

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, APRIL 22, 2009

09-1040  
VOTING AGENDA MEETING  
CITY COUNCIL CHAMBER, CITY HALL  
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [14] Leppert, Garcia, Caraway (\*9:35 a.m.), Medrano, Neumann, Hill, Davis (\*9:12 a.m.), Atkins, Kadane, Allen, Koop, Natinsky, Rasansky, Hunt (\*9:25 a.m.)

ABSENT: [1] Salazar absent on city business

The meeting was called to order at 9:01 a.m.

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

The invocation was given by Deacon Sarkis Altunian, of the St. Sarkis Armenian Church.

Senior Pastor Bryan L. Carter, of the Concord Baptist Church, 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 5:16 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Assistant City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, APRIL 22, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, APRIL 22, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1041

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: Brentt Shropshire, 2905 Coteau Way  
REPRESENTING: R. I. P. Dallas  
SUBJECT: Our decision for the future

SPEAKER: Alexis Martinez, 7007 Arboreal  
REPRESENTING: R. I. P. Dallas  
SUBJECT: Our decision for the future

SPEAKER: Lindsay Allen, 5115 W. Amhurst  
REPRESENTING: R. I. P. Dallas  
SUBJECT: Our city, our decision

SPEAKER: Dominique Lashae, 2324 N. Houston  
REPRESENTING: R. I. P. Dallas  
SUBJECT: Our city, our decision

**OPEN MICROPHONE – END OF MEETING**

SPEAKER: David Lozano, 6027 Royal Crest Lane  
REPRESENTING: Cara Mia Theater Company  
SUBJECT: Production of Crystal City 1969

SPEAKER: Mario Trevino, 2765 Overcrest Dr.  
SUBJECT: Cara Mia Theater Company

SPEAKER: Diana Serfa Aguilera, 2332 Connecticut Lane  
REPRESENTING: Cara Mia Theater Company  
SUBJECT: Production of Crystal City 1969

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

SPEAKER: Ozumba Lunch-X, 4106 Vineyard Dr.  
SUBJECT: Dallas; arrogant, racist, unjust, corrupt

SPEAKER: Frank Ward III, P. O. Box 50694  
REPRESENTING: The Kingdom of God  
SUBJECT: Here am I, I am here

SPEAKER: Leslie Allen Davis, 3035 E. Ledbetter  
REPRESENTING: The world  
SUBJECT: Change is coming now

SPEAKER: William Hopkins, 2011 Leath Street  
SUBJECT: EPA (Environmental Protection Agency)

SPEAKER: Jewel Floyd, 3815 Myrtle St.  
SUBJECT: Agenda Item 41, Trinity River/Convention Center Hotel

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.  
REPRESENTING: Real American Women  
SUBJECT: Are Taco's illegal yet?

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1042

Item 1: Approval of Minutes of the April 8, 2009 City Council Meeting

Deputy Mayor Pro Tem Caraway moved to approve the minutes.

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

## OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1043

### CONSENT AGENDA

The consent agenda, consisting of agenda items 2-38 and addendum addition consent agenda items 1-9, was presented for consideration.

The Assistant City Secretary requested that consent agenda item 10 be considered as an individual item to allow citizens to speak. 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 the Assistant City Secretary's request.

Councilmember Neumann requested that consent agenda items 3, 29 and 32 be considered as individual items. Mayor Leppert stated that consent agenda items 3, 29 and 32 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Atkins requested that consent agenda item 24 be considered as an individual item. Mayor Leppert stated that consent agenda item 24 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Councilmember Rasansky requested that consent agenda items 5, 16, 22, 33 and addendum addition consent agenda items 3, 4, 5 and 8 be considered as individual items. Mayor Leppert stated that consent agenda items 5, 16, 22, 33 and addendum addition consent agenda items 3, 4, 5 and 8 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Hunt requested that consent agenda item 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 Hunt's request.

Mayor Pro Tem Garcia moved to approve all items on the consent agenda with the exception of consent agenda 3, 5, 10, 16, 22, 24, 29, 32, 33 and agenda addendum addition consent items 3, 4, 5, and 8 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1044

Item 2: Authorize a twenty-four-month master agreement for the purchase of hydrofluosilicic acid to be used for the treatment of potable water - Pencco, Inc., lowest responsible bidder of two - Not to exceed \$1,354,476 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1045

Item 3: Authorize a thirty-six-month service contract for the removal of excavated materials from Water Utilities facilities and work sites - Herdez Trucking, Inc., lowest responsible bidder of five - Not to exceed \$2,232,650 - Financing: Water Utilities Current Funds (subject to annual appropriations)

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

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1046

Item 4: Authorize the deposit of a Special Commissioners' Award in Cause No. cc-08-01777-d, City of Dallas v. John Radovich, pending in the Dallas County Court at Law No. 4, for acquisition of approximately 19,838 square feet of land located near the intersection of Trunk and Birmingham Avenues for construction of the Trunk Avenue wastewater improvements - \$29,179 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1047

Item 5: Authorize the quitclaim of 14 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$79,641

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

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

Councilmember Rasansky moved to approve the item with the exception of 4322 Penelope and 1511 Stella.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1048

Item 6: Authorize moving expense and rental assistance payments for Angelina Arriaza and Hector Quintero in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 1007 Packard Street for the new Dallas Police Academy - Not to exceed \$13,900 - Financing: 2003 Bond Funds (\$1,300) and 2006 Bond Funds (\$12,600)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1049

Item 7: Authorize moving expense and rental assistance payments for Guillermo DeLeon and Delia Ortiz in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2514 Chrysler Drive for the new Dallas Police Academy - Not to exceed \$17,590 - Financing: 2003 Bonds Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1050

Item 8: Authorize moving expense and rental assistance payments for Juan Cindo and Rebecca Cazares in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2503 Cadillac Drive for the new Dallas Police Academy - Not to exceed \$17,470 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1051

Item 9: Authorize moving expense and rental assistance payments for Nathaniel Coffield in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2506 Chrysler Drive for the new Dallas Police Academy - Not to exceed \$16,850 - Financing: 2003 Bonds Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1052

Item 10: Authorize adoption of the Dallas Arts District Strategic Assessment and Action Plan, which defines issues, establishes goals and makes recommendations related to urban design, planning, parking and district governance and coordination for the Dallas Arts District area - Financing: No cost consideration to the City

The Assistant City Secretary requested that consent agenda item 10 be considered as an individual item to allow citizens to speak. 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 the Assistant City Secretary's request.

Councilmember Hunt 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 Hunt's request.

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

The following individual addressed the city council regarding the item:

Veletta Forsythe-Lill, 2200 Ross Avenue

Councilmember Hunt moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted. (Salazar absent on city business)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1053

Item 11: Authorize **(1)** the acceptance of a Shelter Plus Care Grant from the U.S. Department of Housing and Urban Development to provide tenant based rental assistance for permanent housing and supportive services for homeless persons with disabilities for the period October 1, 2009 through September 30, 2010; and **(2)** execution of the grant agreement - Not to exceed \$914,280 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1054

Item 12: Authorize **(1)** the acceptance of a Shelter Plus Care Grant from the U.S. Department of Housing and Urban Development to provide tenant based rental assistance for permanent housing for homeless persons with disabilities for the period May 1, 2009 through April 30, 2010; and **(2)** execution of the grant agreement - Not to exceed \$476,640 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1055

Item 13: Authorize **(1)** the renewal to the contract with the U.S. Department of Housing and Urban Development for the Shelter Plus Care Grant which provides rental assistance funds to be distributed by the Dallas Housing Authority to homeless persons living with HIV/AIDS for single room occupancy at Hillcrest House located at 834 North Marsalis Avenue for the period May 12, 2009 through May 11, 2010; and **(2)** execution of the grant agreement - Total not to exceed \$386,304 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1056

Item 14: Authorize a fifty-two-month Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System to provide guidance and assistance to routine postpartum women who are breastfeeding for the period January 1, 2009 through May 31, 2013 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1057

Item 15: Authorize a professional services contract with ProForma Architecture, Inc., to provide architectural services for the design and construction administration of the Downtown Branch Library to be located on the first floor of the J. Erik Jonsson Central Library at 1515 Young Street - Not to exceed \$258,616 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1058

Item 16: Authorize a construction contract for chiller replacement at the Science Place 1 IMAX Theater located at 1318 South Second Avenue - Kahn Heating and Air Conditioning Company dba Kahn Mechanical Contractors, lowest responsible bidder of seven - Not to exceed \$614,800 - Financing: 2007 Certificates of Obligation

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

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

Councilmember Davis moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1059

Item 17: Authorize the private sale under the Land Assembly process through the Land Transfer Program, pursuant to the provisions of Chapter 34 of the Texas Property Tax Code, by quitclaim deed of one unimproved property located at 3104 Rochester Street, acquired by the taxing authorities from the Sheriff's Sale to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization and execution of a release of non-tax liens included in the seizure warrant and post-judgment non-tax liens, if any (list attached) - Revenue: \$1,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1060

Item 18: Authorize the acceptance of an award from the AT&T Foundation through the Friends of the Dallas Public Library, Inc. for Teen Center Programs - \$270,625  
- Financing: Private Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1061

Item 19: Authorize an amendment to the 2009 City Calendar to cancel the City Council Briefing Meeting currently scheduled for May 6, 2009 and the Council Committee Meetings currently scheduled for April 27, May 4, and 5, 2009 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1062

Item 20: Authorize **(1)** reprogramming of the 2003 Bond Funds originally allocated for the master plan at Stephen J. Hay School; and **(2)** a contract for the renovation of the existing pavilion, repairs to the existing concrete parking lot, new sidewalks, landscaping, irrigation, portable toilet enclosure, tennis practice wall, and site furnishings at Cole Park located at 4000 Cole Avenue - Gilbert May, Inc. dba Phillips/May Corporation, best value proposer of five - \$709,333 - Financing: 2003 Bond Funds (\$512,333) and 2006 Bond Funds (\$197,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1063

Item 21: Authorize a contract for the construction of a new playground at Preston Hollow Park located at 6600 Park Lane - Parkscape Construction, Inc., lowest responsible bidder of five - \$117,097 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1064

Item 22: Authorize a professional services contract with GGO Architects Corporation for schematic design through construction administration services for interior renovation and heating, ventilation and air conditioning controls at Fretz Recreation Center located at 6950 Belt Line Road - \$67,775 - Financing: 2006 Bond Funds

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

Later in the meeting, consent agenda item 22 was brought up for consideration.

Councilmember Koop moved to approve the item.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1065

Item 23: Authorize a professional services contract with McAfee3 Architects for schematic design through construction administration services for expansion of the recreation center at Samuell-Grand Recreation Center located at 6200 East Grand Avenue - \$194,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1066

Item 24: Authorize a professional services contract with The Broussard Group, Inc. dba TBG Partners for schematic design through construction administration services for playground replacement and security lighting at Fireside Park located at 8600 Fireside Drive - \$41,092 - Financing: 2006 Bond Funds

Councilmember Atkins requested that consent agenda item 24 be considered as an individual item. Mayor Leppert stated that consent agenda item 24 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 24 was brought up for consideration.

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1067

Item 25: Authorize an increase in the contract with Dean Electric, Inc. dba Dean Construction, for the installation of gabions on East Lawther Drive; and the relocation of electrical service, additional pier drilling at bridges, deletion of wetland planting, credit for not installing light poles, and other miscellaneous items on West Lawther Drive at White Rock Lake Park located at 8300 Garland Road - Not to exceed \$135,175, from \$4,813,744 to \$4,948,919 - Financing: 2003 Bond Funds (\$2,857) and 2006 Bond Funds (\$132,318)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1068

Item 26: Authorize a public hearing to be held on May 13, 2009 to receive comments on the proposed use of a portion of California Crossing Park and L.B. Houston Greenbelt for (1) a corrected 50-foot wide permanent sanitary sewer easement; (2) a 150-foot wide temporary construction easement; and (3) a 30-foot wide temporary access easement in association with the Trinity River Authority's expansion of the Elm Fork wastewater interceptor system - Financing: No cost consideration to the City

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1069

Item 27: Authorize a public hearing to be held on May 13, 2009 to receive comments on the proposed use of a portion of L.B. Houston Greenbelt for **(1)** a permanent maintenance easement consisting of approximately 1.4 acres; and **(2)** a temporary construction easement consisting of .69 acres in association with the Trinity River Authority's expansion of the Elm Fork wastewater interceptor system along the south bank of the Elm Fork of the Trinity River - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1070

Item 28: Authorize a public hearing to be held on May 13, 2009 to receive comments on the proposed use of a portion of the Elm Fork Greenbelt located at 1204 Storey Lane by Dallas Area Rapid Transit for a public mass transit easement, consisting of approximately 1.73 acres, to allow the expansion of the light rail transit system to DFW Airport - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1071

Item 29: Authorize application for the continuation of the Commercial Auto Theft Interdiction Squad/17 grant from the Texas Automobile Burglary & Theft Prevention Authority to provide a specialized proactive automobile burglary and theft program for the period September 1, 2009 through August 31, 2010 - Not to exceed \$507,847 (local match in the amount of \$139,658 will be required if awarded and an in-kind contribution in the amount of \$512,686 will be provided by the Dallas Police Department) - Financing: No cost consideration to the City

Corrected on the addendum to the agenda.

Councilmember Neumann requested that consent agenda item 29 be considered as an individual item. Mayor Leppert stated that consent agenda item 29 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Later in the meeting, consent agenda item 29 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted. (Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1072

Item 30: Authorize **(1)** the application for and acceptance of the “Click It or Ticket” Mobilization grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period May 11, 2009 through May 31, 2009, in the amount of \$134,985; **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$39,079; and **(3)** execution of the grant agreement - Total not to exceed \$174,064 - Financing: Current Funds (\$39,079), Texas Department of Transportation Grant Funds (\$134,985)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1073

Item 31: Authorize application for and acceptance of the 2008-09 Bulletproof Vest Partnership grant from the U.S. Department of Justice, Bureau of Justice Assistance for partial reimbursement of approved bulletproof vest purchases for the period April 1, 2008 through September 30, 2010 - \$94,818 - Financing: U.S. Department of Justice Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1074

Item 32: Authorize payment to Dallas Independent School District in accordance with the terms of the development agreement approved on September 8, 2004, for the design and construction of the replacement Jimmy Tyler Brashear Hampton Illinois Joint Library located at 2951 South Hampton Road - \$5,377,203 - Financing: 2003 Bond Funds (\$5,033,884) and 2006 Bond Funds (\$343,319)

Councilmember Neumann 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 Neumann's request.

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1075

Item 33: Authorize (1) a contract for Union Station exterior door replacement with IDG Services, Inc., the lowest responsible bidder of three, in an amount not to exceed \$353,685; and (2) assignment of the contract to Hunt - Woodbine Realty Corporation as the City's construction manager for all purposes, including contract administration, inspection, supervision and coordination of construction work - Not to exceed \$353,685 - Financing: 2006 Bond Funds

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

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

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

**Section 1.** That IDG Services, Inc. is hereby awarded the contract for Union Station exterior door replacement in an amount not to exceed \$353,685, this being the lowest responsible bid received as indicated by the tabulation of bids.

**Section 23.** That in accordance with the Development and Reimbursement Agreement authorized on April 11, 2007, by Resolution No. 07-1190, the construction contract for this improvement is hereby assigned to Hunt - Woodbine Realty Corporation as the City's Construction Manager.

**Section 34.** That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the construction contract and the Development and Reimbursement Agreement, as amended, from:

Street and Transportation Improvements Fund  
Fund 7T22, Department PBW, Unit U237, Act. USSR  
Obj. 4310, Program #PB06U237, CT PBW06U237G1  
Vendor #351133, in an amount not to exceed \$353,685

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-1075

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**Section 45.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Motion seconded by Councilmember Atkins and unanimously adopted. (Salazar absent on city business)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1076

Item 34: Authorize **(1)** sidewalk paving for Sidewalk Group 06-138; 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 June 10, 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

APRIL 22, 2009

09-1077

Item 35: Authorize Supplemental Agreement No. 2 to the contract with Alan Plummer Associates, Inc., for additional engineering design of wetlands associated with the Pavaho Stormwater Wetland Supplemental Environmental Project downstream of Sylvan Avenue along the west bank of the Trinity River within and near the Dallas floodway - Not to exceed \$130,773, from \$307,513 to \$438,286 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1078

Item 36: Authorize **(1)** Supplemental Agreement No. 7 to the contract with Huitt-Zollars, Inc. to provide additional engineering services for final design of storm drainage facilities for the McKinney Avenue Trolley Olive Street Extension project in the amount of \$21,080, from \$2,768,761 to \$2,789,841; and **(2)** the receipt and deposit of funds from the Texas Department of Transportation in an amount not to exceed \$6,956 in the Capital Projects Reimbursement Fund; and **(3)** an increase in appropriations in the amount of \$6,956 in the Capital Projects Reimbursement Fund - Total not to exceed \$21,080 - Financing: 2006 Bond Funds (\$14,124) and Capital Projects Reimbursement Funds (\$6,956)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1079

Item 37: Authorize a contract for the installation of water and wastewater mains at 29 locations (list attached) - Barson Utilities, Inc., lowest responsible bidder of ten - \$5,324,778 - Financing: Water Utilities Capital Improvement Funds (\$5,296,422) and 2003 Bond Funds (\$28,356)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1080

Item 38: Authorize an increase in the contract with Archer Western Contractors, Ltd., for additional work on the secondary clarifier unit, air piping, and ozone Supervisory Control and Data Acquisition iFIX software at the Elm Fork Water Treatment Plant - Not to exceed \$417,473, from \$5,307,000 to \$5,724,473 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1081

Item 39: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The assistant city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2007-2009 board term updated through APRIL 22, 2009.

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

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

Motion seconded by Councilmember Medrano and unanimously adopted. (Salazar absent on city business)

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

**09-5142 CSX CIVIL SERVICE BOARD ADJUNCT MEMBERS**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1082

Item 40: 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

The following individual addressed the city council regarding the item:

Burhan Nur, 11298 Luna Rd., representing Ambassador Cab Company

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1083

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 41-47, was presented for consideration.

Agenda items 41 and 42 were removed from the consent zoning docket, to be considered as individual hearings.

~~Agenda item 41: Zoning Case Z089-112 (OTH) [considered individually]~~

~~Agenda item 42: Zoning Case Z089-115 (RB) [considered individually]~~

Agenda item 43: Zoning Case Z089-128 (MAW)

Agenda item 44: Zoning Case Z089-130 (RB)

Agenda item 45: Zoning Case Z089-137 (OTH)

Agenda item 46: Zoning Case Z089-144 (RB)

Agenda item 47: Zoning Case Z089-116 (RB)

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

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

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1084

Item 41: Zoning Case Z089-112 (OTH)

The consent zoning docket, consisting of agenda items 41-47, was presented for consideration.

The Assistant City Secretary requested that zoning consent agenda item 41 be considered as an individual item to allow citizens to speak. Mayor Leppert stated that zoning consent agenda item 41 would be considered as an individual item later in the meeting there being no objection voiced to the Assistant City Secretary's request.

Later in the meeting, zoning agenda item 41 was brought up for consideration.

A public hearing was called on zoning case Z089-112 (OTH), an application for and an ordinance granting a Planned Development District for R-5(A) Single Family District uses and an open enrollment charter school and an ordinance granting the termination of Specific Use Permit No. 1245 for a private school on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, with Specific Use Permit No. 1245 on a portion of the request site, on the north side of Myrtle Street, between Metropolitan Avenue and Romine Avenue

(The staff and city plan commission recommended approval of a Planned Development District, subject to a development plan and conditions and approval of termination of Specific Use Permit No. 1245)

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

Jewel Floyd, 3815 Myrtle St.

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

William Cothrum, representing the applicant

The following individuals addressed the city council regarding the item:

Gwain Wooten, 1000 Grigsby Ave.  
William Hopkins, 2011 Leath St.  
Ozumba Lnuk-X, 4106 Vineyard  
Frank Ward III, P. O. Box 50694  
Leslie Allen Davis, 3035 E. Ledbetter Rd.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-1084

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

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

Assigned ORDINANCE NO. 27517 AND 27518

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1085

Item 42: Zoning Case Z089-115 (RB)

The consent zoning docket, consisting of agenda items 41-47, was presented for consideration.

Councilmember Neumann requested that zoning consent item 42 be considered as an individual item. Mayor Leppert stated that zoning consent item 42 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

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

A public hearing was called on zoning case Z089-115 (RB), an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1496 for an open-enrollment charter school on property zoned an IR Industrial Research District, on the southeast corner of Joseph Hardin Drive and Exchange Service Drive

(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.

Councilmember Neumann moved to continue the public hearing and hold under advisement until the June 10, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1086

Item 43: Zoning Case Z089-128 (MAW)

The consent zoning docket, consisting of agenda items 41-47, was presented for consideration.

A public hearing was called on zoning case Z089-128 (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 and bounded by Sunset Avenue, Chalmers Street, Alden Avenue and Superior Street

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27519

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1087

Item 44: Zoning Case Z089-130 (RB)

The consent zoning docket, consisting of agenda items 41-47, was presented for consideration.

A public hearing was called on zoning case Z089-130 (RB), an application for and an ordinance granting a Specific Use Permit for an Alcoholic beverage establishment for a Bar, lounge, or tavern within the Subdistrict B portion of Planned Development District No. 619 with Historic Overlay No. H/87 at the northwest corner of Main Street and Four Way Place

(The staff and city plan commission recommended approval for a 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. 27520

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1088

Item 45: Zoning Case Z089-137 (OTH)

The consent zoning docket, consisting of agenda items 41-47, was presented for consideration.

A public hearing was called on zoning case Z089-137 (OTH), an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private-club bar on property zoned an IR Industrial Research District on the east side of Emerald Street, between Crown Road and Harcourt Street, west of the Stemmons Freeway (I-35E) access road

(The staff and city plan commission recommended approval for a 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. 27521

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1089

Item 46: Zoning Case Z089-144 (RB)

The consent zoning docket, consisting of agenda items 41-47, was presented for consideration.

A public hearing was called on zoning case Z089-144 (RB), an application for and an ordinance granting an amendment to Specific Use Permit No. 1431 for a Tower/antenna for cellular communication on property zoned a CR Community Retail District on property southeast of Abrams Road, northeast of Northwest Highway

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27522

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1090

Item 47: Zoning Case Z089-116 (RB)

The consent zoning docket, consisting of agenda items 41-47, was presented for consideration.

A public hearing was called on zoning case Z089-116 (RB), an application for and an ordinance granting an amendment to Specific Use Permit No. 1500 for a Vehicle display, sales, and service use on property within Planned Development District No. 629 for MU-3 Mixed Use District Uses on the northeast corner of North Central Expressway and Bonner Drive

(The staff recommended approval for a two-year period, subject to a site plan and conditions and city plan commission recommended approval for a five-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. 27523



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1091

Item 48: Zoning Case Z089-105 (MAW) – INDIVIDUAL

A public hearing was called on zoning case Z089-105 (MAW), an application for a Planned Development District for Multifamily uses on property zoned an MF-2(A) Multifamily District in an area bounded by Cabell Drive, Ashby Street, Lafayette Street and Peak Street and an area on the south side of Lafayette Street between Ashby Street and Peak Street

(The staff recommended approval subject to a development plan, landscape plan and conditions and city plan commission recommended denial without prejudice)

Deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1092

Item 49: Zoning Case Z089-138 (WE) – INDIVIDUAL

A public hearing was called on zoning case Z089-138 (WE), an application for and an ordinance granting a Specific Use Permit for commercial motor vehicle parking on property zoned a CS Commercial Service District on the northwest corner of Chalk Hill Road and Fitchburg Street

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

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

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

Gamaliel Albarran, 2402 Ingersoll, applicant

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

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

Assigned ORDINANCE NO. 27524

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1093

Item 50: Zoning Case Z089-141 (MAW) – INDIVIDUAL

A public hearing was called on zoning case Z089-141 (MAW), an application for and an ordinance granting a Planned Development District for Mixed Uses on property zoned an MF-1(A) Multifamily District and an MF-2(A) Multifamily District on the north side of Meadow Road, west of Greenville Avenue with consideration given to an MU-2 Mixed Use District

(The staff recommended approval of an MU-2 Mixed Use District in lieu of a Planned Development District. and city plan commission recommended approval of a Planned Development District for Mixed Uses, subject to a conceptual plan and conditions)

Deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1094

Item 51: Zoning Case Z078-289 (JH) – UNDER ADVISEMENT INDIVIDUAL

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

A public hearing was called on zoning case Z078-289 (JH), an application for a Specific Use Permit for a recycling buy-back center use on property zoned an IM Industrial Manufacturing District on the northwest side of Hickory Street, east of Malcolm X Boulevard

(The staff and city plan commission recommended denial)

Note: This item was considered by the City Council at a public hearing on January 14, 2009, and was taken under advisement until April 22, 2009, with the public hearing open.

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1095

Item 52: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by Arrow Magnolia International, Inc. located near the intersection of Rodney and Grissom Lanes and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Arrow Magnolia International, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

(The staff recommended approval)

The assistant city secretary read the following statement into the record:

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

The following individuals addressed the city council regarding the item:

David Whitten, representing the applicant  
Sal Gazioglu, professional engineer

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

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

Assigned ORDINANCE NO. 27525

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1096

Item 53: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by Ben E. Keith Company; Dale Family Limited Partnership; Paper Tubes & Sales, Inc.; Southwestern Bell Telephone Company dba AT&T Texas; John Dale; Lawrence B. Dale; Virginia Dale; Steck No. 2, L.P.; Coca Cola Company; Oncor Electric Delivery Company; and Truett-Worrall Co. located near the intersection of Wyche Boulevard and Record Crossing Road and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Ben E. Keith Company; Dale Family Limited Partnership; Paper Tubes & Sales, Inc.; John Dale; Lawrence B. Dale; Virginia Dale; Steck No. 2, L.P.; and Truett-Worrall Company by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

(The staff recommended approval)

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

The assistant city secretary read the following statement into the record:

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

The following individuals addressed the city council regarding the item:

James Morris, representing the applicant  
Sonya Williams, professional engineer and professional geoscientist

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

Motion seconded by Councilmember Neumann and unanimously adopted. (Rasansky abstain; Natinsky absent when vote taken; Salazar absent on city business)

Assigned ORDINANCE NO. 27526

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1097

Item 54: 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 and, at the close of the hearing, consideration of an ordinance amending Chapter 31 of the Dallas City Code to readopt with certain modifications and continue in effect the Dallas juvenile curfew ordinance - Financing: No cost consideration to the City

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

John Blackburn, 2164 Ash Grove Way, Chief of Police for the Dallas Independent School District  
Carl Raines, 1515 S. Buckner Blvd., Chairman of Southeast Dallas Chamber of Commerce  
Albert Parker, 6318 Elam Road  
Cheryl R. Taylor, 6718 Gothic Dr.  
Gloria Cervantes, 2810 Melba, representing Don't Damage Your Image

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

Gwain Wooten, 1000 Grigsby Ave.  
Ailen Mokurria, 8918 Bretshire Dr., representing Dallas City Youth Commission  
Mark McCollum, 6469 Sondra Dr.  
Lorene Nash, 9514 Mercer, representing Half Price Books  
William Hopkins, 2011 Leath St.  
Jaime Cortes, 1130 Cedar Hill Ave  
John Albach, 5803 E. Northwest Hwy., representing Half Price Books  
Virginia Lannen, 7015 E. Grand Ave., representing Pegasus School  
Shane Smith, 5617 Fox Hill Lane  
Jim Olvera, 6130 Del Norte Lane, representing Citizens Against the Daytime Curfew  
Doreen Fisher, 8573 Sweetwood Dr., representing Texas Apple Seed  
Laurel McConkey Allen, 2524 Sidwin St.  
Andy Clay, 3322 Santa Teresa  
Ann Shuttee, 7115 Westbrook Lane  
Amelia S. Perez, 7811 Morton St  
Ozumba Lnuk-X, 4106 Vineyard

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-1097

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Mayor Pro Tem Garcia moved to close the public hearing, approve the nighttime curfew ordinance to expire May 1, 2012 and hold under advisement the daytime curfew ordinance until May 13, 2009 voting agenda meeting of the city council.

Motion seconded by Deputy Mayor Pro Tem Caraway.

After discussion, Councilmember Kadane moved to substitute Mayor Pro Tem Garcia's motion to approve the nighttime curfew ordinance to expire May 1, 2012 and continue the public hearing and hold under advisement the daytime curfew ordinance until September 9, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Rasansky.

Mayor Leppert requested the city council to consider continuing the public hearing and hold under advisement the daytime curfew until May 13, 2009 voting agenda meeting of the city council with the understanding that a group will be established to include Dallas Police Department and City Attorney's Office to meet with community groups that may or may not have been represented.

After further discussion, Councilmember Kadane amended his substitute motion to approve the nighttime curfew ordinance to expire May 1, 2012.

Councilmember Rasansky, who seconded the motion, accepted the amended substitute motion to approve the nighttime curfew ordinance to expire May 1, 2012.

Mayor Pro Tem Garcia withdrew her motion.

Deputy Mayor Pro Tem Caraway, who seconded the motion, also withdrew his motion.

Mayor Leppert called the vote on Councilmember Kadane's amended substitute motion to approve the nighttime curfew ordinance to expire May 12, 2012.

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

Voting No: [1] Hunt

Absent: [1] Salazar absent on city business

Mayor Leppert declared the amended substitute motion adopted.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-1097

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Mayor Leppert called for the vote on his request to continue the public hearing and hold under advisement the daytime curfew until May 13, 2009 voting agenda meeting of the city council with the understanding that a group will be established to include Dallas Police Department and City Attorney's Office to meet with community groups that may or may not be represented.

Mayor Leppert declared the motion adopted. (Salazar absent on city business)

Assigned ORDINANCE NO. 27527

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

Closed Session [**09-1098; HELD**]

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

- City of Dallas, Texas et al. v. H. Dale Hall, et al., No. 08-10890
- Legal issues involving claims by Fire Department employees Leanne Siri-Edwards, Sherri Lopez, Sheila Schulte-De Albrecht, and the lawsuit styled Helen Watts v. City of Dallas, Cause No. 08-13000

At 11:32 a.m., Mayor Leppert announced the closed session of the city council authorized by Chapter 551, "OPEN MEETING," of the (Texas Open Meetings Act) to discuss the following matters:

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

- City of Dallas, Texas et al. v. H. Dale Hall, et al., No. 08-10890
- Legal issues involving claims by Fire Department employees Leanne Siri-Edwards, Sherri Lopez, Sheila Schulte-De Albrecht, and the lawsuit styled Helen Watts v. City of Dallas, Cause No. 08-13000

Mayor Leppert reconvened the city council meeting after the closed session at 1:10 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1099

Addendum addition 1: Authorize an increase in the professional services contract with the law firm of Akin Gump Strauss Hauer & Feld, L.L.P., for additional legal services necessary in the lawsuit styled Terrell Bolton v. City of Dallas, Texas, No. 08-704 - Not to exceed \$5,000, from \$25,000 to \$30,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1100

Addendum addition 2:           An ordinance amending Ordinance Nos. 27490, 27502, and 27503, which ordered the May 9, 2009 general election and special elections, in order to change certain election day polling locations and early voting locations - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 275258

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1101

**Lancaster Corridor Neighborhood  
Investment Program Area**

**Note:** Addendum Item Nos. 3 and 4  
must be considered collectively

Addendum addition 3: Authorize a Chapter 380 economic development forgivable loan agreement with City Wide Community Development Corporation for development and related cost including land assemblage for a skills training center for the Dallas Urban League, mixed-use retail, housing, office and other commercial use in the Lancaster Corridor Neighborhood Investment Program Area from Stella Avenue north of Lancaster Road to Simpson Stuart/Camp Wisdom Road south of Lancaster Road - Not to exceed \$3,000,000 - 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 Hill moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1102

**Lancaster Corridor Neighborhood  
Investment Program Area**

**Note:** Addendum Item Nos. 3 and 4  
must be considered collectively

Addendum addition 4: Authorize a Chapter 380 economic development forgivable loan agreement with Sapphire Road Holdings and Investment for development and related cost including land assemblage for mixed-use retail, housing, office and other commercial use in the Lancaster Corridor Neighborhood Investment Program Area from Stella Avenue north of Lancaster Road to Simpson Stuart/Camp Wisdom Road south of Lancaster Road - Not to exceed \$2,000,000 - Financing: 2006 Bond Funds

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

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

Councilmember Hill moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Salazar absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1103

Addendum addition 5: Authorize **(1)** preliminary adoption of a substantial amendment to the FY2008-09 Consolidated Plan Budget and Action Plan regarding Homeless Prevention and Rapid Re-Housing Program Funds; and **(2)** a public hearing to be held on May 13, 2009 to receive public comments on the substantial amendment - Not to exceed \$7,187,357 - Financing: U.S. Department of Housing and Urban Development Grant Funds

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

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

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1104

Addendum addition 6: Authorize renewal of the contract with the Museum of African American Life and Culture to provide a cultural awareness program for low-to moderate-income youth in the southern Dallas area for the period June 8, 2009 through July 31, 2009 - Not to exceed \$46,000 - Financing: 2008-09 Community Development Block Grant Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1105

Addendum addition 7: Authorize the fourth amendment to the Morton H. Meyerson Symphony Center Use Agreement with the Dallas Symphony Association, Inc. (DSA), a Texas nonprofit corporation, to **(1)** adopt a plan for joint scheduling at the Meyerson and the adjoining Annette Strauss Artists Square; **(2)** provide the Association with four annual no-rental fee event dates at Annette Strauss Artists Square for the period ending August 31, 2019; **(3)** modify the proportionate utility payments by City and DSA; **(4)** set the parking fee that the DSA will pay for the use of 140 parking spaces to be used by DSA staff; and **(5)** extend the term of the agreement to August 31, 2049  
- Financing: No cost consideration to the City

Approved as part of the consent.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1106

Addendum addition 8: Authorize an increase in the contract with McCarthy Building Companies, Inc. to establish the Guaranteed Maximum Price for Phase II construction services for the construction of the City Performance Hall - Not to exceed \$31,384,455, from \$215,400 to \$31,599,855 - Financing: 2003 Bond Funds (\$57,359) and 2006 Bond Funds (\$31,327,096)

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

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

Councilmember Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1107

Addendum addition 9: Authorize an increase in appropriations in the amount of \$386,078 in the Sanitation Waste Cell Sinking Fund -  
Financing: No cost consideration to the City

Approved as part on the consent.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1108

Addendum addition 10: An ordinance amending the Tax Increment Financing Reinvestment Zone Number Eleven, (Downtown Connection TIF District) Project Plan and Reinvestment Zone Financing Plan, previously approved on August 29, 2005 by Ordinance No. 26096, to (1) amend the Affordable Housing Policy to (a) permit additional assistance in the form of affordable housing economic development grants to those projects providing affordable housing units, (b) extend the eligibility date for additional affordable housing assistance to projects which are approved by City Council from December 31, 2008 to December 31, 2011, (c) update the household income limit charts contained within to reflect the Dallas Area Median Household Income Limits for 2009; and (2) revise the budget to (a) reprogram \$515,000 from the Retail Initiative/Streetscape Improvements budget line item to a new Downtown Area Plan budget line item, and (b) update Exhibit G to reflect the reprogramming and new budget line item - Financing: No cost consideration to the City

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

Councilmember Atkins moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27529

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 22, 2009

09-1109

Addendum addition 11: Authorize **(1)** a professional services contract for preparation of the long-range strategic area plan and implementation of the "Dallas Downtown Area Plan" with Moore Iacofano Goltsman, Inc., most advantageous proposer of five; **(2)** an increase in appropriations in the amount of \$512,464 in the Downtown Connection TIF District Fund; and **(3)** the receipt and deposit of funds from the Downtown Dallas Development Authority in an amount not to exceed \$512,464 - Not to exceed \$512,464 - Financing: Downtown Connection TIF District Funds

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

Councilmember Atkins moved to approve the item.

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

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, APRIL 22, 2009

EXHIBIT C