

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, APRIL 8, 2009

09-0942

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

PRESENT: [14] Leppert, Garcia, Caraway, Medrano, Neumann, Hill, Davis, Atkins,  
Kadane, Allen, Koop, Natinsky, Rasansky, Hunt

ABSENT: [1] Salazar absent on city business

The meeting was called to order at 9:00 a.m.

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

The invocation was given by Nityananda Chandra Das, Minister of Kalachandji's Temple.

Danny Leland, student of The Parish Episcopal School, 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 1:28 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, APRIL 8, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, APRIL 8, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0943

CITIZEN SPEAKERS

In accordance with the City Council Rules of Procedure, the city council provided "open microphone" opportunities for the following individuals to comment on matters that were scheduled on the city council voting agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda:

**OPEN MICROPHONE –BEGINNING OF MEETING:**

SPEAKER: Richie Sheridan, 3022 Forest Lane  
REPRESENTING: Some Dallas citizens  
SUBJECT: Jesus, Government, Revelation, and the Trinity

SPEAKER: Tunde Obazee, 5353 Maple Ave.  
REPRESENTING: Tax Cab Drivers  
SUBJECT: Taxi industry issues

SPEAKER: Getachew Robi, 4411 Ross Ave.  
REPRESENTING: Star Cab. Company  
SUBJECT: Taxi industry issues

SPEAKER: Billy MacLeod, 1800 Lear St.  
REPRESENTING: Dallas Bar & restaurant owners  
SUBJECT: Delay smoking ban

SPEAKER: Bonnie Horn, 2000 Sumac Dr., **Forney, Tx**  
SUBJECT: Concerned about daytime curfew

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

SPEAKER: Leslie Davis, 3035 E. Ledbetter Dr.  
SUBJECT: Not Provided

SPEAKER: Gwain Wooten, 1000 Grigsby  
REPRESENTING: Real American Women (RAW)  
SUBJECT: Reunion Arena is historcial

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0944

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

Councilmember Hill moved to approve the minutes.

Motion seconded by Councilmember Koop and unanimously adopted. (Caraway absent when vote taken; Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0945

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-34 and addendum addition consent agenda items 1-3, were presented for consideration.

Councilmember Neumann requested that consent agenda item 28 be considered as an individual item. Mayor Leppert stated that consent agenda item 28 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Natinsky requested that consent agenda item 23 be considered as an individual item. Mayor Leppert stated that consent agenda item 23 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

Councilmember Rasansky requested that consent agenda item 17 and addendum addition consent agenda item 3 be considered as individual items. Mayor Leppert stated that consent agenda item 17 and addendum addition consent agenda item 3 be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Rasansky moved to approve all items on the consent agenda with the exception of consent agenda 17, 23, 28 and addendum addition consent agenda item 3 which would be considered later in the meeting.

Motion seconded by Councilmember Koop and unanimously adopted. (Caraway absent when vote taken; Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0946

Item 2: Authorize a professional services contract to provide internal control consulting services emphasizing documenting, testing, evaluating, and recommending improvements, related to internal controls over financial reporting and reporting on city-wide internal controls - Weaver and Tidwell, L.L.P., most advantageous proposer of three - Not to exceed \$225,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0947

Item 3: Authorize a twelve-month master agreement for the purchase of sodium hexametaphosphate to be used by Water Utilities for the purification process at water treatment plants - Dien, Inc., lowest responsible bidder of seven - Not to exceed \$219,000 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0948

Item 4: Authorize a twenty-four-month master agreement for the purchase of infant spill proof cups for the Women, Infants, and Children Program - GTL Supply Solutions, LLC, lowest responsible bidder of nine - Not to exceed \$155,496 - Financing: Texas Department of State Health Services Grant Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0949

Item 5: Authorize a thirty-six-month service contract for pipe rehabilitation using the cured-in-place pipe method - Suncoast Infrastructure, Inc., lowest responsible bidder of four - Not to exceed \$3,507,500 - Financing: Water Utilities Capital Construction Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0950

Item 6: Authorize a thirty-six-month master agreement for handguns and accessories for the Dallas Police Department - GT Distributors, Inc., lowest responsible bidder of two - Not to exceed \$647,224 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0951

Item 7: Authorize settlement of the lawsuit styled Florence W. Gray v. City of Dallas, Cause No. 08-05235-D - Not to exceed \$12,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0952

Item 8: Authorize settlement of the lawsuit styled Rodney Truttling v. City of Dallas, Cause No. 08-08604-D - Not to exceed \$7,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0953

Item 9: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Hankinson Levinger, L.L.P., for additional legal services necessary in the lawsuit styled City of Dallas v. Dora Saucedo-Falls, et al., No. 05-0973 - Not to exceed \$25,000, from \$25,000 to \$50,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0954

Item 10: Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Joe C. Tooley, Attorneys and Counselors, for legal services necessary in the lawsuit styled Victor Alvarado DeLeon v. City of Dallas, et al., Civil Action No. 3:02-CV-1097-K - Not to exceed \$125,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0955

Item 11: Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Adorno Yoss White & Wiggins, L.L.P. for additional legal services necessary in the lawsuit styled Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-B - Not to exceed \$103,000, from \$215,000 to \$318,000 - Financing: Current Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0956

Item 12: Authorize acquisition, from Enrique Gutierrez, of approximately 11,324 square feet of land improved with a single-family dwelling located near Kiest Boulevard and Five Mile Parkway under the Five Mile Parkway Voluntary Purchase Program - \$121,723 (\$120,000 plus closing cost not to exceed \$1,723)  
- Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0957

Item 13: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Tom B. Jackson, II, of approximately 7,848 square feet of land located near the intersection of Fitzhugh Avenue and Lagow Street for the replacement of Fire Station No. 44 - \$23,200 (\$22,000 plus closing costs not to exceed \$1,200) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0958

Item 14: Authorize a rental assistance payment for Jamila Sockwell as a result of an official written offer of just compensation to purchase real property at 2444 Easley Street to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program - Not to exceed \$18,900 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0959

Item 15: Authorize moving expense and rental assistance payments for Jose Torres and Francisca M. Herrera in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2510 Cadillac Drive for the new Dallas Police Academy - Not to exceed \$11,600 - Financing: 2003 Bonds Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0960

Item 16: Authorize moving expense and replacement housing payments for Jose Guadalupe Quintero and Elvira Quintero in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 910 Packard Street for future City facilities - Not to exceed \$37,900 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0961

Item 17: Authorize a first amendment to the lease agreement with Phoenix Houses of Texas, Inc. for an additional thirty-two years for the continued use of an approximately 14,220 square foot building located at 2345 Reagan Street to provide substance abuse prevention and treatment services for adolescents for the period April 1, 2016 through March 31, 2048 - Annual Revenue: \$1

Councilmember Rasansky requested that consent agenda item 17 be considered as an individual item. Mayor Leppert stated that consent agenda item 17 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 17 was brought up for consideration.

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

- Approve the lease agreement authorized for 20 years only until the year of 2041

Motion seconded by Councilmember Medrano and unanimously adopted. (Caraway, Atkins absent when vote taken; Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0962

Item 18: Authorize the third amendment to the contract with the Texas Commission on Environmental Quality to **(1)** accept additional grant funds to operate air samplers for particulate matter 2.5 and conduct air monitoring activities in Dallas; and **(2)** extend the term of the contract for the period September 1, 2009 through August 31, 2010 - Not to exceed \$64,080, from \$215,817 to \$279,897 - Financing: Texas Commission on Environmental Quality Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0963

Item 19: Authorize a construction services contract for replacement of kitchen ventilation systems, air handler units and exhaust ducts for Fire Station No. 2 located at 4211 Northhaven Road, Fire Station No. 5 located at 2039 North St. Augustine Drive, Fire Station No. 8 located at 1904 North Garrett Avenue, Fire Station No. 18 located at 660 North Griffin Boulevard, and Mildred Dunn Recreation Center located at 3322 Reed Lane - Powers MEP Engineering, Inc., lowest responsible bidder of three - Not to exceed \$347,000 - Financing: 2006 Bond Funds (\$252,441) and Capital Construction Funds (\$94,559)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0964

Item 20: Authorize a contract for the expansion of the Drug Vault heating, ventilation and air conditioning installation and emergency generator for the Police Property Building located at 1725 Baylor Street - Mart, Inc., the lowest responsible bidder of seven - Not to exceed \$189,000 - Financing: 1995 Bond Funds (\$8,000) and 2006 Bond Funds (\$181,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0965

Item 21: Authorize the reconstruction on-site of four homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 2315 Wilhurt Avenue in the amount of \$87,500, 1839 Nomias Street in the amount of \$87,500, 2743 Arizona Avenue in the amount of \$87,500, and 6931 Lucy Street in the amount of \$87,500 - Total not to exceed \$350,000 - Financing: 2006-07 Community Development Block Grant Funds (\$304,605), 2004-05 HOME Funds (\$23,766) and 2006-07 HOME Funds (\$21,629)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0966

Item 22: Authorize an amendment to change the awarded contractor, previously approved on November 10, 2008, by Resolution No. 08-3055, to reconstruct on-site two homes in accordance with the requirements for the properties located at 2714 Fernwood Avenue in the amount of \$87,500 and 3327 Spring Avenue in the amount of \$87,500 - Total not to exceed \$175,000 - Financing: 2006-07 Community Development Block Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0967

Item 23: Authorize **(1)** the acceptance of a reimbursable matching grant from Collin County in the amount of \$98,000; **(2)** an increase in appropriations in the amount of \$98,000 in the Collin County Fund; **(3)** an Interlocal Agreement with Collin County for the construction of a picnic pavilion at NorthBark Park located at 4911 Haverwood Lane; and **(4)** termination of the Interlocal Agreement with Collin County for the construction of a picnic pavilion at Bentwood Park - Total not to exceed \$196,000 - Financing: 2006 Bond Funds (\$98,000) and Collin County Grant Funds (\$98,000)

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

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

Councilmember Natinsky moved to approve the item with the following correction to read:

- Section 1. That the President of the Park and Recreation Board and the City Manager be authorized to accept a reimbursable matching grant from Collin County in the amount of \$98,000 for the construction of a picnic pavilion at NorthBark Park on Gramercy Oaks Drive (Southeast corner of George Bush **Turnpike** and North Dallas Tollway), and execute an Interlocal Agreement with Collin County subject to terms and conditions of the grant, after approval as to form by the City Attorney's office.

Motion seconded by Councilmember Koop and unanimously adopted. (Leppert, Hill, Atkins, Hunt absent when vote taken; Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0968

Item 24: Authorize a Local Project Advanced Funding Agreement with the Texas Department of Transportation for paving and drainage improvements on Valley View Lane / Walnut Street from the IH 635 service road to the east city limits (Las Brisas) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0969

Item 25: Authorize approval of the recommended plan for the proposed alignment of Cadiz Street from South Industrial Boulevard to the Union Pacific Railroad Underpass, from its current alignment to the proposed alignment of Cadiz Street  
- Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0970

Item 26: Authorize a contract for the construction of erosion control improvements for five erosion projects at Ash Creek Tributary 5B7 at Kiltartan, Joe's Creek at Merrell Road, Walnut Hill Bridge at Joe's Creek, Walnut Hill Bridge at White Rock Creek, and Williamson Bridges at McCommas Branch - ARK Contracting Services, LLC, lowest responsible bidder of six - Not to exceed \$811,196 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0971

Item 27: Authorize an increase in the contract with Ed Bell Construction Company for the reconstruction of 4,000 square feet of reinforced, stamped, colored concrete sidewalk for Medical District Drive from Southwestern Medical Avenue to Harry Hines Boulevard - Not to exceed \$38,840, from \$2,150,936 to \$2,189,776 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0972

Item 28: Authorize an increase in the contract with Flores Technical Services, Inc. to provide additional work necessary for the replacement of the Airport Access Control System at Dallas Love Field - Not to exceed \$50,146, from \$5,258,592 to \$5,308,738 - Financing: Aviation Capital Construction Funds (\$12,536) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$37,610)

Councilmember Neumann requested that consent agenda item 28 be considered as an individual item. Mayor Leppert stated that consent agenda item 28 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 28 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted. (Caraway, Hill, Atkins absent when vote taken; Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0973

Item 29: Authorize an increase in the contract with McMahon Contracting, LP for additional excavation and fill quantities necessary for the construction of street paving, water and wastewater main improvements on Highland Road from Ferguson Road to Jim Miller Road - Not to exceed \$35,000, from \$3,951,789 to \$3,986,789 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0974

Item 30: Authorize an increase in the contract with Tiseo Paving Company for revisions to the water main system due to unforeseen site conditions for the reconstruction of street paving, drainage, water and wastewater main improvements for Street Reconstruction Group 03-610 (list attached) - Not to exceed \$298,348, from \$2,961,465 to \$3,259,813 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0975

Item 31: Authorize Supplemental Agreement No. 1 to the contract with Jacobs Engineering Group, Inc., for additional design services related to the design of water and wastewater improvements for Central Expressway, from Commerce Street to Live Oak Street - Not to exceed \$49,944, from \$908,947 to \$958,891 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0976

Item 32: Authorize Supplemental Agreement No. 3 to the contract with Hayden Consultants, Inc. for additional design services for surveying, street paving, storm drainage, water and wastewater improvements for Continental Avenue from Core Street to Industrial Boulevard and Industrial Boulevard from Parkhouse Street to the Union Pacific Railroad - Not to exceed \$1,566,474, from \$247,182 to \$1,813,656 - Financing: 2006 Bond Funds (\$1,121,434) and Water Utilities Capital Construction Funds (\$445,040)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0977

Item 33: Authorize a Standard Utility Agreement, with the State of Texas, acting through the Texas Department of Transportation, for water and wastewater main relocations and adjustments in Interstate Highway 35E (Stemmons Freeway) southbound frontage road at Joe Field Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0978

Item 34: Authorize a contract for the installation of water and wastewater mains at 21 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of eight - \$4,530,868 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0979

Item 35: 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)

There were no appointments to boards and commissions to consider.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0980

**Amended FY 2008-09 Urban Land Bank  
Demonstration Program Plan**

**Note:** Item Nos. 36 and 37  
must be considered collectively.

Item 36: A public hearing to receive comments on the proposed amendments to the City of Dallas FY 2008-09 Urban Land Bank Demonstration Program Plan which would allow rental housing units on the Land Bank lots and/or rental housing units above a retail/commercial/office development located on the Land Bank lots and require 15 year deed restrictions for affordability to households with incomes not greater than sixty percent (60%) of area median family income in any rental housing units and as further restricted by statute - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Rasansky moved to close the public hearing.

Motion seconded by Councilmember Hill and unanimously adopted. (Caraway, Neumann absent when vote taken; Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0981

**Amended FY 2008-09 Urban Land Bank  
Demonstration Program Plan**

**Note:** Item Nos. 36 and 37  
must be considered collectively.

Item 37: Authorize approval of the amended City of Dallas FY 2008-09 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Rasansky moved to approve the item.

Motion seconded by Councilmember Hill and unanimously adopted. (Caraway, Neumann absent when vote taken; Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

Closed Session [**09-0982; HELD**]

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

- Legal issues regarding the W. W. Samuell Permanent Foundation, Samuell Trust Fund, park properties devised under the will of Dr. W. W. Samuell, and related matters

At 12:24 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.)

- Legal issues regarding the W. W. Samuell Permanent Foundation, Samuell Trust Fund, park properties devised under the will of Dr. W. W. Samuell, and related matters

Mayor Leppert reconvened the city council meeting after the closed session at 1:17 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0983

Addendum addition 1: Authorize **(1)** settlement of the lawsuit styled Virginia Aerospace, LLC and Love Terminal Partners, L.P. v. City of Dallas, Cause No. 08-15110-E in an amount not to exceed \$1,875,000; and **(2)** an increase in appropriations in an amount not to exceed \$1,903,125 in the Aviation Capital Construction Fund - Not to exceed \$1,903,125 (\$1,875,000 plus title expenses and closing costs not to exceed \$28,125) - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0984

Addendum addition 2: Authorize Supplemental Agreement No. 5 to the professional services contract with the law firm of Vinson & Elkins LLP for additional legal services necessary in connection with litigation and related matters involving Dallas Love Field and the Wright Amendment compromise - Not to exceed \$85,000, from \$1,935,000 to \$2,020,000 - Financing: Aviation Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0985

Addendum addition 3: Authorize a Chapter 380 Economic Development grant with the Urban Land Institute to conduct an Advisory Services Panel to develop a framework for future economic development and investment in Southwest Center Mall - Not to exceed \$120,000 - 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 Atkins 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." (Davis absent when vote taken; Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0986

Addendum addition 4: An ordinance amending Ordinance No. 27440 (which adopted amendments to Chapter 41, "Smoking," of the Dallas City Code) to extend its April 10, 2009 effective date to a later designated date certain - Financing: No cost consideration to the City

Councilmember Atkins moved to defer the item indefinitely.

Motion seconded by Councilmember Koop and unanimously adopted. (Caraway absent when vote taken; Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 8, 2009

09-0987

Addendum addition 5:            ~~Authorize an contract with 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 a workers' compensation 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 moved to approve the item.

Motion seconded by Councilmember Kadane and unanimously adopted.

After discussion, Councilmember Rasansky requested to reconsider the vote on the item to record his vote in opposition to the item.

Mayor Pro Tem Garcia moved to reconsider the previous vote on the item to allow Councilmember Rasansky to record his vote in opposition to the item.

Motion seconded by Councilmember Koop.

After further discussion, Mayor Leppert called the vote on Mayor Pro Tem Garcia's motion to reconsider the item to allow Councilmember Rasansky to vote on the item to record his vote in opposition.

Mayor Leppert declared the motion to reconsider was adopted and that addendum addition 5 was before the council for reconsideration.

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Koop.

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



MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, APRIL 8, 2009

EXHIBIT C