

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

09-0750
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Garcia, Caraway (*9:11 a.m.), Medrano, Neumann, Hill, Salazar, Davis, Atkins, Kadane, Allen, Koop, Natinsky, Rasansky, Hunt (*9:25 a.m.)

ABSENT: [0]

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

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

The invocation was given by Dave Obergfell, Deacon of St. Edwards Catholic Church.

Councilmember Kadane 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 5:30 p.m.

Mayor

ATTEST:

Assistant City Secretary

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

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

Ordinances, resolutions, reports and other records pertaining to matters considered by the city council, are filed with the Assistant 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, MARCH 25, 2009

EXHIBIT A

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

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0751

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: Regina Franklin-Basye, 4616 Willow Lane
REPRESENTING: Remembering Moms
SUBJECT: Make Remembering Moms a Holiday

SPEAKER: Robert E. Davis, 4706 Coyote Trail
REPRESENTING: Enclave at wooded creek
SUBJECT: Traffic on Forney Road

SPEAKER: Roy Williams, 5881 Prestonview Blvd.
SUBJECT: Taxicab Industry

SPEAKER: Spencer W. Kopf, 14902 Preston Road
REPRESENTING: Bar owners
SUBJECT: Smoking Ban

As a result of the speaker regarding smoking ban, Councilmember Atkins moved to place the Smoking Ordinance on the April 8, 2009 voting agenda meeting of the City Council for an extension of its implementation date.

Motion seconded by Councilmember Rasansky.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0751

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After discussion, Mayor Leppert called the vote by a show of hand on Councilmember Atkins' motion to place the Smoking Ordinance on the April 8, 2009 voting agenda for an extension of its implementation date:

| | | |
|-------------------------|-----|--|
| Voting Yes: | [7] | Caraway, Neumann, Hill, Davis, Atkins, Kadane, Rasansky |
| Voting No: | [4] | Medrano, Koop, Natinsky, Hunt |
| Absent when vote taken: | [3] | Garcia, Salazar, Allen |
| Abstain | [1] | Leppert |

Mayor Leppert declared the motion adopted.

OPEN MICROPHONE – END OF MEETING

SPEAKER: Kaye Sissie McZeal, 9940 Forest Lane
SUBJECT: Discrimination

SPEAKER: Tanzie Lewis, 923 Claude Street
SUBJECT: The boys in my neighborhood

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
SUBJECT: For the love of money

SPEAKER: Frank Ward III, P. O. Box 50694
REPRESENTING: Trinity Reunion Church/Community
SUBJECT: Father, Son, Holy Spirit

SPEAKER: Leslie Allen Davis, 3035 E. Ledbetter Drive
REPRESENTING: The whole world
SUBJECT: We must set a time table of MLK Dream

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
REPRESENTING: Real American Women (RAW)
SUBJECT: Racism is alive and well at Baylor Hospital

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0752

Item 1: Approval of Minutes of the February 25, 2009 City Council Meeting

Councilmember Rasansky moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0753

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-90 and addendum addition consent agenda items 1-4, was presented for consideration.

The Assistant City Secretary requested that consent agenda item 47 be considered as an individual item to allow citizens to speak. Mayor Leppert stated that consent agenda item 47 would be considered as an individual item later in the meeting there being no objection voiced to the Assistant City Secretary's request.

Mayor Leppert announced that at the time the consent agenda was considered, and at the request of Staff consent agenda item 49 had been added to the list of items to be deferred.

Mayor Pro Tem Garcia requested that consent agenda items 43, 49, 61 and 79 be considered as individual items. Mayor Leppert stated that consent agenda items 43, 49, 61 and 79 would be considered as individual items later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia's request.

Councilmember Neumann requested that consent agenda item 49 and addendum addition consent agenda items 1, 2 and 3 be considered as individual items. Mayor Leppert stated that consent agenda item 49 and addendum addition consent agenda items 1, 2 and 3 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Davis requested that consent agenda items 12 and 47 be considered as individual items. Mayor Leppert stated that consent agenda items 12 and 47 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Davis' request.

Councilmember Atkins requested that consent agenda item 32 and addendum addition consent agenda item 1 be considered as individual items. Mayor Leppert stated that consent agenda item 32 and addendum addition consent agenda item 1 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

09-0753

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Councilmember Rasansky requested that consent agenda items 6, 10, 11, 14, 25, 31, 35, 39, 49, 52, 58, 64, 69, 84 and addendum addition consent agenda item 1 be considered as individual items. Mayor Leppert stated that consent agenda items 6, 10, 11, 14, 25, 31, 35, 39, 49, 52, 58, 64, 69, 84 and addendum addition consent agenda item 1 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Neumann moved to approve all items on the consent agenda with the exception of consent agenda 6, 10, 11, 12, 14, 25, 31, 32, 35, 39, 43, 47, 49, 52, 58, 61, 64, 69, 79, 84 and agenda addendum addition consent items 1, 2 and 3 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0754

Item 2: Authorize a twelve-month service contract with the Greater Dallas Asian American Chamber of Commerce to provide a Community Outreach Liaison Program for the period April 1, 2009 through March 31, 2010 - Not to exceed \$37,674 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0755

Item 3: Authorize a twelve-month service contract with the Greater Dallas Hispanic Chamber of Commerce to provide a Community Outreach Liaison Program for the period April 1, 2009 through March 31, 2010 - Not to exceed \$54,212 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0756

Item 4: Authorize a twenty-four-month master agreement for herbicides and pesticides - Helena Chemical Company in the amount of \$219,150, BWI Companies, Inc. in the amount of \$164,665, Estes, Inc. in the amount of \$90,895, Lesco, Inc. in the amount of \$39,307 and Carbotec, Inc. in the amount of \$1,965, lowest responsible bidders of five - Total not to exceed \$515,982 - Financing: Current Funds (\$424,464), Water Utilities Current Funds (\$91,518)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0757

Item 5: Authorize a thirty-six-month master agreement for janitorial supplies - Eagle Brush & Chemical, Inc. in the amount of \$1,006,876, M.A.N.S. Distributors, Inc. in the amount of \$670,904, Jan Pak in the amount of \$522,411, Olmsted-Kirk Paper Co. in the amount of \$444,756, Zep Sales & Service in the amount of \$198,058, Ecolab, Inc. in the amount of \$93,043 and Torrez Paper Company in the amount of \$8,765, lowest responsible bidders of eleven - Total not to exceed \$2,944,813 - Financing: Current Funds (\$2,447,499), Water Utilities Current Funds (\$497,314)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0758

Item 6: Authorize a thirty-six-month master agreement, with one twelve-month renewal option, for leak detection equipment, parts and maintenance - Fluid Conservation Systems, Inc., lowest responsible bidder of two - Not to exceed \$354,885 - Financing: Water Utilities Current Funds

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

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0759

Item 7: Authorize **(1)** the rejection of bids received for welding supplies, and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0760

Item 8: Authorize settlement of the lawsuit styled Garysue Tullos Hooper v. City of Dallas, Cause No. 08-08102-G - Not to exceed \$54,756 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0761

Item 9: Authorize settlement of the lawsuit styled Jeffery Randle v. City of Dallas, Cause No. CC-06-11744-B - Not to exceed \$12,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0762

Item 10: Authorize a renewal, extension and amendment of an existing six-month lease agreement with Badmus Texas Properties, L.P., for approximately 1,364 square feet of office space located at 11325 Pegasus Street, Suite E-150, to be used by the City Attorney's Office as a Community Prosecution office; renewing and extending the lease for a three-year period from April 1, 2009 through March 31, 2012; providing for and amending the base rental payments for the three-year period; and providing the City with the right to terminate the lease upon 30 days written notice if the Community Prosecution program and/or position is discontinued by the City at this location - Total not to exceed \$56,139 - Financing: Current Funds (subject to annual appropriations)

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

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

Councilmember Kadane moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0763

Item 11: An ordinance amending Chapter 12A of the Dallas City Code to: **(1)** allow TIF board members to acquire property within the reinvestment zones they represent, but prohibiting them from participating and voting in matters that directly affect their acquired or existing property in the reinvestment zones; and **(2)** prohibit TIF board members from having direct or indirect financial interests in city contracts involving the use of TIF funds - Financing: No cost consideration to the City

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

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

Councilmember Neumann moved to pass the ordinance.

Motion seconded by Councilmember Davis.

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." (Hill, Salazar absent when vote taken)

Assigned ORDINANCE NO. 27504

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0764

Item 12: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jose de Jesus Esparza of approximately 48,048 square feet of land improved with a warehouse and garage located near the intersection of Fitzhugh Avenue and Lagow Street for the replacement of Fire Station No. 44 - \$262,400 (\$260,000 plus closing costs not to exceed \$2,400) - Financing: 2006 Bond Funds

Councilmember Davis 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 Davis' request.

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

Councilmember Davis moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0765

Item 13: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Lino Oruna and Arturo Oruna of approximately 7,336 square feet of land improved with a single family dwelling located near the intersection of Toland Street and Jim Miller Road for the replacement of Fire Station No. 32 - \$69,987 (\$68,000 plus closing costs not to exceed \$1,987)
- Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0766

Item 14: Authorize the quitclaim of 16 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$299,210

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 item.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0767

Item 15: A resolution declaring approximately 98 acres of City-owned land unwanted and unneeded located near JJ Lemmon Road between Interstate Highway 45 and Interstate Highway 20 and authorizing its advertisement for sale by sealed bid with a minimum bid of \$1,497,000 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0768

Item 16: Authorize settlement in lieu of proceeding with condemnation in City of Dallas vs. Bobby Barfield, Sabrina Barfield, Collin County, and City of Dallas, Defendants, Cause No. 002-1603-2008, for acquisition from Bobby Barfield and Sabrina Barfield of approximately 10,399 square feet of land improved with a single-family dwelling located near the intersection of Creek Drive and Mapleshade Lane for the Upper McKamy Flood Control Improvement Project - \$242,474 (\$240,000 plus closing cost not to exceed \$2,474) - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0769

Item 17: Authorize settlement in lieu of proceeding with condemnation of approximately 1,410 square feet of land, from John J. Klein, IV and Christopher Bacala, located near the intersection of Brockbank Drive and Wheelock Street for the Brockbank Drive Street Improvement Project - \$18,621 (\$17,489 plus closing costs not to exceed \$1,132) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0770

Item 18: Authorize moving expense and replacement housing payments for Bertha Hernandez in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2628 Roberta Street for the new Dallas Police Academy - Not to exceed \$45,900 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0771

Item 19: Authorize moving expense and replacement housing payments for Abel and Maria Morales in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 718 Packard Street for future City facilities - Not to exceed \$68,500 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0772

Item 20: Authorize moving expense and replacement housing payments for Ignacio Rodriguez in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 1010 Packard Street for future City facilities - Not to exceed \$69,900 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0773

Item 21: Authorize moving expense and replacement housing payments for Jose D. Rodriguez and Irma Rodriguez in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 802 Packard Street for future City facilities - Not to exceed \$84,100 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0774

Item 22: An ordinance **(1)** repealing Ordinance No. 23247, and **(2)** granting a private license to Jefferson at the North End, L.P. for the use of 26,595 square feet of land to maintain existing landscaping and to install and maintain a monument sign and additional landscaping on portions of Olive and North Houston Streets rights-of-way - Revenue: \$2,000 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27505

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0775

Item 23: An ordinance abandoning a portion of a floodway easement to Brad D. Reid, the abutting owner, containing approximately 3,443 square feet of land located near the intersection of Bent Tree and Westgrove Drives - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27506

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0776

Item 24: An ordinance abandoning a portion of Burbank Street containing approximately 5,591 square feet of land to Uplift Education, the abutting owner, located near its intersection with Regal Row, authorizing the quitclaim and providing for the dedication of a total of approximately 4,234 square feet of land for needed street right-of-way - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27507

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0777

Item 25: An ordinance abandoning various easements to the North Texas Tollway Authority, the abutting owner, containing a total of approximately 5 acres of land located near the intersection of Dallas North Tollway and Oak Lawn Avenue - Revenue: \$5,400 plus the \$20 ordinance publication fee

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 Koop moved to pass the ordinance.

Motion seconded by Councilmember Rasansky and unanimously adopted.

Assigned ORDINANCE NO. 27508

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0778

Dallas/Forth Worth
International Airport

Note: Item Nos. 26 and 27
must be considered collectively.

Item 26: Authorize an amendment to the Interlocal Agreement entered into pursuant to Resolution No. 98-3297, previously approved on November 11, 1998, with the Dallas/Fort Worth International Airport Board and the Cities of Irving and Fort Worth to clarify that certain Chapter 380 Economic Development Grants are included as special incentive plans that may be exempted from Irving's revenue sharing obligation subject to the approval of all parties and to address certain other administrative matters - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0779

**Dallas/Forth Worth
International Airport**

Note: Item Nos. 26 and 27
must be considered collectively.

Item 27: A resolution consenting to the City of Irving providing FlightSafety International Inc. a 15-year Chapter 380 economic development grant equal to the taxes paid on up to 45 percent of the value of new business personal property in consideration of FlightSafety expanding its flight training operation at Dallas/Fort Worth International Airport - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0780

Item 28: Authorize **(1)** the discharge of the secured, no-interest, forgivable note with Dallas Can! Academy, Inc. in the amount of \$117,725, and **(2)** the release of lien on real property located at 325 West 12th Street - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0781

Item 29: Authorize an amendment to the contract with the Department of State Health Services to accept additional grant funds for the continuation of the Special Supplemental Nutrition Program for the Women, Infants and Children Program for the period October 1, 2008 through September 30, 2009 - Not to exceed \$1,025,700, from \$12,059,045 to \$13,084,745 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0782

Item 30: Authorize Supplemental Agreement No. 1 to the professional services contract with Consumer and Market Insights, Inc. for diversity training for staff at the Special Supplemental Nutrition Program for the Women, Infants and Children Program for the period December 7, 2008 through January 14, 2009 - Not to exceed \$6,910, from \$24,360 to \$31,270 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0783

Item 31: Authorize **(1)** rescinding the contract with Polk Mechanical, Inc., previously approved on September 10, 2008 by Resolution No. 08-2432, for the electronic filter replacement project at the J. Erik Jonsson Central Library, and **(2)** a contract for construction of the electronic filter replacement project at the J. Erik Jonsson Central Library located at 1515 Young Street - Mechanical and Engineering Technologies, Inc., lowest responsible bidder of three - \$325,300 - Financing: Capital Construction Funds (\$253,000) and 2003 Bond Funds (\$72,300)

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 Atkins moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0784

Item 32: Authorize a professional services contract with Conley Group, Inc. to provide construction documents and construction administration services for remediation of water infiltration at the Women's Museum located at 3800 Parry Avenue - \$26,400 - Financing: 2003 Bond Funds

Councilmember Atkins 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 Atkins' request.

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

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0785

Item 33: Authorize a construction services contract to improve the heating, ventilation and air conditioning system for the Dallas Fire-Rescue Training Building B located at 5000 Dolphin Road - RNDI Companies, Inc., lowest responsible bidder of two - Not to exceed \$69,617 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0786

Item 34: Authorize **(1)** a tender agreement with RLI Insurance, LLC for completion of warehouse improvements for the Police Property Warehouse located at 1725 Baylor Street; **(2)** the acceptance and deposit of funds in the amount of \$9,758 from RLI Insurance, LLC as the difference in the amount remaining in the contract with JAC Commercial and Residential Construction, LLC and the amount required to execute a new contract for the same scope of work; and **(3)** a contract with Mart, Inc. for completion of warehouse improvements at the Police Property Warehouse in the amount of \$72,500 - Total not to exceed \$72,500 - Financing: 2003 Bonds (\$59,967), Capital Projects Reimbursement Funds (\$9,758) and 1995 Bond Funds (\$2,775)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0787

Item 35: Authorize **(1)** rejection of the bids received for the chiller plant renovation project at the Science Place 1 IMAX Theatre located at 1318 South Second Avenue, and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 35 be considered as an individual item. Mayor Leppert stated that consent agenda item 35 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Later in the meeting, consent agenda item 35 was brought up for consideration.

Councilmember Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0788

Item 36: Authorize acquisition of one parcel improved with an occupied residential structure located at 2436 Easley Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program - \$42,000 (\$40,000 plus closing costs not to exceed \$2,000) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0789

Item 37: Authorize the reconstruction on-site of six homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 4312 South Ewing Avenue in the amount of \$87,500, 4926 Garland Avenue in the amount of \$87,500, 4874 Bernal Drive in the amount of \$87,500, 2207 Mountain Lake Road in the amount of \$87,500, 9230 Whitehall Lane in the amount of \$87,500 and 1422 Harlandale Avenue in the amount of \$87,500 - Total not to exceed \$525,000 - Financing: 2006-07 Community Development Block Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0790

Item 38: A resolution declaring 3 properties unwanted and unneeded and authorizing their conveyance by Deed without Warranty to Kaminski Holdings, Inc., for \$10 and a promise to provide provision of mixed-use development on the properties within 3 years of execution of the deed (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0791

Item 39: Authorize the Second Loan Modification to the Loan Documents with South Dallas/Fair Park InnerCity Community Development Corporation ("ICDC") with regards to the Grand Plaza Shopping Center contract to revise payment terms from 15 years of annual payments of principal and interest at 2% to 25 years of monthly payments of \$2,644 of principal and interest until balance of the loan is paid in full beginning July 1, 2009 at the current interest rate of 2% per year to increase cash flow in the amount of \$16,441 per year to allow for implementation of a security plan acceptable to the City and to modify the security plan so that any cash flow in excess of those costs may be applied towards payment of the principal balance of the loan - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 39 be considered as an individual item. Mayor Leppert stated that consent agenda item 39 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 39 was brought up for consideration.

Councilmember Davis moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0792

Item 40: Authorize an amendment to Resolution No. 08-1399, previously approved on May 14, 2008, authorizing the execution of loan documents for a Residential Development Acquisition Loan Program with Jubilee Park and Community Center Corporation to allow for the loan to be a non-recourse loan - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0793

Item 41: Authorize an amendment to change funding and the awarded contractor, previously approved on August 13, 2008 by Resolution No. 08-2063, to reconstruct on-site one home in accordance with requirements for the property located at 2650 East Ann Arbor Avenue - Total not to exceed \$87,500 - Financing: 2004-05 Home Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0794

Item 42: A resolution providing public notification that an employee of the Builders of Hope Community Development Corporation is seeking financial assistance in the form of a Community Housing Development Organization (CHDO) Program Loan to construct and purchase his home in accordance with conflicts of interest provisions of the Federal Regulations contained in 24 CFR 92.356 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0795

Item 43: A resolution in support of an application for a Texas Department of Housing and Community Affairs's 9% low-income housing tax credit financing pursuant to Sec. 49.5 (7) (A) (B) (C) of the Qualified Allocation Plan for TDHCA's low income housing tax credit financing for the acquisition and new construction of the proposed Taylor Farms apartment project, a 160-unit multifamily residential development located at 32 Pinnacle Park Boulevard - Financing: No cost consideration to the City

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

Later in the meeting, consent agenda item 43 was brought up for consideration.

Councilmember Neumann moved to approve the resolution.

Motion seconded by Councilmember Salazar.

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

Mayor Leppert declared the motion adopted on a divided vote, with Mayor Pro Tem Garcia voting "No." (Natinsky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0796

Item 44: Authorize a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low-income housing tax credits pursuant to Sec. 49.5 (7) (A) (B) (C) of the Qualified Allocation Plan for TDHCA's 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 South Prairie Creek Road and Lucio Lane - Financing: No cost consideration to the City 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.

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0797

Item 45: Authorize a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low-income housing tax credits pursuant to Sec. 49.5 (7) (A) (B) (C) of the Qualified Allocation Plan for TDHCA's 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

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0798

Item 46: Authorize a resolution in support of the Texas Department of Housing and Community Affairs's (TDHCA) 9% low-income housing tax credits pursuant to Sec. 49.5 (7) (A) (B) (C) of the Qualified Allocation Plan for TDHCA's 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

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0799

Item 47: Authorize a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low-income housing tax credits pursuant to Sec. 49.5 (7) (A) (B) (C) of the Qualified Allocation Plan for TDHCA's low income housing tax credit financing for the acquisition and new construction of 125 new SRO units, the LifeNet Lofts located at 2600 block on eastside of Merlin Street - Financing: No cost consideration to the City

The Assistant City Secretary requested that consent agenda item 47 be considered as an individual item to allow citizens to speak. Mayor Leppert stated that consent agenda item 47 would be considered as an individual item later in the meeting there being no objection voiced to the Assistant City Secretary's request.

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

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

The following individual addressed the city council regarding the item:

Albert Parker, 6318 Elam Road, representing John Q. Public

Councilmember Davis moved to deny approval of the resolution.

Motion seconded by Councilmember Atkins.

After discussion, Councilmember Davis withdrew her motion.

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

After further discussion, Councilmember Davis moved to approve the resolution with the following changes:

- Go to Houston, Texas to see the project
- Work with the Master developer with LifeNet, Mayor and the city council, the closest Community Housing Development Organization (CHDO) Program in the area, the Neighborhood Association President and residents, and someone in the commercial quarters which is Grand and herself.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0800

Item 48: Authorize a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low-income housing tax credits pursuant to Sec. 49.5 (7) (A) (B) (C) of the Qualified Allocation Plan for TDHCA's 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

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0801

Item 49: Authorize an amendment to the sixty-month contract with TRISTAR Risk Management, for workers' compensation and third party liability claims administration, to oversee Injury Management Organization's (IMO) implementation and administration of the Certified Network for the period of May 1, 2009 through November 30, 2010 - Not to exceed \$855,000, from \$11,971,853 to \$12,826,853 - Financing: Current Funds (subject to annual appropriations)

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

Mayor Leppert announced that at the time the consent agenda was considered, and at the request of Staff consent agenda item 49 had been added to the list of items to be deferred.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0802

Item 50: Authorize the City Manager to request funding under the North Central Texas Council of Government's Request for Applications of the Fund 421 Program - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0803

Item 51: Authorize **(1)** the acceptance of a grant from the Texas Commission on the Arts to provide cultural services for the period October 1, 2008 through September 30, 2009; and **(2)** execution of the grant agreement - Not to exceed \$49,716 - Financing: Texas Commission on the Arts Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0804

Item 52: An ordinance establishing residential, commercial and industrial rates for natural gas service to be charged by Atmos Energy Corporation - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 52 be considered as an individual item. Mayor Leppert stated that consent agenda item 52 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 52 was brought up for consideration.

City Attorney Thomas Perkins announced he had a conflict of interest and would abstain from participating in any discussion. City Attorney Thomas Perkins left the city council chamber.

Councilmember Rasansky moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27509

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0805

Item 53: Authorize a Park Development, Acquisition, and Maintenance Agreement with PC LH Land Partners, LP for the development, acquisition, and maintenance of 19.3 acres located in the Lake Highlands Town Center development - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0806

Item 54: Authorize a contract for the construction of a new pavilion at Beverly Hills Park located at 3415 Sheldon Avenue - A S Con, Inc., best value proposer of five - \$203,272 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0807

Item 55: Authorize a contract for the construction of a new playground and sidewalks at Thurgood Marshall Park located at 5150 Mark Trail Way - Primestar Development Corporation dba Primestar Construction, lowest responsible bidder of six - \$141,919 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0808

Item 56: Authorize a contract for the construction of a new playground and site furnishings at Crown Park located at 2300 Crown Road - Primestar Development Corporation dba Primestar Construction, lowest responsible bidder of nine - \$205,409 - Financing: 2003 Bond Funds (\$73,839) and 2006 Bond Funds (\$131,570)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0809

Item 57: Authorize **(1)** reprogramming of the 2006 Bond Funds originally allocated for playground replacement at Sunset Bay to Dixon Branch Greenbelt playground; and **(2)** a contract for the construction of a new playground and site furnishings at Dixon Branch Greenbelt located at Lippitt and Sinclair Avenues - A S Con, Inc., lowest responsible bidder of five - \$137,150 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0810

Item 58: Authorize a professional services contract with Hellmuth, Obata and Kassabaum, LP for schematic design through construction administration services for the construction of a new pavilion and conceptual design for an off-leash dog park at Royal Park located at 3461 Royal Lane - \$77,412 - Financing: 2006 Bond Funds

Councilmember Rasansky requested that consent agenda item 58 be considered as an individual item. Mayor Leppert stated that consent agenda item 58 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 58 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Salazar.

After discussion, Councilmember Rasansky moved to approve the item, with the condition the Park & Recreation Department come back to city council to see where these funds can be reallocated to other parks that are more needy than this dog park in District 13.

Motion seconded by Councilmember Atkins. (Caraway, Davis, Kadane, Koop, Natinsky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0811

Item 59: Authorize a professional services contract with Aguirre Roden, Inc. for schematic design through construction administration services for expansion of the existing recreation center and replacement of the heating, ventilation, and air conditioning controls at Jaycee/Zaragoza Recreation Center located at 3114 Clymer Street - \$158,065 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0812

Item 60: Authorize a professional services contract with Aguirre Roden, Inc. for schematic design through construction administration services for interior and exterior renovation, replacement of the chiller and heating, ventilation, and air conditioning controls at Anita Martinez Recreation Center located at 3212 North Winnetka Avenue - \$160,065 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0813

Item 61: Authorize a professional services contract with Brand-Sayers Architects, Inc. for schematic design through bidding phase for expansion of the existing recreation center, interior renovation, replacement of the heating, ventilation, and air conditioning system, and expansion of the existing parking lot at Kidd Springs Recreation Center located at 700 West Canty Street - \$194,200 - Financing: 2006 Bond Funds

Mayor Pro Tem Garcia requested that consent agenda item 61 be considered as an individual item. Mayor Leppert stated that consent agenda item 61 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia's request.

Later in the meeting, consent agenda item 61 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0814

Item 62: Authorize a professional services contract with CEI Engineering Associates, Inc. for preparation of a feasibility study and schematic design through design development phases for construction of a new hike and bike trail connection from Glendale Park to Arden Terrace Park at Five Mile Creek Hike and Bike Trail - \$82,650 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0815

Item 63: Authorize a professional services contract with David C. Baldwin, Inc. for schematic design through construction administration services for replacement of two existing playgrounds, site furnishings, and the addition of Americans with Disabilities Act parking spaces at Glendale Park located at 1300 East Ledbetter Drive - \$34,505 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0816

Item 64: Authorize a professional services contract with DSGN Associates, Inc. for schematic design through construction administration services for expansion of the recreation center, addition of a fire suppression system to the existing building, and an additional parking area at Churchill Recreation Center located at 6900 Churchill Way - \$230,300 - Financing: 2006 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 Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0817

Item 65: Authorize a professional services contract with Johnson/McKibben Architects, Inc. for schematic design through construction administration services for expansion of the existing recreation center, interior renovation, roof repairs, and new heating, ventilation and air conditioning controls at Cummings Recreation Center located at 2900 Cummings Street - \$159,220 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0818

Item 66: Authorize a professional services contract with Kimley-Horn and Associates, Inc. for schematic design through construction administration services for the construction of a new pavilion, playground replacement, portable toilet enclosure and Americans with Disabilities Act accessibility at Glencoe Park located at 5300 Martel Avenue - \$75,815 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0819

Item 67: Authorize a professional services contract with Kimley-Horn and Associates, Inc. for schematic design through construction administration services for the construction of a new pavilion, portable toilet enclosure, site furnishings, and Americans with Disabilities Act accessibility at Cotillion Park located at 3600 Barnes Bridge Road - \$70,565 - Financing: 2003 Bond Funds (\$39,190) and 2006 Bond Funds (\$31,375)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0820

Item 68: Authorize a professional services contract with La Terra Studio, Inc. for schematic design through construction administration services for a loop trail, connecting walkways, site furnishings, portable rest room enclosure, and landscaping at Tietze Park located at 2700 Skillman Street - \$36,213 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0821

Item 69: Authorize a professional services contract with McCarthy Architecture, Inc. for schematic design through bidding phase for expansion of the existing recreation center and interior renovation at Ridgewood/Belcher Recreation Center located at 6818 Fisher Road - \$81,210 - Financing: 2006 Bond Funds

Councilmember Rasansky requested that consent agenda item 69 be considered as an individual item. Mayor Leppert stated that consent agenda item 69 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 69 was brought up for consideration.

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0822

Item 70: Authorize a professional services contract with Perkins+Will for schematic design through construction administration services for interior renovation, roof replacement and replacement of heating, ventilation and air conditioning controls at Beckley-Saner Recreation Center located at 114 West Hobson Avenue - \$248,745 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0823

Item 71: Authorize a professional services contract with Sally Johnson Architect, LLC for schematic design through construction administration services for interior renovation at Lake Highlands North Recreation Center located at 9410 White Rock Trail - \$68,055 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0824

Item 72: Authorize an increase in the contract with Gilbert May, Inc. dba Phillips/May Corporation for the installation of signage, modifications to the cafe/kiosk building, and additional underground electrical utilities serving the outdoor stage areas at Main Street Garden Park located at 1917 Commerce Street - Not to exceed \$136,305, from \$8,019,937 to \$8,156,242 - Financing: 2006 Bond Funds (\$116,861) and Capital Gifts, Donation and Development Funds (\$19,444)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0825

Item 73: Authorize a decrease in the contract with Phoenix I Restoration and Construction, Ltd. for painting the canopy, installation of a new security beam around the fuel islands, and installation of Bermuda sod at I.C. Harris Service Center located at 5620 Parkdale Drive, deletion of all work at Ewing Street Service Center located at 1021 South Ewing Street, deletion of all work at L.B. Houston Golf Course located at 11223 Luna Road, deletion of canopy structure at Crawford Service Center located at 8700 Elam Road, and installation of equipment canopy covers and containment at Tenison Park Golf Course located at 3501 Samuel Boulevard - (\$24,902), from \$283,968 to \$259,066 - Financing: 2004 Certificates of Obligation

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0826

Item 74: Authorize an Interlocal Agreement with the Texas Department of Transportation for the City's share of right-of-way acquisition and utility relocation costs for proposed paving improvements on Garland Road (SH 78) between Buckner Boulevard (Loop 12) and LBJ Freeway (IH 635) - Not to exceed \$80,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0827

Item 75: Authorize payment to the North Central Texas Council of Governments for the City's participation in the FY 08-09 Regional Public Works Program - Not to exceed \$40,955 - Financing: Current Funds (to be reimbursed by Storm Water Drainage Management Funds)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0828

Item 76: Authorize the City Manager to provide a Notice of Intent and Notice of Establishment for a Quiet Zone along the Kansas City Southern Railroad encompassing the Horizon North Parkway and Dallas Parkway crossings as required by the Federal Railroad Administration Final Train Horn rule 49 CFR Part 222 and 229 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0829

Item 77: Authorize **(1)** rescinding the contract with TMV LLC, dba Triune for the construction of the Pleasant Grove Branch Library located at 7310 Lake June Road in an amount of \$4,096,951; and **(2)** re-advertisement for new bids - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0830

Item 78: Authorize a contract for the construction of pavement surface improvements for 2009 Asphaltic Concrete Street Resurfacing, Group 1 on 60 improved streets (list attached) - Austin Bridge & Road, L.P., lowest responsible bidder of four - Not to exceed \$12,997,627 - Financing: 2003 Bond Funds (\$6,133,577), 2006 Bond Funds (\$6,702,859) and Water Utilities Capital Construction Funds (\$161,191)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0831

Item 79: Authorize a contract for the construction of pavement surface improvements for 2009 Asphaltic Concrete Street Resurfacing, Group 2 on 58 improved streets (list attached) - Austin Bridge & Road, L.P., lowest responsible bidder of four - Not to exceed \$14,796,088 - Financing: 2003 Bond Funds (\$10,926,380), 2006 Bond Funds (\$3,745,472) and Water Utilities Capital Construction Funds (\$124,236)

Mayor Pro Tem Garcia requested that consent agenda item 79 be considered as an individual item. Mayor Leppert stated that consent agenda item 79 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia's request.

Later in the meeting, consent agenda item 79 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0832

Item 80: Authorize **(1)** sidewalk paving for Sidewalk Group 06-137; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on May 13, 2009, to receive comments (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0833

Item 81: Authorize **(1)** Change Order No. 1 to the contract with Gilbert May, Inc. dba Phillips / May Corporation for additional work necessary for the construction of infrastructure improvements at Dallas Heritage Village, Phase 1 in an amount not to exceed \$38,997, from \$1,563,333 to \$1,602,330; **(2)** the receipt and deposit of funds in the amount of \$40,497 from Dallas Heritage Village (\$38,997 for Change Order No. 1, and \$1,500 for Public Art Administration); and **(3)** an increase in appropriations in the amount of \$40,497 in the Capital Projects Reimbursement Fund - Total not to exceed \$38,997 - Financing: Capital Projects Reimbursement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0834

Item 82: Authorize **(1)** an amendment to the Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements at the intersection of Continental Avenue at Stemmons Freeway; and **(2)** an increase in appropriations in the amount of \$11,360, from \$166,102 to \$177,462 - Not to exceed \$11,360, from \$166,102 to \$177,462 - Financing: Texas Department of Transportation Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0835

Item 83: Authorize Supplemental Agreement No. 1 to the contract with Halff Associates, Inc. for additional design and analysis for drainage relief for Mill Creek, Phase I, and Middle Peaks Branch, Phases I and II for additional scope of work to develop and update drainage master plans for Mill Creek and Middle Peaks Branch, including design of the Mill Creek, Phase II system - Not to exceed \$3,225,500, from \$8,571,100 to \$11,796,600 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0836

Item 84: Authorize a second amendment to the Purchase and Sale Agreement with Union Pacific Railroad Company to modify certain conditions precedent to the sale for the acquisition of land known as portions of the Trinity Industrial Lead located adjacent to the northeast side of the east Trinity Levee near the Continental Viaduct extending to Mockingbird Lane - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 84 be considered as an individual item. Mayor Leppert stated that consent agenda item 84 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 84 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0837

Item 85: Authorize Supplemental Agreement No. 1 to the agreement with the Student Conservation Association to provide a year round program, a summer conservation crew and a six-month internship necessary for the construction and maintenance of soft surface trails in Rochester Park - Not to exceed \$145,457, from \$35,000 to \$180,457 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0838

Item 86: Authorize a contract for the installation of water and wastewater mains at 15 locations (list attached) - RKM Utility Services, Inc., lowest responsible bidder of eight - \$5,369,397 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0839

Item 87: Authorize a contract for the installation of water and wastewater mains at 35 locations (list attached) - Atkins Bros. Equipment Co., Inc., lowest responsible bidder of seven - \$5,289,506 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0840

Item 88: Authorize **(1)** a contract for the installation of water and wastewater mains at 11 locations with John Burns Construction Company of Texas, Inc., second lowest responsible bidder of seven, in the amount of \$4,387,678 (list attached), and **(2)** receipt and deposit, and disbursement of funds in the Wastewater Construction Fund from AUI Contractors, Inc. in an amount not to exceed \$75,634 (This is a forfeited cash deposit which will be applied to the contract to make up the difference between the lowest bid and the second lowest bid) - Total not to exceed \$4,312,044 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0841

Item 89: Authorize a contract to renovate an existing building at the Central Wastewater Treatment Plant to serve as the new analytical laboratory for the Pretreatment and Laboratory Services Division - Hasen Construction Services, lowest responsible bidder of four - \$3,034,343 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0842

Item 90: Authorize a professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide engineering services for design improvements to the Walcrest Pump Station - \$2,051,750 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0845

Item 92: 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~~ \$1,021,950 - Financing: 1998 Bond Funds

Corrected on the addendum

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0846-01

09-0846-02

Design District TIF District

Note: Item Nos. 93 and 94
must be considered collectively.

Item 93: 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

Item 94: 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 moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0847

Item 95: 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 Hunt moved to defer the item until the April 8, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0848

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 96-99, was presented for consideration.

There were no consent zoning removed from the consent zoning docket to be considered as individual hearings.

Agenda item 96: Zoning Case Z089-108(MAW)

Agenda item 97: Zoning Case Z089-117(RB)

Agenda item 98: Zoning Case Z089-126(MAW)

Agenda item 99: Zoning Case-Z078-281 (RB)

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0849

Item 96: Zoning Case Z089-108 (MAW)

The consent zoning docket, consisting of agenda items 96-99, was presented for consideration.

A public hearing was called on zoning case Z089-108 (MAW), an application for and an ordinance granting the renewal of Specific Use Permit No. 1382 for a processing use on property zoned Planned Development District No. 540 on the southeast side of River Oaks Road, northeast of Central Expressway

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27510

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0850

Item 97: Zoning Case Z089-117(RB)

The consent zoning docket, consisting of agenda items 96-99, was presented for consideration.

A public hearing was called on zoning case Z089-117 (RB), an application for and an ordinance granting an amendment to Specific Use Permit No. 1530 for an Industrial (outside) use for a concrete plant on property within the Tract 2 portion of Subdistrict 1 within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, on the southwest corner of Joe Field Road and Denton Drive

(The staff and city plan commission recommended approval for a period ending October 7, 2012, with eligibility for automatic renewal for one additional two-year period, subject to a site plan and conditions)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27511

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0851

Item 98: Zoning Case Z089-126 (MAW)

The consent zoning docket, consisting of agenda items 96-99, was presented for consideration.

A public hearing was called on zoning case Z089-126 (MAW), an application for and an ordinance granting a Specific Use Permit for a local utility on property zoned an R-7.5(A) Single Family District on the east side of Barnes Bridge Road, south of Ferguson Road

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27512

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0852

Item 99: Zoning Case Z078-281 (RB)

The consent zoning docket, consisting of agenda items 96-99, was presented for consideration.

A public hearing was called on zoning case Z078-281 (RB), an application for and an ordinance granting a Specific Use Permit for an open-enrollment Charter School on property zoned an R-7.5(A) Single Family District, on the north line of Wheatland Road, east of Arkan Parkway

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27513

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0853

Item 100: Zoning Case Z078-299 (MAW) INDIVIDUAL

A public hearing was called on zoning case Z078-299 (MAW), an application for and an ordinance granting the renewal of Specific Use Permit No. 1469 for an open enrollment charter school on property zoned an R-7.5(A) Single Family District on the north side of Bruton Road, between Pleasant Drive and Scammel Drive

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

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

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

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

Assigned ORDINANCE NO. 27514

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0854

Item 101: Zoning Case Z078-273 (WE) INDIVIDUAL

A public hearing was called on zoning case Z078-273 (WE), an application for and an ordinance granting a Planned Development District for CR Community Retail District uses with retention of the Dry Liquor Control Overlay on property zoned a CR-D Community Retail District with a Dry Liquor Control Overlay on the north side of Lake June Road, east of Masters Drive

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

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

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

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

Assigned ORDINANCE NO. 27515

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0855

Item 102: DEVELOPMENT CODE AMENDMENTS – UNDER ADVISEMENT - INDIVIDUAL

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

(The staff and city plan commission recommended approval)

Note: This item was considered by the City Council at a public hearing on February 11, 2009, and was taken under advisement until March 25, 2009, with the public hearing open.

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

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

- Amending the definition of “expressway sign” in Section 51A-7.102 to include signs that have been relocated adjacent to an expressway pursuant to Section 51A-7.307(f).
- Clarifying that the height of a relocated expressway sign may not exceed an overall height of 50 feet, or 42.5 feet above the nearest point on the nearest travel surface of the nearest expressway or new expressway, whichever is higher. If the total height of the sign does not exceed 80 feet above the ground at the base of the sign.
- Requiring relocated expressway signs to have a setback of at least 40 feet from the nearest expressway travel lane and a minimum five-foot setback from the nearest public right-of-way.
- And requiring an SUP for relocation of HBA signs or expressway signs to LO(A), MO(A), or GO(A) districts.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0855

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With an additional amendment:

- Deleting the requirement that signs must relocate to the remainder unless they cannot fully comply with the size, height, spacing, setback, and other restrictions in Article VII and allowing signs relocating to the remainder to be as nonconforming as the original sign as long as they meet the 2000 ft spacing requirement from the Trinity River and 500 ft. spacing requirement from a historic district, public park, city-owned lake, escarpment zone, or geologically similar area.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27516

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0856

Item 103: A public hearing to receive comments on the proposed use of funds for the FY 2008-09 Consolidated Plan Reprogramming Budget #3; and at the close of the hearing, authorize final adoption of the FY 2008-09 Consolidated Plan Reprogramming Budget #3 - Not to exceed \$1,563,704 - Financing: 2005-06 Community Development Block Grant Funds (\$21,070), 2006-07 Community Development Block Grant Funds (\$335,554), 2008-09 Community Development Block Grant Funds (\$344,703), 2004-05 HOME Funds (\$535,548), 2005-06 HOME Funds (\$326,829)

No one addressed the city council regarding the item.

Mayor Pro Tem Garcia moved to close the public hearing and approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0857

Item 104: A public hearing to receive comments in preparation of the FY 2009-10 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Mayor Pro Tem Garcia moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0858

Item 105: A public hearing to receive comments on the renewal of the Dallas juvenile curfew ordinance with certain modifications, establishing daytime curfew hours for minors in addition to the current nighttime curfew hours for minors - Financing: No cost consideration to the City

The following individuals addressed the city council in favor of the item:

Doug Woodham, 514 Hambrick Rd., representing CWEB
Vicki Keene, 738 Cedar Hill
Leslie Allen Davis, 3035 E. Ledbetter Dr.
Edna Pemberton, 7101 Flameleaf Place
Carl Raines, 1445 Waterside Dr., representing Southeast Dallas Chamber of Commerce
Mark Rupe, 7319 Toland St., representing Urbandale/Dallas

The following individuals addressed the city council in opposition of the item:

Doreen Fisher, 8573 Sweetwood Dr.
Mark McCollum, 6469 Sondra Dr.
Tracy Wallace, 6469 Sondra Dr.
Alan Goodgame, 3024 Altman Dr., **Irving, TX**
Emily Adams, 7017 Twin Ponds Dr., **Plano, TX**
Terri Burke, 404 Rio Grande, **Austin, TX**, representing ACLU of Texas

Mayor Leppert allowed additional citizens to state their names and addresses in opposition to the item for the record:

Steven Horn, 2000 Sumac Dr., **Forney, TX**, representing Home School Legal Defense Association
Billy MaCleod, 1800 Lear St.
Arnold J. Robertstad, 9322 Forest Hills, representing Lakewood Presbyterian Church
Mary Reed, 15624 Golden Creek
Jarrod Atkinson, 12219 Montego Plaza, representing Texas Liberty Campaign
Beverly Mendoza, address not provided
Robert Bibb, 2946 Shadow Wood
Danna Pyke, 10716 Lathdrop Dr.
Mark Bartos, 103 S. Brookside
Rose Marie Rieger, 9533 Rocky Branch, representing Citizens Against Daytime Curfew
Tami Cooke, 1209 Grinnell Dr., **Richardson, TX**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-0858

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Mayor Leppert allowed additional citizens to state their names and addresses in opposition to the item for the record: (continued)

Bonnie Horn, 2000 Sumac Dr., **Forney, TX**, representing Home School Legal Defense Association

Deborah Hill, 1528 Bella Vista

Debbie McKee, 5403 CR 3204, **Campbell, TX**

Karen Eubank, 627 Valencia

Jeff Goodgame, 2522 Cartwright, **Irving, TX**

Mila Fisher, 8973 Sweetwood Dr., representing Citizens Against Daytime Curfew

Jonathan Fisher, 8973 Sweetwood Dr., representing Citizens Against Daytime Curfew

Laurel McConkey Allen, 2524 Sidwin Street

Sally Verrando, 2508 Aaron Circle

Brandy Smith, 2612 Hyacinth Drive

Kim Adair, 7706 El Santo Lane

Jean Fye, 11304 Gatewood Place

Albert G. Jensen, 6959 Town Bluff Drive

Nathan Davison, 8404 Forest Lane

Leslie Johnson, address not provided, **Fort Worth, TX**

David Horn, 2000 Sumac Dr., **Forney, TX**

Jacob Horn, 2000 Sumac Dr., **Forney, TX**

Leah Carey, 103 S. Dorothy Dr., **Richardson, TX**, representing Citizens Against Daytime Curfew

Dee Adams, 7017 Twin Ponds Dr., **Plano, TX**, representing SHARE Home School of North Texas

Mayor Pro Tem Garcia moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0859

Closed Session [**09-0859; HELD**]

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

- United States of America v. City of Dallas, Texas, Civil Action No. 3:08-CV-1063-K
- City of Dallas, Texas et al. v. H. Dale Hall, et al., No. 08-10890
- Legal issues related to establishing residential, commercial and industrial rates for natural gas service to be charged by Atmos Energy Corporation, and the Company's request to pass through to customers the Company's plant investment for natural gas (GRIP), filed on May 23, 2008, as amended on August 1, 2008, and related matters

Personnel Matters (Sec. 551.074 T.O.M.A.)

- Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the Administrative Judge of the Dallas Municipal Courts

At 12:04 p.m., Mayor Leppert announced the closed session of the city council authorized by Chapter 551, "OPEN MEETING," of the (Texas Open Meetings Act) to discuss the following matters:

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

- United States of America v. City of Dallas, Texas, Civil Action No. 3:08-CV-1063-K
- City of Dallas, Texas et al. v. H. Dale Hall, et al., No. 08-10890

Personnel Matters (Sec. 551.074 T.O.M.A.)

- Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the Administrative Judge of the Dallas Municipal Courts

City Attorney Thomas Perkins announced he had a conflict of interest and would abstain from participating in any discussion. City Attorney Thomas Perkins left the briefing room.

- Legal issues related to establishing residential, commercial and industrial rates for natural gas service to be charged by Atmos Energy Corporation, and the Company's request to pass through to customers the Company's plant investment for natural gas (GRIP), filed on May 23, 2008, as amended on August 1, 2008, and related matters

Mayor Leppert reconvened the city council meeting after the closed session at 1:04 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0860

Addendum addition 1: Authorize a twelve-month master agreement for automobiles, light trucks, vans, and utility trucks - Sam Pack's Five Star Ford in the amount of \$3,332,735, McKinney Dodge, Inc. dba Dodge City of McKinney in the amount of \$1,897,934, Sonic-Lute Riley L.P. dba Lute Riley Honda in the amount of \$1,242,960, Friendly Chevrolet in the amount of \$949,634, Southwest International Trucks, Inc. in the amount of \$765,307, Rush Truck Center in the amount of \$685,124, Black Jack II Automotive dba Caldwell Country Chevrolet in the amount of \$559,381, B & C Body Co. in the amount of \$510,148, and Dallas Freightliner - Western Star in the amount of \$463,152, lowest responsible bidders of twelve - Total not to exceed \$10,406,375 - Financing: Current Funds (\$4,013,127), 2008 Equipment Acquisition Contractual Obligation Notes (\$3,817,999), Water Utilities Current Funds (\$1,617,921), 2005 Equipment Acquisition Contractual Obligation Notes (\$343,623), 2007 Equipment Acquisition Contractual Obligation Notes (\$312,921), Aviation Current Funds (\$89,557), U.S. Department of Homeland Security Grant Funds (\$82,416), Confiscated Monies Funds (\$66,702), and 2006 Equipment Acquisition Contractual Obligation Notes (\$62,109)

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

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0861

Addendum addition 2: Authorize a twelve-month master agreement for heavy equipment - Continental Equipment Co. in the amount of \$486,915, Landmark Equipment Co., Inc. in the amount of \$457,965, Conley Lott Nichols Machinery in the amount of \$159,088, Stewart & Stevenson Services, Inc. in the amount of \$80,906, Holt of Texas in the amount of \$47,176, and Kaeser Compressors, Inc. in the amount of \$39,480, lowest responsible bidders of nine - Total not to exceed \$1,271,530 - Financing: Current Funds (\$56,424), Water Utilities Current Funds (\$456,917), 2006 Equipment Acquisition Contractual Obligation Notes (\$87,925), 2008 Equipment Acquisition Contractual Obligation Notes (\$670,264)

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

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0862

Addendum addition 3: Authorize a twelve-month master agreement for refuse trucks, automated refuse trucks, rotoboom trucks, bucket trucks, refuse bodies, litter bodies, brush trailers and air compressor trailers - Southwest International Trucks, Inc. in the amount of \$4,011,613, Rush Truck Center in the amount of \$695,148, Texas Waste Equipment dba Heil of Texas in the amount of \$686,652, Metro Ford Truck Sales, Inc. in the amount of \$213,520, Sam Pack's Five Star Ford in the amount of \$281,328, B & C Body Co. in the amount of \$279,544, and Equipment Southwest, Inc. in the amount of \$16,200, lowest responsible bidders of ten - Total not to exceed \$6,184,005 - Financing: Current Funds (\$856,953), Water Utilities Current Funds (\$58,480), 2007 Equipment Acquisition Contractual Obligation Notes (\$36,844), 2008 Equipment Acquisition Contractual Obligation Notes (\$5,153,732), 2006 Equipment Acquisition Contractual Obligation Notes (\$77,996)

Councilmember Neumann 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 Neumann's request.

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

Councilmember Neumann moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted. (Salazar, Davis, Kadane, Koop, Natinsky absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0863

Addendum addition 4: Authorize a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low-income housing tax credits pursuant to Sec. 49.5 (7) (A) (B) (C) and Sec. 49.5 (8) (D) (iv) and (E) of the Qualified Allocation Plan for TDHCA's low income housing tax credit financing for the acquisition and rehabilitation of the proposed 152-unit, The Plaza SRO located at 1011 South Akard Street - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 25, 2009

09-0864

Addendum addition 5: 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)

Councilmember Hill moved to refer the item to the Finance, Audit and Accounting Council Committee for review and study.

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

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

EXHIBIT C