

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 14, 2009

09-2500
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [14] Leppert, Caraway, Medrano, Jasso, Neumann, Salazar, Davis Atkins,
Kadane, Allen, Koop, Natinsky, Margolin, Hunt (*9:28 a.m.)

ABSENT: [1] Hill

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 Ben Dorr Northridge, Presbyterian Church.

Councilmember Salazar 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 3:27 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 meeting called to order.**

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 14, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 14, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2501

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: Ken Mayfield, 4403 W. Illinois Ave.
REPRESENTING: Dallas County District 4
SUBJECT: Discount drug card for non-insured

SPEAKER: Ifiok A. Ekong, 5445 Gaston Ave.
REPRESENTING: Cultural Arts Council
SUBJECT: Budget cuts to NTB Cultural program

SPEAKER: Jay Robertson, 10341 Plummer Dr.
REPRESENTING: Texas Star Club
SUBJECT: Cigar bar license

SPEAKER: Valentina Collins, 6207 Lakehurst Ave.
SUBJECT: Digital Billboards

SPEAKER: Albert Parker, 6318 Elam Rd.
REPRESENTING: John D. Public
SUBJECT: The blame game at city hall

SPEAKER: Roberto Alonzo, Jr., 529 Hoel Dr.
REPRESENTING: City of Dallas
SUBJECT: Community Service

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Clyde Williams, 10204 Ridge Oak St.
REPRESENTING: Mycron Dynamics Solution
SUBJECT: Environmental Health

OPEN MICROPHONE – END OF MEETING:

(Continue)

SPEAKER: Kim Taylor, 222 Mansfield Blvd., Sunnyvale, TX
SUBJECT: Land locked property

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: Steven Meeks, 1716 E. Lakeview Dr.
SUBJECT: Environmental Issues

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: J.B. Jackson, Jr. Institute
SUBJECT: “All the way with Elsie Faye”

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
SUBJECT: “Who told you to bomb the moon”

SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
SUBJECT: Supporters of Judge Lori Chrisman Hockett

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2502

Item 1: Approval of Minutes of the September 23, 2009 City Council Meeting

Councilmember Neumann moved to approve the minutes.

Motion seconded by Councilmember Kadane and unanimously adopted. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2503

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-42 and addendum addition consent agenda items 1-12, was presented for consideration.

The Assistant City Secretary requested that consent agenda item 12 and addendum addition consent agenda item 7 be considered as individual items to allow citizens to speak. Mayor Leppert stated that consent agenda item 12 and addendum addition consent agenda item 7 would be considered as individual items later in the meeting there being no objection voiced to the Assistant City Secretary's request.

Councilmember Neumann requested that consent agenda items 2, 12, 19 and addendum addition consent agenda item 1 be considered as individual items. Mayor Leppert stated that consent agenda items 2, 12, 19 and addendum addition consent agenda item 1 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Atkins requested that consent agenda items 30 and 34 be considered as individual items. Mayor Leppert stated that consent agenda 30 and 34 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Councilmember Margolin requested that consent agenda items 12 and 16 be considered as individual items. Mayor Leppert stated that consent agenda items 12 and 16 be considered as individual items later in the meeting, there being no objection voiced to Councilmember Margolin's request.

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

Councilmember Atkins moved to approve all items on the consent agenda with the exception of consent agenda items 2, 12, 16, 19, 30, 34 and addendum addition consent agenda items 1 and 7 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2504

Item 2: Authorize the purchase of a high density mobile storage system for Police Property Unit - Southwest Solutions Group, Inc., through the Texas Multiple Award Schedule - Not to exceed \$449,260 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes

Councilmember Neumann 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 Neumann's request.

Councilmember Neumann moved to approve the item.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2505

Item 3: Authorize a two-year master agreement for ferrous sulfate - Pencco, Inc., lowest responsible bidder of two - Not to exceed \$2,410,400 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2506

Item 4: Authorize a three-year master agreement for plastic sewer couplings and lateral cleanouts - Beeco, Inc. dba Beeco Plumbing Supply in the amount of \$204,817, Ferguson Enterprises, Inc. in the amount of \$20,066, Romar Supply, Inc. in the amount of \$9,958 and F and D Supply in the amount of \$1,637, lowest responsible bidders of seven - Total not to exceed \$236,478 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2507

Item 5: Authorize a three-year master agreement for automotive glass repair and replacement - VitroAmerica, LLP dba Binswanger Glass, lowest responsible bidder of three - Not to exceed \$265,300 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2508

Item 6: Authorize a three-year professional service contract for broadcast engineering services for maintenance and support for WRR - Broadcast Works, LLC, most advantageous proposer of two - Not to exceed \$117,000 - Financing: Current Funds - Municipal Radio (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2509

Item 7: Authorize settlement of a claim filed by Carrie Ann Inman and Douglas Manani, Claim No. 09245789 - Not to exceed \$250,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2510

Item 8: Authorize settlement of a claim filed by Jackie Johnson, Claim No. 08225103 -
Not to exceed \$14,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2511

Item 9: Authorize settlement of the lawsuit styled Jamal El Far v. City of Dallas, Cause No. 08-07285-E - Not to exceed \$15,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2512

Item 10: Authorize an amendment to Resolution No. 08-1521, previously approved on May 28, 2008, which authorized an Interlocal Agreement with the North Central Texas Council of Governments for the development of a Southern Dallas County Infrastructure Analysis Plan to: **(1)** include the City of Ferris; and **(2)** identify transportation and infrastructure improvements needed for the further development of the International Inland Port of Dallas - Not to exceed \$290,000 - Financing: Public/Private Partnership Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2513

Item 11: Authorize an amendment to the business personal property tax abatement agreement with Softlayer Technologies Inc. and DCI Technology Infomart, LP, previously approved on December 12, 2007, by Resolution No. 07-3782, to change the abatement period from 2008 through 2012, to 2009 through 2013 and maintain the five year term of the original abatement - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2514

Item 12: Authorize an economic development grant agreement with Deloitte LLP and/or its subsidiaries related to the retaining and expanding of the company's operation expansion in Downtown Dallas, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Business Development Grant Program - Not to exceed \$2,000,000 - Financing: Public/Private Partnership Funds (subject to annual appropriations)

The Assistant City Secretary requested that consent agenda item 12 be considered as an individual item to allow citizens to speak. 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 the Assistant City Secretary's request.

Councilmember Neumann and Councilmember Margolin 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 Neumann and Councilmember Margolin's request.

The following individual addressed the council on the item:

Michael King, 2433 E. Kiest Blvd.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2515

Item 13: Authorize a public hearing to be held on October 28, 2009 to receive comments concerning the creation of City of Dallas Reinvestment Zone No. 73 located at the northeast corner of Central Expressway and Forest Lane; and, at the close of the hearing, consideration of: **(1)** an ordinance creating City of Dallas Reinvestment Zone No. 73; and **(2)** a 60 percent real property tax abatement for eight years with Forest Park Realty Partners III, LP and Forest Park Medical Center, LLC - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2516

Item 14: Authorize **(1)** a development agreement with the Twelve Hills Nature Center, Inc. to dedicate future TIF revenues for eligible project costs related to park, open space, and streetscape improvements located at 888 Stevens Hills Lane in Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District); and **(2)** the Davis Garden TIF District Board of Directors to dedicate up to \$118,820 from future Davis Garden TIF District revenues in accordance with the development agreement - Not to exceed \$118,820 - Financing: Davis Garden TIF District Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2517

Item 15: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to reimburse the Twelve Hills Nature Center, Inc. up to \$118,820 for certain TIF-eligible project costs related to park, open space, and streetscape improvements at 888 Stevens Hills Lane in the Davis Garden TIF District - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2518

Item 16: Authorize Supplemental Agreement No. 4 to the development agreement among the City of Dallas, the Downtown Dallas Development Authority (the DDDA), and FC Merc Complex, L.P., FC Continental Complex, L.P., FC Atmos, Inc., and FC Lessee (collectively Forest City) to: **(1)** increase the required minimum “Continental Building Improvements” for residential units from 140-160 units to 180 units and decrease retail square footage from 9,000 square feet to 5,000 square feet; **(2)** adjust the number of parking spaces from 350 to 250 to correct a typographical error; **(3)** extend the completion date for the redevelopment of the Continental Building from June 30, 2011 to December 31, 2011; **(4)** add an affordable housing requirement that twenty percent of the total number of residential units must be set-aside as affordable as defined by the Downtown Connection TIF District Project Plan; and **(5)** establish Downtown Connection TIF District funding for project costs related to the redevelopment of the Continental Building in an amount not to exceed \$17,528,288 (includes \$13,305,700 for TIF base funding plus interest up to \$4,222,588) from future Downtown Connection TIF revenues - Not to exceed \$17,528,288 - Financing Downtown Connection TIF District Funds

Councilmember Margolin 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 Margolin’s request.

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Davis.

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

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Margolin voting “No.” (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2519

Item 17: Authorize Supplemental Agreement No. 1 to the professional services contract with Booziotis and Company Architects for architectural and engineering design services for the waterproofing and renovation of the L1 level at the J. Erik Jonsson Central Library located at 1515 Young Street - Not to exceed \$46,000, from \$185,000 to \$231,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2520

Item 18: Authorize acquisition of one unimproved parcel located at 2604 Brigham Lane from TC Grocery, Inc. for the proposed Bexar Street Redevelopment Project, which is being implemented as part of the Neighborhood Investment Program - Not to exceed \$43,500 (\$41,500 plus closing costs not to exceed \$2,000) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2521

Item 19: Authorize an economic development loan to TC Grocery, Inc. in an amount not to exceed \$105,000 for exterior and interior building improvements to 5050 Bexar Street, a neighborhood-serving retail/grocery business located within the Bexar Street Redevelopment Corridor - Not to exceed \$105,000 - Financing: 2006 Bond Funds

Councilmember Neumann requested that consent agenda item 19 be considered as an individual item. Mayor Leppert stated that consent agenda item 19 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Davis moved to approve the item.

Motion seconded by Councilmember Allen and unanimously adopted. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2522

Item 20: Authorize an amendment to Resolution No. 07-2602, previously approved September 12, 2007, to change the name of the contracting party from Wachovia Insurance Services, Inc. to Wells Fargo Insurance Services USA, Inc. for Commercial Property Insurance for property, fine arts, boiler and machinery, and money and securities - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2523

Item 21: Authorize payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to the Airports Council International in the amount of \$55,000, American Water Works Association Research Foundation in the amount of \$299,504, Dallas Regional Mobility Coalition in the amount of \$37,500, National Association of Clean Water Agencies in the amount of \$27,160, National League of Cities in the amount of \$34,607, North Central Texas Regional Certification Agency in the amount of \$36,140, North Central Texas Council of Governments in the amount of \$130,635, North Texas Commission in the amount of \$54,096, Regional Storm Water Management Program of North Central Texas in the amount of \$33,450, Texas Coalition of Cities For Utility Issues in the amount of \$52,254, Texas Municipal League in the amount of \$48,000, Trinity River Common Vision in the amount of \$29,800, United States Conference of Mayors in the amount of \$40,235, and Water Environment Research Foundation in the amount of \$79,543 - Total not to exceed \$957,924 - Financing: Current Funds (\$496,717), Aviation Current Funds (\$55,000) and Water Utilities Current Funds (\$406,207)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2524

Item 22: Authorize a professional services contract with Teague, Nall and Perkins, Inc. for schematic design through construction administration services for the replacement of the White Rock Creek Greenbelt trail from Forest Lane to the intersection of Greenville Avenue and Royal Lane - Not to exceed \$174,390 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2525

Item 23: Authorize a five-year land lease agreement, with two five-year renewal options, with the Jane Douglas Chapter of the Daughters of the American Revolution for lease of the tract of land on which the Continental Daughters of the American Revolution House at Fair Park located at 921 South Washington Avenue - Annual Revenue: \$1 (Rental Payment)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2526

Item 24: Authorize Supplemental Agreement No. 1 to the professional services contract with Salcedo Group, Inc. for platting services at Oak Cliff Founders Park located at 1300 North Zang Boulevard - Not to exceed \$9,960, from \$24,775 to \$34,735 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2527

Item 25: Authorize **(1)** the application for and acceptance of the Selective Traffic Enforcement Program (STEP) - Click It or Ticket grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period October 1, 2009 through September 30, 2010, in the amount of \$220,000; **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$63,690; and **(3)** execution of the grant agreement - Total not to exceed \$283,690 - Financing: Current Funds (\$63,690), Texas Department of Transportation Grant Funds (\$220,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2528

Item 26: Authorize an agreement with the Internal Revenue Service, Criminal Investigation, a Treasury law enforcement agency, for the purpose of equitable sharing from asset seizure and forfeiture pursuant to a joint operation/task force for the period October 1, 2009 through September 30, 2010 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2529

Item 27: An ordinance amending Chapter 28 of the Dallas City Code to **(1)** designate school traffic zones; and **(2)** regulate the speed and direction of vehicles on certain streets, expressways, and freeways (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27700

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2530

Item 28: Authorize an additional payment to Dallas County for the City's share of final project costs for paving, drainage, landscaping, and irrigation system improvements on Martin Luther King, Jr. Boulevard from north of the Trinity River to Gould Street - Not to exceed \$205,458 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2531

Item 29: Authorize an amendment to the Interlocal Agreement with the North Central Texas Council of Governments for the purchase of digital aerial orthophotography of the areas in and around the City of Dallas to include the acquisition of additional and updated two-dimensional datasets derived from 2009 aerial photography - Not to exceed \$422,250, from \$39,502 to \$461,752 - Financing: Stormwater Drainage Management Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2532

Item 30: Authorize approval of a recommended alignment plan that increases the right-of-way width from 50 to 80 feet on Wheatland Road from the Dallas city limits to Lancaster Road - Financing: No cost consideration to the City

Councilmember Atkins requested that consent agenda item 30 be considered as an individual item. Mayor Leppert stated that consent agenda item 30 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Later in the meeting, consent agenda item 30 was brought up for consideration.

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2533

Item 31: Authorize professional services contracts with 3 consulting firms for the engineering design of 13 alley reconstruction projects, 1 storm drainage project and 2 street reconstruction projects (list attached) - Not to exceed \$1,300,789 - Financing: 2003 Bond Funds (\$468,230), 2006 Bond Funds (\$702,814) and Water Utilities Capital Improvement Funds (\$129,745)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2534

Item 32: Authorize applications for grant funding under the North Central Texas Council of Governments' request for project applications of the Regional Solid Waste Local Project Funding Program - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2535

Item 33: Authorize **(1)** acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Carolyn McClain and the Heirs-at-law of Hazel Gibson McClain, of approximately 2,500 square feet of unimproved land located near the intersection of Young and Lamar Streets for the Dallas Convention Center; and **(2)** an increase in appropriations in an amount not to exceed \$300,000 in the General Capital Reserve Fund - Not to exceed \$300,000 (\$297,000 plus closing costs not to exceed \$3,000) - Financing: General Capital Reserve Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2536

Item 34: A resolution declaring approximately 73,311 square feet of City-owned land improved with a one story brick building located near the intersection of Westmoreland Road and Platinum Way unwanted and unneeded and authorizing its advertisement for sale by sealed bid with a minimum bid of \$852,910 - Financing: No cost consideration to the City

Councilmember Atkins requested that consent agenda item 34 be considered as an individual item. Mayor Leppert stated that consent agenda item 34 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 34 was brought up for consideration.

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

That the property will be advertised and sold with deed restrictions that prohibit the following uses:

- Alcoholic beverage establishments
- Commercial amusement uses
- Lodging uses
- Pawn shops
- Personal service uses
- Private recreation center, club or area
- Sexually oriented businesses

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2537

Item 35: Authorize settlement in lieu of proceeding with condemnation of approximately 182,988 square feet of improved land from John P. Dowell, Jr. located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - Not to exceed \$420,000 (\$400,000 plus closing costs not to exceed \$20,000) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2538

Item 36: Authorize a twenty-year parking sublease agreement, with two ten-year renewal options, with the Museum of Nature ~~and~~ & Science, Inc. for approximately 139,333 square feet of parking space bounded by Field Street, McKinney Avenue, Laws and Broom Streets for the initial period of ~~June~~ January 1, 2012 through ~~May~~ December 31, ~~2032~~ 2031 - Annual Revenue: \$388,500 (guaranteed minimum)

Corrected on the addendum to the agenda.

The City Secretary announced that the City Manager deleted consideration of agenda item 36 of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedures.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2539

Item 37: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Shelly R. Borin and Linda K. Garonzik of an unimproved tract of land containing a total of approximately .43 acres located near the intersection of Lamar Street and I.H. 45 for the Dallas Floodway Extension portion of the Trinity River Corridor Project - Not to exceed \$6,300 (\$4,500 plus closing costs not to exceed \$1,800) - Financing: U.S. Army Corps of Engineers Project Cooperation Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2540

Item 38: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Dallas County of an unimproved tract of land containing approximately 7.633 acres located near the intersection of Lamar Street and Martin Luther King Jr. Boulevard for the Dallas Floodway Extension portion of the Trinity River Corridor Project - Not to exceed \$25,925 (\$24,425 plus closing costs not to exceed \$1,500) - Financing: U.S. Army Corps of Engineers Project Cooperation Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2541

Item 39: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Wildwood Holdings II, Ltd. and Duggan Industries, Inc., Dimco Steel Division of three tracts of land containing a total of approximately 28 acres located at the intersection of Lamar Street and McDonald Street for the Dallas Floodway Extension portion of the Trinity River Corridor Project - Not to exceed \$1,111,000 (\$1,100,000 plus closing costs not to exceed \$11,000) - Financing: U.S. Army Corps of Engineers Project Cooperation Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2542

Item 40: Authorize Supplemental Agreement No. 4 to the professional services contract with Alan Plummer Associates, Inc., for additional engineering design services for the construction of Elam Creek, Phase II from Seco Boulevard to Umphress Road - Not to exceed \$57,900, from \$311,082 to \$368,982 - Financing: 2003 Bond Funds (\$50,400) and Water Utilities Capital Improvement Funds (\$7,500)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2543

Item 41: Authorize a construction contract for the headworks and chemical improvements as part of the East Side Water Treatment Plant expansion to 540 million gallons per day - Oscar Renda Contracting, Inc., lowest responsible bidder of three - Not to exceed \$45,070,450 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2544

Item 42: Authorize a five-year professional services contract with The University of Texas at Arlington/Texas Manufacturing Assistance Center to implement an ISO 9001 Quality Management System, Phase IV - Not to exceed \$806,000 - Financing: Water Utilities Current Funds (\$454,000) and Current Funds (\$352,000) (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2545

Item 43: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The Assistant City Secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2009-2010 board term updated through October 14, 2009.

The Assistant City Secretary noted the report indicated nominees and re-nominees for individual appointments cleared for council action met all qualifications for service.

During discussion, Mayor Leppert called a recess of the city council meeting at 2:19 p.m. as authorized by Section 551.074, Personnel Matters, of the Texas Open Meetings Act to discuss the appointment of Jay Narey, nominee to the Martin Luther King, Jr. Community Center Board and Steven S. Harris, nominee to the Board of Adjustment.

Mayor Leppert reconvened the city council meeting after the executive session at 2:48 p.m. No other matters were discussed during the executive session.

Councilmember Allen moved to appoint Deborah D. Hicks and Mary Spencer, general public, to the Animal Shelter Commission; Matilda B. Louree and Lark Montgomery, Interested Citizen, to the Cultural Affairs Commission; Jeffery H. Rasansky, Citizen at Large, to the Judicial Nominating Commission; Jearldine McDaniel and Frank H. Pounders, 55 years of age and older, to the Senior Affairs Commission; Josh Womack, Citizen at Large – Community Service, to the South Dallas/Fair Park Trust Fund Board.

Motion seconded by Councilmember Kadane and unanimously adopted. (Hill absent)

Councilmember Allen moved to appoint all nominees to “individual appointment” positions in the report who meet all qualifications for service to the boards and commissions of the city for the term ending September 30, 2010.

Motion seconded by Councilmember Kadane and unanimously adopted. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-2545

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

09-5250	ARC	AUTOMATED RED LIGHT ENFORCEMENT COMMISSION
09-5251	ASC	ANIMAL SHELTER COMMISSION
09-5252	BOA	BOARD OF ADJUSTMENT
09-5253	CAC	CULTURAL AFFAIRS COMMISSION
09-5254	CDC	COMMUNITY DEVELOPMENT COMMISSION
09-5255	CPC	CITY PLAN AND ZONING COMMISSION
09-5256	CPR	DALLAS CITIZENS POLICE REVIEW BOARD
09-5257	JNC	JUDICIAL NOMINATING COMMISSION
09-5258	MLB	MUNICIPAL LIBRARY BOARD
09-5259	MLK	MARTIN LUTHER KING JR. COMMUNITY CENTER BOARD
09-5260	PAR	PARK AND RECREATION BOARD
09-5261	PLA	PERMIT AND LICENSE APPEAL BOARD
09-5262	SAC	SENIOR AFFAIRS COMMISSION
09-5263	SDF	SOUTH DALLAS/FAIR PARK TRUST FUND BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2546

Item 44: A resolution reporting the City of Dallas candidates to serve on the Collin Central Appraisal District Board of Directors for a two-year term beginning January 1, 2010 - Financing: No cost consideration to the City

No action taken.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2547

Item 45: A resolution reporting the City of Dallas candidates to serve on the Denton Central Appraisal District Board of Directors for a two-year term beginning January 1, 2010 - Financing: No cost consideration to the City

No action taken.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2548

Item 46: An ordinance waiving the ~~qualification~~ restriction of Section 8-1.4(a)(4) of the Dallas City Code, which prohibits an appointee of a board from being an adversary party to a pending litigation or a claim against the city or a city employee, ~~except for eminent domain proceedings~~ for Steven Harris, a current member and ~~re-nominee~~ for reappointment to the Board of Adjustment - Financing: No cost consideration to the City

Corrected on the addendum to the agenda.

During discussion, Mayor Leppert called a recess of the city council meeting at 2:19 p.m. as authorized by Section 551.074, Personnel Matters, of the Texas Open Meetings Act to discuss the appointment of Jay Narey, nominee to the Martin Luther King, Jr. Community Center Board and Steven S. Harris, nominee to the Board of Adjustment.

Mayor Leppert reconvened the city council meeting after the executive session at 2:48 p.m. No other matters were discussed during the executive session.

Councilmember Allen moved to pass the ordinance.

Motion seconded by Councilmember Neumann and unanimously adopted. (Hill absent)

Assigned ORDINANCE NO. 27701

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2549

Item 47: Authorize a five-year service contract for depository services - Bank of America, N.A., lowest responsive applicant of four - Not to exceed \$3,023,986 - Financing: Current Funds (\$1,023,986), Water Utilities Current Funds (\$2,000,000) (subject to annual appropriations)

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

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Koop and unanimously adopted. (Neumann abstain; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2550

Item 48: Authorize a historic preservation tax exemption for the Hickory Street Annex located at 501 2nd Avenue for a ten-year period on 100% of the land and structure value - Revenue: First year tax revenue foregone estimated at \$10,580 (Estimated revenue foregone for ten years is \$105,802)

Deputy Mayor Pro Tem Medrano moved to defer the item until the December 9, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2551

Item 49: Zoning Case Z056-295 (KS) INDIVIDUAL

A public hearing was called on zoning case Z056-295 (KS), an application for and an ordinance granting a Conservation District on property zoned an R-7.5 Single Family Subdistrict, within Planned Development District 193, the Oak Lawn Special Purpose District; in an area generally bounded by the southern blockfaces of Armstrong Avenue, the western side of Abbott Avenue, the western block face of Glenwood Avenue and south side of Overbrook Drive

(The staff and city plan commission recommended approval of the conservation district and approval of the conceptual Plan)

Deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2552

Item 50: Zoning Case Z089-229 (MAW) INDIVIDUAL

A public hearing was called on zoning case Z089-229 (MAW), an application for and an ordinance granting the renewal of Specific Use Permit No. 1552 for a hotel or motel use on property zoned an HC Heavy Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Maple Avenue and Mahon Street

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

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

The following individual addressed the city council on the item:

Marvin Crenshaw, 5134 Malcolm X Blvd.

Deputy Mayor Pro Tem Medrano moved to close the public hearing and pass the ordinance.

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

Assigned ORDINANCE NO. 27702

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2553

Item 51: Zoning Case Z089-225 (RB) INDIVIDUAL

A public hearing was called on zoning case Z089-225 (RB), an application for a Specific Use Permit for an Alcoholic beverage establishment for a Private club-bar and Class A Dance hall on property zoned an MU-2 Mixed Use District and MU-3 Mixed Use District on the southeast line of Skillman Street, northeast of Audelia Court

(The staff recommended approval for a fifteen month period, subject to a site plan and conditions and city plan commission recommended denial)

Appearing in opposition to city plan commission's recommendation:

Stephanie Rogers, (Not Provided)

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

The following individuals addressed the city council on the item:

Marvin Crenshaw, 5134 Malcolm X Blvd.

Councilmember Allen moved to close the public hearing and follow the CPC recommendation to deny.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2554

Item 52: Zoning Case Z089-142 (MW) UNDER ADVISEMENT - 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

Note: This item was considered by the City Council at public hearings on June 10 and June 24, 2009, and was taken under advisement until October 14, 2009, with the public hearing open.

(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 city plan commission's recommendation.

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

Myron Dornic, 901 Main St., representing the applicant

Deputy Mayor Pro Tem Medrano moved to continue the public hearing and hold under advisement until the December 9, 2009 voting agenda meeting of the city council.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2555

Item 53: Zoning Case Z089-135 (WE) UNDER ADVISEMENT - INDIVIDUAL

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)

Note: This item was considered by the City Council at a public hearing on September 23, 2009, and was taken under advisement until October 14, 2009, with the public hearing open.

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

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

Jimmy Schnurr, representing the applicant

Councilmember Hunt moved to close the public hearing and approve the amendments to Planned Development District No.183 with following changes:

- Habitable space is not permitted above 546 in height.
- Any additions to the tower that exists on October 14, 2009 must have the same facade materials as the existing tower.
- A minimum of 10 percent of a lot or building site must be open space meeting the following requirements:
 - Open space must be a contiguous area that is a minimum of 150 square feet. Parkways may not be counted toward the required open space.
 - Open spaces must be unobstructed to the sky and contain no structures.
 - Open spaces must be landscape areas that may include turf, ground cover, shrubs, trees, seasonal plantings, or a combination of these materials.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-2555

Page 2

- The Tract 1 development plan and Tract 2 landscape plan must include (1) the location of the open space on each lot or building site and (2) a table showing the square footage of each lot or building site and the open square footage provided for that lot,

and pass the ordinance.

Motion seconded by Councilmember Atkins and unanimously adopted. (Hill absent)

Assigned ORDINANCE NO. 27703

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2556

Item 54: Zoning Case Z089-196 (WE) UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z089-196 (WE), an application for and an ordinance granting a CS Commercial Service District on property zoned an R-7.5(A) Single Family District, an ordinance granting a Specific Use Permit for commercial motor vehicle parking and a resolution accepting deed restrictions volunteered by the applicant on property zoned a CS-D-1 Commercial Service District with a D-1 Dry Liquor Control Overlay and an R-7.5(A) Single Family District on the north side of C.F. Hawn Freeway, east of Silverado Drive

(The staff recommended Approval, of a CS Commercial Service District with retention of the D-1 Dry Liquor Control Overlay, approval of a Specific Use Permit for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a revised site plan and conditions and approval of the deed restrictions volunteered by the applicant and city plan commission recommended Approval of a CS Commercial Service District with retention of the D-1 Dry Liquor Overlay, approval of a Specific Use Permit for a three-year period, subject to a revised site plan and conditions and approval of the deed restrictions volunteered by the applicant)

Note: This item was considered by the City Council at a public hearing on August 12, 2009, and was held under advisement until October 14, 2009, with the public hearing open.

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

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

Brian Shiels, 7026 Chantilly Ln.
Ramon Aranda, representing the applicant

Councilmember Atkins moved to continue the public hearing and hold under advisement until the December 9, 2009 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2557

**FY 2009-10 Urban Land Bank
Demonstration Program Plan**

Note: Item Nos. 55 and 56
must be considered collectively.

Item 55: A public hearing to receive comments on the proposed City of Dallas FY 2009-10 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City

Item 56: Authorize approval of the City of Dallas FY 2009-10 Urban Land Bank Demonstration Program Plan - 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 approve the item.

Motion seconded by Deputy Mayor Pro Tem Medrano and unanimously adopted. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2558

Item 57: A public hearing to receive comments regarding an ordinance amending the comprehensive plan of the City of Dallas to incorporate the UNT-Dallas Area Plan (Vision and Policy Plan) and a resolution adopting the UNT-Dallas Area Plan (Implementation Program) for the area generally located along IH-35 to the west, IH-20 to the south, Tracy Road to the east and Laureland Road to the north - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Atkins moved to continue the public hearing and hold under advisement until the December 9, 2009 voting agenda meeting of the city council and requested this item be placed on the next available Economic Development Committee Meeting prior to December 9, 2009.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2559

Southwestern Medical TIF District

Note: Item Nos. 58 and 59
must be considered collectively.

Item 58: A public hearing to receive comments on an amendment to Tax Increment Financing Reinvestment Zone Number Ten (Southwestern Medical TIF District) Project Plan and Reinvestment Zone Financing Plan (Project Plan) to: (1) increase the total budget by \$9,131,822, an increase from \$18,418,663 to \$27,550,485 (in 2006 dollars); (2) expand the Economic Development Grant Program to allow for grants or loans supporting higher density development and job creation; (3) correct the 2008 base value for the expanded boundary by \$1,651,102, an increase from \$44,823,262 to \$46,474,364 for the final certified roll; and (4) make corresponding modifications to the budget and Southwestern Medical TIF District Project Plan - Financing: No cost consideration to the City

Item 59: An ordinance amending Ordinance Nos. 25965, 26204 and 27433, previously approved by the City Council on April 27, 2005, January 11, 2006 and December 10, 2008 respectively, to: (1) increase the total budget by \$9,131,822, an increase from \$18,418,663 to \$27,550,485 (in 2006 dollars); (2) expand the Economic Development Grant Program to allow for grants or loans supporting higher density development and job creation; (3) correct the 2008 base value for the expanded boundary by \$1,651,102, an increase from \$44,823,262 to \$46,474,364 for the final certified roll; and (4) make corresponding modifications to the budget and Southwestern Medical TIF District Project Plan - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Deputy Mayor Pro Tem Medrano moved to close the public hearing and pass the ordinance.

Motion seconded by Councilmember Atkins and unanimously adopted. (Hill absent)

Assigned ORDINANCE NO. 27704

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2560

Southwestern Medical TIF District

Note: Item Nos. 60 and 61
must be considered collectively.

Item 60: Authorize **(1)** an amendment to the Southwestern Medical TIF District Grant Program to broaden the list of eligible expenditures; and **(2)** a development agreement with Amarone, L.P. for the development of The Butler Project located in the Southwestern Medical TIF District in an amount not to exceed \$7,650,000 from the Southwestern Medical TIF revenues - Not to exceed \$7,650,000 - Financing: Southwestern Medical TIF District Funds

Item 61: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Ten (Southwestern Medical TIF District), to reimburse Amarone, L.P., in an amount not to exceed \$7,650,000 for certain improvements related to the development of The Butler Project in the Southwestern Medical TIF District - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Elio Chantilly, address not provided

Deputy Mayor Pro Tem Medrano moved to approve the item.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2561

Addendum addition 1: Authorize Supplemental Agreement No. 4 to the service contract with SAP Public Services, Inc., for the purchase of additional software licenses and two years of associated maintenance support for the Pay1 project - Not to exceed \$200,024, from \$4,339,232 to \$4,539,256 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Councilmember Neumann 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 Neumann's request.

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

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2562

Addendum addition 2: A resolution designating an absence by City Councilmember
Angela Hunt as being for "official city business" - Financing:
No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2563

Addendum addition 3: Authorize an Interlocal Agreement with Dallas County and the Dallas Area Agency on Aging to operate the Senior Nutrition Program at the Martin Luther King, Jr. Senior Center located at 2901 Pennsylvania Avenue and the West Dallas Multipurpose Center located at 2828 Fish Trap Road for the period October 1, 2009 through September 30, 2012 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2564

Addendum addition 4: Authorize **(1)** the acceptance of an HIV/AIDS Health Improvement for Re-entering Ex-Offenders Initiative Grant from the U.S. Department of Health and Human Services to establish a coordinated pre-and post-release system for HIV/AIDS diagnosed Impact Offenders as identified by the Dallas Police Department for the period September 1, 2009 through August 31, 2010; **(2)** establish appropriations in the amount of \$247,311 in the U.S. Department of Health and Human Services Grant Fund; and **(3)** execution of the grant agreement - Not to exceed \$247,311 - Financing: U.S. Department of Health and Human Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2565

Addendum addition 5: Authorize **(1)** the acceptance of a grant from the Texas Department of Housing and Community Affairs in the amount of \$6,591,590 to provide funding for residential weatherization improvements to achieve energy efficiency improvements within the City of Dallas; **(2)** the implementation of the City of Dallas Weatherization Assistance Program to achieve residential efficiency in homes of low income persons; and **(3)** execution of the grant agreement - Not to exceed \$6,591,590 - Financing: Texas Department of Housing and Community Affairs Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2566

Addendum addition 6: Authorize **(1)** approval of the UnitedHealthcare restatement contract document which authorizes a one-year renewal option allowing UnitedHealthcare to continue services as the Third Party Administrator for the period January 1, 2010 through December 31, 2010, including all state and federal legal requirements in an amount not to exceed \$3,500,000; and **(2)** approval of the proposed health coverage premium rates - Total cost is based on the number of employee/retiree participants in the plan - Financing: Employee Benefits Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2567

Addendum addition 7: An ordinance amending Chapter 2 of the Dallas City Code to eliminate: **(1)** the Dallas Commission on Productivity and Innovation; and **(2)** the Youth Commission - Financing: No cost consideration to the City

The Assistant City Secretary requested that addendum addition consent agenda item 7 be considered as an individual item to allow citizens to speak. 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 the Assistant City Secretary's request.

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.

The following individuals addressed the city council on the item:

Levar Thomas, 2407 Club Manor Dr.
Tiffinni Young, 4024 O.B. Crowe Dr.
Priscilla Barbour, 446 Hillvale Dr.

Councilmember Davis moved to refer the item to the Budget, Finance & Audit Council Committee.

Motion seconded by Councilmember Salazar.

After discussion, Mayor Pro Tem Caraway asked Councilmember Davis if she would accept a friendly amendment to approve the item with direction to the City Manager to come back with different alternatives and options to preserve the concept of the Youth Commission via outside of the city budget within 30 days.

Councilmember Davis agreed to Mayor Pro Tem Caraway's friendly amendment to approve the item with direction to the City Manager to come back with different alternatives and options to preserve the concept of the Youth Commission via outside of the city budget within 30 days.

Councilmember Salazar, who seconded the original motion, also accepted Mayor Pro Tem Caraway's friendly amendment.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-2567

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Later in the meeting, Councilmember Kadane moved to substitute the original motion with Mayor Pro Tem Caraway's friendly amendment with the following:

- 1) Eliminate the Dallas Commission on Productivity and Innovation.
- 2) Leave the Youth Commission as it is today, but understand there is no funding, so there will be no meetings and ask the City Manager to do two things:
 - a) Convey to the members of the Youth Commission that it is most likely the commission will take a different form in the future and also solicit changes on what the improvements may be.
 - b) Come back to the city council within 30 days and identify alternatives, options, etc. that are consistent with the concept in the direction this may be outside of the city budget.
- 3) Give the Budget, Finance & Audit Council Committee 60 days to complete their review of each of the individual Boards and Commissions and report back with a recommendation.

Motion seconded by Councilmember Margolin and unanimously adopted. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2568

Addendum addition 8: Authorize the rejection of bids received for the construction of Sidewalk Group 03-136; and the re-advertisement for new bids (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2569

Addendum addition 9: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from the Union Pacific Railroad Company of an unimproved tract of land containing approximately 17.67 acres located near the intersection of Sargent Road and Southerland Avenue for the Dallas Floodway Extension portion of the Trinity River Corridor Project - Not to exceed \$36,600 (\$35,000 plus closing costs not to exceed \$1,600) - Financing: U.S. Army Corps of Engineers Project Cooperation Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2570

Addendum addition 10: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Mainland Land & Equipment Co. of an unimproved tract of land containing approximately 53 acres located near the intersection of Morrell Avenue and Sargent Road for the Dallas Floodway Extension portion of the Trinity River Corridor Project - Not to exceed \$143,500 (\$140,000 plus closing costs not to exceed \$3,500) - Financing: U.S. Army Corps of Engineers Project Cooperation Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2571

Addendum addition 11: Authorize an increase in the contract with Tiseo Paving Company for additional street paving, storm drainage, water and wastewater main improvements on Turtle Creek Boulevard from Market Center to Levee Street to include pedestrian lighting, plaza dock bollards, lighting for aesthetic beam, lighting controls, electrical services and water fountain for the Trinity Strand Trail head and related improvements - Not to exceed \$141,000, from \$3,608,509 to \$3,749,509 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2572

Addendum addition 12: Authorize an increase in the contract with Hasen Construction Services for additional work associated with the renovation of the new analytical laboratory at the Central Wastewater Treatment Plant - Not to exceed \$98,886, from \$3,034,343 to \$3,133,229 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2573

NOTICE OF DEFERRED OR DELETED ITEMS

CITY COUNCIL MEETING

OCTOBER 14, 2009

POSTED ON FRIDAY, OCTOBER 9, 2009

THE FOLLOWING AGENDA ITEMS HAVE BEEN DEFERRED AND/OR DELETED ON THE CITY COUNCIL VOTING AGENDA MEETING BY MEMBERS OF THE COUNCIL AND/OR CITY MANAGER IN ACCORDANCE WITH RULE 7.11 OF THE CITY COUNCIL RULES OF PROCEDURE:

Agenda Item 36: Authorize a twenty-year parking sublease agreement, with two ten-year renewal options, with the Museum of Nature and Science for approximately 139,333 square feet of parking space bounded by Field Street, McKinney Avenue, Laws and Broom Streets for the initial period of June 1, 2012 through May 31, 2032 - Annual Revenue: \$388,500 (guaranteed minimum) [**Deleted by City Manager**]

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 14, 2009

09-2574

Special Presentations

At the beginning of the meeting of the city council a time is set aside for the mayor to recognize special individuals or groups, to read mayoral proclamations, to confer honorary citizenships, and to make special presentations.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 14, 2009

EXHIBIT C