

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 13, 2009

09-1150
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Garcia, Caraway, Medrano, Neumann, Hill, Salazar (*9:27 a.m.) Davis, Atkins, Kadane, Allen, Koop, Natinsky, Rasansky, Hunt (*9:25 a.m.)

ABSENT: [0]

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

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

The invocation was given by Kathy Dreff, Board member of the Dallas/Fort Worth Asian American Citizens Council.

Jennifer Bong (Vinh Tuong) Nguyen, President of the Dallas/Fort Worth Asian American Citizens Council, 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 4:55 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
WENESDAY, MAY 13, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WENESDAY, MAY 13, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1151

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: Suzanne Whalen, 9411 Mixon Dr.
SUBJECT: DART Board/Infrastructure repairs

SPEAKER: Liz Rochester, 6825 Larmanda St.
SUBJECT: Accessibility of streets/sidewalks

SPEAKER: Patricia Stephens, 3739 Homeland St.
REPRESENTING: Westmoreland Heights Neighborhood Association
SUBJECT: Community development

SPEAKER: Raquel Ford, 3703 Magdeline St.
REPRESENTING: Westmoreland Heights Neighborhood Association
SUBJECT: Revitalizing the community

SPEAKER: Juanita Wallace, 1409 S. Lamar
SUBJECT: Ineffective running of DISD

OPEN MICROPHONE – END OF MEETING

SPEAKER: B. M. Randolph, P. O. Box 210315
REPRESENTING: Making a difference (FJC)
SUBJECT: Real Estate, Community Outreach

SPEAKER: Irish Watson, 3979 Granite Hill Dr.
SUBJECT: 01/28/09 City Council Mtg follow-up/misc.

SPEAKER: Miller Henley, 11922 Audelia Rd.
SUBJECT: Storm water runoff

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

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

SPEAKER: Frank Ward III, P. O. Box 50694
REPRESENTING: The Kingdom of God
SUBJECT: Déjà vu, again, NOT

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
REPRESENTING: Real American Women (R.A.W.)
SUBJECT: Simon Greed

SPEAKER: Jewel Floyd, 4901 Parry Ave.
SUBJECT: Discrimination of high weeds on city property

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1152

Item 1: Approval of Minutes of the April 22, 2009 City Council Meeting

Councilmember Hill moved to approve the minutes.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1153

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-48 and addendum addition consent agenda items 2-6, was presented for consideration.

The City Secretary requested that consent agenda item 29 be considered as an individual item to allow citizens to speak. 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 the City Secretary's request.

Mayor Pro Tem Garcia requested that consent agenda item 45 be considered as an individual item. Mayor Leppert stated that consent agenda item 45 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia's request.

Councilmember Neumann requested that consent agenda items 5, 39, 40 and addendum addition consent agenda item 3 be considered as individual items. Mayor Leppert stated that consent agenda items 5, 39, 40 and addendum addition consent agenda item 3 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Rasansky requested that consent agenda items 4, 7, 8, 26, 30, 41 and addendum addition consent agenda items 2, 3 and 5 be considered as individual items. Mayor Leppert stated that consent agenda items 4, 7, 8, 26, 30, 41 and addendum addition consent agenda items 2, 3 and 5 would 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 4, 5, 7, 8, 26, 29, 30, 39, 40, 41, 45 and agenda addendum addition consent items 2, 3 and 5 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1154

Item 2: Authorize the purchase of chemical detection and identification equipment for Dallas Fire-Rescue - BST Technologies, LLC, lowest responsible bidder of two - Not to exceed \$125,885 - Financing: Urban Area Security Initiative Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1155

Item 3: Authorize a twelve-month service contract for landscaping at five City owned Central Business District parking lots - Expressions by Susan, Inc., lowest responsible bidder of three - Not to exceed \$62,293 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1156

Item 4: Authorize a twenty-four-month service contract to provide armed and unarmed security guards to patrol and protect City facilities - Ruiz Protective Service, Inc. in the amount of \$8,488,664 and Giadador Holdings, Inc. DBA Dog World Services in the amount of \$2,576,406, lowest responsible bidders of seventeen - Total not to exceed \$11,065,070 - Financing: Current Funds (\$2,576,406), Convention Center Current Funds (\$4,778,568), Water Utilities Current Funds (\$3,710,096) (subject to annual appropriations)

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

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

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1157

Item 5: Authorize a twenty-four-month master agreement for the purchase of brass fittings - Municipal Water Works Supply, L.P. in the amount of \$1,421,480, Mueller Company LTD. in the amount of \$1,069,860, Four Star Hose & Supply, Inc. in the amount of \$853,588, and The Ford Meter Box Company, Inc. in the amount of \$70,924, lowest responsible bidders of four - Total not to exceed \$3,415,852 - Financing: Current Funds (\$2,500), Water Utilities Current Funds (\$3,413,352)

Councilmember Neumann 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 Neumann's request.

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1158

Item 6: Authorize a forty-eight-month master agreement for air diffusers for sludge basins at Water Utilities Central Wastewater Treatment Plant - Siemens Water Technologies Corp. in the amount of \$750,000 and Environmental Dynamics, Inc. in the amount of \$217,500, lowest responsible bidders of three - Total not to exceed \$967,500 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1159

Item 7: Authorize a twelve-month service contract for utility bills review services - Utilities Analyses, Inc. and Net Results Group, Inc., most advantageous proposers of three - Estimated Revenue: \$5,000,000

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

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

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1160

Item 8: Authorize an increase in the existing contract with Burst Communications, Inc. for (1) the design, upgrade to existing equipment, installation of new media equipment in the amount of \$1,275,374, and (2) a thirty-six month maintenance agreement for a 3D virtual studio for the Public, Educational, and Government Cable in the amount of \$138,015 - Total not to exceed \$1,413,389, from \$2,600,000 to \$4,013,389 - Financing: Public Educational and Governmental Access Funds

Councilmember Rasansky requested that consent agenda item 8 be considered as an individual item. Mayor Leppert stated that 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, consent agenda item 8 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1161

Item 9: Authorize settlement of the lawsuit styled Leticia M. Martinez v. City of Dallas, Cause No. 08-05849-B - Not to exceed \$13,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1162

Item 10: Authorize a professional services contract with the law firm of Bell, Nunnally & Martin, L.L.P., for representation of the City in the lawsuit styled Helen Watts v. City of Dallas, Cause No. 08-13000, for claims made against the City on behalf of city employees Sherri Lopez, Leanne Siri-Edwards, and Sheila Schulte-De Albrecht, and any lawsuits subsequently filed related to these claims
- Not to exceed \$275,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1163

Item 11: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Arturo Avalos, Eleazar Avalos and the Korean Senior Citizen's Association of Dallas for two tracts of land containing a total of approximately 1,270 square feet located near the intersection of Brockbank Drive and Bynum Avenue for the Brockbank Drive Street Improvement Project - \$10,668 (\$8,698 plus closing costs not to exceed \$1,970) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1164

Item 12: Authorize moving expense and rental assistance payments for Thomas Ramirez as a result of an official written offer of just compensation to purchase real property at 20833 North State Highway 34 for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project - Not to exceed \$15,790 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1165

Item 13: An ordinance abandoning a portion of a water easement to The St. Alcuin Montessori School, the abutting owner, containing approximately 7,123 square feet of land located near the intersection of Whitley Lane and Churchill Way - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27530

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1166

Item 14: An ordinance abandoning certain air rights above a portion of Caroline Street to GPI Gables Partners, LP and LG Cedar Springs LP, the abutting owners, containing approximately 137 square feet of air space located near its intersection with Cedar Springs Road and authorizing the quitclaim - Revenue: \$12,250 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27531

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1167

Item 15: Authorize appointment of two Directors to the Dallas Development Fund Board, created to allow the City to apply for a New Markets Tax Credit allocation - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1168

Item 16: Authorize a management contract for management of the EB-5 Program City of Dallas Regional Center - Civitas Capital Management, LLC, most advantageous proposer of three - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1169

Item 17: Authorize an eighteen-month professional services contract with The University of Texas at Arlington/Texas Manufacturing Assistance Center for implementation of an ISO 9001 Quality Management System, Phase III - Not to exceed \$83,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1170

Item 18: Authorize **(1)** the acceptance of a grant from the Texas Commission on Environmental Quality to operate and maintain whole air samplers and conduct air monitoring activities in Dallas for the period September 1, 2009 through August 31, 2010; and **(2)** execution of the grant agreement - Not to exceed \$293,562 - Financing: Texas Commission on Environmental Quality Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1171

Item 19: Authorize **(1)** the acceptance of a Shelter Plus Care Grant from the U.S. Department of Housing and Urban Development in the amount of \$89,520 to provide sponsor-based rental assistance for permanent housing for homeless veterans with disabilities for the period October 1, 2009 through September 30, 2010; **(2)** a contract with Operation Relief Center, Inc. to provide sponsor-based rental assistance; and **(3)** execution of the grant agreement - Not to exceed \$89,520 - 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

MAY 13, 2009

09-1172

Item 20: Authorize **(1)** a Memorandum of Understanding between the City of Dallas and the Community Council of Greater Dallas to provide transportation for people with disabilities for the period May 1, 2009 through October 13, 2012; **(2)** the receipt and deposit of funds from the Community Council of Greater Dallas in the amount of \$225,000; **(3)** the establishment of appropriations in the amount of \$225,000; and **(4)** a local match in an amount not to exceed \$100,000 - Not to exceed \$325,000 - Financing: Community Council of Greater Dallas Grant Funds (\$225,000) and Current Funds (\$100,000) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1173

Item 21: Authorize an Interlocal Agreement with Texas Woman's University to provide students the opportunity to participate in the professional sanitarian internship program for the period June 1, 2009 through August 15, 2009, to learn about food protection and assist the Food Protection and Education Division with an avenue for recruiting qualified sanitarians to the City - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1174

Item 22: Authorize a thirty-two-month Interlocal Agreement with Dallas County Community College District on behalf of El Centro Community College to provide opportunities for students enrolled in the Licensed Vocational Nursing Program and Associate Nursing Degree Program to gain practical experience in clinical services in the City of Dallas Public Health Clinics for the period January 1, 2009 through September 1, 2011 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1175

Item 23: Authorize the third amendment to the contract with the Texas Commission on Environmental Quality to **(1)** accept additional grant funds to operate and maintain two ambient air monitoring stations in Rockwall and Dallas Counties; and **(2)** extend the term of the contract for the period September 1, 2009 through August 31, 2010 - Not to exceed \$25,958, from \$103,894 to \$129,852 - Financing: Texas Commission on Environmental Quality Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1176

Item 24: Authorize a two-year contract with El Centro Community College for reimbursement of Fire Department training costs from September 1, 2009 to August 31, 2011 - Revenue: \$350,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1177

Item 25: Authorize acquisition of one parcel improved with an occupied residential structure located at 2611 Anderson Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program (list attached) - \$48,000 (\$46,000 plus closing costs not to exceed \$2,000) - Financing: 2002-03 Community Development Block Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1178

Item 26: Authorize the acquisition of fourteen unimproved lots located on 9th Street near Starr Street through the Residential Development Acquisition Loan Program - \$304,000 (\$300,000 plus closing costs not to exceed \$4,000) - Financing: 2002-03 Community Development Block Grant Funds (\$4,000) and 2004-05 Community Development Block Grant Funds (\$300,000)

Councilmember Rasansky requested that consent agenda item 26 be considered as an individual item. Mayor Leppert stated that consent agenda item 26 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 26 was brought up for consideration.

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1179

Item 27: Authorize the reconstruction on-site of three homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 2780 East Ann Arbor Avenue in the amount of \$87,500, 9922 Royce Drive in the amount of \$87,500, and 3410 El Benito Drive in the amount of \$87,500 - Total not to exceed \$262,500 - Financing: 2007-08 Community Development Block Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1180

Item 28: Authorize an amendment to Resolution No. 09-0789, previously approved on March 25, 2009, to change the name of the contractor, to reconstruct on-site one home in accordance with the Reconstruction/SHARE Program Statement requirements for the property located at 1422 Harlandale Avenue - Not to exceed \$87,500 - Financing: 2006-07 Community Development Block Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1181

Item 29: Authorize **(1)** a public hearing to be held on June 24, 2009 to receive comments on the proposed City of Dallas submission of an application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant (CDBG) Section 108 Guarantee Loan Program loan in the amount of \$15,254,000 to fund a loan to 5630 SMU Boulevard LP for the land acquisition, site work and Section 108 Interest Reserve Funds for the development of the Shamburger Development mixed-use project including 9,100 square feet of bottom floor retail space and 417 apartment homes above at the southwest corner of SMU (formerly Yale) Boulevard and Greenville Avenue with 104 apartment units deed restricted for 15 years for affordability to families with incomes at 80% or less of Area Median Family Income as established by HUD; and **(2)** at the close of the public hearing, consideration of submission of an application to HUD for a CDBG Section 108 Guarantee Loan Program loan to 5630 SMU Boulevard LP in an amount not to exceed \$15,254,000 - Financing: No cost consideration to the City

The City Secretary requested that consent agenda item 29 be considered as an individual item to allow citizens to speak. 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 the City Secretary's request.

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

The following individual addressed the city council regarding the item:

Lon Boyce, 5315 Elkridge Dr., representing Project United

Councilmember Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1182

Item 30: Authorize **(1)** an application for and acceptance of the American Recovery and Reinvestment Act: Edward Byrne Memorial Justice Assistance Grant in the amount of \$9,158,669 from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period March 1, 2009 through February 28, 2013; **(2)** execution of the Fiscal Agency Agreement between the City of Dallas, Dallas County, and eligible units of local government; and **(3)** execution of the grant agreement - Not to exceed \$9,158,669 - Financing: U.S. Department of Justice, Bureau of Justice Assistance Funds

Councilmember Rasansky requested that consent agenda item 30 be considered as an individual item. Mayor Leppert stated that consent agenda item 30 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 30 was brought up for consideration.

Councilmember Rasansky moved to defer the item until later in the day in order to review additional information.

Motion died for lack of a second.

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Allen.

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." (Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1183

Item 31: Authorize the acceptance of a 2008 Buffer Zone Protection Program grant from the U.S. Department of Homeland Security, through its agent, the Governor's Division of Emergency Management, to be used for costs associated with securing critical infrastructure and key resource sites to prevent acts of terrorism within the City for the period September 1, 2008 through December 31, 2010 - Not to exceed \$386,000 - Financing: Buffer Zone Protection Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1184

Item 32: Authorize a Memorandum of Understanding with the Texas Forest Service to authorize City of Dallas employees who have completed advanced Incident Command training and serve on the North Central Texas Regional Incident Management Team to respond, as requested by the Texas Forest Service, to assist at major disasters or large-scale emergencies such as hurricanes, major flooding, wildland fires, or other emergency situations that may occur across the State or the Country - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1185

Item 33: A resolution extending the City Council's decision deadline for Atmos Energy Corp., Mid-Tex Division's (Atmos) proposed new Gas Reliability Infrastructure Program (GRIP) Interim Rate Adjustment from May 26, 2009 until July 10, 2009 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1186

Item 34: Authorize a public hearing to be held on May 27, 2009 to receive comments in preparation of the FY 2009-10 Operating, Capital, Grant, and Trust budgets -
Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1187

Item 35: Authorize a professional services contract with Dan Shipley Architect, Inc. for schematic design through construction administration services for interior renovation of the facility and heating, ventilation and air conditioning upgrades at Pleasant Oaks Recreation Center located at 8700 Greenmound Avenue - \$137,329 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1188

Item 36: Authorize a professional services contract with Jacobs Engineering Group, Inc. for the preparation of an updated master plan to include site analysis and program development, historic research and guidelines, and conceptual studies at Kiest Park located at 3080 South Hampton Road - \$60,800 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1189

Item 37: Authorize an increase in the contract with Phoenix I Restoration and Construction, Ltd. for additional concrete demolition; modifications to structural, electrical, mechanical, and plumbing; additional plaster work, and historic paint analysis for the Texas Discovery Gardens in Fair Park, located at 3601 Martin Luther King Jr. Boulevard - Not to exceed \$145,999, from \$5,046,128 to \$5,192,127 - Financing: 2006 Bond Funds (\$138,268) and Capital Gifts, Donation and Development Funds (\$7,731)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1190

Item 38: Authorize an increase in the contract with Rogers-O'Brien Construction Company, Ltd. for credit on building permit fees paid by the Park and Recreation Department for the reconstruction of the Esplanade fountain and Parry Avenue gate restoration, credit for payment of Oncor relocation fees; increasing the pipe sizes of sanitary sewer and storm drainage; adding additional structural piers to slab stabilization plates for the Esplanade fountain; and the addition of irrigation and landscaping along Parry Avenue at Fair Park - Not to exceed \$47,098, from \$12,664,365 to \$12,711,463 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1191

Item 39: Authorize an Interlocal Agreement and a Memorandum of Understanding with the City of Duncanville regarding the provisions of law enforcement services in geographical areas located within the cities of Dallas and Duncanville for the period May 13, 2009 through May 12, 2010 - Financing: No cost consideration to the City

Councilmember Neumann requested that consent agenda item 39 be considered as an individual item. Mayor Leppert stated that consent agenda item 39 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Later in the meeting, consent agenda item 39 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1192

Item 40: Authorize an Interlocal Agreement and a Memorandum of Understanding with the City of Grand Prairie to provide mutual law enforcement services within specified territorial boundaries dividing the cities of Dallas and Grand Prairie for the period May 13, 2009 through May 12, 2010 - Financing: No cost consideration to the City

Councilmember Neumann requested that consent agenda item 40 be considered as an individual item. Mayor Leppert stated that consent agenda item 40 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 40 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1193

Item 41: Authorize approval of the recommended plan for the proposed alignment of Inland Port (Street) from Langdon Road to the Hutchins city limits - Financing: No cost consideration to the City

Councilmember Rasansky requested that consent agenda item 41 be considered as an individual item. Mayor Leppert stated that consent agenda item 41 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

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

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1194

Item 42: Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on IH35E at Northwest Highway and Storey Road - Not to exceed \$68,108 - Financing: Texas Department of Transportation Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1195

Item 43: Authorize a professional services contract with Brockett, Davis, Drake, Inc. for preliminary engineering design of the proposed pedestrian bridge from Bachman Lake Park spanning Northwest Highway and intersection improvements - Not to exceed \$58,255 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1196

Item 44: Authorize professional services contracts with Civil Associates, Inc. and Pacheco Koch Consulting Engineers for the engineering design of 1 flood management project and 1 streetscape/urban design project (list attached) - Not to exceed \$544,256 - Financing: 2006 Bond Funds (\$484,829) and Water Utilities Capital Construction Funds (\$59,427)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1197

Item 45: Authorize a contract for construction of an animal clinic oxygen delivery system at the Animal Services and Adoption Center located at 1818 North Westmoreland Road with H-B Construction, Inc., best value proposer of two - Not to exceed \$74,112 - Financing: 2003 Bond Funds

Mayor Pro Tem Garcia requested that consent agenda item 45 be considered as an individual item. Mayor Leppert stated that consent agenda item 45 would be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Garcia's request.

Later in the meeting, consent agenda item 45 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1198

Item 46: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Roy J. Lohden, of five unimproved tracts of land containing approximately 50 acres located near the intersection of Cedar Crest Boulevard and Pontiac Avenue for the Dallas Floodway Extension portion of the Trinity River Corridor Project - Not to exceed \$169,000 (\$165,000 plus closing costs not to exceed \$4,000) - Financing: Private Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1199

Item 47: Authorize a contract for the installation of water and wastewater mains at 15 locations (list attached) - P & E Contractors, Inc., lowest responsible bidder of eight - \$5,799,730 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1200

Item 48: Authorize an increase in the professional services contract with Burgess & Niple, Inc. f/k/a GSWW, Inc. for the additional design of 3,230 feet of wastewater mains in the Ferris Branch Creek, Jackson Branch Creek, and surrounding area - Not to exceed \$99,365, from \$1,861,577 to \$1,960,942 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1201

09-1202

Item 49: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2007-2009 board term updated through MAY 13, 2009.

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

Councilmember Medrano moved to appoint Johnnie Goins, to the Civil Service Board; William Bond, Registered Voter, to the Reinvestment Zone Ten Board (Southwestern Medical); and Carter Fournier, Registered Voter, to the Reinvestment Zone Eighteen Board (Maple/Mockingbird).

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

Councilmember Medrano 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 Mayor Pro Tem Garcia and unanimously adopted. (Hunt absent when vote taken)

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

09-5150 CSB CIVIL SERVICE BOARD
09-5151 RZ10 REINVESTMENT ZONE TEN BOARD (SOUTHWESTERN MEDICAL)
09-5152 RZ18 REINVESTMENT ZONE EIGHTEEN BOARD (MAPLE/MOCKINGBIRD)
09-5153 SAC SENIOR AFFAIRS COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1203

Item 50: Consideration and appointment of members to the Dallas Area Rapid Transit Board of Directors for Places 3, 4, 5, 6, 7, and 8 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A) (List of nominees is available in the City Secretary's Office)

Deputy Mayor Pro Tem Caraway moved to reappoint the following individuals to the Dallas Area Rapid Transit (DART) Board of Directors, with the terms to expire June 30, 2011:

- Place 03 - Scott Carlson
- Place 04 - Claude R. Williams, Jr.
- Place 05 - Pamela Dunlop Gates
- Place 06 - Mingtzong "William" Tsao
- Place 07 - William M. Velasco, II
- Place 08 - Jerry L. Christian, Sr.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1204

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 51-57, was presented for consideration.

Agenda items 51, 52, 54, 55 and 57 were removed from the consent zoning docket, to be considered as individual hearings.

~~Agenda item 51: Zoning Case Z078-248 (WE) [considered individually]~~
~~Agenda item 52: Zoning Case Z078-313 (WE) [considered individually]~~
Agenda item 53 Zoning Case Z089-131 (RB)
~~Agenda item 54: Zoning Case Z089-139 (MAW) [considered individually]~~
~~Agenda item 55: Zoning Case Z089-140 (MAW) [considered individually]~~
Agenda item 56: Zoning Case Z089-148 (OTH)
~~Agenda item 57: Zoning Case Z089-149 (RB) [considered individually]~~

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1205

Item 51: Zoning Case Z078-248 (WE)

The consent zoning docket, consisting of agenda items 51-57, was presented for consideration.

Councilmember Neumann requested that zoning consent item 51 be considered as an individual item. Mayor Leppert stated that zoning consent item 51 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, zoning agenda item 51 was brought up for consideration.

A public hearing was called on zoning case Z078-248 (WE), an application for and an ordinance granting the creation of a new Subdistrict within Subdistrict B in the North Zone within Planned Development District No. 521 for mixed uses and an ordinance granting a Specific Use Permit for gas drilling and a resolution accepting deed restrictions volunteered by the applicant, east of Mountain Creek Parkway, north of Interstate 20 (Lyndon B. Johnson Freeway)

(The staff recommended Approval, of a new Subdistrict within Subdistrict B, subject to a conceptual plan and conditions and approval of a Specific Use Permit for gas drilling for a ten-year period with eligibility for automatic renewal of additional ten-year periods, subject to an existing/original condition plan, a site/operation plan for drilling, a site/operation plan for production and conditions subject to deed restriction volunteered by the applicant. The city plan commission recommended Approval, of a new Subdistrict within Subdistrict B, subject to a conceptual plan and conditions and approval of a Specific Use Permit for gas drilling for a twenty-year period with eligibility for automatic renewal of additional ten-year periods, subject to an existing/original condition plan, a site/operation plan for drilling, a site/operation plan for production and conditions subject to deed restriction volunteered by the applicant)

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 Councilmember Kadane and unanimously adopted. (Salazar, Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1206

Item 52: Zoning Case Z078-313 (WE)

The consent zoning docket, consisting of agenda items 51-57, was presented for consideration.

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

A public hearing was called on zoning case Z078-313 (WE), an application for and an ordinance granting a Specific Use Permit for gas drilling within Subdistrict B in the North Zone within Planned Development District No. 521 for mixed uses and a resolution accepting deed restrictions volunteered by the applicant, east of Mountain Creek Parkway, north of Interstate 20 (Lyndon B. Johnson Freeway)

(The staff recommended Approval for a ten-year period with eligibility for automatic renewal of additional ten-year periods, subject to an existing/original condition plan, a site/operation plan for drilling, a site/operation plan for production, and conditions and deed restrictions volunteered by the applicant. The city plan commission recommended Approval for a twenty-year period with eligibility for automatic renewal of additional ten-year periods, subject to an existing/original condition plan, a site/operation plan for drilling, a site/operation plan for production, and conditions and deed restrictions volunteered by the applicant)

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 Councilmember Kadane and unanimously adopted. (Salazar, Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1207

Item 53: Zoning Case Z089-131 (RB)

The consent zoning docket, consisting of agenda items 51-57, was presented for consideration.

A public hearing was called on zoning case Z089-131 (RB), an application for and an ordinance granting a Specific Use Permit for an Office showroom/warehouse on property within the Subdistrict 6 portion of Planned Development District No. 533, the C. F. Hawn Special Purpose District No. 1, on the northeast line of CF Hawn Freeway, northwest of Lovejoy Drive

(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. 27532

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1208

Item 54: Zoning Case Z089-139 (MAW)

The consent zoning docket, consisting of agenda items 51-57, was presented for consideration.

Councilmember Neumann requested that zoning consent item 54 be considered as an individual item. Mayor Leppert stated that zoning consent item 54 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, zoning agenda item 54 was brought up for consideration.

A public hearing was called on zoning case Z089-139 (MAW), an application for and an ordinance granting an NO(A) Neighborhood Office District and an ordinance granting the termination of a portion of Specific Use Permit No. 159 for a library use on property zoned an R-7.5(A) Single Family District on the south side of West Illinois Avenue, east of Hampton Road

(The staff and city plan commission recommended approval)

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

Councilmember 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. (Koop, Rasansky, Hunt absent when vote taken)

Assigned ORDINANCE NOS. 27533 AND 27534

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1209

Item 55: Zoning Case Z089-140 (MAW)

The consent zoning docket, consisting of agenda items 51-57, was presented for consideration.

Councilmember Davis requested that zoning consent item 55 be considered as an individual item. Mayor Leppert stated that zoning consent item 55 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

Later in the meeting, zoning agenda item 55 was brought up for consideration.

A public hearing was called on zoning case Z089-140 (MAW), an application for and a resolution accepting an amendment to the deed restrictions volunteered by the applicant on property zoned an RR Regional Retail District on the north side of Chenault Street between Buckner Boulevard and Dilido Road

(The staff and city plan commission recommended approval)

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

Councilmember Davis moved to close the public hearing and accept the recommendation of the city plan commission with the resolution and deed restrictions to return on a future agenda.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1210

Item 56: Zoning Case Z089-148 (OTH)

The consent zoning docket, consisting of agenda items 51-57, was presented for consideration.

A public hearing was called on zoning case Z089-148 (OTH), an application for and an ordinance granting an amendment to Planned Development District No. 75 on the northwest corner of Scyene Circle and South Buckner Boulevard

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27535

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1211

Item 57: Zoning Case Z089-149 (RB)

The consent zoning docket, consisting of agenda items 51-57, was presented for consideration.

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.

Councilmember Rasansky requested that zoning consent item 57 be considered as an individual item. Mayor Leppert stated that zoning consent item 57 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, zoning agenda item 57 was brought up for consideration.

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

A public hearing was called on zoning case Z089-149 (RB), an application for and an ordinance granting a Specific Use Permit for a Liquor store within the Subarea 8 portion of Planned Development District No. 298, the Bryan Area Special Purpose District, at the west corner of Haskell Avenue and San Jacinto Street

(The staff recommended approval for a three-year period, subject to a site plan and conditions)

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-1211

Page 2

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

Don Cass, 2825 Oak Point, **Garland, TX**, representing the applicant
B. M. Randolph, P. O. Box 210315
Gwain Wooten, 1000 Grigsby Ave.

Councilmember Hill moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance with the following amendments:

- Approval for a two year period, subject to a site plan and conditions with no automatic renewal.

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

Assigned ORDINANCE NO. 27536

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1212

Item 58: Zoning Case Z078-312 (WE) - 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 Z078-312 (WE), an application for the renewal of Specific Use Permit No. 1609 for potentially incompatible industrial uses with outside storage on property zoned an IM Industrial Manufacturing District on the west side of Spangler Road, between Ryan Road and Walnut Hill Lane

(The staff recommended approval for a two year period, subject to a site plan and staff's recommended conditions and conditions and city plan commission recommended denial)

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

Councilmember Salazar 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 Deputy Mayor Pro Tem Caraway and unanimously adopted. (Leppert, Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1213

Item 59: Zoning Case Z089-122 (WE) – INDIVIDUAL

A public hearing was called on zoning case Z089-122 (WE), an application for and an ordinance granting an expansion of, and amendment to, Planned Development District No. 757 for an open enrollment charter school and R-5(A) Single Family District uses on property zoned Planned Development District No. 757, an A(A) Agricultural District, and an R-7.5(A) Single Family District on the north side of Wheatland Road between Mask Drive and Houston School Road

(The staff recommended Approval, subject to a development plan/landscape plan and staff's recommended conditions and city plan commission recommended Approval, subject to a development plan/landscape plan and CPC recommended conditions)

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

Councilmember Atkins 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 Councilmember Davis and unanimously adopted. (Leppert, Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1214

Item 60: A benefit assessment hearing to receive comments on sidewalk paving for Sidewalk Group 06-137, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction - Procon Paving and Construction, Inc., lowest responsible bidder of 16 (list attached) - Not to exceed \$168,349 - Financing: 2006 Bond Funds (\$159,749) and Water Utilities Capital Construction Funds (\$8,600)

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 27537

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1215

Item 61: A public hearing to receive comments regarding the application for and approval of a fill permit and removal of the floodplain (FP) prefix from 1.07 acres of a 2.58 acres tract of land located at 4215, 4223, 4245, 4255 Shorecrest Drive, currently in the floodplain of Bachman Creek, Fill Permit 08-04 - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

McCord Wilson, 4255 Shorecrest Dr.
Justin Small, 4215 Shorecrest Dr.
Michael Boyd, 8080 Park Lane, representing the applicant
Melonie Kastman, 4231 Shorecrest Dr.
Jonathan G. Vinson, 6342 Vickery Blvd.
Rondi Davis, 4130 Shorecrest Dr.
Nicole Small, 4215 Shorecrest Dr.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1216

Item 62: A public hearing to receive comments on a substantial amendment to the FY2008-09 Consolidated Plan Budget and Action Plan regarding the Federal Stimulus Homeless Prevention and Rapid Re-Housing Program Funds; and at the close of the hearing, authorize final adoption of the substantial amendment - Not to exceed \$7,187,357 - Financing: U.S. Department of Housing and Urban Development Grant Funds

The following individuals addressed the city council regarding the item:

Pat Wesley, 3520 Rio Grande, representing Shawn's Place
Jewel Floyd, 4901 Parry Ave.
Gwain Wooten, 1000 Grigsby Ave.

Councilmember Atkins moved to close the public hearing and 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." (Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1217

Item 63: Consideration of authorization of a public hearing to amend the *forwardDallas!* Comprehensive Plan to incorporate the UNT-Dallas Area Plan - Financing: No cost consideration to the City (via Deputy Mayor Pro Tem Caraway and Councilmembers Atkins, Jones Hill, Koop and Natinsky)

The following individuals addressed the city council regarding the item:

Jewel Floyd, 4901 Parry Ave.
Pat Wesley, 3520 Rio Grande

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1218

Item 64: A public hearing 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, and at the close of the hearing, consideration of a resolution authorizing the use -
Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Neely Kerr, 2306 Millmar
Jewel Floyd, 4901 Parry Ave.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1219

Item 65: A public hearing to receive comments on **(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; and at the close of the public hearing, consideration of a resolution authorizing the use - Estimated Revenue: \$19,500

The following individual addressed the city council regarding the item:

Neely Kerr, 2306 Millmar
Jewel Floyd, 4901 Parry Ave.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1220

Item 66: A public hearing to receive comments on **(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 and at the close of the public hearing, consideration of a resolution authorizing the use - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Neely Kerr, 2306 Millmar
Jewel Floyd, 4901 Parry Ave.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1221

Item 67: A public hearing to receive comments regarding an amendment to Chapter 51A, "Dallas Development Code", Section 51A-10.102, of the Dallas City Code to adopt the Collin County Flood Insurance Rate Maps which become effective on June 2, 2009, as a requirement of the Federal Emergency Management Agency - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Mayor Pro Tem Garcia 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 Deputy Mayor Pro Tem Caraway and unanimously adopted. (Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

Closed Session [**09-1222; HELD**]

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

- United States v. Donald W. Hill, et al., Criminal Case No. 3:07-cr-00289-M (N.D. Texas)
- City of Dallas v. Reliance Asset Trust, et al., Cause No. 06-13872-D
- Atmos Energy Corporation, Mid-Tex Division's Statement of Intent to Increase Gas Utility Rates within the Incorporated Areas of the City of Dallas
- Legal issues relating to water right matters pending before the Texas Commission on Environmental Quality and any other related matters.

At 10:58 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.)

- United States v. Donald W. Hill, et al., Criminal Case No. 3:07-cr-00289-M (N.D. Texas)
- City of Dallas v. Reliance Asset Trust, et al., Cause No. 06-13872-D
- Legal issues relating to water right matters pending before the Texas Commission on Environmental Quality and any other related matters.

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

- Atmos Energy Corporation, Mid-Tex Division's Statement of Intent to Increase Gas Utility Rates within the Incorporated Areas of the City of Dallas

Mayor Leppert reconvened the city council meeting after the closed session at 1:20 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1223

Addendum addition 1: Consideration of a motion to suspend Section 6.1(c)(1) of the City Council Rules of Procedure and allow the public hearings scheduled on the agenda for the May 27, 2009 city council meeting to be conducted no earlier than 12:00 noon instead of no earlier than 1:00 p.m. (Two-thirds vote of city council members present required)

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

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

Councilmember Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1224

Addendum addition 2: Authorize an application to the Federal Aviation Administration to impose a Passenger Facility Charge of \$4.50 per enplaned passenger to provide funding for nine new capital improvement projects at Dallas Love Field - Estimated Revenue: \$304,000,000

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

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

Councilmember Koop moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1225

Addendum addition 3: Authorize moving expense and rental assistance payments for 46 eligible residents in the Delux Inn as a result of an official written offer of just compensation to purchase real property at 3111 North Stemmons Freeway to be used in conjunction with the Trinity Parkway Project (list attached) - Not to exceed \$647,984 - Financing: 1998 Bond Funds

Councilmember Neumann and 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 Neumann and Councilmember Rasansky's request.

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

Deputy Mayor Pro Tem Caraway moved to approve the item.

Motion seconded by Councilmember Salazar.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1226

Addendum addition 4: Authorize a 20-year lease agreement with DSM Management Group, Inc., with an option to extend the term for 4 additional 5-year periods, for a city-owned facility in Fair Park known as the Music Hall located at 909 First Avenue for their continued use, operation and management to provide and bring music and theatrical performances to Dallas under the direction of the Office of Cultural Affairs for the period July 1, 2009 through June 30, 2029 - Annual Revenue: \$1

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1227

Addendum addition 5: Authorize **(1)** preliminary adoption of a substantial amendment to the FY2008-09 Consolidated Plan Budget and Action Plan regarding Community Development Block Grant - Recovery Program Funds (Federal Stimulus); and **(2)** a public hearing to be held on May 27, 2009 to receive public comments on the substantial amendment - Not to exceed \$4,700,469 - 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 Salazar moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1228

Addendum addition 6: Authorize an increase to the contract with The Gilbert Construction Group, Inc. for casing structural piers and applying anti-graffiti sealant for the new pavilion at Ferguson Park located at 1900 Gross Road; and mechanical and filtration system enhancements to the existing spraygrounds at Campbell Green Park located at 16600 Hillcrest Road, Pemberton Hill Park located at 6424 Elam Road, Daniieldale Park located at 500 West Wheatland Road, Ferguson Park located at 1900 Gross Road, Lake Highlands North Park located at 9344 Church Road, Mildred L. Dunn Park located at 3300 Carpenter Avenue, Ridgewood Park located at 6818 Fisher Road, and Umphress Park located at 7700 Umphress Road - Not to exceed \$239,570, from \$1,321,851 to \$1,561,421 - Financing: 2003 Bond Funds (\$20,981) and 2006 Bond Funds (\$218,589)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1229

Addendum addition 7: A public hearing to receive comments on the modification of the Dallas juvenile curfew ordinance to establish daytime curfew hours for minors and, at the close of the hearing, consideration of an ordinance amending Chapter 31 of the Dallas City Code to adopt daytime curfew hours - Financing: No cost consideration to the City

Note: This item was considered by the City Council at public hearings held on March 25, 2009 and April 22, 2009 and postponed the vote on this item until May 13, 2009, with the public hearing left open.

Councilmember Rasansky moved to suspend Section 6.3. of the City Council Rules of Procedures to allow speakers five additional minutes to address the item.

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

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

Edna Pemberton, 7101 Flameleaf Place
B. M. Randolph, P. O. Box 210315
Billy MacLeod, 1800 Lear St.

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

Kathryn Deolloz, 9030 Markville Dr.
William Hopkins, 2011 Leath St.
Michael Lindsey, 16007 Ranchita Dr.
Beatrice Martinez, 6500 Greenville Ave., representing LULAC District 3
Ozumba Lnuk-X, 4106 Vineyard
Mark McCollum, 6469 Sondra Dr.
Adriana Liberto, 4833 San Gabriel, **Garland, TX**
Al Jensen, 6959 Town Bluff Drive

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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5/27/2009 10:41:52 AM

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

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

Katherine Olvera, no address given
Jean Eye, 11304 Gatewood Place
Jack Howard, no address given
Edward Riccardi, 4121 Spokane St., **Irving, TX**
Sylvia Cervantes, no address given
Laurel McConkey Allen, 2524 Sidwin Street
Susan Santos, no address given
Tracy Wallace, 6469 Sondra Dr.
Betsy Santos, no address given
Jackie Jenson, no address given
Joy Greer, no address given
Neil Reid, 15624 Golden Creek
Kimberly Cleveland, no address given
Joel Adair, no address given
Roan Barsham, no address given
Karen Eubank, no address given
Carmen Perez, no address given
Nicole Tillman, no address given
Danna Pyke, 10716 Lathdrop Dr.
April Bartos, no address given
Samantha Adair, no address given
Larry Kilgore, 113 Carlsbad Dr.
Shane Smith, 5617 Fox Hill Lane
Molly Gibb, no address given
Victor Garcia, no address given
Jim Olvera, 6130 Del Norte Lane
Jaimelie Garcia, 3895 Cortez Dr.
Leslie Allsopp, 12805 Epps Field Road
Jane Allsopp, 12805 Epps Field Road
Miles Allsopp-Shiner, 12805 Epps Field Road
Grant Cooke, 1209 Grinnell Dr.
Sean Paul Segura, 115 Mt. Shasta
Jarrod Atkinson, 12219 Montego Plaza, representing Texas Liberty Campaign
Mary Reed, 15624 Golden Creek, representing Texas Home School Coalition
Martin Reed, 15624 Golden Creek, representing Texas Home School Coalition
Kelly Reed, 15624 Golden Creek, representing Texas Home School Coalition
Amelia Perez, 7811 Morton St.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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

Charles Roark, 2220 Harwood Dr., **Arlington, TX**, representing Wesley Christian Academy

Corey Highland, no address given

Larry Greer, 136 Lunday Lane, representing Wesley Christian Academy

Pedro Vergara, 300 Circle Dr., representing Wesley Christian Academy

Councilmember Hill moved to pass the ordinance.

Motion seconded by Mayor Pro Tem Garcia.

Councilmember Neumann asked Councilmember Hill if she would accept a friendly amendment to her motion to specify the item would be reviewed by the Public Safety Council Committee by June 1, 2010.

Councilmember Hill accepted the friendly amendment as part of her motion to specify the item would be reviewed by the Public Safety Council Committee by June 1, 2010.

Mayor Pro Tem Garcia, who seconded the motion, also accepted the friendly amendment as part of her motion to specify the item would be reviewed by the Public Safety Council Committee by June 1, 2010.

After discussion, Mayor Leppert called the vote on the motion by Councilmember Hill with Councilmember Neumann's friendly amendment to specify the item would be reviewed by the Public Safety Council Committee by June 1, 2010:

Voting Yes: [12] Leppert, Garcia, Caraway, Medrano, Neumann, Hill,
Salazar, Atkins, Allen, Koop, Natinsky, Rasansky

Voting No: [2] Davis, Kadane

Absent when vote taken: [1] Hunt

Mayor Leppert declared the motion adopted.

Assigned ORDINANCE NO. 27538

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 13, 2009

09-1230

Police Memorial Ceremony at 12:00 noon.

City of Dallas, Dallas Police Department Police Memorial Day Service, Wednesday, May 13, 2009.

MINUTES OF THE DALLAS CITY COUNCIL
WENESDAY, MAY 13, 2009

EXHIBIT C