

MINUTES OF THE DALLAS CITY COUNCIL
FRIDAY, JUNE 19, 2009

09-1530

SPECIAL CALLED MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [13] Leppert, Garcia, Caraway, Medrano, Neumann, Davis, Atkins, Kadane,
Allen, Koop, Natinsky, Rasansky, Hunt (*9:25 a.m.)

ABSENT: [2] Hill (absent on city business), Salazar

The meeting was called to order at 9:08 a.m.

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

The invocation was given by Councilmember Rasansky

Mayor Pro Tem Garcia 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 9:51 a.m.

Mayor

ATTEST:

Assistant City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
FRIDAY, JUNE 19, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
FRIDAY, JUNE 19, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1531

CONSENT AGENDA

The consent agenda, consisting of agenda items 1-17, was presented for consideration.

Mayor Pro Tem Garcia 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 Mayor Pro Tem Garcia's request.

Councilmember Rasansky requested that consent agenda items 12 and 15 be considered as individual items. Mayor Leppert stated that consent agenda items 12 and 15 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Rasansky's request.

Deputy Mayor Pro Tem Caraway moved to approve all items on the consent agenda with the exception of consent agenda 2, 12 and 15 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1532

Item 1: Authorize settlement of the lawsuit styled Erica Brewer v. City of Dallas, Cause No. 08-02027-B - Not to exceed \$6,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1533

Item 2: Authorize settlement of the lawsuit styled Benito Mendoza and Josefina Garcia, Individually and on Behalf of the Estate of Guillermo Mendoza v. City of Dallas, Civil Action No. 3:07-CV2083-K - Not to exceed \$10,000 - Financing: Current Funds

Mayor Pro Tem Garcia 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 Mayor Pro Tem Garcia's request.

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

Mayor Pro Tem Garcia announced she had a conflict of interest and would abstain from voting or participating in any discussion. Mayor Pro Tem Garcia left the city council chamber.

Deputy Mayor Pro Tem Caraway moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1534

Item 3: Authorize settlement of the lawsuit styled Kevin Lee Harper v. City of Dallas, Cause No. 08-08088 - Not to exceed \$15,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1535

Item 4: Authorize settlement of the lawsuit styled Keisha Heard, Individually, and as Next Friend of Rivers Heard, Bernard Hanyard and Kaira Thomas and Cheryl Reichert, Individually, and as Next Friend of Annabelle Reichert, Logan Reichert and Tyler Reichert v. City of Dallas, Cause No. 05-06074-K - Not to exceed \$500,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1536

Item 5: Authorize settlement in lieu of proceeding with condemnation of approximately 109,642 square feet of unimproved land from Kenneth Everhart located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$44,000 (\$41,531, plus closing costs not to exceed \$2,469) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1537

Item 6: Authorize settlement in lieu of proceeding with condemnation of approximately 96,151 square feet of unimproved land from Angus Dickson, Jr. located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - \$47,140 (\$44,140 plus closing costs not to exceed \$3,000) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1538

Item 7: Authorize the deposit of a Special Commissioners' Award in City of Dallas v. 88 Dallas Rosewood, L.L.P., et al, Cause No. CC-09-00140-D, pending in the County Court at Law No. 4, for acquisition from 88 Dallas Rosewood, LP. of approximately 147,757 square feet of land located near the intersection of Highland and Ferguson Roads for the White Rock Hills Recreation Center Project - Not to exceed \$101,239, from \$410,000 to \$511,239 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1539

Item 8: Authorize moving expense and rental assistance payments for L. C. Coleman as a result of an official written offer of just compensation to purchase real property at 2618 Valentine Street to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program - Not to exceed \$16,703 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1540

Item 9: Authorize moving expense and rental assistance payments for Ruben Shields as a result of an official written offer of just compensation to purchase real property at 2610 Anderson Street to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program - Not to exceed \$18,281 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1541

Item 10: Authorize moving expense and replacement housing payments for Wilbur Lewis, Jr. as a result of an official written offer of just compensation to purchase real property at 2611 Anderson Street to be used in conjunction with the Bexar Street Redevelopment Project as part of the Neighborhood Investment Program - Not to exceed \$57,500 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1542

- Item 11: Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by 4E Community Development Corporation for the construction of affordable houses; **(2)** the sale of 3 vacant lots from Dallas Housing Acquisition and Development Corporation to 4E Community Development Corporation; and **(3)** execution of a release of non-tax liens included in the foreclosure judgment, pre-judgment non-tax liens not included in the judgment, and post-judgment non-tax liens, if any (list attached)
- Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1543

Item 12: Authorize the Residential Weatherization and Energy Efficiency Program Statement, a component of the Dallas Sustainability Communities Initiative (DSCI) Weatherization and Energy Efficiency Program, to achieve energy efficiency improvements in Neighborhood Investment Program communities - Financing: No cost consideration to the City

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 Atkins moved to approve the item.

Motion seconded by Councilmember Koop.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1544

Item 13: Authorize a secured, no interest, forgivable loan pursuant to the Residential Development Acquisition Loan Program in the amount of \$300,000 to East Dallas Community Organization for acquisition costs and related costs of 29 unimproved properties located at Interstate 35 between Camp Wisdom and Wheatland Roads for the development of low-to-moderate income single-family homes contingent upon Department of Housing and Urban Development Environmental Review approval - Not to exceed \$300,000 - Financing: 2008-09 Community Development Block Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1545

Item 14: Authorize a fifteen-year maintenance agreement with two ten-year renewal options with The Celebration Tree Grove, an organized initiative operating under the umbrella of the For the Love of the Lake Foundation, a 501(c) (3) tax exempt organization, for maintenance of the Celebration Tree Grove, tree maintenance and tree replacement at White Rock Lake Park located at 8300 Garland Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1546

Item 15: Authorize a ten-year use agreement, with two five-year renewal options, with Prime Time Association to fund, design, maintain and operate a football facility at Wheatland Park located at 2115 West Wheatland Road for the period July 1, 2009 through June 30, 2019 - Not to exceed \$250,000 - Financing: 2003 Bond Funds (\$240,000) and Current Funds (\$10,000) (subject to annual appropriations)

Councilmember Rasansky requested that consent agenda item 15 be considered as an individual item. Mayor Leppert stated that consent agenda item 15 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 15 was brought up for consideration.

Deputy Mayor Pro Tem Caraway moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1547

Item 16: Authorize a professional services contract with Quimby McCoy Preservation Architects, LLP for schematic design through construction administration services for the construction of a new pavilion at Webb Chapel Park located at 11428 Cromwell Drive - \$64,335 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1548

Item 17: Authorize an increase in the contract with A S Con, Inc. for the replacement of playground equipment at Benito Juarez Parque de Heroes located at 3352 North Winnetka Avenue and the replacement of playground equipment at Hattie Rankin Moore Park located at 3212 North Winnetka Avenue - Not to exceed \$87,713, from \$449,200 to \$536,913 - Financing: 2006-07 Community Development Grant Funds (\$84,715) and 2004-05 Community Development Grant Block Funds (\$2,998)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1549

Item 18: Authorize the City Manager to approve and consent to: **(1)** the issuance, sale, and delivery of Dallas Convention Center Hotel Development Corporation Hotel Revenue Bonds in one or more series, subject to certain parameters; **(2)** the Dallas Convention Center Hotel Development Corporation (the "issuer") negotiating and entering into all agreements and instruments to which the issuer is a party in connection with the issuance of its hotel revenue bonds, including but not limited to an indenture of trust, bond purchase agreement, economic development agreement, cash management and lockbox agreement, and continuing disclosure agreement, and the issuer and its consultants taking all other actions deemed necessary in connection with the issuance of the hotel revenue bonds, including the engagement of the bond underwriters, trustee, co-bond counsel and co-financial advisors; **(3)** the issuer entering into the hotel operating agreement and related agreements and revised and/or amended developer agreement, design/build contract and related agreements; **(4)** the execution by the city of an economic development agreement with the issuer and continuing disclosure agreement in connection with the hotel revenue bonds; **(5)** the conveyance by the city of the hotel site to the issuer and the redemption of certain City of Dallas, Texas Combination Tax and Revenue Certificates of Obligation, Series 2008; **(6)** the amendment of the articles of incorporation of the issuer; and **(7)** other actions deemed necessary in connection therewith - Financing: No cost consideration to the City

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

Councilmember Natinsky moved to approve the item with the following amendments:

Replace the wording “Authorize the City Manager to approve and consent to” with “An Ordinance approving and consenting to” and correct other typographical errors in the posted agenda item.

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

Assigned ORDINANCE NO. 27567

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 19, 2009

09-1550

Item 19: Authorize **(1)** an economic development grant in the amount of \$309,187 to the Dallas Convention Center Hotel Development Corporation for payment of specified development costs in accordance with the terms of the Parameters Ordinance (to be reimbursed from the sale of Hotel Revenue Bonds); and **(2)** the establishment of appropriations in the amount of \$309,187 in the Convention Center Hotel Development Corporation (LGC) Fund - Total not to exceed \$309,187 - Financing: Convention and Event Services Capital Construction Funds (to be reimbursed from the future sale of Hotel Revenue Bonds)

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

Councilmember Natinsky moved to approve the item with the following amendments:

Insert “pre” in front of development costs and replace the wording “accordance with the terms of the Parameters Ordinance” with “connection with the Hotel Project” in the posted agenda item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 21, 2009

09-1551

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:

There were no speakers.

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FRIDAY, JUNE 19, 2009

EXHIBIT C