an effective date - Financing: No cost consideration to the City

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

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

Motion seconded by Councilmember Hill and unanimously adopted.

Assigned ORDINANCE NO. 27475

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0335

Advanced H2O, LLC

Note: Item Nos. 72, 73 and 74
must be considered collectively.

Item 74: Authorize a 50 percent business personal property tax abatement agreement for 10 years with Advanced H2O, LLC. and DLH Dallas Logistics 634, LLC. located at 4800 Langdon Road on approximately 37.80 acres of property - Revenue: First year revenue estimated at \$67,311; ten-year revenue estimated at \$1,009,665 (Estimated revenue foregone for ten-year business personal property tax abatement estimated at \$1,009,665)

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

Councilmember Atkins moved to approve the item with the following changes:

- Amend Section 5 (f) of the resolution to increase the number of months required for Advanced H2O, LLC to create 100 jobs after substantial completion from 24 to 30 months.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0336

Closed Session [**09-0336; HELD**]

5ES

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

- United States of America v. City of Dallas, Texas, Civil Action No. 3:08-CV-1063-K
- Bolton v. City of Dallas, Texas, Appeal No. 08-704
- Legal and code compliance issues involving properties at 1803, 1809, and 1811 Rock Island Street

At 11:56 a.m., Mayor Leppert announced the closed session of the city council authorized by Chapter 551, "OPEN MEETING," of the (Texas Open Meetings Act) to discuss the following matters:

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

- United States of America v. City of Dallas, Texas, Civil Action No. 3:08-CV-1063-K
- Bolton v. City of Dallas, Texas, Appeal No. 08-704
- Legal and code compliance issues involving properties at 1803, 1809, and 1811 Rock Island Street

Mayor Leppert reconvened the city council meeting after the closed session at 1:35 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0337

Addendum addition 1: Authorize a thirty-six-month master agreement for emergency medical exam gloves - First Line, LLC, lowest responsible bidder of six - Not to exceed \$719,245 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0338

Addendum addition 2: Authorize a sixty-month professional services contract for medical examinations, drug and alcohol testing for the Fire Department, Police Department, City Marshal's Office and Human Resources - CareNow, most advantageous proposer of three - Not to exceed \$2,569,750 - Financing: Current Funds (subject to annual appropriations)

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

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0339

Addendum addition 3: Authorize an increase in the thirty-six-month master agreement for Caterpillar brand parts and labor with Holt Texas, LTD - Not to exceed \$1,177,213, from \$4,708,852 to \$5,886,065 - Financing: Current Funds

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.

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0340

Addendum addition 4: Authorize an increase in the master agreement with Office Depot to continue participation in the U.S. Communities Government Purchasing Alliance Administrative Agreement for the purchase of office supplies - Not to exceed \$1,625,000, from \$6,500,000 to \$8,125,000 - Financing: Current Funds

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

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0341

Addendum addition 5: Approve the execution of the Hotel Operating Agreement between Omni Hotels Management Corporation and the Dallas Convention Center Hotel Development Corporation, the City's local government corporation - Financing: No cost consideration to the City

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

Later in the meeting, addendum addition consent agenda item 5 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.

By general consensus of the city council, addendum addition agenda consent item 5 was deferred indefinitely.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0342

Addendum addition 6: An ordinance granting a CR Community Retail District subject to deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the southeast corner of Hampton Road and Singleton Boulevard - Z089-101 - Financing: No cost consideration to the City

Councilmember Neumann 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 Neumann's request.

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

Councilmember Neumann moved to approve the item, subject to deed restrictions volunteered by the applicant.

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

Assigned ORDINANCE NO. 27476

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0343

Addendum addition 7: A resolution authorizing execution by the City Manager, upon approval as to form by the City Attorney, of an agreement with LifeNet Community Behavioral Healthcare and Central Dallas Community Development Corporation providing for their withdrawal of their Notice of Interest with respect to the Jules Muchert United States Army Reserve Center located at 10031 East Northwest Highway - Financing: No cost consideration to the City

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

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

Councilmember Allen moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0344

Addendum addition 8: Authorize **(1)** approval of a Permanent Supportive Housing Program Statement and five-year plan endorsing city-wide implementation for the creation of 700 Permanent Supportive Housing units for chronically homeless individuals; and **(2)** use of Community Development Grant, HOME Funds, General Obligation Bonds and Certificates of Obligation, subject to future Council approval, to fund project gap requirements to the extent permissible from each funding source - Financing: No cost consideration to the City

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

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

The following individual addressed the city council regarding the item:

Mike Rawlings, 1818 Corsicana, Metro Dallas Homeless Alliance

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0345

Addendum addition 9: Authorize a three-year lease agreement with Olympic Center No. 1 Venture, for approximately 9,648 square feet of office space located at 2626 Lombardy Lane, Suite 105, to be used by Water Utilities Pretreatment and Laboratory Services Division for the period February 1, 2009 through January 31, 2012 - Total not to exceed \$274,968 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0346

Addendum addition 10: Consideration and appointment of a member to the Dallas/Fort Worth International Airport Board of Directors for Place 5 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A) (List of nominees is available in the City Secretary's Office)

Mayor Pro Tem Garcia moved to appoint the following individual to the Dallas/Fort Worth Airport Board, with the term to expire January 31, 2011:

- Place 05, Ben Muro

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 28, 2009

09-0347

NOTICE OF DEFERRED OR DELETED ITEMS

CITY COUNCIL MEETING

JANUARY 28, 2009

POSTED ON FRIDAY, JANUARY 23, 2009

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

- Item 23: An ordinance amending the Fort Worth Avenue TIF Tax Increment Financing District Project Plan and Reinvestment Zone Financing Plan (Plan), to (1) shift funds among budget categories to decrease the total budget for public infrastructure improvements in the amount of (\$6,000,000), from \$43,259,794 to \$37,259,794; to delete a budget category, grants for high density developments, in the amount of (\$4,000,000) and create a new budget category, economic development grants, with a budget of \$10,000,000; (2) correct the 2007 base value by (\$329,057) from \$86,462,504 to \$86,133,447 to reflect the final certified roll; and (3) make corresponding modifications to the Plan and Ordinance No. 27129 to implement such Plan amendments for the Fort Worth Avenue TIF District in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311) - Financing: No cost consideration to the City **[DEFERRED BY COUNCILMEMBER SALAZAR]**
- Item 24: Authorize (1) the establishment of the City of Dallas Fort Worth Avenue Grant Program to implement the Project Plan and Reinvestment Zone Financing Plan (Project Plan) for Tax Increment Financing Reinvestment Zone Number Fifteen, (Fort Worth Avenue TIF District) pursuant to Chapter 311 of the Texas Tax Code, V.T.C.A. to be administered by the City of Dallas - Office of Economic Development to promote economic development within the Fort Worth Avenue TIF District, (2) a development agreement with Fairways at La Reunion, LLC and/or its affiliates to implement the Project Plan in an amount not to exceed \$6,500,000, payable from future Fort Worth Avenue TIF District funds in consideration of Fairways at La Reunion, LLC and/or its affiliates' development of La Reunion Phase I in Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District); and (3) the Fort Worth Avenue TIF District Board of Directors to dedicate up to \$6,500,000 from future Fort Worth Avenue TIF revenues in accordance with the development agreement - Not to exceed \$6,500,000 - Financing: Fort Worth Avenue TIF District Funds **[DEFERRED BY COUNCILMEMBER SALAZAR]**

- Item 25: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District) to reimburse Fairways at La Reunion, LLC and/or its affiliates (La Reunion Towncenter, LLC; 2505 Ft Worth Avenue, LLC; and Courtyards at La Reunion, LLC) for eligible expenditures pursuant to the development agreement with Fairways at La Reunion, LLC and/or its affiliates (La Reunion Towncenter, LLC; 2505 Ft Worth Avenue, LLC; and Courtyards at La Reunion, LLC) up to \$6,500,000 for certain improvements related to the development of La Reunion Phase I in the Fort Worth Avenue TIF District - Financing: No cost consideration to the City **[DEFERRED BY COUNCILMEMBER SALAZAR]**

Deborah Watkins
CITY SECRETARY

NOTE: After the Notice of Deferred Item was posted Councilmember Salazar notified the city secretary in writing that he wished to withdraw the deferral and consider the items as an individual item.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 28, 2009

EXHIBIT C