

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 11, 2009

09-0390
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Garcia, Caraway, Medrano, Neumann, Hill, Salazar (*9:55 a.m.), Davis (*9:14 a.m.), Atkins, Kadane, Allen, Koop, Natinsky, Rasansky, Hunt (*9:27 a.m.)

ABSENT: [0]

The meeting was called to order at 9:03 a.m.

The Assistant City Secretary announced that a quorum of the city council was present.

The invocation was given by Pastor Elder Kennard Murray, of the Evangel Temple Church.

Mayor Pro Tem Garcia 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 3:36 p.m.

Mayor

ATTEST:

Assistant City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 11, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 11, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0391

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:

NONE

OPEN MICROPHONE – END OF MEETING

SPEAKER: Raffaele Martini Pandozy, 2312 Grand Ave.
REPRESENTING: Dallas Texas Rose Garden Inc.
SUBJECT: Investigations for violations of civil rights

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

SPEAKER: Steven Meeks, 3220 Carpenter
SUBJECT: Illegal dumping & code enforcement

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
SUBJECT: Where are former city council members

SPEAKER: Frank Ward III, P. O. Box 50694
REPRESENTING: Trinity Reunion Church/Community
SUBJECT: Reckon, Recollect, Recollection

SPEAKER: Gwain Wooten, 3625 Bryan St.
REPRESENTING: Real American Women
SUBJECT: Side effects of slavery

SPEAKER: William Hopkins, 2011 Leath
SUBJECT: City Manager

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0392

Item 1: Approval of Minutes of the January 28, 2009 City Council Meeting

Mayor Pro Tem Garcia moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0393

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-44 and addendum addition consent agenda items 1-17, was presented for consideration.

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

Councilmember Neumann requested that addendum addition consent agenda items 1, 8 and 10 be considered as individual items. Mayor Leppert stated that addendum addition consent agenda items 1, 8 and 10 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Hill requested that consent agenda item 33 be considered as an individual item. Mayor Leppert stated that consent agenda item 33 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill's request.

Councilmember Rasansky requested that consent agenda items 2, 5, 35, 41 and addendum addition consent agenda items 7, 8 and 9 be considered as individual items. Mayor Leppert stated that consent agenda items 2, 5, 35, 41 and addendum addition consent agenda items 7, 8 and 9 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Neumann moved to approve all items on the consent agenda with the exception of consent agenda 2, 5, 33, 35, 41 and agenda addendum addition consent items 1, 7, 8, 9 and 10 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0394

Item 2: Authorize the purchase and installation of carpet at the J. Erik Johnson Central Public Library - Corporate Floors, Inc., lowest responsible bidder of three - Not to exceed \$186,567 - Financing: 2003 Bond Funds

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

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0395

Item 3: Authorize the purchase of positive pressure ventilation equipment for Dallas Fire-Rescue - Metro Fire Apparatus Specialists, Inc., lowest responsible bidder of two - Not to exceed \$149,556 - Financing: Urban Area Security Initiative Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0396

Item 4: Authorize a twenty-four-month master agreement for traffic signal heads, hardware and supplies - TraStar, Inc. in the amount of \$180,353, Texas Highway Products, LTD in the amount of \$135,615, Traffic Parts, Inc. in the amount of \$39,676, General Traffic Equipment, Corp. in the amount of \$29,150, and Paradigm Traffic Systems, Inc. in the amount of \$28,405, lowest responsible bidders of five - Total not to exceed \$413,199 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0397

Item 5: Authorize a thirty-six-month service contract for volunteer coordinator services - Volunteer Center of North Texas, lowest responsible bidder of two - Not to exceed \$301,450 - Financing: Current Funds (subject to annual appropriations)

Councilmember Rasansky 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's request.

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

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0398

Item 6: Authorize a thirty-six-month service contract for cleaning City-owned parking lots - Commercial Environmental Solutions, Inc., lowest responsible bidder of nine - Not to exceed \$459,149 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0399

Item 7: Authorize **(1)** the rejection of bids received for a service contract for a pilot program project for protective lining for manholes and other sewer structures for Water Utilities; and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0400

Item 8: Authorize settlement of the lawsuit styled Jedd Champion v. City of Dallas and Yolanda Cotton, Cause No. 08-01344-K - Not to exceed \$50,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0401

Item 9: Authorize settlement of the lawsuit styled Jose Montiel v. City of Dallas, Cause No. 08-03043-D - Not to exceed \$40,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0402

Item 10: Authorize settlement of the lawsuit styled Webb Ruff, Sherika Royal, and Rosalyn Bell v. City of Dallas, Cause No. 08-10618-C - Not to exceed \$27,000
- Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0403

Item 11: Authorize Supplemental Agreement No. 1 to the appraisal services contract with the real estate appraisal firm of Integra Realty Resources DFW, LLP, for additional services necessary in the lawsuit styled AHF Community Development, LLC v. City of Dallas, et al., Cause No. 3:06-CV-1035-D - Not to exceed \$128,300, from \$18,000 to \$146,300 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0404

Item 12: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Barbosa Family Partners, Ltd. of approximately 814 square feet of unimproved land located near the intersection of Brockbank Drive and Bynum Avenue for the Brockbank Drive Street Improvements Project - \$8,208 (\$7,221 plus closing costs not to exceed \$987) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0405

Item 13: Authorize **(1)** a Purchase Contract with the Trust for Public Land for acquisition of two tracts of land totaling approximately 3 acres located near Dickerson Street and the Dallas Area Rapid Transit right-of-way tracks for the Dickerson Street Project at a specific purchase price, and **(2)** the acquisition of these two tracts for the Dickerson Street Project from The Trust for Public Land - \$4,430,000 (\$4,400,000 plus closing costs not to exceed \$30,000) - Financing: 2003 Bond Funds (\$452,108), 2006 Bond Funds (\$3,977,892)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0406

Item 14: Authorize settlement in lieu of proceeding with condemnation of 2 tracts of land containing a total of approximately 5 acres from Family Design Homes, Inc., dba, Forney Building & Mortgage, located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$358,820 (\$351,020 plus closing costs not to exceed \$7,800) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0407

Item 15: Authorize the deposit of a Special Commissioners' Award in City of Dallas v. Carbuck's Valley View, L.P., et al., Cause No. CC-07-03884-C, in the County Court at Law No. 3, for acquisition from Carbuck's Valley View, L.P., for a total of approximately 1,879 square feet of land located at the intersection of Alpha Road and Montfort Drive for the Alpha Road and Montfort Drive Improvements project - \$90,765 - Financing: 1998 Bond Funds (\$37,995) and 2006 Bond Funds (\$52,770)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0408

Item 16: Authorize the deposit of Jury's Award in City of Dallas v. HSM Montfort Plaza, Ltd. et al, Cause No. 05-06711-C, in the County Court at Law No. 3, for acquisition from HSM Montfort Plaza, Ltd., of approximately 1,777 square feet of land located at the intersection of Alpha Road and Montfort Drive for the Montfort Drive Improvements project from Peterson Lane to Alpha Road - \$225,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0409

Item 17: Authorize the quitclaim of 16 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$299,210

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0410

Item 18: Authorize moving expense and replacement housing payments for Ambrocia Ortega 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 \$47,700 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0411

Item 19: Authorize moving expense and replacement housing payments for Guadalupe Diaz 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 \$29,200 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0412

Item 20: Authorize moving expense and replacement housing payments for Manuel and Alejandra Reyes 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 \$29,800 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0413

Item 21: Authorize moving expense and replacement housing payments for Noel Lara 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 \$56,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0414

Item 22: Authorize moving expense and replacement housing payments for Rene and Josefina Saldivar 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 \$44,800 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0415

Item 23: Authorize moving expense and replacement housing payments for Rosaura Saldivar 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 \$45,100 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0416

**Quality Policy, Occupational Safety
and Health Policy Update**

Note: Item Nos. 24 and 25 must
be considered collectively.

Item 24: Authorize an amendment to the City's Quality Policy, established on January 24, 2007, by Resolution No. 07-0318, to update the language of the policy to maintain compliance with the International Organization for Standardization requirements - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0417

**Quality Policy, Occupational Safety
and Health Policy Update**

Note: Item Nos. 24 and 25 must
be considered collectively.

Item 25: Authorize an amendment to the City's Occupational Safety and Health Policy, established on January 24, 2007, by Resolution No. 07-0319, to update the language of the policy to maintain compliance with the International Organization for Standardization requirements - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0418

Item 26: Authorize a ten-year lease agreement with Marcer Investments, LLC. for approximately 6,000 square feet of office space located at 1113 East Jefferson Boulevard, to be used as a Women, Infants and Children Clinic for the period July 1, 2009 through June 30, 2019 - Not to exceed \$975,000 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0419

Item 27: Authorize a second amendment to the lease agreement with Rampart Properties, L.P. to extend the term of the lease for an additional six months of approximately 5,870 square feet of office space at the leased facility located at 351 West Jefferson Boulevard, Suite 300 for the continued use as a Women, Infants and Children Clinic for the period March 1, 2009 through August 31, 2009 - Total not to exceed \$45,493 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0420

Item 28: Authorize the reconstruction on-site of one home in accordance with the Reconstruction/SHARE Program Statement requirements for the property located at 2511 Chalk Hill Drive - Total not to exceed \$87,500 - Financing: 2006-07 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0421

Item 29: Authorize an amendment to the Reconstruction/SHARE Program Statement, previously approved on August 13, 2008 by Resolution No. 08-2063, to change the awarded contractor to reconstruct on-site one home in accordance with the Reconstruction/SHARE Program Statement requirements for the property located at 4619 Collins Avenue - Total not to exceed \$87,500 - Financing: 2007-08 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0422

Item 30: Authorize an amendment to the Reconstruction/SHARE Program Statement, previously approved on November 10, 2008, by Resolution No. 08-3055 to change the awarded contractor to reconstruct on-site two homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 1944 Gallagher Street in the amount of \$87,500 and 2604 Larry Drive in the amount of \$87,500 - Total not to exceed \$175,000 - Financing: 2006-07 Community Development Grant Funds (\$8,150), 2007-08 Community Development Grant Funds (\$87,500), 2005-06 HOME Funds (\$52,186), and 2006-07 HOME Funds (\$27,164)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0423

Item 31: A resolution adopting the City's Federal Legislative Agenda for the 111th Congress - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0424

Item 32: Authorize an application for the ninth-year continuation of the Dallas Police Department Victim Services grant from the Office of the Governor, Criminal Justice Division to provide sufficient services to reach all eligible crime victims, for the period September 1, 2009 through August 30, 2010 - Not to exceed \$53,131 (local match in an amount not to exceed \$15,909 will be required if awarded) - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0425

Item 33: Authorize **(1)** public hearings to be held on March 25, 2009 and April 22, 2009 to receive comments on the modification and renewal of the Dallas juvenile curfew ordinance; and **(2)** at the close of the public hearing on April 22, 2009, consideration of an ordinance amending Chapter 31 of the Dallas City Code to re-adopt and continue in effect the Dallas juvenile curfew ordinance, with certain modifications establishing daytime curfew hours for minors in addition to the current nighttime curfew hours for minors - Financing: No cost consideration to the City

Councilmember Hill requested that consent agenda item 33 be considered as an individual item. Mayor Leppert stated that consent agenda item 33 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill's request.

Later in the meeting, consent agenda item 33 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0426

Item 34: Authorize a contract for the construction of erosion control improvements for five erosion projects at 1801 Altadena Drive, 622 West Five Mile Parkway, 938 West Five Mile Parkway, 906 Glen Oaks Boulevard, and 5919 Hunters View Lane - ARK Contracting Services, LLC, lowest responsible bidder of six - Not to exceed \$691,280 - Financing: 2003 Bond Funds (\$41,579) and 2006 Bond Funds (\$649,701)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0427

Item 35: Authorize a contract for the construction of streetscape, water and wastewater adjustment improvements on Elm Street from Akard Street to Ervay Street - Texas Standard Construction, Ltd., lowest responsible bidder of three - \$902,829 - Financing: 2006 Bond Funds (\$888,729) and Water Utilities Capital Construction Funds (\$14,100)

Councilmember Rasansky requested that consent agenda item 35 be considered as an individual item. Mayor Leppert stated that consent agenda item 35 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 35 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 Atkins and unanimously adopted. (Rasansky abstain; Leppert, Medrano absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0428

Item 36: Authorize a professional services contract with Pierce Goodwin Alexander & Linville, Inc. to provide design services, preparation of construction documents and construction administration for a new field maintenance facility at Dallas Love Field - Not to exceed \$272,446 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0429

Item 37: Authorize a professional services contract with VAI Architects, Inc. to provide design services, preparation of construction documents and construction administration for improvements to the taxi cab holding area at Dallas Love Field - Not to exceed \$151,044 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0430

Item 38: Authorize an increase in the contract with Jeske Construction Company for additional water services, paving materials and other adjustments for the reconstruction of Bexar Street from C.F. Hawn Freeway (U.S.175) service road to Brigham Lane - Not to exceed \$144,730, from \$3,728,524 to \$3,873,254 - Financing: 2003 Bond Funds (\$86,365) and Water Utilities Capital Construction Funds (\$58,365)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0431

Item 39: Authorize an increase in the contract with Ken-Do Contracting, LP for additional pavement removal, new paving, additional construction costs associated with the reconstruction of a pedestrian bridge, modifications to the scope and traffic control adjustments necessary for the construction of paving and drainage improvements for a hike and bike trail for East Dallas Veloway, Phase II (Santa Fe Trail) from Glasgow Drive to Hill Street - Not to exceed \$607,899, from \$3,326,296 to \$3,934,195 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0432

Item 40: Authorize Supplemental Agreement No. 1 to the contract with Urban Engineers Group, Inc. for surveying and additional design for water and wastewater improvements for Project Group 06-3009 (list attached) - Not to exceed \$57,590, from \$201,730 to \$259,320 - Financing: 2003 Bond Funds (\$20,400) and Water Utilities Capital Construction Funds (\$37,190)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0433

Item 41: ~~An ordinance~~ Ordinances authorizing the issuance and ~~placement~~ sale of \$118,103,000 City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds, Series 2009A (\$15.1 million); City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009B (\$8.28 million); and City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009C (\$94.723 million) ~~with~~ to the Texas Water Development Board and enacting other provisions in connection therewith - Not to exceed \$278,785 - Financing: Water Utilities Current Funds

Corrected on the addendum to the agenda.

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.

Councilmember Rasansky moved to approve the item.

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

Assigned ORDINANCE'S NO. 27477, 27478 AND 27479

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0434

Item 42: Authorize a Utility Joint Use Acknowledgement Agreement with the State of Texas, acting through the Texas Department of Transportation, in conjunction with the relocation of an existing 16-inch water main and the addition of fire line services, domestic water services, and wastewater services for the proposed new Woodall Rodgers Deck Plaza Park along Spur 366 (Woodall Rodgers Freeway) from Pearl Street to St. Paul Street - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0435

Item 43: Authorize a contract for the construction of energy recovery facility utilities and digester improvements at the Southside Wastewater Treatment Plant - Archer Western Contractors, Ltd. lowest responsible bidder of three - \$6,354,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0436

Item 44: Authorize a contract for the installation and lowering of a 48-inch water transmission main in an existing easement located in the City of Irving - S. J. Louis Construction of Texas, Ltd., lowest responsible bidder of five - \$1,943,126 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0439

Item 46: 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 Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0440

City Center TIF District

Note: Item Nos. 47 and 48
must be considered collectively.

Item 47: 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 48: 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 approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0441

Hall Lone Star Associates, L.P.

Note: Item Nos. 49 and 50
must be considered collectively.

Note: If Agenda Item Nos. 49 and 50 do not pass, Council will not consider Agenda Item No. 51.

Item 49: 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 50: 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 approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0442

Hall Lone Star Associates, L.P.

Note: Item Nos. 49 and 50
must be considered collectively.

Note: If Agenda Item Nos. 49 and 50 do not pass, Council will not consider Agenda Item No. 51.

Item 51: 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

Deputy Mayor Pro Tem Caraway moved to approve the item.

Motion seconded by Councilmember Hunt.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0443

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 52, 53 and 55 was presented for consideration.

Agenda items 53 and 55 were removed from the consent zoning docket, to be considered as individual hearings.

Agenda item 52: Zoning Case Z089-123 (WE)

~~Agenda item 53: Zoning Case Z089-124 (WE)~~ [**considered individually**]

~~Agenda item 55: Zoning Case SPSD078-003~~ [**considered individually**]

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0444

Item 52: Zoning Case Z089-123 (WE)

The consent zoning docket, consisting of agenda items 52, 53 and 55, was presented for consideration.

A public hearing was called on zoning case Z089-123 (WE), an application for and an ordinance granting a Specific Use Permit for a community service center on property zoned a CR Community Retail District and an R-5(A) Single Family District on the southeast corner of Angelina Drive and North Westmoreland Road

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27480

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0445

Item 53: Zoning Case Z089-124 (WE)

The consent zoning docket, consisting of agenda items 52, 53 and 55, was presented for consideration

Councilmember Rasansky and Councilmember Hunt requested that zoning consent item 53 be considered as an individual item. Mayor Leppert stated that zoning consent item 53 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky and Councilmember Hunt's request.

A public hearing was called on zoning case Z089-124 (WE), an application for and an ordinance granting the renewal of Specific Use Permit No. 1659 for an alcoholic beverage establishment use for a bar, lounge, or tavern within Planned Development District No. 619 for mixed uses, on the south side of Main Street, west of Ervay Street

(The staff and city plan commission recommended approval for a two-year period, subject to a site plan and 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 continue the public hearing and hold under advisement indefinitely to be re-advertised once Texas Alcoholic Beverage Commission licensing issues are resolved.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0446

Item 54: Zoning Case Z078-239 (RB) 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 Z078-239 (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.)

Note: This item was considered by the City Council at public hearing on January 14, 2009, and was taken under advisement until FEBRUARY 11, 2009, with the public hearing open.

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0447

Item 55: SPECIAL PROVISION SIGN DISTRICT – CONSENT

A public hearing to receive comments regarding consideration of amendments to the Downtown Special Provision Sign District to allow video boards (LED signs) as premise and non-premise signs in an area generally bound by Woodall Rodgers Freeway to the north, Interstate 45/US 75 to the east, Interstate 30 to the south and Interstate 35 to the west, excluding those areas included in the West End SPSD, the Arts District SPSD, and the Farmers Market SPSD and an ordinance granting the amendments

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

Later in the meeting, Councilmember Rasansky requested to reconsider the consent zoning docket due to a conflict of interest on consent zoning item 55 in order that it be considered as an individual item.

Mayor Pro Tem Garcia moved to reconsider the consent zoning docket so that zoning consent item 55 could be considered as an individual item due to Councilmember Rasansky's conflict of interest on the item.

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

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.

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

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

Assigned ORDINANCE NO. 27481

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0448

Item 56: SPECIAL PROVISION SIGN DISTRICT - 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 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 January 28, 2009, and was taken under advisement until February 11, 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 remand back to the city plan commission to be re-advertised for consideration of a Specific Use Permit under the just adopted code amendment permitting such signs by Specific Use Permit, pending submittal of all required documents by the applicant.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0449

Item 57: DEVELOPMENT CODE AMENDMENTS - CONSENT

A public hearing to receive comments regarding consideration of amendments to Section 51A-7.307 of the Dallas Development Code, to amend the provisions for relocation of detached non-premise signs (billboards) due to the acquisition by a governmental entity of the land the sign is located on and an ordinance granting the amendments

(The staff and city plan commission recommended approval)

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0450

Item 58: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by I-35 Star Partners I, Ltd. and MetroTex Association of Realtors, Inc. located near the intersection of Empire Central Drive and Empress Row and adjacent street right-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to I-35 Star Partners I, Ltd. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

(The staff recommended approval)

The city secretary read the following statement into the record:

"Pursuant to Section 51A-6.108 (g) (3) of the Dallas Development Code, the applicant or licensed professional engineer or professional geoscientist who is familiar with the application must be present and available to answer questions."

The following individual addressed the city council regarding the item:

Frank W. Clark, 6629 Shadow Crest Dr., professional geoscientist

Councilmember Neumann 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. (Medrano, Salazar absent when vote taken)

Assigned ORDINANCE NO. 27482

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0451

Item 59: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by Turnpike Sub, LLC; Trammell Crow Co. No. 60 LP; TDC #12, Ltd.; LIT-Deansbank No. 8; TXI Operations, LP; I-30 Distribution, LP; and Motiva Enterprises, LLC located near the intersection of La Reunion Parkway and French Settlement Road and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Turnpike Sub, LLC; Trammell Crow Co. No. 60 LP; TDC #12, Ltd.; LIT-Deansbank No. 8; TXI Operations, LP; I-30 Distribution, LP; and Motiva Enterprises, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

(The staff recommended approval)

The city secretary read the following statement into the record:

"Pursuant to Section 51A-6.108 (g) (3) of the Dallas Development Code, the applicant or licensed professional engineer or professional geoscientist who is familiar with the application must be present and available to answer questions."

The following individuals addressed the city council regarding the item:

Keith Wheeler, 303 Gladeview Dr. **Round Rock, TX**, professional geoscientist
Jonathan Bull, 7021 Merrilee, representing the applicant

Councilmember Neumann 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. (Medrano, Salazar absent when vote taken)

Assigned ORDINANCE NO. 27483

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0452

Addendum addition 1: Authorize a twenty-four-month master agreement for liquid ferric sulfate for the City's three water purification treatment plants - General Chemical Performance Products, LLC., lowest responsible bidder of two - Not to exceed \$19,805,000 - Financing: Water Utilities Current Funds

Councilmember Neumann requested that addendum addition consent agenda item 1 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 1 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Later in the meeting, addendum addition consent agenda item 1 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0453

**Purchase of Mobile Data Computers and
Lease of Desktop & Laptop Computers**

Note: Addendum Item Nos. 2 and 3
must be considered collectively.

Addendum addition 2: Authorize a sixty-month master agreement, with three twelve-month renewal options, for **(1)** the purchase of mobile data computers, equipment mounting hardware, and maintenance for Police and Dallas Fire-Rescue in the amount of \$11,943,800, and **(2)** professional installation services in the amount of \$534,400 - Austin Ribbon & Computer Supplies, Inc., most advantageous proposer of eight - Total not to exceed \$12,478,200 - Financing: Current Funds (\$5,580,777), 2008 Equipment Acquisition Contractual Obligation Notes (\$6,897,424

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

**Purchase of Mobile Data Computers and
Lease of Desktop & Laptop Computers**

Note: Addendum Item Nos. 2 and 3
must be considered collectively.

09-0454

Addendum addition 3: Authorize a sixty-month contract, with three twelve-month renewal options, for the lease or purchase, of all forms of computers and computer related equipment and accessories to include various managed services - Austin Ribbon & Computer Supplies, Inc., most advantageous proposer of eight - Not to exceed \$18,762,347 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0455

**CAD System Maintenance, Support &
Acquisition of In-vehicle Mobile Application**

Note: Addendum Item Nos. 4 and 5
must be considered collectively.

Addendum addition 4: Authorize Supplemental Agreement No. 1 to increase the original maintenance contract to add maintenance and support for mobile application and to fund an additional sixty-months of maintenance for Computer Aided Dispatch system with TriTech Software Systems - Not to exceed \$4,864,260, from \$0 to \$4,864,260 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0456

**CAD System Maintenance, Support &
Acquisition of In-vehicle Mobile Application**

Note: Addendum Item Nos. 4 and 5
must be considered collectively.

Addendum addition 5: Authorize (1) Supplemental Agreement No. 5 to the service contract for twenty-months of on-site technical support for the Computer Aided Dispatch system in the amount of \$250,000, and (2) Supplemental Agreement No. 6 for the acquisition of an in-vehicle mobile application for Police and Dallas Fire-Rescue in the amount of \$4,812,570 with TriTech Software Systems - Total not to exceed \$5,062,570, from \$5,756,623 to \$10,819,193 - Financing: 2008 Equipment Acquisition Contractual Obligation Notes (\$4,812,570), Current Funds (\$250,000) (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0457

Addendum addition 6: An ordinance amending Ordinance No. 20231, as amended,
to adopt certain revised election precincts - Financing: No
cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27484

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0458

Addendum addition 7: A resolution declaring the City of Dallas' support of and consent to the creation of the Cypress Waters Management District (Cypress Waters MMD) subject to certain limitations in the creation of, and exercise of powers by, the Cypress Waters MMD to promote the development and redevelopment of the area - Financing: No cost consideration to the City

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

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

Councilmember Natinsky moved to approve the resolution with the following amendment:

Revise language in Section 3.B. to insert "either; owners of taxable real property representing more than sixty-five percent (65%) of the appraised value of taxable real property in the District or owners."

Motion seconded by Deputy Mayor Pro Tem Caraway.

After discussion, Councilmember Neumann asked Councilmember Natinsky if he would accept a friendly amendment to amend Section .051. Governing Body: Terms, to read "The district is governed by an initial board of nine directors, to serve term that expires six months from the effective date of the act."

Councilmember Natinsky accepted Councilmember Neumann's friendly amendment as a part of his motion.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0458

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After discussion, Mayor Leppert called the vote on Councilmember Natinsky's motion as modified by Councilmember Neumann's friendly amendment to amend Section .051. Governing Body: Terms, to read "The district is governed by an initial board of nine directors, to serve a term that expires six months from the effective date of the act."

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0459

Addendum addition 8: A resolution declaring the City of Dallas' support of and consent to the creation of the North Oak Cliff Management District (North Oak Cliff MMD) subject to certain limitations in the creation of, and exercise of powers by, the North Oak Cliff MMD to promote the development and redevelopment of the area - Financing: No cost consideration to the City

Mayor Pro Tem Garcia, Councilmember Neumann and Councilmember Rasansky 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 Mayor Pro Tem Garcia, Councilmember Neumann and Councilmember Rasansky's request.

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

Councilmember Natinsky moved to approve the resolution with the following amendments:

- Add Section 2) revise language in Section 3.I. to include condominium residential units and 3,
- Revise language in Section 3.B. to insert "either; owners of taxable real property representing more than sixty five percent (65%) of the appraised value of taxable real property in the District or owners."
- Revise language in Section 3.I to insert "condominium residential units."

Motion seconded by Deputy Mayor Pro Tem Caraway.

After discussion, Councilmember Neumann asked Councilmember Natinsky if he would accept a friendly amendment to amend Section .051. Governing Body: Terms, to read "The district is governed by an initial board of nine directors, to serve a term that expires six months from the effective date of the act."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0459

Page 2

Councilmember Natinsky accepted Councilmember Neumann's friendly amendment as a part of his motion.

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

After discussion, Mayor Leppert called the vote on Councilmember Natinsky's motion as modified by Councilmember Neumann's friendly amendment to amend Section .051. Governing Body: Terms, to read "The district is governed by an initial board of nine directors, to serve a term that expires six months from the effective date of the act."

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0460

Addendum addition 9: A resolution declaring the City of Dallas' support of and consent to the creation of the Trinity River West Management District (Trinity River West MMD) subject to certain limitations in the creation of, and exercise of powers by, the Trinity River West MMD to promote the development and redevelopment of the area - Financing: No cost consideration to the City

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

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

Councilmember Natinsky moved to approve the resolution with the following amendments:

- Add Section 2) revise language in Section 3.I. to include condominium residential units and 3,
- Revise language in Section 3.B. to insert "either; owners of taxable real property representing more than sixty five percent (65%) of the appraised value of taxable real property in the District or owners."
- Revise language in Section 3.I to insert "condominium residential units."

Motion seconded by Deputy Mayor Pro Tem Caraway.

After discussion, Councilmember Neumann asked Councilmember Natinsky if he would accept a friendly amendment to amend Section .051. Governing Body: Terms, to read "The district is governed by an initial board of nine directors, to serve a term that expires six months from the effective date of the act."

Councilmember Natinsky accepted Councilmember Neumann's friendly amendment as a part of his motion.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0460

Page 2

After discussion, Mayor Leppert called the vote on Councilmember Natinsky's motion as modified by Councilmember Neumann's friendly amendment to amend Section .051. Governing Body: Terms, to read "The district is governed by an initial board of nine directors, to serve a term that expires six months from the effective date of the act."

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0461

Addendum addition 10: Authorize **(1)** establishment of a non-profit corporation, the Dallas Development Fund for the purpose of applying for a New Markets Tax Credit (NMTC) allocation, **(2)** approval of the Corporation's certificate of formation and bylaws, **(3)** appointment of the Corporation's initial Board of Directors, **(4)** the City Manager to file the Corporation's certificate of formation with the Secretary of State, and **(5)** the Corporation to apply for certification as a Community Development Entity and for NMTC allocations from the United States Department of the Treasury for qualified projects in designated areas - Financing: No cost consideration to the City

Councilmember Neumann requested that addendum addition consent agenda item 10 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 10 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 10 was brought up for consideration.

Councilmember Neumann moved to approve the item with the following amendment:

Take the word "initial" off and state "the Board of Directors will be confirmed by the city council of the city, the city manager makes the recommendations and the city council confirms."

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0462

Addendum addition 11: Authorize an amendment to Resolution No. 08-2918, previously approved on October 22, 2008, which authorized Supplemental Agreement No. 3 to the development agreement among the City of Dallas, the Downtown Dallas Development Authority (the DDDA), and FC Merc Complex, L.P., FC Continental Complex, L.P., FC Atmos, Inc., and FC Lessee (collectively Forest City) to: (1) extend the due dates of each of the remaining option fee payments by 12 months; (2) direct the transfer of title of the Atmos Complex without auction and bidding from ~~FC Atmos, Inc.~~ Forest City to Hamilton Atmos LP for redevelopment in accordance with the Downtown Connection TIF Project Plan through the transfer of stock in FC Atmos, Inc. and without requiring the acceleration of payment of the unpaid portion of the \$750,000 option fee prior to the new deadline dates; (3) require ~~FC Atmos, Inc.~~ Forest City to retain maintenance obligations through October 26, 2010 and limiting Forest City maintenance obligations to an amount not to exceed \$250,000; and (4) require ~~FC Atmos, Inc.~~ Forest City to continue obligations for payment of option fees in the amount of \$250,000 on October 26, 2009 and an additional \$250,000 on October 26, 2010, if Hamilton Atmos LP is unable to obtain building permits by those dates - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0463

Oncor Electric Delivery Company LLC

Note: Addendum Item Nos. 12 and 13 must be considered collectively.

Addendum addition 12: Authorize adoption of a compromise, settlement and release agreement between City of Dallas and Oncor Electric Delivery Company LLC - Estimated Annual Revenue: \$500,000

Addendum addition 13: An ordinance granting a franchise to Oncor Electric Delivery Company LLC, for a term of fifteen years to provide electric distribution services within the City and providing for compensation - Estimated Annual Revenue: \$48,000,000

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27485

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0464

Addendum addition 14: Authorize **(1)** the City's continued participation in the Steering Committee of Texas Utilities Electric Service Area Cities in hearings before the Public Utilities Commission of Texas concerning electric restructuring and rates to be charged by Oncor Electric Delivery, and **(2)** the increase in appropriations in the amount of \$128,050 in the Texas Utilities Reserve Funds to pay the City's 2008 assessment - Not to exceed \$128,050 - Financing: Texas Utilities Reserve Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0465

Addendum addition 15:

(1) An ordinance authorizing the issuance of City of Dallas, Texas Waterworks and Sewer System Series D short term obligations in an aggregate principal amount not to exceed \$300,000,000; authorizing such short term obligations to be issued, sold and delivered in various forms, including commercial paper notes and a bank note; making certain covenants and agreements in connection therewith; establishing the 10-year tenor of the program with a maturity date of September 30, 2019; resolving other matters related to the issuance, sale, security and delivery of such short term obligations, including **(a)** authorizing a thirty-six-month Credit Agreement with U.S. Bank Trust National Association, as agent for the syndicate, that includes California State Teacher's Retirement System and California Public Employees' Retirement System, **(b)** the appointment of U.S. Bank Trust National Association as the Issuing and Paying Agent and authorizing the execution of an Issuing and Paying Agent Agreement, and, **(c)** the appointment of Banc of America Securities LLC and M R Beal & Company as the co-dealers and authorizing the execution of a Dealer Agreement; approving the payment of issuance costs in connection with the issuance of the short term obligations; approving the use of an Offering Memorandum in connection with the sale of the short term obligations; and providing an effective date; and **(2)** a resolution authorizing amendments to the Credit Agreement with Bank of America, N.A. for the City of Dallas, Texas Waterworks and Sewer System Series B and Series C short term obligations to permit the Series D short term obligations to have parity with the Series B and Series C short term obligations - Total program costs not to exceed \$27,200,198 - Financing: Water Utilities Current Funds (\$905,288 upfront closing costs plus annual fees of \$2,631,776 for a total 10-year cost of \$27,200,198) (subject to annual appropriations)

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27486

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0466

Addendum addition 16: Authorize **(1)** an extension through September 30, 2009 for Community Development Grant funded projects which have not met the twelve-month obligation or twenty-four-month expenditure requirement; **(2)** the reprogramming of Community Development Block Grant Funds (CDBG) in the amount of \$1,703,407 in conjunction with the FY 2009-10 Consolidated Plan Budget; **(3)** the adoption of the preliminary FY 2008-09 Consolidated Plan Reprogramming Budget #3 as recommended by the City Council's Housing Committee; and **(4)** a public hearing to be held on March 25, 2009 to receive comments on the proposed use of funds for FY 2008-09 Consolidated Plan Reprogramming Budget #3 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0467

Addendum addition 17: An ordinance amending Chapter 15D of the Dallas City Code, Emergency Vehicles, to **(1)** revise qualifications and requirements for emergency wrecker service licenses and emergency wrecker driver's permits; **(2)** add grounds for suspension, revocation, and nonrenewal of emergency wrecker service licenses and emergency wrecker driver's permits and provide for appeals; **(3)** revise operating, staffing, vehicle, and equipment requirements for emergency wrecker services; **(4)** regulate apparel for emergency wrecker drivers; **(5)** expand and provide procedures and requirements for the city's rapid response program; **(6)** establish rapid response locations; **(7)** adjust fees allowed to be charged for emergency wrecker service; **(8)** provide restrictions on the location of emergency wrecker service businesses; **(9)** make certain non-substantive changes; and **(10)** provide a penalty not to exceed \$1,000 - Financing: No cost consideration to City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27487

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0468

Addendum addition 18: An ordinance amending the Project Plan and Reinvestment Zone Financing Plan (the "Project Plan") for Tax Increment Financing Reinvestment Zone Number Five, (City Center TIF District) to: **(1)** establish the City Center TIF District Grant Program to implement the Project Plan and Reinvestment Zone Financing Plan (Project Plan) for Tax Increment to promote economic development within the City Center TIF District and **(2)** expand the Environment Remediation/Interior-Exterior Demolition, Façade Improvement budget line item to include TIF Grants - 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 pass the ordinance.

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

Assigned ORDINANCE NO. 27488

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0469

Addendum addition 19: An ordinance amending the Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District) Project Plan and Reinvestment Zone Financing Plan (Project Plan) originally approved on August 29, 2005, by Ordinance No. 26096, to: **(1)** expand the development goals and specific objectives to the Project Plan; **(2)** expand the Redevelopment of Vacant/Underutilized Downtown Buildings budget line item to include the Development of Underdeveloped Parcels and Surface Parking Lots; and **(3)** update 2008 increment corrections and future increment assumptions under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311) - Financing: No cost consideration to the City

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

Councilmember Hunt moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27489

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 11, 2009

09-0470

Addendum addition 20: 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

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

During discussion, Mayor Leppert called a recess of the city council meeting at 1:55 p.m. as authorized by Section 551.072, Deliberations about Real Property, of the Texas Open Meetings Act to confer with the City Attorney.

Mayor Leppert reconvened the city council meeting after the executive session at 3:05 p.m. No other matters were discussed during the executive session.

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 11, 2009

EXHIBIT C