

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 25, 2009

09-0484
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Garcia, Caraway, Medrano, Neumann, Hill, Salazar (*9:15 a.m.), Davis (*9:41 a.m.), Atkins, Kadane, Allen, Koop, Natinsky (*11:22 a.m.), Rasansky, Hunt (*9:19 a.m.)

ABSENT: [0]

The meeting was called to order at 9:02 a.m.

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

The invocation was given by L. Charles Stovall, Pastor of Munger United Methodist Church.

Councilmember Medrano 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 3:57 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, FEBRUARY 25, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 25, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0485

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: Thomas Ellis, 3225 Turtle Creek Blvd.
SUBJECT: Enforcing city code

SPEAKER: Linda Bates, 4144 Tram Dr.
SUBJECT: Contamination

SPEAKER: James Dunn, 4645 Blue Ridge Blvd.
REPRESENTING: Kimball Forest Neighborhood
SUBJECT: Elder Abuse

*SPEAKER: Rickey Smiley, 13331 Preston Rd.
SUBJECT: Gun violence

OPEN MICROPHONE – END OF MEETING

SPEAKER: Jerry Hamilton, 1323 Atmos St.
SUBJECT: Getting a lot of false calls

SPEAKER: Dorothy J. Mayfield, 1818 Corsicana
SUBJECT: Justice

SPEAKER: Jada Wooten, 5620 Live Oak St.
REPRESENTING: Freedman's Town
SUBJECT: Black History

SPEAKER: B. M. Randolph, P. O. Box 21035
REPRESENTING: Making a difference (FJC)
SUBJECT: Reunion Arena usage or purchase

*** Speaker arrived late and spoke during the meeting.**

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

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: J. B. Jackson, Jr. Institute
SUBJECT: 2009 year of the community organizer

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
SUBJECT: March 2, 2010 primary

SPEAKER: Frank Ward III, P. O. Box 50694
REPRESENTING: Trinity Reunion Church/Community
SUBJECT: 2009 not 1969

SPEAKER: William Hopkins, 2011 Leath
SUBJECT: City Manager

SPEAKER: Gwain Wooten, 3625 Bryan St.
REPRESENTING: Real American Women
SUBJECT: Unanimous

SPEAKER: Jewel Floyd, 3815 Myrtle St.
SUBJECT: The crooks in District 7 and 2

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0486

Item 1: Approval of Minutes of the February 11, 2009 City Council Meeting

Mayor Pro Tem Garcia moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0487

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-67 and addendum addition consent agenda items 1-16, was presented for consideration.

The city secretary announced Mayor Leppert had deferred consideration of consent agenda item 7 until the next voting meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

The city secretary announced Councilmember Hill had deferred consideration of item for individual consideration item 85 until the next voting meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Mayor Leppert requested that consent agenda item 18 and addendum addition consent agenda item 12 be considered as individual items. Mayor Leppert stated that consent agenda item 18 and addendum addition consent agenda item 12 would be considered as individual items later in the meeting, there being no objection voiced to Mayor Leppert's request.

Councilmember Medrano requested that consent agenda items 37 and 38 be considered as individual items. Mayor Leppert stated that consent agenda items 37 and 38 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Medrano's request.

Councilmember Neumann requested that consent agenda items 3, 4, 12, 60 and addendum addition consent agenda items 9, 10 and 16 be considered as individual items. Mayor Leppert stated that consent agenda items 3, 4, 12, 60 and addendum addition consent agenda items 9, 10 and 16 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Atkins requested that consent agenda items 44, 49 and 53 be considered as individual items. Mayor Leppert stated that consent agenda items 44, 49 and 53 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Atkins' request.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0487

Page 2

Councilmember Rasansky requested that consent agenda items 14, 25, 29, 31, 32, 63, 64 and addendum addition consent agenda items 1, 3, 7, 8, 9 and 16 be considered as individual items. Mayor Leppert stated that consent agenda items 14, 25, 29, 31, 32, 63, 64 and addendum addition consent agenda items 1, 3, 7, 8, 9 and 16 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Hunt 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 Hunt's request.

Councilmember Neumann moved to approve all items on the consent agenda with the exception of consent agenda 3, 4, 7, 12, 14, 18, 25, 29, 31, 32, 37, 38, 44, 49, 53, 60, 63, 64 and agenda addendum addition consent items 1, 3, 7, 8, 9, 10, 12 and 16 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0488

Item 2: Authorize a twelve-month master agreement for the purchase of bagged cement and cement related products - Simba Industries, Inc. in the amount of \$290,417, Crafcot Texas, Inc. in the amount of \$216,264, Rich Mix Products, Inc. in the amount of \$119,484, and Hi-Standard Equipment & Supply Company in the amount of \$35,593, lowest responsible bidders of four - Total not to exceed \$661,758 - Financing: Current Funds (\$606,834) and Water Utilities Current Funds (\$54,924)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0489

Item 3: Authorize a twelve-month service contract to implement the evaluation, education and training elements of the Safe Routes to School Program at fifteen elementary and middle schools - Bucher, Willis and Ratliff Corporation, most advantageous proposer of three - Not to exceed \$89,977 - Financing: Texas Department of Transportation Grant Funds

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

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0490

Item 4: Authorize a thirty-six-month master agreement for steel trash receptacles with lids - Nationwide Supplies, lowest responsible bidder of two - Not to exceed \$1,144,800 - Financing: Current Funds

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

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0491

Item 5: Authorize Supplemental Agreement No. 3 to the professional services contract with the consulting firm of Analytic Focus, L.L.C., for additional consultant, expert witness support, and general financial and analytical support services in the lawsuit styled AHF Community Development, LLC v. City of Dallas, et al., Cause No. 3:06-CV-1035-D - Not to exceed \$89,525, from \$160,000 to \$249,525 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0492

Item 6: An ordinance ordering a general election to be held in the City of Dallas on Saturday, May 9, 2009, for the purpose of electing 14 members of the City Council to represent Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 for the term beginning Monday, June 22, 2009 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27490

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0493

Item 7: An ordinance ordering a special election to be held in the City of Dallas on Saturday, May 9, 2009, for the purpose of submitting to the qualified voters of the city a proposed amendment to Chapter XI of the Dallas City Charter that would prohibit the City of Dallas from owning, financing, constructing, or operating a hotel or other lodging facility, with certain exceptions - Financing: No cost consideration to the City

The city secretary announced that Mayor Leppert deferred consideration of consent agenda item 7 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedures.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0494

Item 8: A resolution authorizing **(1)** a joint general and special election agreement, and an election services contract between the City of Dallas, Dallas County, and various other jurisdictions within Dallas County, for the conduct of a joint general and special election to be held on Saturday, May 9, 2009, in an amount not to exceed \$600,000, **(2)** an extension of the agreement for a runoff election, if necessary, to be held on Saturday, June 13, 2009, and **(3)** legal advertising in connection with the Saturday, May 9, 2009 joint general and special election and a runoff election on Saturday, June 13, 2009, if necessary, in an amount not to exceed \$200,000 - Total not to exceed \$800,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0495

Item 9: A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Dallas County for the Saturday, May 9, 2009 joint general and special election and runoff election on Saturday, June 13, 2009, if necessary - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0496

Item 10: A resolution authorizing the Mayor to appoint an Ad Hoc City Council Canvassing Committee to review the returns of the Saturday, May 9, 2009, joint general and special election and submit a canvass report to the full City Council on Wednesday, May 20, 2009 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Mayor Leppert provided the city secretary notice the following Councilmember's will serve as chair and members of the Ad Hoc City Council Canvassing Committee to review the returns of the May 9, 2009 joint general and special election:

Mayor Pro Tem Elba Garcia, Chair
Councilmember Pauline Medrano
Deputy Mayor Pro Tem Dewaine Caraway
Councilmember Linda Koop
Councilmember Jerry Allen (Alternate)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0497

Item 11: Authorize acquisition, from Seastrunk Enterprises, LLC, of approximately 4,000 square feet of unimproved land located near the intersection of Signet and Roberta Streets for pavement and drainage improvements for the Mouser Street Project - \$41,000 (\$5,120 plus closing costs not to exceed \$1,000 and \$34,880 for release and waiver of all claims plus any damages from activities) - Financing: 2004-05 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0498

Item 12: Authorize an actual reasonable moving and related expenses-nonresidential payment for Wilson Office Interiors, L.L.C., who was displaced as a direct result of real property acquisition of the property at 1301 McDonald Street, Bays Nos. 1, 2 & 5, to be used in conjunction with the Trinity River Corridor Project - Not to exceed \$934,245 - Financing: 1998 Bond Funds

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

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

Councilmember Neumann moved to defer the item until the March 25, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0499

Item 13: A resolution authorizing conveyance of a right-of-way easement across a tract of City owned land containing approximately 15,266 square feet to the County of Kaufman located near the intersection of C.R. 322 and FM 986 - Revenue: \$3,459

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0500

Item 14: A resolution authorizing the conveyance of a wastewater easement with a temporary construction easement containing a total of approximately 453,895 square feet of City-owned land to North Texas Municipal Water District, located near the intersection of Rusk Street and Lakeshore Drive at Lake Ray Hubbard - Revenue: \$203,346

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 Rasansky moved to approve the resolution.

Motion seconded by Councilmember Koop and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0501

Item 15: Authorize settlement in lieu of proceeding with condemnation for a tract of land from Roberto Marquez containing approximately 6,625 square feet improved with a multi-family rental unit located near the intersection of Tenth Street and Bishop Avenue for the North Oak Cliff Library Project - \$263,095 (\$262,000 plus closing costs not to exceed \$1,095) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0502

Item 16: Authorize amendments to the Landmark Commission's Rules of Procedure to match current language of the Dallas Development Code, City Charter, City Code and State law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0503

Item 17: An ordinance abandoning portions of various easements to W R Trail I LP, the abutting owner, containing a total of approximately 62,296 square feet of land located near the intersection of Skillman Street and Merriman Parkway - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27491

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0504

Item 18: An ordinance abandoning a portion of an alley to Corporation of the Episcopal Diocese of Dallas, the abutting owner, containing approximately 7,500 square feet of land located near its intersection with Frederick Square and Douglas Avenue, and authorizing the quitclaim - Revenue: \$382,500 plus the \$20 ordinance publication fee

Mayor Leppert requested that consent agenda item 18 be considered as an individual item. Mayor Leppert stated that consent agenda item 18 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Leppert's request.

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

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

Councilmember Rasansky moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27492

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0505

Item 19: An ordinance abandoning a portion of Elihu Avenue to Mohamad Alaa Bakri, the abutting owner, containing approximately 3,028 square feet of land located near its intersection with J.B. Jackson, Jr. Boulevard, and authorizing the quitclaim - Revenue: \$12,718 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27493

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0506

Item 20: An ordinance granting a private license to First Class Homes, Inc. for the use of approximately 24,089 square feet of land to install, use and maintain three monument signs, landscaping, irrigation system, and lighting on portions of Grady Niblo Road and Grady Niblo Parkway rights-of-way located near its intersection with Founders Court - Revenue: \$4,000 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27494

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0507

FY 2008 Tax Increment Financing Zone Annual Reports

Item 21: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number One, (State-Thomas TIF District), submitted by the State-Thomas TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0508

FY 2008 Tax Increment Financing Zone Annual Reports

Item 22: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Two, (Cityplace Area TIF District), submitted by the Cityplace Area TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0509

FY 2008 Tax Increment Financing Zone Annual Reports

Item 23: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Three, (Oak Cliff Gateway TIF District), submitted by the Oak Cliff Gateway TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0510

FY 2008 Tax Increment Financing Zone Annual Reports

Item 24: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Four, (Cedars TIF District), submitted by the Cedars TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0511

FY 2008 Tax Increment Financing Zone Annual Reports

Item 25: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Five, (City Center TIF District), submitted by the City Center TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

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

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

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

Councilmember Medrano moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0512

FY 2008 Tax Increment Financing Zone Annual Reports

Item 26: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Six, (Farmers Market TIF District), submitted by the Farmers Market TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0513

FY 2008 Tax Increment Financing Zone Annual Reports

Item 27: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Seven, (Sports Arena TIF District), submitted by the Sports Arena TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0514

FY 2008 Tax Increment Financing Zone Annual Reports

Item 28: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Eight, (Design District TIF District), submitted by the Design District TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0515

FY 2008 Tax Increment Financing Zone Annual Reports

Item 29: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Nine, (Vickery Meadow TIF District), submitted by the Vickery Meadow TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 29 be considered as an individual item. Mayor Leppert stated that consent agenda item 29 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 29 was brought up for consideration.

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

Councilmember Medrano moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0516

FY 2008 Tax Increment Financing Zone Annual Reports

Item 30: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Ten, (Southwestern Medical TIF District), submitted by the Southwestern Medical TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0517

FY 2008 Tax Increment Financing Zone Annual Reports

Item 31: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District), submitted by the Downtown Connection TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

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

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

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

Councilmember Medrano moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0518

FY 2008 Tax Increment Financing Zone Annual Reports

Item 32: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Twelve, (Deep Ellum TIF District), submitted by the Deep Ellum TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 32 be considered as an individual item. Mayor Leppert stated that consent agenda item 32 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, consent agenda item 32 was brought up for consideration.

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

Councilmember Medrano moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0519

FY 2008 Tax Increment Financing Zone Annual Reports

Item 33: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Thirteen, (Grand Park South TIF District), submitted by the Grand Park South District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0520

FY 2008 Tax Increment Financing Zone Annual Reports

Item 34: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Fourteen, (Skillman Corridor TIF District), submitted by the Skillman Corridor TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0521

FY 2008 Tax Increment Financing Zone Annual Reports

Item 35: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Fifteen, (Fort Worth Avenue TIF District), submitted by the Fort Worth Avenue TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0522

FY 2008 Tax Increment Financing Zone Annual Reports

Item 36: A resolution accepting the FY 2008 Annual Report on the status of Tax Increment Financing Reinvestment Zone Number Sixteen, (Davis Garden TIF District), submitted by the Davis Garden TIF District's Board of Directors, and authorizing the City Manager to submit the annual report to the chief executive officer of each taxing jurisdiction that levies taxes on real property in the District, and to the Attorney General of Texas, and the State Comptroller, as required by state law - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0523

Design District TIF District

Note: Item Nos. 37 and 38
must be considered collectively.

Item 37: Authorize (1) a development agreement with LUI2 Dallas Oak Lawn VI, L.P. to provide funding for the TIF-eligible project costs related to the development of the Design District Hotel in Tax Increment Financing Reinvestment Zone Number Eight (Design District TIF District); and (2) the Design District TIF District Board of Directors to dedicate up to \$1,605,000 from future Design District TIF revenues in accordance with the development agreement - Not to exceed \$1,605,000 - Financing: Design District TIF District Funds

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

Later in the meeting, consent agenda item 37 was brought up for consideration.

Councilmember Medrano moved to defer the item until the March 25, 2009 voting agenda meeting of the city council.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0524

Design District TIF District

Note: Item Nos. 37 and 38
must be considered collectively.

Item 38: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Eight (Design District TIF District) to reimburse LUI2 Dallas Oak Lawn VI, L.P. for eligible expenditures up to \$1,605,000 for certain improvements related to the development of the Design District Hotel in the Design District TIF District - Financing: No cost consideration to the City

Councilmember Medrano requested that consent agenda item 38 be considered as an individual item. Mayor Leppert stated that consent agenda item 38 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Medrano's request.

Later in the meeting, consent agenda item 38 was brought up for consideration.

Councilmember Medrano moved to defer the item until the March 25, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0525

Item 39: Authorize an amendment to the Interlocal Agreement with the University of Texas Southwestern Medical Center at Dallas to approve the addition of medical students to receive clinical training at the City of Dallas Public Health Clinics for the period October 1, 2007 through September 30, 2012 - Financing: No additional cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0526

Item 40: Authorize Supplemental Agreement No. 1 to the Interlocal Agreement with Dallas County Health and Human Services to reallocate funds in the amount of \$60,000 from tenant-based rental assistance program to emergency assistance - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0527

Item 41: Authorize a contract for replacement of the existing air conditioning system and controls for the Marcus Annex Recreation Center located at 2910 Modella Avenue - HVAC Building Services, Inc., lowest responsible bidder of three - Not to exceed \$88,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-528

Item 42: Authorize **(1)** rescinding the contract with Lassiter, Inc., previously approved on December 12, 2007 by Resolution No. 07-3704, for the drug vault and generator project at the Police Property Building located at 1725 Baylor Street; and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City of Dallas

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0529

Item 43: Authorize the reconstruction on-site of five homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 1137 Nolte Drive in the amount of \$87,500, 3020 Harlandale Avenue in the amount of \$87,500, 2718 Marjorie Avenue in the amount of \$87,500, 5115 Lindsley Avenue in the amount of \$87,500 and 4624 Tacoma Street in the amount of \$87,500 - Total not to exceed \$437,500 - Financing: 2006-07 Community Development Grant Funds (\$175,000), 2007-08 Community Development Grant Funds (\$257,363), 2006-07 HOME Funds (\$5,137)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0530

Item 44: Authorize **(1)** the acceptance of grant funds pursuant to the Housing and Economic Recovery Act of 2008 (HERA), also a Neighborhood Stabilization Program Grant (NSP) in the amount of \$7,932,555 from the U.S. Department of Housing and Urban Development to provide for the acquisition, rehabilitation, demolition, maintenance and redevelopment of foreclosed or abandoned properties to sell/rent to low to middle income households; **(2)** staff positions and reimbursement for existing positions to provide for the administration, planning, oversight, reporting and implementation of projects to be funded by NSP over a four year period; **(3)** execution of the grant agreement; and **(4)** a NSP Program Statement for implementation of use of NSP Community Development Grant Funds - Total not to exceed \$7,932,555 - Financing: FY 2008-09 Neighborhood Stabilization Funds

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

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

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0531

Item 45: Authorize **(1)** the acceptance of the Water Security Initiative Contamination Warning System Demonstration Pilot Grant in the amount of \$2,000,000 from the U.S. Environmental Protection Agency to provide funding for the development of a pilot program within the Water Utilities Department including online water quality monitoring, sampling and analysis, enhanced security monitoring, consumer complaint surveillance, public health surveillance, business intelligence, and a consequence management plan to enable the City to more proactively monitor and respond to accidental or intentional contamination of the water distribution system for the period December 1, 2008 through November 30, 2011; **(2)** a required local match valued at \$1,500,000, and **(3)** execution of the grant agreement - Total not to exceed \$3,500,000 - Financing: U.S. Environmental Protection Agency Grant Funds (\$2,000,000) and In Kind Services (\$1,500,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0532

Item 46: Authorize a public hearing to be held on March 25, 2009 to receive comments in preparation of the FY 2009-10 Operating, Capital, Grant, and Trust budgets -
Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0533

Item 47: Authorize a contract for soccer field improvements, loop trail, fencing, portable toilet enclosure, site furnishings, and parking lots at Benito Juarez Parque de Heroes located at 3352 North Winnetka Avenue - A S Con, Inc., lowest responsible bidder of seven - \$449,200 - Financing: 2006-07 Community Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0534

Item 48: Authorize a contract for construction of a new pavilion, playground, site furnishings, parking lot, and new sidewalks at Rose Haggard Park located at 18100 Campbell Road - Phoenix I Restoration and Construction, Ltd., best value proposer of three - \$675,800 - Financing: 2003 Bond Funds (\$88,468) and 2006 Bond Funds (\$587,332)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0535

Item 49: Authorize a contract for construction of a new playground, accessible parking, site furnishings, and a drinking fountain at Miller Family Park located at 2814 Persimmon Road - Primestar Development Corporation, dba Primestar Construction, lowest responsible bidder of six - \$131,295 - Financing: 2006 Bond Funds

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

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

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0536

Item 50: Authorize a contract for the demolition of a portion of the existing building and retrofitting of the existing gymnasium to accommodate a new multipurpose room, kitchen, senior's room, arts and crafts room, and computer room, construction of a new gymnasium and lobby area; landscaping and irrigation; and expansion of the existing parking lot at Mattie Nash/Myrtle Davis Recreation Center located at 3710 North Hampton Road - Azteca Enterprises, Inc., best value proposer of seven - \$4,260,300 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0537

Item 51: Authorize a professional services contract with Campos Engineering, Inc. for commissioning services for building energy systems for Mattie Nash/Myrtle Davis Recreation Center located at 3710 North Hampton Road - Not to exceed \$29,100 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0538

Item 52: Authorize Supplemental Agreement No. 2 to the professional services contract with Laguarda.Low Architects, LLC for construction administration services for renovation of a portion of the existing recreation center and for the new gymnasium and lobby addition at Mattie Nash/Myrtle Davis Recreation Center located at 3710 North Hampton Road - \$80,550, from \$284,862 to \$365,412 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0539

Item 53: Authorize an application for an Urban Outdoor Recreation Grant in the amount of \$1,000,000 from the Texas Parks and Wildlife Department for a hike and bike trail, pavilion, playground and athletic field refurbishment at College Park and Five Mile Creek Trail - Financing: No cost consideration to the City

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

Later in the meeting, consent agenda item 53 was brought up for consideration.

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0540

Item 54: Authorize Supplemental Agreement No. 1 to the professional services contract with Smith, Seckman, Reid, Inc. for commissioning services, including development of a commissioning plan, field verification of the performance of mechanical equipment, and issuance of final report for the Texas Discovery Gardens at Fair Park located at 3601 Martin Luther King Jr. Boulevard - Not to exceed \$24,500, from \$24,500 to \$49,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0541

Item 55: Authorize Supplemental Agreement No. 3 to the professional services contract with HNTB Corporation for design development and construction documents of retaining walls, guardrails, trail deck and bridge for the Trinity Strand Trail - \$375,848, from \$397,090 to \$772,938 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0542

Item 56: Authorize an Interlocal Assistance Agreement between the City of Arlington, City of Dallas, City of Denton, City of Fort Worth, City of Garland, City of Irving, City of Mesquite, City of Plano, the Northeast Fire Department Association, and the Dallas/Fort Worth Airport for the benefit of mutual aid and the protection of life and property from the illegal or improper use of explosives by establishing resources to conduct Render Safe Operations on suspected Improvised Explosive Devices (IED's) and to perform any latent criminal investigations resulting from incidents involving the illegal use of explosives - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0543

Item 57: Authorize an Interlocal Agreement and payment to the North Texas Tollway Authority for the construction of a right-turn lane at Maple Avenue and Oak Lawn Avenue - Not to exceed \$160,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0544

Item 58: Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on Medical District Drive at Maple Avenue and Harry Hines Boulevard in an amount not to exceed \$68,024; and **(2)** a required local match in an amount not to exceed \$17,006 - Total not to exceed \$85,030 - Financing: Texas Department of Transportation Grant Funds (\$68,024) and 2003 Bond Funds (\$17,006)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0545

Item 59: Authorize **(1)** the receipt and deposit of funds in the amount of \$130,000 from DCI Technology Infomart, LP for installation of traffic signal hardware at Oak Lawn Avenue and the Infomart Driveway; and **(2)** an increase in appropriations in the amount of \$130,000 in the Capital Projects Reimbursement Fund - Not to exceed \$130,000 - Financing: Capital Projects Reimbursement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0546

Item 60: Authorize a construction contract for the renovation and expansion of Fire Station No. 10 located at 4451 Frankford Road - CORE Construction Services of Texas, Inc., best value proposer of eight - Not to exceed \$2,599,343 - Financing: 2006 Bond Funds

Councilmember Neumann requested that consent agenda item 60 be considered as an individual item. Mayor Leppert stated that consent agenda item 60 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 60 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0547

Item 61: Authorize an increase in the contract with Tiseo Paving Company for additional work for the Trinity Trail head and related improvements needed for the reconstruction of street paving, storm drainage, water and wastewater main improvements on Turtle Creek Boulevard, from Market Center to Levee Street - Not to exceed \$239,743, from \$3,368,766 to \$3,608,509 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0548

Item 62: Authorize **(1)** a Supplemental Agreement No. 1 to the contract with HNTB Corporation to provide final engineering design services for Phase VI of the KATY Trail from Ellsworth Street to Worcola Street in the amount of \$1,109,612, from \$265,748 to \$1,375,360; **(2)** the receipt and deposit of funds from the Texas Department of Transportation (TxDOT) in an amount not to exceed \$887,690; and **(3)** an increase in appropriations in the amount of \$887,690 in the Capital Projects Reimbursement Fund - Total not to exceed \$1,109,612, from \$265,748 to \$1,375,360 - Financing: 1998 Bond Funds (\$221,922) and Capital Projects Reimbursement Funds (\$887,690 to be reimbursed by TxDOT)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0549

Item 63: Authorize a professional services contract with Halff Associates, Inc. for the design of a pedestrian bridge and plazas for the Belleview Connector Trail located at Belleview and Roe Streets - \$187,344 - Financing: 2006 Bond Funds

Councilmember Rasansky requested that consent agenda item 63 be considered as an individual item. Mayor Leppert stated that consent agenda item 63 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 63 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Hill.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0550

Item 64: Authorize a Preconstruction, Engineering and Design Agreement with the U.S. Army Corps of Engineers to complete studies and design for the Dallas Floodway Project, as defined in the Water Resources Development Act of 2007, including associated interior drainage improvements adjacent to the Dallas Floodway levees, and consistent with the Balanced Vision Plan for the Trinity River Corridor Project - Not to exceed \$2,500,000 - Financing: 1998 Bond Funds

Councilmember Rasansky requested that consent agenda item 64 be considered as an individual item. Mayor Leppert stated that consent agenda item 64 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 64 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0551

Item 65: Authorize an Advanced Funding Agreement with the State of Texas, acting through the Texas Department of Transportation, for water and wastewater main relocations and adjustments in Park Lane at Bachman Creek - \$283,048 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0552

Item 66: Ratify an emergency purchase of approximately 120 linear feet of 84-inch pipe to repair a raw water transmission pipeline located at 15522 Valley View Road and 16270 Valley View Road within Kaufman County - Hanson Pipe Products, Inc. - Not to exceed \$164,240 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0553

Item 67: Authorize a professional services contract with Alan Plummer Associates, Inc. o provide engineering services to update the 2005 Water Conservation and Drought Contingency Plans and to update the 2005 Five-Year Strategic Plan on Water Conservation - \$609,400 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0554

Item 68: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2007-2009 board term updated through FEBRUARY 25, 2009.

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

Deputy Mayor Pro Tem Caraway moved to appoint Amy Arroyo, Freshman at Sunset High School, Shane Thomas Smith, Senior at Bishop Dunne High School and Savannah Landis, Sophomore at Woodrow Wilson High School, to the Youth Commission.

Motion seconded Councilmember Atkins and unanimously adopted.

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

Motion seconded by Councilmember Atkins and unanimously adopted.

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

09-5098	ARC	AUTOMATED RED LIGHT ENFORCEMENT COMMISSION
09-5099	CPR	DALLAS CITIZENS POLICE REVIEW BOARD
09-5100	MLK	MARTIN LUTHER KING JR. COMMUNITY CENTER BOARD
09-5101	YAC	YOUTH COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0555

Item 69 Authorize a historic preservation tax exemption for the Hickory Street Annex located at 501 2nd Avenue for a ten-year period on 100% of the land and structure value - Revenue: First year tax revenue foregone estimated at \$10,580 (Estimated revenue foregone for ten years is \$105,802)

Deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0556

Item 70: Authorize a historic preservation tax exemption for the Luna Tortilla Factory located at 1611 McKinney Avenue for a ten-year period on 100% of the land and structure value - Revenue: First year tax revenue foregone estimated at \$19,079 (Estimated revenue foregone for ten years is \$190,789)

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0557

Item 71: Authorize a historic preservation tax exemption for the Masonic Lodge located at 507 South Harwood Street for a ten-year period on 100% of the land and structure value - Revenue: First year tax revenue foregone estimated at \$7,731 (Estimated revenue foregone for ten years is \$77,307)

Councilmember Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0558

Item 72: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs' 9% low-income housing tax credit financing for the acquisition and new construction of the proposed Crestshire Village, a 74-unit multifamily residential development located in the 2300 block of St. Augustine Road - Financing: No cost consideration to the City

Councilmember Hill moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0559

Item 73: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs' 9% low-income housing tax credit financing for the acquisition and new construction of the proposed Magnolia Trace, a 112-unit multifamily senior development located at Crouch and Lancaster Roads - Financing: No cost consideration to the City

Councilmember Atkins moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0560

Item 74: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs' 9% low income housing tax credit financing for the acquisition and new construction of 125 new SRO units, the LifeNet Lofts with a project site location to be determined by March 2, 2009
- Financing: No cost consideration to the City

Councilmember Davis moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0561

Item 75: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs's 9% low income housing tax credit financing for the acquisition and new construction of the proposed Aster Villas, a 78-single-family residential development located at Lancaster and Simpson Stuart Roads - Financing: No cost consideration to the City

Councilmember Atkins moved to deny approval of the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0562

Item 76: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs' 9% low income housing tax credit financing for the acquisition and new construction of the proposed Hacienda Del Sol, a 66-unit single-family rental residential development located at 9200 Mountain Cabin Road - Financing: No cost consideration to the City

Councilmember Atkins moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0563

Item 77: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs' 9% low income housing tax credit financing for the acquisition and new construction of the proposed Kleberg Commons, a 200-unit senior residential development located at 12700 Kleberg Road - Financing: No cost consideration to the City

Councilmember Atkins moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0564

Item 78: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs' 9% low income housing tax credit financing for the acquisition and new construction of the proposed Rylie Crest Village, an 80-unit single-family residential development located at 1523 Haymarket Road - Financing: No cost consideration to the City

Councilmember Atkins moved to deny approval of the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0565

Item 79: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs's 9% low income housing tax credit financing for the acquisition and rehabilitation of the 156-unit Akard Plaza SRO located at 1011 South Akard Street - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Phillip T. Robinson, 1500 McKee St., President of the Cedars Neighborhood Association

Zad Roumaya, 6224 Oram X St., representing Buzz Lotts Homeowners, Cedars Neighborhood Association

Councilmember Medrano moved to approve the resolution and further stated, Larry Hamilton, Hamilton Properties, will meet the state standards and meet with the Cedar's Neighborhood group for approval or disapproval. However, if he cannot meet certain conditions, he will withdraw no later than March 25, 2009 prior to the City Council meeting or the City Council will deny approval of the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0566

Item 80: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs's 9% low income housing tax credit financing for the acquisition and rehabilitation of the 168-unit Northgate Village Apartments located at 12303 Plano Road - Financing: No cost consideration to the City

Councilmember Allen moved to deny approval of the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0567

Item 81: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs's 9% low income housing tax credit financing for the acquisition and rehabilitation of the 276-unit Montfort Oaks Apartments located at 14100 Montfort Drive - Financing: No cost consideration to the City

Councilmember Koop moved to deny approval of the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0568

Item 82: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs's 9% low income housing tax credit financing for the acquisition and rehabilitation of the 364-unit Greens Crossing Apartments located at 10790 Woodmeadow Parkway - Financing: No cost consideration to the City

Councilmember Kadane moved to deny approval of the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0569

Item 83: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs's 9% low income housing tax credit financing for the acquisition and rehabilitation of 61 units and the new construction of 42 units for the proposed Prince of Wales SRO located at 4515 Live Oak Street - Financing: No cost consideration to the City

Councilmember Medrano moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0570

Item 84: A resolution authorizing support of a pre-application waiver for a Texas Department of Housing and Community Affairs' 9% low-income housing tax credit financing for the acquisition and new construction of the proposed Taylor Farms apartment project, a 170-unit multifamily residential development located at 32 Pinnacle Park Boulevard - Financing: No cost consideration to the City

Councilmember Neumann moved to approve the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0571

Item 85: A resolution endorsing state legislation supporting the concept of "meet and confer" for city employees - Financing: No cost consideration to the City (via Mayor Leppert)

The city secretary announced that Councilmember Hill deferred consideration of consent agenda item 85 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedures.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0572

Item 86: An ordinance amending Chapter 51A of the Dallas City Code to add an Article XIII creating new "Form Districts" for walkable mixed use developments at a range of densities - Financing: No cost consideration to the City

Councilmember Salazar moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27495

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0573

Item 87: 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 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 March 25, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0574

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 88, 89 and addendum consent zoning agenda items 19, 20 and 21 was presented for consideration.

Agenda item 89 and Addendum Agenda items 20 and 21 were removed from the consent zoning docket, to be considered as individual hearings.

Agenda item 88 Zoning Case Z078-277(MAW)

~~Agenda item 89 Zoning Case Z089-129(RB)~~ [**considered individually**]

Addendum Agenda item 19 Zoning Case Z089-125(WE)

~~Addendum Agenda item 20 Zoning Case Z089-134(WE)~~ [**considered individually**]

~~Addendum Agenda item 21 Zoning Case Z078-276(WE)~~ [**considered individually**]

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

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

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0575

Item 88: Zoning Case Z078-277(MAW)

The consent zoning docket, consisting of agenda items 88, 89 and addendum consent zoning agenda items 19, 20 and 21 was presented for consideration.

A public hearing was called on zoning case Z078-277 (MAW), an application for and an ordinance granting an MF-1(A) Multifamily District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a CR-D Community Retail District with a D Liquor Control Overlay and an R-7.5(A) Single Family District on the south side of Lake June Road, east of Hawley Lane

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

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. 27496

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0576

Item 89: Zoning Case Z089-129(RB)

The consent zoning docket, consisting of agenda items 88, 89 and addendum consent zoning agenda items 19, 20 and 21 was presented for consideration.

Councilmember Natinsky requested that zoning consent item 89 be considered as an individual item. Mayor Leppert stated that zoning consent item 89 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

A public hearing was called on zoning case Z089-129 (RB), an application for and an ordinance granting a Specific Use Permit for Local Utilities on property zoned an MF-1(A) Multifamily District with Specific Use Permit No. 1 for Apartment-2 Uses limited to a Community club, private school, and apartments at the northwest corner of Belt Line Road and Spring Creek Road

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

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

The following individual addressed the city council regarding the item:

William Hopkins, 2011 Leath St.

Councilmember Natinsky moved to close the public hearing and recommended to deny the application without prejudice.

Motion seconded by Councilmember Hunt and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0577

Item 90: Zoning Case Z067-147(SA) UNDER ADVISEMENT – INDIVIDUAL

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

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

Note: This item was considered by the City Council at a public hearing on December 10, 2008, and was held under advisement until February 25, 2009, with the public hearing open.

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

Art Anderson, 1201 Elm St., representing Buckley Oil
John Hargrove, 1903 Rock Island, representing Orr Reed
Jewel Floyd, 3815 Myrtle St.
Louis Okon, 2001 S. Industrial Boulevard, representing Okon Metals
William Hopkins, 2011 Leath St.

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

Councilmember Neumann moved to continue the public hearing and hold under advisement until the May 27, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0578

Item 91: A public hearing to receive comments regarding the application for and approval of a fill permit and removal of the floodplain (FP) prefix from 0.22 acres of a 0.46 acres tract of land, zoned SF-10, located at 3868 Shorecrest Drive, currently in the floodplain of Bachman Creek, Fill Permit 08-01 - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Mike Boyd, 8080 Park Lane, representing the applicant

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0579

Item 92: A public hearing to receive comments regarding a proposal for and an ordinance waiving certain street name change standards and changing the name of Beechwood Avenue, between Burns Avenue and Keats Drive, to Pathfinder Drive - \$450 - Financing: Current Funds

The following individual addressed the city council regarding the item:

Marvin Crenshaw, 5134 Malcolm X Boulevard

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

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

Assigned ORDINANCE NO. 27497

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0580

Item 93: A public hearing to receive comments regarding a proposal for and an ordinance waiving certain street name change standards and changing the name of Missouri Avenue, between South Llewellyn Avenue and Interstate 35E to Llewellyn Court - \$300 - Financing: Current Funds

The following individual addressed the city council regarding the item:

William Hopkins, 2011 Leath St.

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

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

Assigned ORDINANCE NO. 27498

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0581

Addendum addition 1: Authorize **(1)** the third amendment to the 1985 lease agreement with TXI Aviation I, L.L.C. to extend the time period to expend a \$1,000,000 capital commitment by twelve-months from May 1, 2009 to May 1, 2010; and **(2)** the second amendment to the 2007 lease agreement with TXI Aviation I, L.L.C. to extend the time period to expend a \$2,500,000 capital commitment by twelve-months from May 1, 2009 to May 1, 2010 for ground leases at Dallas Love Field - Financing: No cost consideration to the City

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

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

Councilmember Kadane moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0582

Addendum addition 2: Authorize an application for and acceptance of a grant from the Federal Aviation Administration for the federal share of the eligible costs for capital improvement projects at Dallas Love Field - Not to exceed \$3,387,010 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0583

Addendum addition 3: Authorize a professional services contract for strategic and technical assistance for the preparation of the City's application for a New Market Tax Credit allocation - S.B. Friedman & Company, most advantageous proposer of four - Not to exceed \$75,000 - Financing: Public/Private Partnership 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.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0584

Addendum addition 4: Authorize **(1)** the purchase and installation of payment card processing and tokenized encryption security, and **(2)** a thirty-six-month service agreement for application hosting services, for securing all payment card authorization transactions - Paymetric, Inc., only proposer - Not to exceed \$364,268 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0585

Addendum addition 5: Authorize settlement of the lawsuit styled United States of America v. City of Dallas, Cause No. 3:08-CV-1063-K - Not to exceed \$30,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0586

Addendum addition 6: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C. for legal services in matters related to the Railroad Commission of Texas Gas Utilities Docket (GUD) No. 9762, Atmos Energy Corp., Mid-Tex Division Environs Case and Petition for De Novo Review from Dallas City Council action taken on January 23, 2008, on Atmos Dallas Municipal Gas Distribution Rate Statement of Intent dated September 20, 2007 and related dockets - Not to exceed \$113,350, from \$200,000 to \$313,350 - Financing: Current Funds (to be fully reimbursed by Atmos Energy Corporation)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0587

Addendum addition 7: Authorize **(1)** an agreement with McCormack Baron Salazar and The Real Estate Council Foundation to contract for technical services related to the City's plan for economic development in City Council-designated priority areas; **(2)** the receipt and deposit of funds in an amount not to exceed \$200,000, received from private donations; and **(3)** the establishment of appropriations in an amount not to exceed \$200,000 - Not to exceed \$200,000 - Financing: Public/Private Partnership Funds (to be funded with private donations)

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 Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0588

Addendum addition 8: Authorize an application for a National Park Service Challenge Cost-Share Program Grant in the amount of \$30,000 for building identification and wayfinding signage at the Automobile, Centennial and Hall of State Buildings at Fair Park located at 1200 Second Avenue - Financing: No cost consideration to the City

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 Councilmember Rasansky's request.

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

Councilmember Davis moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0589

Addendum addition 9: Authorize a contract for demolition of Reunion Arena located at 777 Sports Street and to remove remote signage, provide fill material and sod finish grade - A & R Demolition, best value proposer of eleven - Not to exceed \$2,089,000 - Financing: Convention and Event Services

Councilmember Neumann, Councilmember Rasansky and Councilmember Hunt 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 Neumann, Councilmember Rasansky and Councilmember Hunt's request.

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

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Koop and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0590

Addendum addition 10: Authorize a construction contract with Castro Roofing of Texas, L.P., best value proposer of four, for roof replacement at the Latino Cultural Center located at 2600 Live Oak Street - Not to exceed \$383,900 - Financing: 2003 Bond Funds (\$300,053) and 2006 Bond Funds (\$83,847)

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.

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0591

Addendum addition 11: Authorize a twenty-four month consultant contract, with a second twenty-four month renewal option, with URS Corporation for the program management services related to the implementation of the Love Field Modernization Program and associated Love Field Capital Projects - Not to exceed \$10,936,530 - Financing: Aviation Capital Construction Funds (\$5,618,265 - Year 1) and (\$5,318,265 - Year 2)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0592

Addendum addition 12: Authorize **(1)** a contract for the construction of Annette Strauss Artist Square with Turner Construction Company, best value proposer of seven, in an amount not to exceed \$4,714,142; and **(2)** the assignment of the contract to the Dallas Center for the Performing Arts Foundation, Inc. as the City's agent and construction manager for all purposes, including contract administration, inspection, supervision and coordination of construction work - Not to exceed \$4,714,142 - Financing: 2003 Bond Funds

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

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

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

Councilmember Hunt moved to approve the item.

Motion seconded by Councilmember Neumann and unanimously adopted. (Leppert abstain; Caraway, Koop, Natinsky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0593

Addendum addition 13: Authorize **(1)** a contract for paving and drainage improvements for Manderville Lane, Treehouse Lane (east) and Meadow Road with The Fain Group, Inc., lowest responsible bidder of four, in the amount of \$5,520,484; **(2)** a contract for the construction of streetscape improvements for Treehouse Lane (west), Meadow Road, and Rambler Road with the Fain Group. Inc., lowest responsible bidder of four, in the amount of \$1,726,544; and **(3)** assignment of both contracts to Next Block-Dallas I, L.P., for construction administration - Total not to exceed \$7,247,028 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0594

Addendum addition 14: Authorize Supplemental Agreement No. 1 to the professional services contract with Lockwood Greene Engineers, Inc. for additional design services for the restaurant at Dallas Executive Airport - Not to exceed \$46,400, from \$24,495 to \$70,895 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0595

Addendum addition 15: Authorize **(1)** Supplemental Agreement No. 3 to the contract with Lea + Elliott, Inc. to provide programming, schematic design, and construction cost estimates for the Love Field People Mover at Dallas Love Field in an amount not to exceed \$3,898,709, from \$956,923 to \$4,855,632; and **(2)** an increase in appropriations in the Federal Aviation Administration Airport Improvement Program Grant Fund in the amount of \$4,198,709 (\$3,898,709 for professional services and \$300,000 for testing and contract administration cost) - Total not to exceed \$3,898,709 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0596

Addendum addition 16: Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation for the inspection, operation and maintenance of Woodall Rodgers Deck Plaza; **(2)** the receipt and deposit of funds in the amount of \$7,503,920 from the Woodall Rodgers Park Foundation into the Woodall Rodgers Development Fund; **(3)** the establishment of appropriations in the amount of \$7,503,920 in the Woodall Rodgers Development Fund; **(4)** an amendment to the Local Project Advance Funding Agreement with the Texas Department of Transportation to reflect an additional \$10,000,000 from the Surface Transportation Enhancement Program, to reflect that the Texas Department of Transportation is responsible for some elements of Phase IV construction, and provide additional funding to the Texas Department of Transportation for the engineering review in an amount not to exceed \$101,500; and **(5)** payment to the Texas Department of Transportation for the construction of Phases II, III and IV of the Woodall Rodgers Deck Plaza for civil and street work, deck and tunnel structure, and basic deck park improvements - Total not to exceed \$26,506,008 - Financing: 2006 Bond Funds (\$19,002,088) and Woodall Rodgers Development Funds (\$7,503,920)

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

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

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0597

Addendum addition 17: Consideration and appointment of members to the Dallas/Fort Worth International Airport Board of Directors for Places 1 and 11 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A) (List of nominees is available in the City Secretary's Office)

Mayor Leppert called a recess of the city council meeting at 12:40 p.m. as authorized by Section 551.074, Personnel Matters, of the Texas Open Meetings Act to confer with the City Attorney regarding the appointment of members to the Dallas/Fort Worth International Airport Board for Place 1 and Place 11.

Mayor Leppert reconvened the city council meeting after the executive session at 1:41 p.m. No other matters were discussed during the executive session.

Mayor Pro Tem Garcia moved to accept the recommendation of the Adhoc – DFW Council Committee to appoint Betty Culbreath to Place 1 of the Dallas/Fort Worth International Airport Board, with the term to expire January 31, 2011.

Motion seconded by Councilmember Salazar.

Councilmember Hill requested the vote for members of the Dallas/Fort Worth International Airport Board be completed by ballot for a record vote.

Mayor Leppert requested by a show of hands whether to accept the recommendation of the Adhoc – DFW Council Committee presented by Mayor Pro Tem Garcia using the electronic system or ballot for a record vote.

By a show of hands, the city council agreed to vote using the electronic system for a record vote regarding whether to accept the recommendation of the Adhoc – DFW Council Committee presented by Mayor Pro Tem Garcia.

At the request of Mayor Leppert, Mayor Pro Tem Garcia restated the motion to accept the recommendation of the Adhoc – DFW Council Committee to appoint Betty Culbreath to Place 1 of the Dallas/Fort Worth International Airport Board, with a term to expire January 31, 2011.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0597

Page 2

After further discussion, Mayor Leppert called the vote on Mayor Pro Tem Garcia's motion to accept the recommendation of the Adhoc – DFW Council Committee to appoint Betty Culbreath to Place 1 of the Dallas/Fort Worth International Airport Board, with a term to expire January 31, 2011:

Voting Yes: [9] Leppert, Garcia, Caraway, Neumann, Salazar, Davis, Atkins, Allen, Natinsky

Voting No: [6] Medrano, Hill, Kadane, Koop, Rasansky, Hunt

Absent: [0]

Mayor Leppert declared the motion adopted.

Mayor Pro Tem Garcia moved to accept the recommendation of the Adhoc – DFW Council Committee to appoint Brenda Reyes to Place 11 of the Dallas/Fort Worth International Airport Board, with the term to expire January 31, 2011.

Motion seconded by Councilmember Salazar.

After discussion, Mayor Leppert called the vote on Mayor Pro Tem Garcia's motion to accept the recommendation of the Adhoc – DFW Council Committee to appoint Brenda Reyes to Place 11 of the Dallas/Fort Worth International Airport Board, with the term to expire January 31, 2011:

Voting Yes: [10] Leppert, Garcia, Caraway, Neumann, Salazar, Atkins, Kadane, Allen, Koop, Natinsky

Voting No: [5] Medrano, Hill, Davis, Rasansky, Hunt

Absent: [0]

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0598

Addendum addition 18: Authorize suspending enforcement of Sections 51A-7.930(l) of the Dallas Development Code, pertaining to the mandatory removal and sunset provisions for supergraphic signs to allow the continued display of supergraphic signs in an area generally bounded 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, Arts District and Farmers Market Special Provision Sign Districts until such time as amendments to these sections are considered by City Council
- 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 Natinsky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0599

Addendum addition 19: Zoning Case Z089-125(WE)

The consent zoning docket, consisting of agenda items 88, 89 and addendum consent agenda items 19, 20 and 21, was presented for consideration.

A public hearing was called on zoning case Z089-125(WE), an application for and an ordinance granting a Planned Development Subdistrict for O-2 Office Subdistrict uses on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, in the area bounded by Carlisle Street, Cedar Springs Road, Vine Street and Cole Avenue

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27499

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0600

Addendum addition 20: Zoning Case Z089-134(WE)

The consent zoning docket, consisting of agenda items 88, 89 and addendum consent agenda items 19, 20 and 21, was presented for consideration.

A public hearing was called on zoning case Z089-134(WE), an application for and an ordinance granting an amendment to Specific Use Permit No. 1738 for a commercial amusement (inside) use for an amusement center on property zoned a CR Community Retail District, on the southeast corner of Forest Lane and Marsh Lane

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

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

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

- The only use authorized by this specific use permit is a commercial amusement (inside) use limited to an amusement center. This use is only permitted when sharing floor area with a restaurant with a certificate of occupancy for a restaurant without drive-in or drive-thought service with a minimum of 14,000 square feet dedicated to the restaurant use.
- Light standards may not exceed five feet six inches in height on the southern boundary of the property.
- A minimum six-foot-high solid brick or concrete wall must be maintained along the southern boundary of the property, as shown on the site plan.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27500

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0601

Addendum addition 21: Zoning Case Z078-276(WE)

The consent zoning docket, consisting of agenda items 88, 89 and addendum consent agenda items 19, 20 and 21, was presented for consideration.

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

A public hearing was called on zoning case Z078-276(WE), an application for a Planned Development Subdistrict for mixed uses and the termination of Planned Development Subdistrict No. 64 on property zoned a HC Heavy Commercial Subdistrict and Planned Development District No. 64 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property generally bounded by the Maple-Routh Connection, McKinney Avenue, Pearl Street and Thomas Avenue with consideration given to an ordinance granting an amendment to, and expansion of, Planned Development Subdistrict No. 64

(The staff recommended approval of an amendment to, and expansion of Planned Development District No. 64 for mixed uses, subject to a revised conceptual plan and staff's recommended conditions and city plan commission recommended approval of an amendment to, and expansion of Planned Development District No. 64 for mixed uses, subject to a revised conceptual plan and conditions)

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

Jade Wooten, 5620 Live Oak
Jewel Floyd, 3815 Myrtle St.
Frank Ward, P. O. Box 50694
Gwain Wooten, 1000 Gatsby
William Hopkins, 2011 Leath St.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0601

Page 2

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

- Requiring the minimum 12-foot-wide sidewalks along Maple-Routh Connection, Pearl Street, and McKinney Avenue be provided when any new construction begins on any building site adjacent to that street; and
- Requiring the minimum 9-foot-wide sidewalk, along McKinney Avenue and Pearl Street to be installed before a certificate of occupancy is issued for any development on the site that increases floor area.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27501

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0602

NOTICE OF DEFERRED OR DELETED ITEMS

CITY COUNCIL MEETING
FEBRUARY 25, 2009

POSTED ON FRIDAY, FEBRUARY 20, 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:

- Agenda Item 7:** An ordinance ordering a special election to be held in the City of Dallas on Saturday, May 9, 2009, for the purpose of submitting to the qualified voters of the city a proposed amendment to Chapter XI of the Dallas City Charter that would prohibit the City of Dallas from owning, financing, constructing, or operating a hotel or other lodging facility, with certain exceptions - Financing: No cost consideration to the City [**DEFERRED BY MAYOR LEPPERT**]
- Agenda Item 85:** A resolution endorsing state legislation supporting the concept of "meet and confer" for city employees [**DEFERRED BY COUNCILMEMBER HILL**]

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 25, 2009

09-0603

The following councilmembers presented to the Mayor a memorandum dated November 19, 2008 and February 6, 2009 in support of the attached resolution endorsing the concept of “meet and confer”. In addition, they requested the item to be placed on the February 25, 2009 agenda:

Mayor Pro Tem Garcia
Deputy Mayor Pro Tem Caraway
Councilmember Medrano
Councilmember Salazar
Councilmember Davis

Mayor Leppert – only signed the memorandum dated November 19, 2008

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 25, 2009

EXHIBIT C