

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 9, 2009

09-2190
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Caraway, Medrano, Jasso, Neumann, Hill, Salazar, Davis
Atkins, Kadane, Allen, Koop, Natinsky, Margolin, Hunt (*9:24 a.m.)

ABSENT: [0]

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

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

The invocation was given by Karen Douglas, Pastor, Dallas International Street Church.

Maggie Malinsky, Student, St. Thomas Aquinas Catholic School led the pledge of allegiance.

The meeting agenda, which was posted in accordance with Chapter 551, "OPEN MEETINGS," of the Texas Government Code, was presented.

After all business properly brought before the city council had been considered, the city council adjourned at 2:47 p.m.

Mayor

ATTEST:

Assistant City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 9, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 9, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2191

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: R. Lamar Brooks, 1409 S. Lamar
REPRESENTING: Dallas Baseball Alliance
SUBJECT: Texas vs. Puerto Rico baseball classic

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Wava Hayes, 2505 Anson Rd.
SUBJECT: Bachman Recreation Center

SPEAKER: Sophia Cordova, 4302 Wyoming St.
REPRESENTING: West Dallas Community Center
SUBJECT: Parks & Recreation budget

SPEAKER: Michael Rodgers, Jr., 6245 Balcony Ln.
SUBJECT: Budget

SPEAKER: Michael Rodgers, Sr., 6245 Balcony Ln.
SUBJECT: Budget

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
REPRESENTING: The Alpha & Omega "God"
SUBJECT: Arrogant, racist, unjust with greed

SPEAKER: Frank Ward III, P. O. Box 50694
REPRESENTING: The Kingdom of God
SUBJECT: The Kingdom of Heaven

SPEAKER: Michael King, 2433 E. Kiest Blvd.
SUBJECT: Samuell Trust, Budget, etc.

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

SPEAKER: Gwain Wooten, 1000 Grisby Ave.
REPRESENTING: Real American Women (R.A.W.)
SUBJECT: Parliamentary procedure

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2192

Item 1: Approval of Minutes of the August 26, 2009 City Council Meeting

Councilmember Hill moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2193

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-39 and addendum addition consent agenda items 1-9, was presented for consideration.

Mayor Leppert 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 his request.

Councilmember Neumann 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 Neumann's request.

Councilmember Atkins requested that consent agenda item 36 and addendum addition consent agenda items 1 and 2 be considered as individual items. Mayor Leppert stated that consent agenda 36 and addendum addition consent agenda items 1 and 2 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Councilmember Koop requested that consent agenda items 6 and 28 be considered as individual items. Mayor Leppert stated that consent agenda items 6 and 28 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Koop's request

Councilmember Margolin requested that consent agenda item 31 and addendum addition consent agenda item 6 be considered as individual items. Mayor Leppert stated that consent agenda item 31 and addendum addition consent agenda item 6 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Councilmember Atkins moved to approve all items on the consent agenda with the exception of consent agenda items 6, 28, 31, 36 and addendum addition consent agenda items 1, 2, 5, 6 and 9 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2194

Item 2: Authorize a three-year master agreement for air relief valves and parts - Municipal Valve & Equipment Co., Inc. in the amount of \$87,000, Hugh M. Cunningham, Inc. in the amount of \$87,000 and Utility Supply of America dba Blue Book in the amount of \$32,000, lowest responsible bidders of three - Total not to exceed \$206,000 - Financing: Current Funds (\$14,250), Water Utilities Current Funds (\$191,750)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2195

Item 3: Authorize a three-year master agreement for the purchase of pumps - Pierce Pump Co. L.P. in the amount of \$200,440, Master Pumps & Equipment in the amount of \$25,805, Utility Supply of America dba Blue Book in the amount of \$25,944, MaCaulay Controls Co. in the amount of \$20,000, and Anytime Pump Service Co. dba CIE in the amount of \$19,000, lowest responsible bidders of five - Total not to exceed \$291,189 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2196

Item 4: Authorize a three-year master agreement for "shelf-ready" audio visual materials for the Dallas Public Library - Midwest Tape, LLC., lowest responsible bidder of two - Not to exceed \$4,989,228 - Financing: Current Funds.

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2197

Item 5: Authorize a three-year master agreement for uninterruptible power supply system batteries - TKC Enterprises, Inc. dba. Batteries Plus, lowest responsible bidder of three - Not to exceed \$348,928 - Financing: Current Funds (\$248,928), U.S. Department of Homeland Security, Governor's Division of Emergency Management Grant Funds (\$100,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2198

Item 6: Authorize a three-year service contract for street sweeping services - Flagship Sweeping Services, Inc., lowest responsible bidder of five - Not to exceed \$1,460,815 - Financing: Current Funds

Councilmember Koop requested that consent agenda item 6 be considered as an individual item. Mayor Leppert stated that consent agenda item 6 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Koop's request.

Later in the meeting, consent agenda item 6 was brought up for consideration.

Councilmember Koop moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2199

Item 7: Authorize a three-year service contract for repair, rebuilding, diagnostic testing and maintenance of electric motors - Shermco Industries, Inc., lowest responsible bidder of five - Not to exceed \$6,664,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2200

Item 8: Authorize Supplemental Agreement No. 2 to the professional services contract with the certified public accounting firm of Lightfoot Guest Moore & Co., P.C., for additional expert litigation support services, including consultation, document review, deposition, and testimony in the lawsuit styled AHF Community Development LLC v. City of Dallas et al., Civil Action No. 3:06-CV-01035-D - Not to exceed \$31,000, from \$80,000 to \$111,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2201

Item 9: Authorize **(1)** an amendment to the contract with Maximus, Inc. to renew the current Application Service Provider (ASP) agreement to extend the contract term for a period of five years in an amount not to exceed \$390,000; and **(2)** the purchase of additional software, hardware and professional services in the amount of \$270,000 with Maximus, Inc., through the General Services Administration Cooperative contract - Total not to exceed \$660,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2202

Item 10: Authorize an amendment to the agreement with BMC Software, Inc. for maintenance of the existing software being used to automatically run computer programs and reporting of system failures for mainframe and enterprise applications - Not to exceed \$96,662, from \$3,036,648 to \$3,133,310 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2203

Item 11: Authorize moving expense and rental assistance payments for Ligio Vasquez as a result of an official written offer of just compensation to purchase real property at 338 West Tenth Street for the North Oak Cliff Branch Library Project - Not to exceed \$9,898 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2204

Item 12: An ordinance **(1)** amending Ordinance No. 19251; and **(2)** granting a revocable license to AT&T Communications of Texas, Incorporated for the use of approximately 845 square feet of land to utilize and maintain subsurface conduits under portions of Bryan and McKell Streets rights-of-way - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27646

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2205

Item 13: An ordinance abandoning a portion of Pacific Avenue right-of-way to Block 809 Properties, Ltd., the abutting owner, containing approximately 4,375 square feet of land located near the intersection of Pacific and Haskell Avenues and authorizing the quitclaim - Revenue: \$43,750 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27647

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2206

Item 14: Authorize **(1)** approval of the Deep Ellum Public Improvement District Service Plan for 2010; **(2)** a public hearing to be held on September 23, 2009, to receive comments concerning the annual assessment rate for the Deep Ellum Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Deep Ellum Public Improvement District (District) for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing; **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements in the District, approving and adopting the 2009 assessment roll on file with the Assistant City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2207

Item 15: Authorize **(1)** approval of the Dallas Downtown Improvement District Service Plan for 2010; **(2)** a public hearing to be held on September 23, 2009, to receive comments concerning the annual assessment rate for the Dallas Downtown Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Dallas Downtown Improvement District for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing; **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2009 assessment roll on file with the Assistant City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2009 assessment; and providing an effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2208

Item 16: Authorize **(1)** approval of the Lake Highlands Public Improvement District Service Plan for 2010; **(2)** a public hearing to be held on September 23, 2009, to receive comments concerning the annual assessment rate for the Lake Highlands Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Lake Highlands Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing; **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2009 assessment roll on file with the Assistant City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2009 assessment; and providing an effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2209

Item 17: Authorize **(1)** approval of the Oak Lawn-Hi Line Public Improvement District Service Plan for 2010; **(2)** a public hearing to be held on September 23, 2009, to receive comments concerning the annual assessment rate for the Oak Lawn-Hi Line Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Oak Lawn-Hi Line Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and, at the close of the hearing; **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2009 assessment roll on file with the Assistant City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2009 assessment; and providing an effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2210

Item 18: Authorize **(1)** approval of the Prestonwood Public Improvement District Service Plan for 2010; **(2)** a public hearing to be held on September 23, 2009, to receive comments concerning the annual assessment rate for the Prestonwood Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Prestonwood Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing; **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2009 assessment roll on file with the Assistant City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2009 assessment; and providing an effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2211

Item 19: Authorize **(1)** approval of the South Side Public Improvement District Service Plan for 2010; **(2)** a public hearing to be held on September 23, 2009, to receive comments concerning the annual assessment rate for the South Side Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the South Side Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing; **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2009 assessment roll on file with the Assistant City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2009 assessment; and providing an effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2212

Item 20: Authorize **(1)** approval of the Uptown Public Improvement District Service Plan for 2010; **(2)** a public hearing to be held on September 23, 2009, to receive comments concerning the annual assessment rate for the Uptown Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Uptown Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing; **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District; approving and adopting the 2009 assessment roll with the Assistant City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2213

Item 21: Authorize **(1)** approval of the Vickery Meadow Public Improvement District Service Plan for 2010; **(2)** a public hearing to be held on September 23, 2009, to receive comments concerning the annual assessment rate for the Vickery Meadow Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Vickery Meadow Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing; **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2009 assessment roll on file with the Assistant City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2010; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2214

Item 22: Authorize the third amendment to the contract with the Department of State Health Services to accept additional grant funds for the continuation of the Special Supplemental Nutrition Program for the Women, Infants and Children Program for the period October 1, 2008 through September 30, 2009 - Not to exceed \$959,977, from \$13,405,876 to \$14,365,853 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2215

Item 23: Authorize a secured, no interest loan with a maturity date of October 1, 2012 pursuant to the Neighborhood Stabilization Program in the amount of \$739,300 to Bilingual Real Estate Services, Inc. for 50% of the acquisition costs, related acquisition costs and rehabilitation of a minimum of 10 foreclosed homes up to a total of 15 foreclosed homes, all built after 1978, located in one or more of the ten Mapsco pages designated as areas of greatest need for the Neighborhood Stabilization Program - Not to exceed \$739,300 - Financing: 2008-09 Neighborhood Stabilization Program Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2216

Item 24: Authorize a secured, no interest loan with a maturity date of October 1, 2012 pursuant to the Neighborhood Stabilization Program in the amount of \$1,100,000 to Altura Homes DFW, LP for 50% of the acquisition costs, related acquisition costs and rehabilitation of a minimum of 10 foreclosed homes up to a total of 20 foreclosed homes, all built after 1978, located in one or more of the ten Mapsco pages designated as areas of greatest need for the Neighborhood Stabilization Program - Not to exceed \$1,100,000 - Financing: 2008-09 Neighborhood Stabilization Program Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2217

Item 25: Authorize a secured, no interest loan with a maturity date of October 1, 2012 pursuant to the Neighborhood Stabilization Program in the amount of \$1,050,000 to SCB Investments, Inc. for 50% of the acquisition costs, related acquisition costs and rehabilitation of a minimum of 10 foreclosed homes up to a total of 15 foreclosed homes, all built after 1978, located in one or more of the ten Mapsco pages designated as areas of greatest need for the Neighborhood Stabilization Program - Not to exceed \$1,050,000 - Financing: 2008-09 Neighborhood Stabilization Program Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2218

Item 26: Authorize a secured, no interest loan with a maturity date of October 1, 2012 pursuant to the Neighborhood Stabilization Program in the amount of \$1,750,000 to Enterprise Community Partners, Inc. for 50% of the acquisition costs, related acquisition costs and rehabilitation of a minimum of 10 foreclosed homes up to a total of 25 foreclosed homes, all built after 1978, located in one or more of the ten Mapsco pages designated as areas of greatest need for the Neighborhood Stabilization Program - Not to exceed \$1,750,000 - Financing: 2008-09 Neighborhood Stabilization Program Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2219

Item 27: Authorize the reconstruction on-site of five homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 2702 Scotland Drive in the amount of \$87,500, 215 Terrace Drive in the amount of \$87,500, 3234 Alaska Avenue in the amount of \$87,500, 3206 Rose Lane in the amount of \$87,500 and 3709 Nomias Street in the amount of \$87,500 - Total not to exceed \$437,500 - Financing: 2007-08 Community Development Block Grant Funds (\$175,000), 2008-09 Community Development Block Grant Funds (\$112,806) and 2007-08 Home Funds (\$149,694)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2220

Item 28: Authorize **(1)** the acceptance of a federal grant through the Texas State Library for Family Literacy Programs for the period September 1, 2009 through August 31, 2010; and **(2)** execution of the grant agreement - Not to exceed \$75,000 - Financing: Texas State Library and Archives Commission Grant Funds

Councilmember Koop 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 Koop's request.

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

Councilmember Koop moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2221

Item 29: Ratify an emergency purchase for crowd management services for the Fair Park Fourth of July Event - Platinum Event Services, Inc. - \$39,806 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2222

Item 30: Authorize professional services contracts with 2 consulting firms for the engineering design of 5 alley reconstruction projects, 3 storm drainage projects, and 4 street petition projects (list attached) - \$804,809 - Financing: 2003 Bond Funds (\$156,150), 2006 Bond Funds (\$516,717), and Water Utilities Capital Improvement Funds (\$131,942)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2223

Item 31: Authorize a contract for the construction of sidewalk paving, and water adjustment improvements for Sidewalk Group 03-135 (list attached) - Ken-Do Contracting, L.P., lowest responsible bidder of five - Not to exceed \$308,068 - Financing: 2003 Bond Funds (\$307,218) and Water Utilities Capital Construction Funds (\$850)

Councilmember Margolin requested that consent agenda item 31 be considered as an individual item. Mayor Leppert stated that consent agenda item 31 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Later in the meeting, consent agenda item 31 was brought up for consideration.

Councilmember Margolin moved to approve this item.

Motion seconded by Councilmember Allen and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2224

Item 32: Authorize a contract for the construction of the Oak Cliff Cultural Center located at 223 West Jefferson Boulevard with Mart, Inc., best value proposer of nine - Not to exceed \$702,184 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2225

Item 33: Authorize an increase in the contract with MACVAL Associates, LLC, for the construction of reinforced concrete pavement, storm drainage, and water and wastewater main improvements for Raydell Place from Schooldell Drive to Barnett Avenue - Not to exceed \$48,561, from \$527,835 to \$576,396 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2226

Item 34: Authorize an Interlocal Agreement with Dallas Central Appraisal District for access to the City of Dallas' utility customer information - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2227

Item 35: Authorize a contract for the renovation and conversion of existing buildings into a maintenance building and plant control room along with additional system improvements at the Bachman Water Treatment Plant - Archer Western Contractors, Ltd., lowest responsible bidder of three - \$14,269,000 - Financing: Water Utilities Capital Improvement Funds (\$14,076,000) and Buffer Zone Protection Grant Funds (\$193,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2228

Item 36: Authorize a professional services contract with APM & Associates, Inc. to provide engineering design services for the renewal of water and wastewater mains at 70 locations (list attached) - \$1,902,500 - Financing: Water Utilities Capital Improvement Funds

Councilmember Atkins requested that consent agenda item 36 be considered as an individual item. Mayor Leppert stated that consent agenda item 36 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Later in the meeting, consent agenda item 36 was brought up for consideration.

The following individuals addressed the council regarding the item:

Afisu Olabimtan, President, APM Associates
Victor Zepeda, representing AZ&B
Daniel Lim, representing Lim & Associates
Harry Bagmont, no address given

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2229

Item 37: Authorize a professional services contract with Lockwood, Andrews & Newnam, Inc. to provide engineering design services for the renewal of water and wastewater mains at 36 locations (list attached) - \$998,267 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2230

Item 38: Authorize a thirty-six-month service contract for pavement repairs at various locations throughout the city - NPL Construction Co., lowest responsible bidder of four - Not to exceed \$20,473,941 - Financing: Water Utilities Capital Construction Funds (\$16,565,469) and Current Funds (\$3,908,472) (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2231

Item 39: Authorize an increase in the contract with Archer Western Contractors, Ltd., for additional work associated with the construction of effluent filters expansion and rehabilitation improvements at the Central Wastewater Treatment Plant - Not to exceed \$246,353, from \$19,733,000 to \$19,979,353 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2232

Item 40: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

There were no appointments made to boards and commissions.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2233

Item 41: Authorize a secured, no interest, forgivable loan agreement with Supportive Housing, Inc. as Owner and PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as Project Sponsor, to provide for non-substantial rehabilitation at Ewing Center located at 731 North Ewing Avenue and Revlon Apartments located at 720 North Lancaster Avenue for the period October 1, 2009 through September 30, 2010 - Not to exceed \$161,500 - Financing: 2009-10 Housing Opportunities for Persons with AIDS Grant Funds

Councilmember Jasso moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2234

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 42-46, was presented for consideration.

No items were removed from the consent zoning docket to be considered as individual hearings.

~~Agenda item 42 Zoning Case Z089-135 (WE) [deleted on addendum]~~

Agenda item 43 Zoning Case Z089-198 (MAW)

Agenda item 44 Zoning Case Z089-199 (MAW)

Agenda item 45 Zoning Case Z089-200 (MAW)

Agenda item 46 Zoning Case Z089-228 (MW)

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2235

Item 42: Zoning Case Z089-135(WE)

The consent zoning docket, consisting of agenda items 42-46, was presented for consideration.

A public hearing was called on zoning case Z089-135 (WE), an application for and an ordinance granting an amendment to create two tracts within Planned Development District No. 183 for MU-3 Mixed Use District uses on the southeast corner of North Haskell Avenue and North Central Expressway

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

Deleted on the addendum

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2236

Item 43: Zoning Case Z089-198(MAW)

The consent zoning docket, consisting of agenda items 42-46, was presented for consideration.

A public hearing was called on zoning case Z089-198 (MAW), an application for and an ordinance granting a Specific Use Permit for a vehicle display, sales and service use on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1, located on the north side of C.F. Hawn Freeway, west of Jim Miller Road

(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 and conditions)

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

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

Yesica Jasso, 1433 Aton St., representing the applicant

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27648

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2237

Item 44: Zoning Case Z089-199(MAW)

The consent zoning docket, consisting of agenda items 42-46, and was presented for consideration.

A public hearing was called on zoning case Z089-199 (MAW), an application for and an ordinance granting a Specific Use Permit for a vehicle display, sales and service use on property within Subdistrict 2 of Planned Development District No. 535, the C.F. Hawn Special Purpose District No. 3, located on the southeast corner of C.F. Hawn Freeway and St. Augustine Drive

(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 and conditions)

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

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

Yesica Jasso, 1433 Aton St., representing the applicant

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27649

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2238

Item 45: Zoning Case Z089-200(MAW)

The consent zoning docket, consisting of agenda items 42-46, was presented for consideration.

A public hearing was called on zoning case Z089-200 (MAW), an application for and an ordinance granting a new subarea to allow the tower/antenna for cellular communication use on property within Subarea A of Planned Development District No. 326, the West Lovers Lane Planned Development District, located on the north side of Lovers Lane, east of Linwood Avenue

(The staff and city plan commission recommended approval of a new subarea within Planned Development District No. 326, the West Lovers Lane Planned Development District, 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. 27650

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2239

Item 46: Zoning Case Z089-228(MW)

The consent zoning docket, consisting of agenda items 42-46, was presented for consideration.

A public hearing was called on zoning case Z089-228 (MW), a Landmark Commission authorized hearing to consider expansion of the Junius Heights Historic District Overlay No. 128, Tract C, on property zoned Planned Development District No. 99 on the east corner of Gaston Avenue and Huntley Street and an ordinance granting the expansion

(The staff and city plan commission recommended approval subject to Amendments to Exhibits)

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. 27651

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2240

Item 47: Zoning Case Z089-169(RB) UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z089-169 (RB), an application for the creation of a new Subarea (Subarea 2A) on property within the Subarea 2 portion of Planned Development District No. 363 for Residential, Office and Retail uses on the northeast line of Merlin Street, north of Grand Avenue

Note: This item was considered by the City Council at public hearings on June 24, 2009, and was taken under advisement until September 9, 2009, with the public hearing open.

(The staff recommended approval subject to a conceptual plan 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 Davis moved to close the public hearing and accept the recommendation of the city plan commission to deny.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2241

Item 48: A public hearing to receive comments regarding the application for and approval of a fill permit and removal of the floodplain (FP) prefix from 1.7 acres of 2.8 acres of land located at 5440 Rhodes Road, and 4737, 4751 and 4753 Simpson Stuart Road, within the floodplain of Lower Fivemile Creek, Fill Permit 09-01 - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Neely Kerr, 2306 Millmar
Antoine Langston, representing applicant

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

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2242

Item 49: 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 Weichsel Farm Limited Partnership, Mockingbird Partners, LP, and Viceroy Cedar, LP located near the intersection of Mockingbird Lane and Collville Avenue and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Weichsel Farm Limited Partnership by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

The 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:

Patrick Gobb, professional engineer

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

Motion seconded by Councilmember Koop and unanimously adopted.

Assigned ORDINANCE NO. 27652

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2243

Item 50: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by GE Betz, Inc. located near the intersection of Mockingbird Lane and Cedar Springs Road and adjacent street right-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to GE Betz, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

The 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:

Darren DeFabb, professional engineer

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

Motion seconded by Councilmember Hunt and unanimously adopted.

Assigned ORDINANCE NO. 27653

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2244

Note: Addendum Item Nos. 1 and 2
must be considered collectively.

Addendum addition 1: Authorize a five-year service contract for beverage services with the most advantageous proposer of two - The American Bottling Company dba Dr Pepper Bottling Company of Texas - Estimated Revenue: \$2,325,000

Councilmember Atkins 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 Atkins' request.

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

The following individuals addressed the city council regarding the item:

Amy Cunningham, Account Executive, representing Coca-Cola
Carl Hanning, representing Dr. Pepper Snapple Group

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2245

Note: Addendum Item Nos. 1 and 2 must be considered collectively.

Addendum addition 2: Authorize a five-year master agreement for beverage products with the most advantageous proposer of two - The American Bottling Company dba Dr Pepper Bottling Company of Texas - Not to exceed \$250,000 - Financing: Current Funds

Councilmember Atkins 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 Atkins' request.

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

The following individuals addressed the city council regarding the item:

Amy Cunningham, Account Executive, representing Coca-Cola
Carl Hanning, representing Dr. Pepper Snapple Group

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2246

Addendum addition 3: Authorize a professional services contract with the consulting firm of Halff Associates, Inc., for boundary surveying services necessary in the lawsuit styled Grand Homes 2005, L.P. v. City of Dallas, et al., Case No. 08-14769-K - Not to exceed \$200,360 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2247

Addendum addition 4: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Park Lane Properties, LLC of approximately 175,089 square feet of land improved with a multi-family complex located near the intersection of Park Lane and Ridgecrest Road for the construction of the Vickery Meadows Branch Library - Not to exceed \$3,144,000 (\$3,120,000 plus closing costs not to exceed \$24,000) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2248

Addendum addition 5: An ordinance granting a Planned Development District for mixed uses on property zoned an R-7.5(A) Single Family District, an IR Industrial Research District, an MF-1(A) Multifamily District and an MF-2(A) Multifamily District in an area generally bound by Interstate 30, Westmoreland Road, Fort Worth Avenue and Pinnacle Park Boulevard - Z089-202 - Financing: No cost consideration to the City

Councilmember Neumann 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 Neumann's request.

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

Councilmember Neumann moved to approve item and pass the ordinance.

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

Assigned ORDINANCE NO. 27654

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2249

Addendum addition 6: Authorize a Design/Build contract to correct electrical and lighting deficiencies and renovations to the heating and air conditioning systems for the Police Property Warehouse located at 1726 Baylor Street - DMI Corporation, most advantageous proposer of three - Not to exceed \$460,000 - Financing: Current Funds

Councilmember Margolin requested that addendum addition consent agenda item 6 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 6 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Later in the meeting, addendum addition consent agenda item 6 was brought up for consideration.

Mayor Pro Tem Caraway moved to approve item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2250

Addendum addition 7: Authorize the acceptance of a grant from the U.S. Department of Homeland Security under the Emergency Management Performance Grant Program for the period October 1, 2008 to September 30, 2009 - Not to exceed \$180,338 - Financing: U.S. Department of Homeland Security Grant Funds.

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2251

Addendum addition 8: First reading of the appropriation ordinances for the proposed FY 2009-10 City of Dallas Operating, Grants and Trusts, and Capital Budgets - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO'S. 27655 AND 27656

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2252

Addendum addition 9: Authorize an amendment to the 2009 City Calendar to change the meeting time of the City Council Budget Amendment Workshop, currently scheduled for September 14, 2009, from 9:00 a.m. to 10:00 a.m. - Financing: No cost consideration to the City

Mayor Leppert 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 his request.

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

Councilmember Allen moved to cancel the September 14, 2009 Budget workshop.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2253

Addendum addition 10: Authorize (1) sidewalk paving for Sidewalk Group 03-137; 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 ~~September 23, 2009~~ October 28, 2009, to receive comments (list attached) - Financing: No cost consideration to the City

Mayor Pro Tem Caraway moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 9, 2009

09-2254

The Mayor recessed the meeting at 10:18 a.m. and reconvened the meeting at 2:18 p.m.

The City Council attended the North Dallas Chamber of Commerce 55th Annual Meeting at the Hilton Anatole Hotel.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 9, 2009

EXHIBIT C