

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, JUNE 10, 2009

09-1430  
VOTING AGENDA MEETING  
CITY COUNCIL CHAMBER, CITY HALL  
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Garcia, Caraway, Medrano, Neumann, Hill, Salazar (\*9:13 a.m.), Davis, Atkins, Kadane, Allen, Koop, Natinsky, Rasansky, Hunt

ABSENT: [0]

The meeting was called to order at 9:05 a.m.

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

The invocation was given by Reverend Dr. Robert C. Preese, of the Zion Lutheran Church.

Boy Scout Troop 730, of St. Mark School, and Boy Scout Troop 279, 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 3:31 p.m.

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Mayor

ATTEST:

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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, JUNE 10, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, JUNE 10, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1431

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: Rick Ortiz, 4622 Maple Ave.  
REPRESENTING: Thanks for serving citizens of Dallas  
SUBJECT: Chairman, Greater Dallas Hispanic Chamber of Commerce

SPEAKER: John Martinez, 2210 W. Illinois Ave.  
REPRESENTING: Thanks for serving citizens of Dallas  
SUBJECT: President, Hispanic Contractors Association

SPEAKER: William Solemene, 4400 Williamsburg Rd.  
SUBJECT: Thanks to a Councilmember

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.  
REPRESENTING: J. B. Jackson Institute  
SUBJECT: June 13<sup>th</sup>

SPEAKER: Steven Meeks, 3223 Carpenter Ave.  
SUBJECT: Various – code, environmental, etc.

**OPEN MICROPHONE – END OF MEETING**

SPEAKER: Tony Rios, 5239 Clover Haven  
REPRESENTING: Home Owners Association (crime watch)  
SUBJECT: Code enforcement issue

SPEAKER: Jean Stover, 6900 Shalimar Court, **Colleyville, TX**  
REPRESENTING: J. S. Funding  
SUBJECT: Authorizing quitclaims of properties

SPEAKER: Donald Bell, 2203 Empire Central Dr.  
REPRESENTING: Silicon Universe Inc.  
SUBJECT: Police reverting back to Jim Crow

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

SPEAKER: Ozumba Lnuke-X, 4106 Vineyard Dr.  
SUBJECT: Arrogant, racist, unjust, greedy

SPEAKER: Irish Watson, 3979 Granite Hill Dr.  
REPRESENTING: Concerned citizen of Dallas  
SUBJECT: Social services at MLK Community Center

SPEAKER: Jewel Floyd, 4911 Gurley Ave.  
SUBJECT: Mayor, City Manager, Council; jail

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1432

Item 1: Approval of Minutes of the May 27, 2009 City Council Meeting

Councilmember Atkins moved to approve the minutes.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1433

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-36 and addendum addition consent agenda items 1-10, was presented for consideration.

Councilmember Natinsky 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 Natinsky's request.

Councilmember Rasansky requested that consent agenda items 2, 5, 9, 11, 12, 16, 20, 23, 25, 28 and addendum addition consent agenda item 1 be considered as individual items. Mayor Leppert stated that consent agenda items 2, 5, 9, 11, 12, 16, 20, 23, 25, 28 and addendum addition consent agenda item 1 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Councilmember Hunt requested that addendum addition consent agenda items 7, 8, 9 and 10 be considered as individual items. Mayor Leppert stated that addendum addition consent agenda items 7, 8, 9 and 10 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Hunt's request.

Deputy Mayor Pro Tem Caraway moved to approve all items on the consent agenda with the exception of consent agenda 2, 5, 9, 11, 12, 16, 20, 23, 25, 28 and addendum addition consent items 1, 4, 7, 8, 9 and 10 which would be considered later in the meeting.

Motion seconded Mayor Pro Tem Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1434

Item 2: Authorize the purchase of one bio-solids distribution vehicle, three sewer cleaner vehicles and one television pipe inspection vehicle - Metro Ford Truck Sales, Inc. in the amount of \$564,421 and AGCO Corp./Ag-Chem Division in the amount of \$366,067, lowest responsible bidders of eight - Total not to exceed \$930,488 - Financing: Water Utilities Current Funds

Councilmember Rasansky requested that consent agenda item 2 be considered as an individual item. Mayor Leppert stated that 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, consent agenda item 2 was brought up for consideration.

Councilmember Rasansky moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1435

Item 3: Authorize a twenty-four-month master agreement for the purchase of asphalt emulsion - Ergon Asphalt & Emulsion, Inc., lowest responsible bidder of four - Not to exceed \$426,178 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1436

Item 4: Authorize a thirty-six-month service contract to provide citywide courier services - Reliable Couriers in the amount of \$247,800, Guaranteed Express, Inc. in the amount of \$129,370 and General Couriers in the amount of \$55,470, lowest responsible bidders of eight - Total not to exceed \$432,640 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1437

Item 5: Authorize a forty-eight-month service contract to provide rental of utility vehicle and golf carts - Metro Golf Cars, Inc. in the amount of \$580,973, and E-Z-GO Division of Textron, Inc. in the amount of \$144,480, lowest responsible bidders of two - Total not to exceed \$725,453 - Financing: Current Funds (subject to annual appropriations)

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.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1438

Item 6: Authorize an increase in the service contract with United Elevator Service in the amount of \$314,780 and Larry Evans Elevator Service, Inc. dba EMR Elevator, Inc. in the amount of \$54,432 for elevator and escalator maintenance and repair - Total not to exceed \$369,212, from \$2,697,722 to \$3,066,934 - Financing: Current Funds (\$314,780), Water Utilities Current Funds (\$54,432)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1439

Item 7: Authorize an increase in the contract with BearCom Operating, LLC for an additional networking system - Not to exceed \$65,000, from \$973,900 to \$1,038,900 - Financing: U.S. Department of Homeland Security Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1440

Item 8: Authorize settlement of the lawsuit styled Michael W. Allen v. City of Dallas, Cause No. 07-12008-G - Not to exceed \$9,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1441

Item 9: Authorize the quitclaim of 29 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$440,065

Councilmember Rasansky requested that consent agenda item 9 be considered as an individual item. Mayor Leppert stated that consent agenda item 9 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 9 was brought up for consideration.

Councilmember Hill moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1442

Item 10: An ordinance abandoning portions of a sanitary sewer easement to Townhaven Companies, LLC, The Housing Authority of the City of Dallas, Dallas Neighborhood Alliance for Habitat and Dallas Area Habitat for Humanity, Inc., the abutting owners, containing a total of approximately 1,927 square feet of land located near the intersection of Joseph Wiley and Lyons Streets - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27554



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1443

Item 11: An ordinance abandoning a portion of Treehouse Lane to Next Block-Dallas I, L.P., the abutting owner, containing approximately 97,449 square feet of land located near its intersection with Meadow Road, authorizing the quitclaim and providing for the dedication of approximately 98,100 square feet of land needed for street right-of-way - Revenue: \$5,400 plus the \$20 ordinance publication fee

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

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

Councilmember Rasansky moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27555

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1444

Item 12: An ordinance abandoning portions of various easements to PC LH Land Partners, LP, the abutting owner, containing approximately 21 acres of land located near the intersection of Skillman Street and Walnut Hill Lane - Revenue: \$5,400 plus the \$20 ordinance publication fee

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

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

Councilmember Allen moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27556

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1445

Item 13: An ordinance abandoning a portion of Bedford Street to Leroy W. Johnson and Holman Boiler Works, Inc., the abutting owners, containing a total of approximately 25,400 square feet of land located near its intersection with Harston Street and authorizing the quitclaim - Revenue: \$90,170 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27557

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1446

Item 14: Authorize **(1)** the acceptance of a grant from the Texas Commission on Environmental Quality for ambient air monitoring activities for the period September 1, 2009 through August 31, 2011 in the amount of \$366,570; **(2)** a local match in an amount not to exceed \$180,548 over the two-year period; and **(3)** execution of the grant agreement - Total not to exceed \$547,118 - Financing: Texas Commission on Environmental Quality Grant Funds (\$366,570) and Current Funds (\$180,548) (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1447

Item 15: Authorize the reconstruction on-site of four homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 4839 Silver Avenue in the amount of \$87,500, 3315 Borger Street in the amount of \$87,500, 932 Pindar Avenue in the amount of \$87,500 and 3239 Jerome Street in the amount of \$87,500 - Total not to exceed \$350,000 - Financing: 2006-07 Community Development Block Grant Funds (\$13,293), 2007-08 Community Development Block Grant Funds (\$310,668) and 2005-06 Home Funds (\$26,039)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1448

Item 16: Authorize a loan in the amount of \$100,000 at 0% interest to Building Community Workshop for the reconstruction of three improved properties as part of the residential component of the Economic Development Project for the Jubilee Neighborhood - Not to exceed \$100,000 - Financing: 2006 Bond Funds

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.

Mayor Pro Tem Garcia moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1449

Item 17: Authorize an amendment to Resolution No. 09-0292, previously approved on January 28, 2009, to change the name of contractor who will reconstruct on-site one home in accordance with the Reconstruction/SHARE Program Statement requirements for the property located at 1044 Hutchins Road - Not to exceed \$87,500 - Financing: 2007-08 Community Development Block Grant Funds (\$76,336), 2006-07 Home Funds (\$11,164)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1450

Item 18: Authorize **(1)** the acceptance of a grant from the International City/County Management Association for the Public Library Innovation Grant Program to expand the Every Child Ready to Read @ Dallas program; and **(2)** execution of the grant agreement - Not to exceed \$60,000 - Financing: International City/County Managers Association Grant Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1451

Item 19: Authorize a third amendment to the lease agreement with Tatiana M. Sala, for approximately 5,700 square feet of office, gallery, dance and shop space within the Ice House Arts Plaza located at 942 West Page Avenue for the continued use and development of community arts programs sponsored by the Office of Cultural Affairs for period June 15, 2009 through December 31, 2009 - Not to exceed \$20,066 - Financing: Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1452

Item 20: Authorize a professional services contract with Freese and Nichols, Inc. for schematic design through construction administration services for the renovation of the existing golf course, erosion control improvements, and recycled water irrigation system at Stevens Park Golf Course located at 1005 North Montclair Avenue - \$944,985 - Financing: 2003 Bond Funds (\$167,594) and 2006 Bond Funds (\$777,391)

Councilmember Rasansky requested that consent agenda item 20 be considered as an individual item. Mayor Leppert stated that consent agenda item 20 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 20 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1453

Item 21: Authorize an increase in the contract with MetalMan Design/Build Corporation for construction of a pedestrian bridge and overlook, portable toilet enclosures, donor recognition area, replacement of a portion of the existing concrete sidewalk for Americans with Disabilities Act (ADA) compliance at the recreation center parking lot, and other improvements at Lake Highlands North Park located at 9344 Church Road - Not to exceed \$136,765, from \$547,962 to \$684,727 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1454

Item 22: Authorize an application for the Paul Coverdell Forensic Science Improvement Program grant from the U.S. Department of Justice, Office of Justice Programs, for forensic equipment, training and personnel for the National Integrated Ballistics Information Network site - \$125,000 - Financing: U.S. Department of Justice Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1455

Item 23: Authorize a Local Agreement with the Denton County Criminal District Attorney to share a 66.66/33.33 percent split of the proceeds received by the Denton County Criminal District Attorney for cash forfeited under Chapter 59 of the Texas Code of Criminal Procedure in the case of The State of Texas v. \$27,470 Current Money of the United States, Cause No. 2009-50077-367-  
Financing: No cost consideration to the City

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

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

Deputy Mayor Pro Tem Caraway moved to approve the item.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1456

Item 24: Authorize renewal of the contract with El Centro College of the Dallas County Community College District to place authorized Police Department training in the El Centro Community Service Program, including receipt of payment from El Centro for the two-year period September 1, 2009 through August 31, 2011 - Not to exceed \$475,000 - Financing: Texas Higher Education Coordinating Board Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1457

Item 25: Authorize approval of the recommended plan for the proposed alignment of Haskell Avenue from Lemmon Avenue to Main Street - Financing: No cost consideration to the City

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

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

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

Deputy Mayor Pro Tem Caraway moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1458

Item 26: Authorize payment to the Texas Department of Transportation for the City's share of final construction costs for paving and drainage improvements on Northwest Highway from 200 feet west of Shiloh Road to 200 feet west of IH 635 - Not to exceed \$39,857 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1459

Item 27: Authorize **(1)** the receipt and deposit of funds in the amount of \$25,000 from UT Southwestern Medical Center for adjustments to traffic signal hardware at the intersection of Forest Park Road and Inwood Road; and **(2)** an increase in appropriations in the amount of \$25,000 in the Capital Projects Reimbursement Fund - Not to exceed \$25,000 - Financing: Capital Projects Reimbursement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1460

Item 28: Authorize the City Manager to provide a Notice of Intent for establishing a Quiet Zone consisting of existing at-grade street crossings of the Kansas City Southern Railroad from Highland Road to La Fonda Boulevard as required by the Federal Railroad Administration Final Train Horn Rule 49 CFR Part 222 and 229 - Financing: No cost consideration to the City

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

Later in the meeting, consent agenda item 28 was brought up for consideration.

Councilmember Kadane moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1461

Item 29: Authorize **(1)** sidewalk paving for Sidewalk Group 03-135; 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 August 12, 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

JUNE 10, 2009

09-1462

Item 30: Authorize a contract for the construction of reinforced concrete sidewalks, barrier free ramps, curbs, gutters, drive approaches, and water and wastewater appurtenance adjustments for Sidewalk Improvement Group 06-139 (list attached) - Ken-Do Contracting, L.P., lowest responsible bidder of ten - Not to exceed \$1,337,680 - Financing: 2003 Bond Funds (\$70,000), 2006 Bond Funds (\$1,136,180) and Water Utilities Capital Construction Funds (\$131,500)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1463

Item 31: Authorize professional services contracts with 5 consulting firms for the engineering design of 3 alley petition projects, 2 flood management projects, 4 storm drainage projects, 9 street petition projects, 4 street reconstruction projects, and 1 thoroughfare project (list attached) - Not to exceed \$1,508,423 - Financing: 2003 Bond Funds (\$359,899), 2006 Bond Funds (\$963,199) and Water Utilities Capital Construction Funds (\$185,325)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1464

Item 32: Authorize an increase in the contract with Salinas Concrete, L.P. for the replacement of sidewalks, barrier free ramps, curbs, gutters, drive approaches, and water and wastewater appurtenance adjustments for Sidewalk Replacement Program Group 01-2008 (list attached) - Not to exceed \$101,365, from \$408,580 to \$509,945 - Financing: Current Funds (\$93,765) and Water Utilities Capital Construction Funds (\$7,600)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1465

Item 33: Authorize Supplemental Agreement No. 1 to the contract with URS Corporation for additional design services for surveying and traffic signal improvements for Main Street from Market Street to Griffin Street - Not to exceed \$73,996, from \$190,896 to \$264,892 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1466

Item 34: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from the Estate of John Alonzo Petty of two unimproved tracts of land containing a total of approximately 28 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 \$94,000 (\$90,000 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

JUNE 10, 2009

09-1467

Item 35: Authorize settlement in lieu of proceeding further with condemnation in the lawsuit styled, City of Dallas v. Reliance Asset Trust, et al, Cause No. cc-06-13872-d, pending in the County Court at Law No. 4, for the acquisition of two tracts of unimproved land containing approximately 34.21 acres located near the intersection of Interstate 45 and Overton Road from Reliance Asset Trust, et al, for the Dallas Floodway Extension portion of the Trinity River Corridor Project - Not to exceed \$253,000 (\$250,000 plus closing costs not to exceed \$3,000) - Financing: Private Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1468

Item 36: Authorize **(1)** an eighteen-month master agreement for water and wastewater small services installations in the amount of \$3,855,355; **(2)** a contract for the installation of water and wastewater mains at 12 locations in the amount of \$2,338,358 (list attached); and **(3)** an eighteen-month master agreement for water and wastewater mainline extensions and emergency mainline installations at various locations in the amount of \$2,257,751 with Omega Contracting, Inc., lowest responsible bidder of five - Total not to exceed \$8,451,464 - Financing: Water Utilities Capital Improvement Funds (\$2,338,358), Water Utilities Capital Construction Funds (\$6,113,106)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1469

Item 37: 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 JUNE 10, 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 Zayad Andrew Roumaya, Registered Voter, to the Reinvestment Zone Seventeen Board (TOD).

Motion seconded Councilmember Koop and unanimously adopted.

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

**09-5170      RZ17 REINVESTMENT ZONE SEVENTEEN BOARD (TOD)**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1470

Item 38: Authorize a thirty-six-month master agreement for emergency and non-emergency lights, accessories, parts and audible warning devices - Cop Stuff, LLC in the amount of \$1,250,000 or \$1,400,000 or All America Sales, Corp. in the amount of \$500,000 or \$650,000 (**Tie Bids-Group 3**), Wistol Supply, Inc. in the amount of \$500,000, Midway Auto Supply, Inc. in the amount of \$100,000, lowest responsible bidders of six - Total not to exceed \$2,500,000 - Financing: Current Funds

The city secretary was notified by the city manager there were two bids that resulted in identical bid amounts. In accordance with Section 271.901 of the Texas Local Government Code, the municipality must select one of those bidders by casting of lots. The casting of lots must be in a manner prescribed by the mayor of the municipality and must be conducted in the presence of the governing body of the municipality.

The city secretary announced the two tying bidders had been placed in separate plain envelope for the mayor to select one of the sealed envelopes. The mayor selected one of the sealed envelopes which was opened by the City Secretary who announced the winner, All America Sales, Corp. in the amount of \$500,000.

Deputy Mayor Pro Tem Caraway moved to award the bid as determined by the mayor selecting the envelopes with the name, All America Sales, Corp., inside.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1471

Item 39: An appeal of the City Plan Commission's decision to approve an alternative site plan for property located on the south corner of Lemmon Avenue and Atwell Street for a variation and exception to the Design Standards of Section 51A-4.605 of the Dallas Development Code and consideration of alternate resolutions either affirming or reversing the decision of the City Plan Commission - M089-023 - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Jonathan Vinson, 901 Main St., representing the applicant

Councilmember Medrano moved to reverse the City Plan Commission's recommendation of approval, and affirmed the site plan as submitted by the applicant and change the date of City Plan Commission's action in the resolution to May 7, 2009.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1472

Item 40: Authorize the rejection of bids received for the construction of intersection improvements for North Beckley Avenue at West Commerce Street - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Neumann and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1473

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 41-43, was presented for consideration.

Agenda item 42 was removed from the consent zoning docket, to be considered as an individual hearing.

Agenda item 41: Zoning Case Z089-153 (WE)

~~Agenda item 42: Zoning Case Z089-159 (RB)~~ **[considered individually]**

Agenda item 43 Zoning Case Z089-181 (WE)

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

Councilmember Medrano 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 Deputy Mayor Pro Tem Caraway and unanimously adopted. (Hill, Davis, Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1474

Item 41: Zoning Case Z089-153 (WE)

The consent zoning docket, consisting of agenda items 41-43, was presented for consideration.

A public hearing was called on zoning case Z089-153 (WE), an application for and an ordinance granting an amendment to the conceptual plan, development plan and landscape plan and conditions for Planned Development District No. 711 for RR Regional Retail and Multifamily uses, on the southeast corner of Prestonwood Boulevard and Arapaho Road

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27558



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1475

Item 42: Zoning Case Z089-159 (RB)

The consent zoning docket, consisting of agenda items 41-43, was presented for consideration.

Councilmember Natinsky 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 Natinsky's request.

A public hearing was called on zoning case Z089-159 (RB), an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1344 for an Open-enrollment Charter School or Private school on property zoned an MF-1(A) Multifamily District, on the northeast corner of Frankford Road and Marsh Lane

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

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

Councilmember Natinsky moved to continue the public hearing and hold under advisement until the June 24, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1476

Item 43: Zoning Case Z089-181 (WE)

The consent zoning docket, consisting of agenda items 41-43, was presented for consideration.

A public hearing was called on zoning case Z089-181 (WE), an application for and an ordinance granting a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge, or tavern and an Inside commercial amusement for a live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the north side of Elm Street, west of Crowdus 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. 27559

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1477

Item 44: Zoning Case Z078-285 (KS) 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 Z078-285 (KS), an application for and an ordinance granting the creation of a new subarea within Conservation District No. 1, the King's Highway Conservation District, on property zoned subarea 1, a Single Family subdistrict, and subarea 4, a Multifamily subdistrict, within Conservation District No. 1 for an area generally bounded by the northern blockface of King's Highway, the eastern blockface of Montclair Avenue, southern blockface of Kyle Avenue, and the western blockface of Mary Cliff Road

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

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

John Calib, 1807 Timbergrove Circle  
Wayne Meachum, 1707 Timbergrove Circle  
MaryLou Liberto, 1816 Timbergrove Circle

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

Larry Good, 3601 Overbrook Dr., representing the applicant  
Rick Garza, 1314 Kings Highway  
Ed Meier, 828 N. Edgefield, representing Kings Highway Conservation District  
Pam Williams, 1935 W. Colorado Blvd., representing Kings Highway residents  
Ed Oakley, 3216 Maple Leaf Cir.  
Bob Stimson, 707 Tenna Long, representing Oak Cliff Chamber of Commerce

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-1477

Page 2

Councilmember Neumann moved to close the public hearing and approve the ordinance as recommended by City Plan Commission with the following changes:

1. Maximum height will be 38 feet (deletes the 30 foot maximum height for structures within 30 feet of Kings Highway)

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

Assigned ORDINANCE NO. 27560

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1478

Item 45: Zoning Case SPSD067-003 INDIVIDUAL

A public hearing was called on zoning case SPSD067-003, an application for and an ordinance granting a Specific Use Permit for installation of two non-premise district activity videoboards on property zoned Planned Development District No. 619, on the east side of Four Way Place, between Elm Street and Main Street

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

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.

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

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

John Crawford, 2200 Ross Ave., representing Downtown Dallas  
William E. Cothrum, 900 Jackson St., representing the applicant  
Ejike E. Okpa, 14403 Overview, the applicant

Councilmember Hunt moved to close the public hearing, accept the recommendation of the city plan commission with the following changes

- Approval of Specific Use Permit for a six-year period instead of a five-year period

and pass the ordinance.

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

Assigned ORDINANCE NO. 27561

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1479

Item 46: Zoning Case Z089-147 (RB) 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 Z089-147 (RB), an application for a Planned Development District for CS Commercial Service District Uses on property zoned a CS Commercial Service District on the northeast corner of IH 30 and Cockrell Hill Road

(The staff and city plan commission recommended denial)

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

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

Albert Jarrell, 3405 Teresa Dr., **Flowermound, TX**, representing the applicant  
Rene Ferguson, address not provided, representing Sonic Drive In  
David Gregory, 250 W. Southlake Blvd., **Southlake, TX**, representing Taco Bell//KFC  
Andy Patel, 4275 DFW Turnpike, representing Comfort Suites

Councilmember Neumann moved to close the public hearing and approve the applicants request subject to the applicant's conditions and a detached premise sign development plan with the ordinance to return on a future agenda.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1480

Item 47: Zoning Case Z089-142 (MW) INDIVIDUAL

A public hearing was called on zoning case Z089-142 (MW), an application for and an ordinance granting a Historic District Overlay on property zoned Planned Development District No. 269 on the south corner of Hickory Street and Second Avenue

(The staff recommended approval, subject to the following conditions: (1) eliminate the no-build zone to allow the owner to relocate buildings that may be affected by highway construction, and (2) provide in the Preservation Criteria an allowance for demolition of Buildings A-2 or B without a Certificate of Demolition from the Landmark Commission and city plan commission recommended approval, subject to preservation criteria approved by the Landmark Commission)

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 June 24, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1481

Item 48: Zoning Case Z089-115 (RB) – 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 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 of additional five-year periods, subject to a site plan and conditions)

Note: This item was considered by the City Council at a public hearing on April 22, 2009, and was taken under advisement until June 10, 2009, with the public hearing open.

Councilmember Neumann moved to continue the public hearing and remand this case back to the City Plan Commission to be considered in conjunction with Case No. Z089-132, an amendment to the Specific Use Permit 1384, for this charter school on the west side of Joseph Hardin Drive.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1482

Item 49: Zoning Case Z078-248 (WE) – UNDER ADVISEMENT - INDIVIDUAL

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 and 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)

Note: This item was considered by the City Council at a public hearing on May 13, 2009, and was taken under advisement until June 10, 2009, with the public hearing open.

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

Councilmember Neumann moved to continue the public hearing and hold under advisement until the June 24, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1483

Item 50: Zoning Case Z078-313 (WE) – UNDER ADVISEMENT - INDIVIDUAL

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 and 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)

Note: This item was considered by the City Council at a public hearing on May 13, 2009, and was taken under advisement until June 10, 2009, with the public hearing open.

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 24, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1484

Item 51: Zoning Case Z078-312 (WE) – 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 Z078-312 (WE), 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 JUNE 10, 2009, with the public hearing open.

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

Councilmember Salazar moved to close the public hearing and approve the Specific Use Permit as requested by the applicant, subject to site plan and conditions, with the ordinance to come back, with the following changes:

1. Approve the Specific Use Permit for a two-year time period with eligibility for one automatic renewal for an additional one-year time period.
2. On condition 9(a), limit the amount of raw or crushed material on the site to 150,000 tons.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-1484

Page 2

3. On condition 9(e), all equipment, fill material, asphalt and concrete associated with this use must be removed from the property by the termination date of the Specific Use Permit.
4. On condition 12, limit the maximum stock pile heights to 60 feet.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1485

Item 52: Zoning Case Z089-122 (WE) – UNDER ADVISEMENT - 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)

Note: This item was considered by the City Council at a public hearing on May 13, 2009, and was taken under advisement until June 10, 2009, with the public hearing open.

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

Councilmember Atkins moved to close the public hearing and follow the City Plan Commission's recommendation of approval with a change to Section 51P-757.110 Landscaping subsection (c) Protected trees, to change the size of protected trees to 22 inches and greater and pass the ordinance.

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

Assigned ORDINANCE NO. 27562

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1486

Item 53: A public hearing to receive comments regarding consideration of amendments to Article IV, "Zoning Regulations" of Chapter 51A, the City of Dallas Development Code, amending the district in which a business school use is allowed and an ordinance granting the amendments

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

Assigned ORDINANCE NO. 27563

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1487

Item 54: A benefit assessment hearing to receive comments on sidewalk paving for Sidewalk Group 06-138, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction - HCE Construction, Inc., lowest responsible bidder of ten (list attached) - Not to exceed \$398,730 - Financing: 2006 Bond Funds (\$391,730) and Water Utilities Capital Construction Funds (\$7,000)

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 27564

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1488

Item 55: 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 local businesses and individuals generally located along Singleton Boulevard between Canada Drive and Westmoreland Avenue with extensions north and south of Singleton Boulevard and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to the City of Dallas by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated properties as potable water (list attached) - 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 individual addressed the city council regarding the item:

Kenneth Tramm, professional geoscientist

Councilmember Salazar moved to close the public hearing, approve the municipal setting designation with the ordinance to come back on August 12, 2009 consent agenda.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1489

Item 56: Consideration of a hearing to authorize a public hearing to determine proper zoning on property zoned R-5(A) Single Family District, R-7.5(A) Single Family District, D(A) Duplex District, TH-3(A) Townhouse District, MF-2(A) Multifamily District with Historic Overlay No. 123 on a portion, Specific Use Permit No. 814 on a portion and Specific Use Permit No. 1254 on a portion, MU-1 Mixed Use District, LO-1 Limited Office District with a D Dry Liquor Control Overlay on a portion, NS(A) Neighborhood Service District, CR Community Retail District with a D Dry Liquor Control Overlay on a portion, CS Commercial Service District with deed restrictions on a portion, P(A) Parking District, Planned Development District No. 87 with Historic Overlay No. 15, Planned Development District No. 160 with Historic Overlay No. 59 on a portion and Specific Use Permit No. 1733 on a portion, Planned Development District No. 340, Planned Development District No. 631 with Specific Use Permit No. 1098 on a portion and a D Dry Liquor Control Overlay on a portion, Planned Development District No. 768, Conservation District No. 1, Conservation District No. 7 with Historic Overlay No. 95 on a portion and a D Dry Liquor Control Overlay on a portion generally along West Davis Street from North Plymouth Road to North Zang Boulevard extending to West Jefferson Boulevard from North Plymouth Road to North Hampton Road; to West 10<sup>th</sup> Street (both sides) between Vernon Avenue and North Zang Boulevard; including both sides of North Bishop Avenue from West Davis Street to south of Colorado Boulevard; between Cedar Hill Avenue and Van Buren Avenue from West Davis Street to 5<sup>th</sup> Street; between North Polk Street and North Tyler Street from Canty Street to 8<sup>th</sup> Street (both sides) with consideration given to appropriate zoning for the area including use, development standards, parking, landscape, sign, and other appropriate regulations with consideration given to the land use recommendations contained in the Bishop/Davis Zoning Study done by GFF Planning noting that this is a hearing to consider the request to authorize the hearing and not the rezoning of property at this time - Financing: No cost consideration to the City (via Mayor Pro Tem Dr. Garcia, Deputy Mayor Pro Tem Caraway, and Councilmembers Allen, Kadane and Neumann)

The following individuals addressed the city council regarding the item:

Rick Garza, 1314 Kings Highway, representing the Steering Committee  
Bob Stimson, 707 Tenna Long, representing Oak Cliff Chamber of Commerce  
Jim Lake Jr., 1350 Manufacturing St., representing Jim Lake Companies

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-1489

Page 2

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1490

Item 57: A public hearing to receive comments on the proposed FY 2009-10 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds and the proposed FY 2008-09 Reprogramming

No one addressed the city council regarding the item.

Councilmember Hill moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1491

Item 58: A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain City-sponsored youth programs in compliance with State law, and at the close of the hearing, approval of an ordinance to readopt Chapter 12 of the Dallas City Code - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 27565

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1492

Addendum addition 1: Authorize **(1)** an amendment to the contract with APA Parking Associates, L.P. to extend the term of the contract for a period of five-years, from September 1, 2009 through August 31, 2014, under the same terms and conditions, including revenue guarantees, for the parking services concession contract at Love Field - Estimated Revenue: \$65,000,000

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 Koop moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1493

Addendum addition 2:           An ordinance abandoning a portion of a storm sewer easement to Raksha Parmar and Rohit Parmar, the abutting owners, containing approximately 2,400 square feet of land located near the intersection of Strait Lane and Kelsey Road - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27566

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1494

Addendum addition 3:            Authorize an amendment to the 2009 City Calendar to add a  
Special Called City Council Meeting for June 19, 2009 -  
Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1495

Addendum addition 4: Authorize a contract for the construction of an off-leash dog park and leisure trail at Wagging Tail Park located at 5841 Keller Springs Road - Wall Enterprises, best value proposer of eight - \$718,803 - Financing: 2003 Bond Funds (\$50,084) and 2006 Bond Funds (\$668,719)

Councilmember Natinsky 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 Natinsky's request.

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

Councilmember Natinsky moved to approve the item.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1496

Addendum addition 5: Authorize **(1)** Supplemental Agreement No. 2 to the design-build contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, to establish the Guaranteed Maximum Price No. 2 for adding public walkways and service roads; observation areas and shade structures; cafe; rest rooms; pavilion and overlook; holding buildings; interior finishes; caging; plumbing and electrical systems; landscaping; rockwork and irrigation for the Savanna Development at the Dallas Zoo located at 650 South R.L. Thornton Freeway in the amount of \$10,404,520, from \$16,708,480 to \$27,113,000, **(2)** the receipt and deposit of funds in the amount of \$2,175,000 from the Dallas Zoological Society for the African Savanna Development at the Dallas Zoo ; and, **(3)** an increase in appropriations in the Capital Gifts, Donation and Development Fund in the amount of \$2,175,000 - Not to exceed \$10,404,520 - Financing: Capital Gifts, Donation and Development Funds (\$2,175,000), 2003 Bond Funds (\$867,113) and 2006 Bond Funds (\$7,362,407)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1497

Addendum addition 6:           Ratify an emergency engine repair for helicopter engine N1510L located at the Police Helicopter Unit - Standard Aero Limited - Not to exceed \$106,261 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1498

Addendum addition 7: Authorize (1) Supplemental Agreement No. 2 to the professional services contract with HNTB Corporation for additional engineering services to provide analysis, modeling, planning and design for the Dallas Floodway System Study in the amount of \$25,503,520, from \$8,448,290 to \$33,951,810; and (2) reprogramming of 2006 Bond Funds in the amount of \$25,503,520 from the Levee Drainage System - Sump A to the Dallas Floodway System Study - Not to exceed \$25,503,520 - Financing: 1998 Bond Funds

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

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

Mayor Leppert requested that addendum addition consent agenda items 7, 8, 9 and 10 be considered collectively.

Councilmember Neumann moved to approve addendum addition consent agenda items 7, 8, 9 and 10.

Motion seconded by Deputy Mayor Pro Tem Caraway.

After discussion, Councilmember Hunt requested the vote be divided so that addendum addition consent agenda item 10 could be voted on separately.

Councilmember Neumann moved to amend his previous motion to approve addendum addition consent agenda items 7, 8 and 9 and addendum addition consent agenda item 10 voted on separately.

Deputy Mayor Pro Tem Caraway, who seconded Councilmember Neumann's original motion, also accepted to approve addendum addition consent agenda items 7, 8 and 9 and addendum addition consent agenda item 10 voted on separately.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

Page 2

09-1498

After further discussion, the Mayor called the vote on the motion to amend Councilmember Neumann's motion to approve addendum addition consent agenda items 7, 8 and 9 and addendum addition consent agenda item 10 voted on separately.

Mayor Leppert declared the motion unanimously adopted. (Salazar absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1499

Addendum addition 8: Authorize Supplemental Agreement No. 3 to the professional services contract with CH2M Hill for additional design and project management services to extend the Trinity Lakes design for the Trinity River Corridor Project - Not to exceed \$587,000, from \$19,523,860 to \$20,110,860 - Financing: 1998 Bond Funds (\$507,000) and Water Utilities Capital Construction Funds (\$80,000)

Councilmember Hunt 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 Hunt's request.

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

Mayor Leppert requested that addendum addition consent agenda items 7, 8, 9 and 10 be considered collectively.

Councilmember Neumann moved to approve addendum addition consent agenda items 7, 8, 9 and 10.

Motion seconded by Deputy Mayor Pro Tem Caraway.

After discussion, Councilmember Hunt requested the vote be divided so that addendum addition consent agenda item 10 could be voted on separately.

Councilmember Neumann moved to amend his previous motion to approve addendum addition consent agenda items 7, 8 and 9 and addendum addition consent agenda item 10 voted on separately.

Deputy Mayor Pro Tem Caraway, who seconded Councilmember Neumann's original motion, also accepted to approve addendum addition consent agenda items 7, 8 and 9 and addendum addition consent agenda item 10 voted on separately.

After further discussion, the Mayor called the vote on the motion to amend Councilmember Neumann's motion to approve addendum addition consent agenda items 7, 8 and 9 and addendum addition consent agenda item 10 voted on separately.

Mayor Leppert declared the motion unanimously adopted. (Salazar absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1500

Addendum addition 9: Authorize **(1)** Supplemental Agreement No. 3 to the Interlocal Agreement with the North Central Texas Council of Governments to continue the ongoing U.S. Army Corps of Engineers (Corps) study of the Dallas Floodway for the Trinity River Corridor Project which will increase the City of Dallas' project costs in the amount of \$1,797,000, from \$2,322,500 to \$4,119,500; and **(2)** rescinding the agreement with the U.S. Army Corps of Engineers, previously approved by Council on February 25, 2009, by Resolution No. 09-0550 - Not to exceed \$1,797,000 - Financing: 1998 Bond Funds

Councilmember Hunt requested that addendum addition consent agenda item 9 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 9 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

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

Mayor Leppert requested that addendum addition consent agenda items 7, 8, 9 and 10 be considered collectively.

Councilmember Neumann moved to approve addendum addition consent agenda items 7, 8, 9 and 10.

Motion seconded by Deputy Mayor Pro Tem Caraway.

After discussion, Councilmember Hunt requested the vote be divided so that addendum addition consent agenda item 10 could be voted on separately.

Councilmember Neumann moved to amend his previous motion to approve addendum addition consent agenda items 7, 8 and 9 and addendum addition consent agenda item 10 voted on separately.

Deputy Mayor Pro Tem Caraway, who seconded Councilmember Neumann's original motion, also accepted to approve addendum addition consent agenda items 7, 8 and 9 and addendum addition consent agenda item 10 voted on separately.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

Page 2  
09-1500

After further discussion, the Mayor called the vote on the motion to amend Councilmember Neumann's motion to approve addendum addition consent agenda items 7, 8 and 9 and addendum addition consent agenda item 10 voted on separately.

Mayor Leppert declared the motion unanimously adopted. (Salazar absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 10, 2009

09-1501

Addendum addition 10: Authorize Supplemental Agreement No. 5 to the Interlocal Agreement with the North Texas Tollway Authority (NTTA) and the Texas Department of Transportation to increase the escrow of City funds for disbursement to NTTA to continue work associated with the Trinity Parkway Environmental Impact Statement - Not to exceed \$1,310,630, from \$14,500,000 to \$15,810,630 - Financing: 1998 Bond Funds

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

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

Mayor Leppert requested that addendum addition consent agenda items 7, 8, 9 and 10 be considered collectively.

Councilmember Neumann moved to approve addendum addition consent agenda items 7, 8, 9 and 10.

Motion seconded by Deputy Mayor Pro Tem Caraway.

After discussion, Councilmember Hunt requested the vote be divided so that addendum addition consent agenda item 10 could be voted on separately.

Councilmember Neumann moved to amend his previous motion to approve addendum addition consent agenda items 7, 8 and 9 and addendum addition consent agenda item 10 voted on separately.

Deputy Mayor Pro Tem Caraway, who seconded Councilmember Neumann's original motion, also accepted to approve addendum addition consent agenda items 7, 8 and 9 and addendum addition consent agenda item 10 voted on separately.

Councilmember Neumann moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Caraway



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

Page 2

09-1501

Councilmember Hunt requested a record vote on the item.

After discussion, Mayor Leppert called the vote on Councilmember Neumann's motion:

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

Voting No: [2] Rasansky, Hunt

Absent: [0]

Mayor Leppert declared the motion adopted.

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, JUNE 10, 2009

EXHIBIT C