

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, OCTOBER 28, 2009

09-2600  
VOTING AGENDA MEETING  
CITY COUNCIL CHAMBER, CITY HALL  
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Caraway, Medrano, Jasso, Neumann, Hill, Salazar (\*9:05 a.m.), Davis, Atkins (\*9:05 a.m.), Kadane, Allen, Koop, Natinsky, Margolin, Hunt (\*9:05 a.m.)

ABSENT: [0]

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

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

The invocation was given by Rich Lambert, Reverend of the New St. Peters Presbyterian Church in Dallas.

Councilmember Jasso 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 6:34 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

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

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

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

**\* Indicates arrival time after meeting called to order.**

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, OCTOBER 28, 2009

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, OCTOBER 28, 2009

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2601

Special Presentations

At the beginning of the meeting of the city council, the mayor recognized World Diabetes Day.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2602

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: Roy Williams, 5881 Preston View Blvd.  
REPRESENTING: AUTO  
SUBJECT: Taxi cab issues

SPEAKER: Girma Wolde-Rufael, 4411 Ross Ave.  
SUBJECT: Taxi issues

SPEAKER: Richard Sheridan, 3022 Forest Ln.  
REPRESENTING: Some Citizens  
SUBJECT: G.A.Y... Gone Against Yahweh

SPEAKER: Peter Johnson, 7310 Blackwillow Ln.  
REPRESENTING: Peter Johnson Institute for non-violence  
SUBJECT: Toy guns

SPEAKER: Ronald Wright, 7513 Olusta Dr.  
REPRESENTING: Peter Johnson Institute for non-violence  
SUBJECT: Toy guns

**OPEN MICROPHONE – END OF MEETING:**

SPEAKER: Tamara Washington, 2814 Painted Trl.  
SUBJECT: Comment Re: a former councilmember

**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 and unjust with greed

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

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.  
REPRESENTING: J.B. Jackson, Jr., Institute  
SUBJECT: Corruption

SPEAKER: Michael King, 2433 E. Kiest Blvd.  
SUBJECT: Addendum items 11-15

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.  
SUBJECT: “Transparency and justice for who?”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2603

Item 1: Approval of Minutes of the October 14, 2009 City Council Meeting

Mayor Pro Tem Caraway moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2604

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-52 and addendum addition consent agenda items 1-9, was presented for consideration.

Mayor Leppert requested that consent agenda item 40 be considered as an individual item. Mayor Leppert stated that consent agenda item 40 would be considered as an individual item later in the meeting, there being no objection voiced to his request.

Councilmember Jasso requested that consent agenda item 3 be considered as an individual item. Mayor Leppert stated that consent agenda item 3 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Jasso's request.

Councilmember Neumann requested that consent agenda item 15, 30, 44 and addendum addition consent agenda item 3 be considered as individual items. Mayor Leppert stated that consent agenda items 15, 30, 44 and addendum addition consent agenda item 3 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Atkins requested that consent agenda item 37 be considered as an individual item. Mayor Leppert stated that consent agenda item 37 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Councilmember Margolin requested that consent agenda item 18 and addendum addition consent agenda items 2 and 3 be considered as individual items. Mayor Leppert stated the consent agenda item 18 and addendum addition consent agenda items 2 and 3 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Mayor Pro Tem Caraway moved to approve all items on the consent agenda with the exception of consent agenda items 3, 15, 18, 30, 37, 40, 44 and addendum addition consent agenda items 2 and 3 which would be considered later in the meeting.

Motion seconded by Councilmember Kadane and unanimously adopted.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2605

Item 2: Authorize **(1)** a lease agreement with a thirty-year term, plus a ten-year lease extension option with Southwest Airlines Company with the 30 years commencing as of March 1, 2006 for approximately 88,313 square feet of land improved with fuel storage facilities and the terminal fuel hydrant system with a commitment of \$12,000,000 for new capital improvements, including new fuel storage facilities, with an estimated annual rental revenue in the amount of \$87,429 (estimated \$3,500,000 total revenue over the initial term of the lease at 2% growth annually); and **(2)** a Donation Agreement to provide for the acceptance of a donation of materials to be used to construct the new fuel facilities at Dallas Love Field - Annual Revenue: \$87,429

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2606

Item 3:

Authorize the first one-year renewal option of the service contract with The Dallas Morning News for publishing of official notices and City advertising - Not to exceed \$1,000,000 - Financing: Current Funds (subject to appropriations)

Councilmember Jasso requested that consent agenda item 3 be considered as an individual item. Mayor Leppert stated that consent agenda item 3 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 3 was brought up for consideration.

Councilmember Jasso moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2607

Item 4: Authorize a one-year master agreement for sand/salt spreading equipment - Four Seasons Equipment, Inc. in the amount of \$191,760, Equipment Southwest, Inc. in the amount of \$15,168 and Texas Municipal Equipment, LLC in the amount of \$8,704, lowest responsible bidders of three - Total not to exceed \$215,632 - Financing: 2008 Equipment Acquisition Contractual Obligation Notes (\$206,928), 2007 Equipment Acquisition Contractual Obligation Notes (\$8,704)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2608

Item 5: Authorize the purchase of 266 squad cars - Dallas Dodge, lowest responsible bidder of three - Not to exceed \$5,942,415 - Financing: Current Funds (\$4,465,500) and U.S. Department of Justice Grant Funds (\$1,476,915)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2609

Item 6: Authorize a three-year master agreement for industrial gases to be used for laboratory testing, medical services and welding - Red Ball Oxygen Company, Inc. in the amount of \$289,731 and Cuevas Distribution, Inc. in the amount of \$17,881, lowest responsible bidders of six - Total not to exceed \$307,612 - Financing: Current Funds (\$260,455), Water Utilities Current Funds (\$38,841), Aviation Current Funds (\$5,994), Convention Center Current Funds (\$642), Municipal Radio Current Funds (\$1,680)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2610

Item 7: Authorize a three-year service contract for landscape maintenance at nine Police properties - Good Earth, Inc. in the amount of \$168,819, H & W Cleaning Systems in the amount of \$77,770 and JBA Land Management in the amount of \$44,150, lowest responsible bidders of four - Total not to exceed \$290,739 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2611

Item 8: Authorize a three-year service contract for maintenance, testing and repair services and parts of the emergency generator systems - SR Bray, LLC dba Power Plus, lowest responsible bidder of two - Not to exceed \$102,390 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2612

Item 9: Authorize a contract amendment to extend the existing maintenance contract with Locution Systems, Inc. for continued maintenance of the automated announcement system for Dallas Fire-Rescue for a period of three-years - Sole Source - Not to exceed \$176,577 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2613

Item 10: Authorize Supplemental Agreement No. 1 to the acquisition contract with Locution Systems, Inc. for the purchase and installation of visual alerting component reader boards - Not to exceed \$134,640, from \$547,170 to \$681,810  
- Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2614

Item 11: Authorize **(1)** the purchase of one diesel powered, electrically driven bulldozer to be used by Sanitation Services with Holt Texas Ltd. through Texas Association of School Boards (BuyBoard) in the amount of \$420,475; and **(2)** trade-in of one crawler loader with Holt Texas Ltd. - Not to exceed \$420,475 - Financing: 2008 Equipment Acquisition Contractual Obligation Notes

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2615

Item 12: Authorize settlement of a claim filed by Carol Holley, William Stevens and Richard Gonzalez, Claim No. 08218787, -01, -02 - Not to exceed \$40,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2616

Item 13: Authorize settlement of a claim filed by Dominic Ricciardi, Claim No. 08222166 - Not to exceed \$13,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2617

Item 14: Authorize an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) for the transfer of ownership to the City of equipment purchased by NCTCOG to be used for federally mandated radio communication interoperability - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2618

Item 15: An ordinance amending 13-3 of Chapter 13, "COURTS, FINES AND IMPRISONMENTS", of the Dallas City Code, as amended; creating a new municipal court of record designated as Municipal Court of Record No. 13; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

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

Later in the meeting, consent agenda item 15 was brought up for consideration.

Councilmember Neumann moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27706

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2619

Item 16: Authorize a public hearing to be held on November 9, 2009 to receive comments on amendments to Tax Increment Financing Reinvestment Zone Number Three (Oak Cliff Gateway TIF District) and the Project Plan and Reinvestment Zone Financing Plan for the Oak Cliff Gateway TIF District to: **(1)** extend the term of the TIF District for a 10 year period from December 31, 2012 through December 31, 2022; **(2)** increase the geographic area of the TIF District to include two adjacent properties totaling approximately 30 acres; **(3)** increase the total Oak Cliff Gateway TIF budget from \$5,285,263 NPV (\$13,001,357 total dollars) to \$10,066,977 NPV (\$33,432,572 total dollars), an increase of \$4,781,714, NPV (\$20,431,215 total dollars); **(4)** create a TIF Grant Program within the District; and **(5)** make corresponding modifications to the Oak Cliff Gateway Project Plan and budget; and at the close of the hearing, consideration of an ordinance amending Ordinance No. 21466, previously approved on November 11, 1992, and Ordinance No. 23033, previously approved on February 12, 1997, to reflect these amendments - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2620

Item 17: Authorize a resolution amending the City of Dallas Public Improvement District (PID) policy for the creation, renewal, administration and management of Public Improvement Districts in accordance with the provisions of Chapter 372 of the Texas Local Government Code, Public Improvement Districts in Municipalities, adopted by Resolution No. 08-1782 on June 25, 2008, to clarify the petition requirements for single-family and commercial/mixed use PIDs and representations with respect to community property - Financing: No cost consideration to the City

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2621

Item 18: Authorize **(1)** the acceptance of grant funds from the Dallas Housing Finance Corporation for the Neighborhood Investment Program; **(2)** the receipt and deposit of funds in the Neighborhood Investment Program Fund in an amount not to exceed \$120,000; and **(3)** the establishment of appropriations in the amount of \$120,000 in the Neighborhood Investment Program Fund - Not to exceed \$120,000 - Financing: Dallas Housing Finance Corporation Grant Funds

Councilmember Margolin requested that consent agenda item 18 be considered as an individual item. Mayor Leppert stated that consent agenda item 18 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 18 was brought up for consideration.

Councilmember Margolin moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2622

Item 19: Authorize the reconstruction on-site of three homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 522 Avenue I in the amount of \$87,500, 7714 Robin Road in the amount of \$87,500, and 2403 Locust Avenue in the amount of \$87,500 - Total not to exceed \$262,500 - Financing: 2007-08 Community Development Block Grant Funds (\$204,522) and 2007-08 Home Funds (\$57,978)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2623

Item 20: Authorize two twelve-month renewal options with Government Jobs.com dba NeoGov. Inc. for the licensing of services and systems for the Workforce Management Applicant Tracking System - Not to exceed \$120,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2624

Item 21: Authorize contracts with cultural organizations for the provision of services to the City through the Cultural Services Contracts Program (list attached) - Not to exceed \$3,176,348 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2625

Item 22: Authorize adoption of the 2010 City Calendar - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2626

Item 23: Authorize a contract with CapitalEdge Strategies, LLC to provide federal legislative services to the City for the period of October, 1 2009 through September 30, 2010 - Not to exceed \$160,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2627

Item 24: Authorize a contract with HillCo Partners, LLC for state legislative information and related services for the period October 1, 2009 through September 30, 2010  
- Not to exceed \$75,000 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2628

Item 25: Authorize a personal services contract with Randy C. Cain for state legislative services for the period December 1, 2009 through September 30, 2010 - Not to exceed \$63,334 - Financing: Current Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2629

Item 26: Authorize a contract with Kwame Walker for state legislative services for the period October 1, 2009 through September 30, 2010 - Not to exceed \$45,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2630

Item 27: Authorize a personal services contract with Hector Alcalde for legislative services regarding the Trinity River Corridor Project for the period October 1, 2009 through September 30, 2010 - Not to exceed \$73,800 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2631

Item 28: Authorize a personal services contract with Paul Schlesinger for legislative services regarding the Trinity River Corridor Project for the period October 1, 2009 through September 30, 2010 - Not to exceed \$43,650 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2632

Item 29: Authorize **(1)** a ten-year agreement with DOWNTOWNDALLAS for the management of programmed park sites and the enhanced maintenance of the Central Business District park properties; and **(2)** an increase in appropriations in the amount of \$60,000 in the Capital Gifts, Donations and Development Fund - Not to exceed \$60,000 - Financing: Capital Gifts, Donations and Development Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2633

Item 30: Authorize twelve-month contracts with Dallas Arboretum and Botanical Society, Inc. in the amount of \$218,057, Texas Discovery Gardens in the amount of \$56,511, and Dallas County Audubon Society, Inc. dba Audubon Dallas for the Cedar Ridge Preserve in the amount of \$32,312 to provide services and programs within the City of Dallas - Total not to exceed \$306,880 - Financing: Current Funds

Councilmember Neumann 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 Neumann's request.

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

Councilmember Neumann moved to pass the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2634

Item 31: Authorize **(1)** the acceptance of a grant from the North Central Texas Council of Governments, functioning as an agent for the Texas Department of Transportation, in the amount of \$4,536,039 for Phase I development of the Trinity Strand Trail; **(2)** the allocation of \$1,134,010 in 2006 Bond Funds for the City's required match of the grant; **(3)** the receipt and deposit of funds in the amount of \$4,536,039 in the Trinity Strand Trail Grant Fund; **(4)** the establishment of appropriations in the amount of \$4,536,039 in the Trinity Strand Trail Grant Fund; and **(5)** execution of the grant agreement - Total not to exceed \$5,670,049 - Financing: Texas Department of Transportation Grant Funds (\$4,536,039) and 2006 Bond Funds (\$1,134,010)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2635

Item 32: Authorize a Memorandum of Understanding with the Federal Bureau of Investigation to define the policies and procedures for providing Forensic and Video Examiners to the North Texas Region Computer Forensics Laboratory - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2636

Item 33: Authorize renewal of the Interlocal Agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas, for the provision of forensic, drug, toxicological, environmental, and physical evidence analysis, and other similar medical/forensic analytical services for the period October 1, 2009 through September 30, 2010 - Not to exceed \$3,800,000 - Financing: Confiscated Monies Funds (\$2,000,000) and Current Funds (\$1,800,000)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2637

Item 34: Authorize the acceptance of the Office of Community Oriented Policing Services (COPS) Hiring Recovery Program Grant from the U.S. Department of Justice for the addition of fifty police officers over a three-year grant period - Not to exceed \$8,896,300 - Financing: U.S. Department of Justice Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2638

Item 35: Authorize **(1)** the acceptance of the Dallas Police Department Victim Services/9 grant from the U.S. Department of Justice pass through State Office of the Governor, Criminal Justice Division in the amount of \$53,131 to adequately respond to victims of violent crime with needed aid for the period September 1, 2009 through August 31, 2010; **(2)** a local match in the amount of \$15,909; and **(3)** execution of the grant agreement - Total not to exceed \$69,040 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds (\$53,131) and Current Funds (\$15,909)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2639

Item 36: Authorize **(1)** the Dallas Police Department to expend funds for overtime, in the amount of \$500,000, to be reimbursed from various federal and state law enforcement agencies for FY 2009-10 (list attached); **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$144,750; and **(3)** execution of the grant agreements - Total not to exceed \$644,750 - Financing: Current Funds (\$500,000 to be reimbursed by various federal and state law enforcement agencies)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2640

Item 37: Authorize **(1)** the receipt and deposit of funds in the amount of \$130,000 from Methodist Health System for installation of traffic signal hardware at the intersection of Westmoreland Road and Wheatland Road; and **(2)** an increase in appropriations in the amount of \$130,000 in the Capital Projects Reimbursement Fund - Not to exceed \$130,000 - Financing: Capital Projects Reimbursement Funds

Councilmember Atkins requested that consent agenda item 37 be considered as an individual item. Mayor Leppert stated that consent agenda item 37 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 37 was brought up for consideration.

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2641

Item 38: Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on Dolphin Road at Haskell Avenue in an amount not to exceed \$48,030; and **(2)** a local match in an amount not to exceed \$12,008 - Total not to exceed \$60,038 - Financing: Texas Department of Transportation Grant Funds (\$48,030), 2003 Bond Funds (\$12,008)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2642

Item 39: Authorize a construction contract with Jeske Construction Company, lowest responsive bidder of twelve, for reconstruction of the existing streets with reinforced concrete pavement, curbs, sidewalks, driveway approaches, storm drainage and water and wastewater mains on Samuell Boulevard from Tenison Parkway to U.P.R.R. and Dolphin Road from Merrifield Road to Samuell Boulevard - Not to exceed \$1,425,522 - Financing: 2006 Bond Funds (\$1,193,360), Water Utilities Capital Construction Funds (\$25,092), and Water Utilities Capital Improvement Funds (\$207,070)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2643

Item 40: Authorize a construction contract with Turner Construction Company, best value proposer of eight, for construction of the new Prairie Creek Branch Library located at 9609 Lake June Road - Not to exceed \$3,898,838 - Financing: 2003 Bond Funds

Mayor Leppert requested that consent agenda item 40 be considered as an individual item. Mayor Leppert stated that consent agenda item 40 would be considered as an individual item later in the meeting, there being no objection voiced to his request.

Later in the meeting, consent agenda item 40 was brought up for consideration.

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

Councilmember Hill moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Leppert abstain; Medrano, Jasso, Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2644

Item 41: Authorize a professional services contract with Arredondo, Zepeda & Brunz, LLC for the engineering design of 7 street reconstruction projects (list attached)  
- Not to exceed \$550,970 - Financing: 2003 Bond Funds (\$463,683) and Water Utilities Capital Improvement Funds (\$87,287)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2645

Item 42: Authorize Supplemental Agreement No. 1 to the professional services contract with LopezGarcia Group, Inc., a wholly owned subsidiary of URS Corporation, for additional engineering design and surveying services for Rush Creek Relief/Diversion Systems - Not to exceed \$69,140, from \$755,840 to \$824,980 - Financing: 2006 Bond Funds (\$27,449) and Water Utilities Capital Improvement Funds (\$41,691)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2646

Item 43: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of 26 properties consisting of 16 single family homes and 10 vacant lots in the Cadillac Heights neighborhood located near the intersection of Cedar Crest and Kiest Boulevards to be used for future City facilities (list attached) - Not to exceed \$940,500 (\$893,500 plus closing costs not to exceed \$47,000) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2647

Item 44: Authorize the quitclaim of 28 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$745,324

Councilmember Neumann requested that consent agenda item 44 be considered as an individual item. Mayor Leppert stated that consent agenda item 44 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Later in the meeting, consent agenda item 44 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2648

Item 45: A resolution authorizing the dedication of a detention easement containing approximately 5,758 square feet of City-owned land to the public for the purpose of retaining storm water and establishing special conditions controlling the construction, use and maintenance of the detention area facilities in Moss Park near the intersection of Alden and Chalmers Avenues - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2649

Item 46: A resolution authorizing the dedication of a drainage easement containing approximately 5,335 square feet of City-owned land to the public for the purpose of paving and drainage improvements on Solar Lane from Carbondale Street to Dutch Harbor Avenue - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2650

Item 47: An ordinance granting renewal of a private license to OCBF Country Club Corners for the use of approximately 929 square feet of land to maintain and use five existing light standards on a portion of Library Lane right-of-way located near its intersection with Camp Wisdom Road - Revenue: \$1,000 one-time fee plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27707

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2651

Item 48: Authorize personal services contracts with **(1)** Larry Beasley to serve as the Urban Design Special Advisor for the Dallas City Design Center for the period October 1, 2009 through September 30, 2010 in the amount of \$206,000; and **(2)** Brent Brown to serve as Studio Director for the Dallas City Design Studio for the period October 1, 2009 through September 30, 2010 in the amount of \$75,000 - Total not to exceed \$281,000 - Financing: Dallas Urban Design Studio Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2652

Item 49: Authorize Supplemental Agreement No. 1 to the professional services contract with Carter & Burgess, Inc., a wholly owned subsidiary of the Jacobs Engineering Group, Inc., for additional design services for the Levee Drainage System-Hampton/Oak Lawn and the Levee Drainage System-Pavaho Pump Stations - Not to exceed \$530,440, from \$7,621,000 to \$8,151,440 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2653

Item 50: Authorize an Advanced Funding Agreement with the State of Texas, acting through the Texas Department of Transportation, for water and wastewater main relocations and adjustments in Hatcher Street (Dolphin Road) from Spring Avenue to Haskell Avenue - Not to exceed \$856,272 - Financing: Water Utilities Capital Improvement Funds (\$821,191) and Water Utilities Capital Construction Funds (\$35,081)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2654

Item 51: Authorize an increase in the agreement with the State of Texas, acting through the Texas Department of Transportation for water main improvements and adjustments in conjunction with Preston Road (S.H. 289) from Lloyd Drive to the President George Bush Turnpike (S.H. 190) expansion from a six-lane road to an eight-lane road - Not to exceed \$69,526, from \$254,245 to \$323,771 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2655

Item 52: Authorize an increase in the agreement with the State of Texas, acting through the Texas Department of Transportation, for additional construction costs in conjunction with the relocation of an existing fire hydrant and routine appurtenance adjustments along Spur 366 (Woodall Rodgers Freeway) at Pearl Street and Olive Street - Not to exceed \$17,045, from \$13,058 to \$30,103 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2656

Item 53: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The City Secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2009-2010 board term updated through OCTOBER 28, 2009.

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

Councilmember Hill moved to appoint Roberto Canas, Jr., County Official, Amanda Kaye Lawson, Licensed Veterinarian and Joyce Miller, General Public, to the Animal Shelter Commission; Maura Wright Conley, Cultural Board Experience, to the Cultural Affairs Commission; and Jesse Tafalla, 55 years of age or older, to the Senior Affairs Commission.

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

Councilmember Hill 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 Salazar and unanimously adopted. (Medrano, Jasso, Hunt absent when vote taken)

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

<b>09-5271</b>	<b>ARC</b>	<b>AUTOMATED RED LIGHT ENFORCEMENT COMMISSION</b>
<b>09-5272</b>	<b>ASC</b>	<b>ANIMAL SHELTER COMMISSION</b>
<b>09-5273</b>	<b>BOA</b>	<b>BOARD OF ADJUSTMENT</b>
<b>09-5274</b>	<b>CAC</b>	<b>CULTURAL AFFAIRS COMMISSION</b>
<b>09-5275</b>	<b>CDC</b>	<b>COMMUNITY DEVELOPMENT COMMISSION</b>
<b>09-5276</b>	<b>CPR</b>	<b>DALLAS CITIZENS POLICE REVIEW BOARD</b>
<b>09-5277</b>	<b>EHC</b>	<b>ENVIRONMENTAL HEALTH COMMISSION</b>
<b>09-5278</b>	<b>MLB</b>	<b>MUNICIPAL LIBRARY BOARD</b>
<b>09-5279</b>	<b>PLA</b>	<b>PERMIT AND LICENSE APPEAL BOARD</b>
<b>09-5280</b>	<b>SAC</b>	<b>SENIOR AFFAIRS COMMISSION</b>

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2657

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 54-56 and addendum addition consent agenda item 16, was presented for consideration.

Agenda item 56 was removed from the consent zoning docket, to be considered as an individual hearing.

Agenda item 54: Zoning Case-Z089-176 (WE)

Agenda item 55: Zoning Case-Z089-233 (WE)

~~Agenda item 56: Zoning Case Z089-247 (MAW)~~ **[considered individually]**

Addendum Agenda item 16 Zoning Case Z089-275 (OTH)

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

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

Motion seconded by Councilmember Allen and unanimously adopted. (Medrano, Jasso, Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2658

Item 54: Zoning Case Z089-176 (WE)

The consent zoning docket, consisting of agenda items 54-56 and addendum addition consent agenda item 16, was presented for consideration.

A public hearing was called on zoning case Z089-176 (WE), to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned an R-5(A) Single Family Subdistrict, an D(A) Duplex Subdistrict, an MF-1(A) Multifamily Subdistrict and an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, in an area generally bounded on both sides of Dorris Street from Bexar Street to east of Woodville Street; both sides of Valentine Street, Silkwood Street, and Rochester Street between Bexar Street and Woodville Street; and area bound by Bexar Street, Canaan Street, and Budd Street with consideration being given to and an ordinance granting the rezoning of a portion of the D(A) Duplex Subdistrict to an R-5(A) Single Family Subdistrict, an ordinance granting the rezoning of a portion of the D(A) Duplex Subdistrict to an NC Neighborhood Commercial Subdistrict, an ordinance granting the rezoning of a portion of the NC Neighborhood Commercial Subdistrict to an R-5(A) Single Family Subdistrict, and an ordinance granting the rezoning of a portion of the R-5(A) Single Family Subdistrict to an NC Neighborhood Commercial Subdistrict, and an ordinance granting the rezoning of a portion of the MF-1(A) Multifamily Subdistrict to an NC Neighborhood Commercial Subdistrict

(The staff and city plan commission recommended approval of a D(A) Duplex Subdistrict to an R-5(A) Single Family Subdistrict, a portion of the D(A) Duplex Subdistrict to an NC Neighborhood Commercial Subdistrict, a portion of the NC Neighborhood Commercial Subdistrict to an R-5(A) Single Family Subdistrict, a portion of the R-5(A) Single Family Subdistrict to an NC Neighborhood Commercial Subdistrict, and a portion of MF-1(A) Multifamily Subdistrict to an NC Neighborhood Commercial Subdistrict)

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 NOS. 22708, 27709, 27710, 27711 AND 27712

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2659

Item 55: Zoning Case Z089-233 (WE)

The consent zoning docket, consisting of agenda items 54-56 and addendum addition consent agenda item 16, was presented for consideration.

A public hearing was called on zoning case Z089-233 (WE), an application for and an ordinance granting an amendment to, and an expansion of, Planned Development District No. 745 for mixed uses on property zoned Planned Development District No. 745, a CR Community Retail District and an MF-2(A) Multifamily District on both sides of Manderville Lane, north of Blair Road and south of Royal Lane

(The staff recommended approval subject to conceptual plans and staff's recommended conditions and city plan commission recommended approval subject to conceptual plans 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. 27713

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2660

Item 56: Zoning Case Z089-247 (MAW)

The consent zoning docket, consisting of agenda items 54-56 and addendum addition consent agenda item 16, was presented for consideration.

The City Secretary requested that zoning consent item 56 be considered as an individual item to allow citizens to speak. Mayor Leppert stated that zoning consent item 56 would be considered as an individual item later in the meeting there being no objection voiced to the City Secretary's request.

A public hearing was called on zoning case Z089-247 (MAW), an application for and an ordinance granting a Specific Use Permit for an open enrollment charter school on property zoned a CR Community Retail District on the east side of Lancaster Road, north of Kiest Boulevard

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

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

Michael King, 2433 E. Kiest Blvd.

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

Karl Crawley, 900 Jackson St., representing the applicant

Mayor Pro Tem Caraway moved to close the public hearing with the following changes:

- Ten-year period with eligibility for automatic renewal for additional ten-year periods

and pass the ordinance.

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

Assigned ORDINANCE NO. 27714



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2661

Item 57: Zoning Case Z089-240 (RB) INDIVIDUAL

A public hearing was called on zoning case Z089-240 (RB), an application for and an ordinance granting a P(A) Parking District on property zoned an MF-2(A) Multifamily District on the west line of Euclid Avenue, north of Lewis Street

(The staff recommended denial and city plan commission recommended approval)

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

Councilmember Allen moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

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

Assigned ORDINANCE NO. 27715

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2662

Item 58: Zoning Case Z089-248 (MAW) INDIVIDUAL

A public hearing was called on zoning case Z089-248 (MAW), an application for and an ordinance granting an amendment to Planned Development District No. 508 to add allowable uses on Tract 13 on the northwest corner of Singleton Boulevard and Fish Trap Road

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

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

Deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2663

Item 59: Zoning Case Z078-248 (WE) UNDER ADVISEMENT – INDIVIDUAL

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

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

**Note:** This item was considered by the City Council at public hearings on May 13, June 10, June 24, August 26 and September 23, 2009, and was taken under advisement until October 28, 2009, with the public hearing open

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

Martin Garza, 1717 Main St., representing Nestle Waters North America

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

Dallas Cothrum, 900 Jackson St., representing the applicant

The following individual addressed the city council regarding the item:

Tamara Washington, 2814 Painted Trl.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2663

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Councilmember Neumann moved to close the public hearing and approve with the following changes:

- (1) The amendments to PD No. 521 with the following addition: Residential uses and institutional and community service uses not permitted within 300 feet of a gas well that is in the drilling, fracturing, production, or reworking phase; and
- (2) SUP No. 1751 for gas drilling with a revised (a) site plan showing existing/original conditions, (b) site/operation plan for the drilling phase, and (c) site/operation plan for the production phase.

Motion seconded by Councilmember Atkins.

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

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

Assigned ORDINANCE NOS. 27716 AND 27717

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2664-01

09-2664-02

Item 60: A benefit assessment hearing to receive comments on sidewalk paving for Sidewalk Group 03-137, and at the close of the hearing, authorize an **ordinance** levying benefit assessments, and a contract for the construction with Advanced Paving Company, lowest responsible bidder of seven (list attached) - Not to exceed \$115,292 - Financing: 2003 Bond Funds (\$113,392) and Water Utilities Capital Construction Funds (\$1,900)

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 27718

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2665

**Forest Park Realty Partners III, LP -  
Forest Park Medical Center, LLC**

**Note:** Item Nos. 61, 62 and 63  
must be considered collectively.

Item 61: A public hearing to receive comments concerning the creation of a reinvestment zone for commercial tax abatement, to be known as City of Dallas Reinvestment Zone No. 73, incorporating the 7 acres, of property located within the city limits, at the northeast corner of Central Expressway and Forest Lane, for the purpose of granting economic development incentives to Forest Park Realty Partners III, LP and Forest Park Medical Center, LLC - Financing: No cost consideration to the City

Item 62: An ordinance designating the 7 acres of property on the northeast corner of Central Expressway and Forest Lane, for the purpose of granting economic development incentives to Forest Park Realty Partners III, LP and Forest Park Medical Center, LLC and establishing the boundaries of the Reinvestment Zone and providing for an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 27719

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2666

**Forest Park Realty Partners III, LP -  
Forest Park Medical Center, LLC**

**Note:** Item Nos. 61, 62 and 63  
must be considered collectively.

Item 63: Authorize a 60 percent real property tax abatement agreement for 8 years with Forest Park Realty Partners III, LP and Forest Park Medical Center, LLC located on 7 acres of property on the northeast corner of Central Expressway and Forest Lane - Revenue: First year revenue estimated at \$209,412; eight-year revenue estimated at \$1,675,296 (Estimated revenue foregone for eight-year real property tax abatement estimated at \$2,512,944)

No one addressed the city council regarding the item.

Councilmember Allen moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2667

Item 64: A public hearing to receive comments on Substantial Amendment No. 1 to the: **(1)** FY2009-10 Consolidated Plan Budget; **(2)** FY2008-09 Community Development Block Grant - Recovery Funds Budget; and **(3)** FY2008-09 Homeless Prevention and Rapid Re-Housing Program Budget to align City departments and services to the City's FY2009-10 organizational restructure; and at the close of the hearing, authorize final adoption of Substantial Amendment No. 1 to the: **(1)** FY2009-10 Consolidated Plan Budget; **(2)** FY2008-09 Community Development Block Grant - Recovery Funds Budget and **(3)** FY2008-09 Homeless Prevention and Rapid Re-Housing Program Budget for U.S. Department of Housing and Urban Development Grant Funds to align the City departments and services to the City's FY2009-10 organizational restructure - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

Closed Session **[09-2668]**

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

- Retention of outside legal counsel in connection with ethics complaints filed by Sandra Crenshaw.

At 5:59 p.m., Mayor Leppert announced the closed session of the city council authorized by Chapter 551, "OPEN MEETING," of the (Texas Open Meetings Act) to discuss the following matters:

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

- Retention of outside legal counsel in connection with ethics complaints filed by Sandra Crenshaw.

Mayor Leppert reconvened the city council meeting after the closed session at 6:18 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2669

Addendum addition 1:            Authorize a two-year service contract for maintenance and support for MicroStation software licenses - Bentley Systems, Inc. through the General Services Administration - Not to exceed \$186,758 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2670

Addendum addition 2: Authorize **(1)** a one-year service contract, with two one-year renewal options, for operation and administration of the Mortgage Assistance Program (MAP), including homebuyer education, for the period November 1, 2009 through October 31, 2010; and **(2)** acceptance of the 2009-10 Mortgage Assistance Program Statement - Enterprise Community Partners, Inc., a non-profit corporation, only proposer - Not to exceed \$4,245,455 (\$3,745,455 program loan funds, \$200,000 general administration costs and \$300,000 direct delivery costs) - Financing: 2009-10 Community Development Block Grant Funds (\$2,170,000) and 2009-10 HOME Investment Partnership Program Grant Funds (\$2,075,455)

Councilmember Margolin 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 Margolin's request.

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

Councilmember Margolin moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2671

Addendum addition 3: A resolution authorizing **(1)** execution of the City/Local Organizing Committee (LOC) Trust Fund Agreement for the period October 28, 2009 through December 31, 2010; **(2)** a reimbursable deposit with the Texas Comptroller of Public Accounts to initiate the Major Events Trust Fund in the amount of \$1,730,000; and **(3)** an increase in appropriations in Non-Departmental in the amount of \$1,730,000, from \$22,068,079 to \$23,798,079 - Not to exceed \$1,730,000 - Financing: Contingency Reserve Funds

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

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

Councilmember Allen moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2672

Addendum addition 4: Authorize **(1)** Supplemental Agreement No. 9 to the contract with the Dallas Convention and Visitor's Bureau (DCVB) for the City to assume the function of marketing and promoting the City as a desirable location for the entertainment industry (i.e. film, digital image and other) through the transfer of said function from DCVB to the City, as well as, the use of the related Film Commission's property, rights and other assets as applicable; **(2)** the acceptance and deposit of funds from DCVB in the amount of \$100,000 annually; and **(3)** an increase in appropriations in the Office of Economic Development's budget in the amount of \$100,000, from \$2,533,436 to \$2,633,436 - Not to exceed \$200,000 - Financing: Convention and Event Services Current Funds (\$70,000), Current Funds (\$30,000) and Private Funds (\$100,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2673

Addendum addition 5: Authorize amendments to the authorization of City of Dallas application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant (CDBG) Section 108 Guarantee Loan Program loan in the amount of \$15,254,000 to: **(1)** specifically authorize the City Manager to submit the application and execute all necessary documents as required, to implement the application and to issue debt obligations accordingly; and **(2)** refine the description for the uses of the Section 108 funds for the City to acquire the property located at 5630 SMU Boulevard to reimburse 5630 SMU Boulevard LP for clearance, demolition, and installation of public facilities as well as site work, and to fund an interest reserve, all of which uses will enable the development of a mixed-use project including 9,100 square feet of bottom floor retail space and 417 apartment homes on the top floors at the southwest corner of SMU Boulevard (formerly Yale) and Greenville Avenue with 104 apartment units deed restricted for 15 years for affordability to families with incomes at 80% or less of Area Median Family Income as established by HUD - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2674

Addendum addition 6: Authorize a revised fifth amendment to the Land Bank Interlocal Cooperation Contract by and among the City of Dallas, Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District which removes Section 2(i) of the original contract referring to pro bono legal services - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2675

Addendum addition 7:

Authorize **(1)** an increase in the contract with Gilbert May, Inc. dba Phillips/May Corporation for utility and construction modifications required by code and project enhancements requested by owner and DOWNTOWNDALLAS for an additional grease trap interceptor for cafe; additional seat wall, fencing and electrical; additional playground equipment; outdoor sound system; enhanced landscaping and other associated items at Main Street Garden located at 1917 Commerce Street in the amount of \$435,847 and waterproofing of the fountain at Ferris Plaza located at 400 South Houston Street, in the amount of \$34,534; **(2)** the acceptance of funds from the Downtown Improvement District in the amount of \$200,000; **(3)** the receipt and deposit of funds from the Downtown Improvement District in the amount of \$200,000; and **(4)** an increase in appropriations in the Capital Gifts, Donation and Development Fund in the amount of \$200,000 - Not to exceed \$470,381, from \$8,179,949 to \$8,650,330 - Financing: Capital Gifts, Donation and Development Funds (\$380,556) and 2006 Bond Funds (\$89,825)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2676

Addendum addition 8: Authorize Supplemental Agreement No. 1 to the professional services contract with LopezGarcia Group, Inc., a wholly owned subsidiary of URS Corporation, for construction documents and bidding services for increased scope of work to include a pavilion plaza, irrigation system, drinking fountains, paved parking lot, revised paddock entryways, and landscaping at NorthBark Park located at 4900 Gramercy Oaks Drive - Not to exceed \$86,505, from \$78,470 to \$164,975 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2677

Addendum addition 9: Authorize **(1)** a contract for the reconstruction of Taxiway "C"; Taxiway D1; Taxiway "C" Connectors with runway 13R/31L and reconstruction and extension of Taxiway "L" at Dallas Love Field, with Texas Sterling Construction Company, lowest responsible bidder of six, in an amount not to exceed \$13,858,047; and **(2)** an increase in appropriations in the amount of \$15,521,013 in the Federal Aviation Administration Airport Improvement Program Grant Fund - Total not to exceed \$15,521,013 - Financing: Aviation Passenger Facility Charge Funds (\$1,937,500), Federal Aviation Administration Airport Improvement Program Grant Funds (\$9,957,853) and Aviation Capital Construction Funds (\$1,962,694)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2678

Addendum addition 10: Authorize a professional services contract with Sidney Stahl for outside legal services in connection with ethics complaints filed by Sandra Crenshaw - Not to exceed \$12,500 - Financing: Current Funds

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

Councilmember Natinsky moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 28, 2009

09-2679

**Chapter 12A of the Dallas City Code**

**Note:** Addendum Item Nos. 11 and 12 must be considered collectively.

Addendum addition 11: An ordinance amending Chapter 12A of the Dallas City Code to: **(1)** provide registration, reporting, recordkeeping, and other requirements for lobbyists appearing before the city; and **(2)** establish lobbyist registration fees - Financing: No cost consideration to the City

Councilmember Atkins moved to defer addendum addition agenda items 11, 12, 13 and 14 to dates certain that all the items be briefed to the city council on November 18<sup>th</sup>, December 2<sup>nd</sup> with public hearings on both dates and council vote on December 16<sup>th</sup>, which is a briefing meeting of the city council.

Motion seconded by Councilmember Hill.

After discussion, Mayor Leppert called the vote on Councilmember Atkins motion to defer addendum addition agenda items 11, 12, 13 and 14 to dates certain that all items be briefed to the city council on November 18<sup>th</sup>, December 2<sup>nd</sup> with public hearings on both dates and council vote on December 16<sup>th</sup>, which is a briefing meeting of the city council.

Voting Yes: [7] Medrano, Neumann, Salazar, Atkins, Hill, Margolin, Hunt

Voting No: [8] Leppert, Caraway, Jasso, Davis, Kadane, Allen, Koop, Natinsky

Mayor Leppert declared the motion to defer failed.

Mayor Leppert requested the City Attorney review with the city council the following amendments provided by certain members of the city council to follow with a straw vote on each amendment:

**POSSIBLE FLOOR AMENDMENTS TO PROPOSED LOBBYING REGISTRATION ORDINANCE (CHAPTER 12A, DALLAS CITY CODE)**

1. Establish a flat annual registration fee of \$300, with unlimited clients. *(The proposed ordinance set the annual fee at \$200 for the first client and \$25 for each additional client).*

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-2679

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2. Expand information contained in activity reports to include the type of contact a registrant has with a city official, such as, but not limited to, e-mail, letter, telephone conversation, or in person.
3. Require lobbyist registration by: (A) any person receiving \$200 or more in compensation or reimbursement for lobbying purposes in a calendar quarter (*with no expenditure amount triggering registration as in the proposed ordinance*) and (B) any applicant, property owner, or purchaser with a property under contract who is lobbying for action on a municipal question involving:
  - o A “significant zoning case,” which includes a change of zoning on specific property where:
    - Incentives, abatements, or other public subsidies in any form have been applied for or received for development of the property;
    - The property is 25 acres or more in size;
    - The zoning application proposes 100,000 square feet or more of floor area; or
    - The city staff recommendation and city plan commission recommendation on the zoning application do not agree.
  - o A tax abatement.
  - o A housing tax credit.
  - o An historic development tax abatement.
  - o Federal grant money administered by the city.
  - o Tax increment financing.
  - o An economic development grant or loan.
4. Require lobbyist registration for any individual (whether paid or unpaid) contacting or planning to contact a city official with the intent of influencing the city official on the following municipal questions, except that lobbyist registration requirements would not apply to neighborhood associations, crime watch groups, and homeowner’s associations:

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- A “significant zoning case,” which includes a change of zoning on specific property where:
  - Incentives, abatements, or other public subsidies in any form have been applied for or received for development of the property;
  - The property is 25 acres or more in size;
  - The zoning application proposes 200,000 square feet or more of floor area; or
  - The city staff recommendation and city plan commission recommendation on the zoning application do not agree.
- A tax abatement.
- A housing tax credit.
- An historic development tax abatement.
- Federal grant money administered by the city.
- Tax increment financing.
- An economic development grant or loan.

**NOTE: Should this amendment be (*in addition to or instead of*) the lobbying registration requirement for persons expending or receiving compensation of \$200 or more in a calendar quarter?**

5. Eliminate the exception to lobbying registration for a regularly-employed individual who is paid regardless of lobbying activities and whose lobbying activities are not more than five percent of his or her regular responsibilities in any calendar year. (*The exception is contained in the definitions of “compensation” and “expenditure” in the proposed ordinance.*)
6. Require monthly lobbyist activity reports. (*The proposed ordinance requires quarterly reports.*)
7. Eliminate expenditure disclosures in activity reports, except for compensation and reimbursement to other than full-time employees. (*The proposed ordinance requires total expenditures to be itemized in various categories and each expenditure over \$500 to be itemized even further.*)
8. Expand information contained in activity reports to require a registrant to disclose whether he or she is currently, or has been within the preceding six calendar months, a paid political consultant for a city council member and include the name of the city council member.

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9. Add a provision prohibiting any person bidding on a city contract from lobbying a city council member from the time the advertisement or public notification of the request for bids is made until the time the contract is awarded by the city council. This would not prohibit a bidder from speaking at the city council meeting where the award of the contract is considered.
10. Add a provision prohibiting a person lobbying a city official from giving a gift to the city official or his or her immediate family. *(The proposed ordinance requires an itemized disclosure of gifts to a city official with a cumulative value of more than \$25 per calendar quarter and prohibits gifts intended to influence a city official.)*
11. Add a provision prohibiting a person lobbying a city official from exchanging money, goods, services, or anything of value with any business entity in which the person knows or should know that a city official has a substantial economic interest, or for which the city official serves as a director or an officer, or in any other policy making position. *(The proposed ordinance requires an itemized disclosure of exchanges with a cumulative value of \$250 or more in a calendar quarter.)*
12. Replace the lobbying registration ordinance with a lobbying disclosure statement ordinance.

Later in the meeting, after the recess, Mayor Leppert requested the City Attorney review with the city council the following additional amendments:

**POSSIBLE FLOOR AMENDMENTS TO PROPOSED LOBBYING  
REGISTRATION ORDINANCE (CHAPTER 12A, DALLAS CITY CODE)**

**FLOOR AMENDMENT NO. 3**

1. Require lobbyist registration, registration fee, and activity reports by any person receiving \$200 or more in **outside** compensation or reimbursement for lobbying purposes in a calendar quarter *(with no expenditure amount triggering registration as in the proposed ordinance)*.
  - o Exception for neighborhood associations, crime watch groups, and homeowner's associations.

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2. Require simplified activity reports (but no registration or registration fee) to be filed by any applicant, property owner, or purchaser with a property under contract who makes a lobbying contact with a city council member or a member of the city plan commission on a significant zoning case after an application for the zoning case has been filed with the city.
  - A “significant zoning case,” means a change of zoning on specific property where:
    - A. The property is:
      - 1) 10 acres or more in size for a multifamily use; or
      - 2) 25 acres or more in size for all other uses; or
    - B. The zoning application proposes:
      - 1) 200,000 square feet or more of floor area for a retail or commercial use; or
      - 2) 1,000,000 square feet or more of floor area for an industrial use; or
      - 3) a density of 60 units or more per acre for a multifamily use regardless of parcel size; or
    - C. The city staff recommendation and city plan commission recommendation on the zoning application do not agree.
  - A “simplified activity report” would be filed five days after an initial lobbying contact is made after application and would include disclosure of the name, address, phone number, and nature of the business of the applicant, property owner, or purchaser of the property; the name of the council member or city plan commissioner contacted; and the type of contact. Quarterly reports filed thereafter.
  - Exception for neighborhood associations, crime watch groups, and homeowner’s associations.
3. Require simplified activity reports (but no registration or registration fee) to be filed by any applicant, property owner, or purchaser with a property under contract who makes a lobbying contact with a city council member on any of the following municipal questions relating to public subsidies after the question has been posted on a council agenda or a council committee agenda.



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- Municipal questions regarding public subsidies:
  - A. A tax abatement.
  - B. A housing tax credit.
  - C. An historic development tax abatement.
  - D. Federal grant money administered by the city.
  - E. Tax increment financing.
  - F. An economic development grant or loan.
- A “simplified activity report” would be filed five days after an initial lobbying contact is made after the municipal question is posted on a council or council committee agenda and would include disclosure of the name, address, phone number, and nature of the business of the applicant, property owner, or purchaser of the property; the name of the council member contacted; and the type of contact. Quarterly reports filed thereafter.
- Exception for neighborhood associations, crime watch groups, and homeowner’s associations

By general consensus, the following amendments were agreed upon by the city council to come back for final approval on the November 9, 2009 voting agenda meeting of the city council.

1. Establish a flat annual registration fee of \$300, with unlimited clients. *(The proposed ordinance set the annual fee at \$200 for the first client and \$25 for each additional client).*
2. Expand information contained in activity reports to include the type of contact a registrant has with a city official, such as, but not limited to, e-mail, letter, telephone conversation, or in person.
3. Require lobbyist registration, registration fee, and activity reports by any person receiving \$200 or more in **outside** compensation or reimbursement for lobbying purposes in a calendar quarter *(with no expenditure amount triggering registration as in the proposed ordinance).*
  - Exception for neighborhood associations, crime watch groups, and homeowner’s associations.

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4. Require simplified activity reports (but no registration or registration fee) to be filed by any applicant, property owner, or purchaser with a property under contract who makes a lobbying contact with a city council member or a member of the city plan commission on a significant zoning case after an application for the zoning case has been filed with the city.
  - A “significant zoning case,” means a change of zoning on specific property where:
    - A. The property is:
      - 1) 10 acres or more in size for a multifamily use; or
      - 2) 25 acres or more in size for all other uses; or
    - B. The zoning application proposes:
      - 1) 200,000 square feet or more of floor area for a retail or commercial use; or
      - 2) 1,000,000 square feet or more of floor area for an industrial use; or
      - 3) a density of 60 units or more per acre for a multifamily use regardless of parcel size; or
    - C. The city staff recommendation and city plan commission recommendation on the zoning application do not agree.
  - A “simplified activity report” would be filed five days after an initial lobbying contact is made after application and would include disclosure of the name, address, phone number, and nature of the business of the applicant, property owner, or purchaser of the property; the name of the council member or city plan commissioner contacted; and the type of contact. Quarterly reports filed thereafter.
  - Exception for neighborhood associations, crime watch groups, and homeowner’s associations.
5. Require simplified activity reports (but no registration or registration fee) to be filed by any applicant, property owner, or purchaser with a property under contract who makes a lobbying contact with a city council member on any of the following municipal questions relating to public subsidies after the question has been posted on a council agenda or a council committee agenda.

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- Municipal questions regarding public subsidies:
    - A. A tax abatement.
    - B. A housing tax credit.
    - C. An historic development tax abatement.
    - D. Federal grant money administered by the city.
    - E. Tax increment financing.
    - F. An economic development grant or loan.
  - A “simplified activity report” would be filed five days after an initial lobbying contact is made after the municipal question is posted on a council or council committee agenda and would include disclosure of the name, address, phone number, and nature of the business of the applicant, property owner, or purchaser of the property; the name of the council member contacted; and the type of contact. Quarterly reports filed thereafter.
  - Exception for neighborhood associations, crime watch groups, and homeowner’s associations
6. Eliminate expenditure disclosures in activity reports, except for compensation and reimbursement to other than full-time employees. *(The proposed ordinance requires total expenditures to be itemized in various categories and each expenditure over \$500 to be itemized even further.)* **To be amended to reflect expenditures over \$5,000.**
7. Add a provision prohibiting any person bidding on a city contract from lobbying a city council member from the time the advertisement or public notification of the request for bids is made until the time the contract is awarded by the city council. This would not prohibit a bidder from speaking at the city council meeting where the award of the contract is considered.

During and after discussion, the following individuals addressed the city council on the item:

Dallas Cothrum, 900 Jackson St.  
Kirk Williams, 5400 Renaissance Tower  
Tommy Mann, 5400 Renaissance Tower  
William Cothrum, 900 Jackson St.  
Robert Reeves, 900 Jackson St.  
Jonathan Vinson, 6342 Vickery Blvd.  
Gay Hopkins, 6030 Monticello Ave.

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**Chapter 12A of the Dallas City Code**

**Note:** Addendum Item Nos. 11 and 12 must be considered collectively.

Addendum addition 12: A resolution authorizing an increase in appropriations in the amount of \$134,769, from \$1,381,142 to \$1,515,911, in the City Secretary's Office for the implementation of the lobbyist registration program - Not to exceed \$134,769 - Financing: Contingency Reserve Funds

Councilmember Atkins moved to defer addendum addition agenda items 11, 12, 13 and 14 to dates certain that all the items be briefed to the city council on November 18<sup>th</sup>, December 2<sup>nd</sup> with public hearings on both dates and council vote on December 16<sup>th</sup>, which is a briefing meeting of the city council.

Motion seconded by Councilmember Hill.

After discussion, Mayor Leppert called the vote on Councilmember Atkins motion to defer addendum addition agenda items 11, 12, 13 and 14 to dates certain that all items be briefed to the city council on November 18<sup>th</sup>, December 2<sup>nd</sup> with public hearings on both dates and council vote on December 16<sup>th</sup>, which is a briefing meeting of the city council.

Voting Yes: [7] Medrano, Neumann, Salazar, Atkins, Hill, Margolin, Hunt

Voting No: [8] Leppert, Caraway, Jasso, Davis, Kadane, Allen, Koop, Natinsky

Mayor Leppert declared the motion to defer failed.

By general consensus, at the request of Mayor Leppert the addendum addition consent agenda item was deferred until the November 9, 2009 voting agenda meeting of the city council.

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Addendum addition 13: An ordinance amending Chapter 15A of the Dallas City Code to restrict the time in which campaign contributions may be made to city council members by applicants in zoning matters - Financing: No cost consideration to the City

Councilmember Atkins moved to defer addendum addition agenda items 11, 12, 13 and 14 to dates certain that all the items be briefed to the city council on November 18<sup>th</sup>, December 2<sup>nd</sup> with public hearings on both dates and council vote on December 16<sup>th</sup>, which is a briefing of the city council.

Motion seconded by Councilmember Hill.

After discussion, Mayor Leppert called the vote on Councilmember Atkins motion to defer addendum addition agenda items 11, 12, 13 and 14 to dates certain that all items be briefed to the city council on November 18<sup>th</sup>, December 2<sup>nd</sup> with public hearings on both dates and council vote on December 16<sup>th</sup>, which is a briefing meeting of the city council.

Voting Yes: [7] Medrano, Neumann, Salazar, Atkins, Hill, Margolin, Hunt

Voting No: [8] Leppert, Caraway, Jasso, Davis, Kadane, Allen, Koop, Natinsky

Mayor Leppert declared the motion to defer failed.

After further discussion, Mayor Leppert requested the City Attorney review with the city council the following amendments provided by certain members of the city council to follow with a straw vote on each amendment:

**POSSIBLE FLOOR AMENDMENTS TO PROPOSED CAMPAIGN CONTRIBUTION RESTRICTIONS ORDINANCE (CHAPTER 15A, DALLAS CITY CODE)**

1. Apply campaign contribution restrictions to a “significant zoning case,” which includes a change of zoning on specific property where:
  - Incentives, abatements, or other public subsidies in any form have been applied for or received for development of the property;
  - The property is 25 acres or more in size;
  - The zoning application proposes 100,000 square feet or more of floor area;
  - or

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- The city staff recommendation and city plan commission recommendation on the zoning application do not agree.

*(The proposed ordinance applied the restrictions to any zoning case, with limited exceptions.)*

2. Calculate the beginning of campaign contribution restrictions in zoning cases from the date first notices of a public hearing before the city council are mailed. *(The proposed ordinance calculates from the date first notices of a public hearing before the city plan commission are mailed.)*
3. Add a provision prohibiting any person responding to a request for bids or request for proposals on a city contract from making a campaign contribution to a city council member from the time the advertisement or public notification of the request for bids or request for proposals is made until 60 days after the date the contract is awarded by the city council.
4. Add a provision prohibiting any person requesting any of the following public financing from the city from making a campaign contribution to a city council member from the time the application is filed until 60 days after the date the city council votes on the matter:
  - A tax abatement.
  - A housing tax credit.
  - An historic development tax abatement.
  - Federal grant money administered by the city.
  - Tax increment financing.
  - An economic development grant or loan.
5. Add a provision prohibiting any person requesting any of the following public financing from the city from making a campaign contribution to a city council member during the period beginning 60 days before the date the application is filed until six months after the date the city council votes on the matter or the application is withdrawn, whichever occurs first:
  - A tax abatement.
  - A housing tax credit.
  - An historic development tax abatement.
  - Federal grant money administered by the city.
  - Tax increment financing.
  - An economic development grant or loan.

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6. Apply any campaign contribution restrictions adopted for incumbent city council members to city council candidates.

Councilmember Jasso moved to reconsider the previous vote on Councilmember Atkins' motion to defer addendum addition agenda items 11, 12, 13 and 14 to dates certain that all the items be briefed to the city council on November 18<sup>th</sup>, December 2<sup>nd</sup> with public hearings on both dates and council vote on December 16<sup>th</sup>, which is a briefing meeting of the city council.

Motion seconded by Councilmember Hill to reconsider the previous vote on Councilmember Atkins' motion to defer.

During debate on Councilmember Jasso's motion to reconsider the previous vote on Councilmember Atkins' motion to defer addendum addition agenda items 11, 12, 13 and 14, Mayor Pro Tem Caraway called the question to end the debate.

Motion seconded by Councilmember Natinsky and adopted by two-thirds of the city councilmembers present voting in the affirmative. (Davis absent when vote taken)

Mayor Leppert called the vote on Councilmember Jasso's motion to reconsider the previous vote on Councilmember Atkins' motion to defer addendum addition agenda items 11, 12, 13 and 14 to dates certain that all the items be briefed to the city council on November 18<sup>th</sup>, December 2<sup>nd</sup> with public hearings on both dates and council vote on December 16<sup>th</sup>, which is a briefing meeting of the city council.

Voting Yes: [7] Medrano, Jasso, Neumann, Hill, Salazar, Atkins, Hunt  
Voting No: [7] Leppert, Caraway, Kadane, Allen, Koop, Natinsky, Margolin  
Absent when vote taken: [1] Davis

Mayor Leppert declared the motion to reconsider the previous vote on Councilmember Atkins' motion to defer addendum addition agenda items 11, 12, 13 and 14 failed.

After further discussion, by general consensus the following amendments were agreed upon by the city council to come back for final approval on the November 9, 2009 voting agenda meeting of the city council:

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1. Apply campaign contribution restrictions to a “significant zoning case,” which includes a change of zoning on specific property where:
  - A “significant zoning case,” means a change of zoning on specific property where:
    - A. The property is:
      - 1) 10 acres or more in size for a multifamily use; or
      - 2) 25 acres or more in size for all other uses; or
    - B. The zoning application proposes:
      - 1) 200,000 square feet or more of floor area for a retail or commercial use; or
      - 2) 1,000,000 square feet or more of floor area for an industrial use; or
      - 3) a density of 60 units or more per acre for a multifamily use regardless of parcel size; or
    - C. The city staff recommendation and city plan commission recommendation on the zoning application do not agree.
2. Add a provision prohibiting any person responding to a request for bids or request for proposals on a city contract from making a campaign contribution to a city council member from the time the advertisement or public notification of the request for bids or request for proposals is made until 60 days after the date the contract is awarded by the city council.
3. Add a provision prohibiting any person requesting any of the following public financing from the city from making a campaign contribution to a city council member from the time the application is filed until 60 days after the date the city council votes on the matter: **Amend to reflect “from the time the application is posted” instead of from the time the application is filed.**
  - A tax abatement.
  - A housing tax credit.
  - An historic development tax abatement.
  - Federal grant money administered by the city.
  - Tax increment financing.
  - An economic development grant or loan.



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Addendum addition 14: A resolution amending Section 7 of the City Council Rules of Procedure to require certain main motions on zoning cases to be seconded three times, with each second made by a different council member - Financing: No cost consideration to the City

Councilmember Atkins moved to defer addendum addition agenda items 11, 12, 13 and 14 to dates certain that all the items be briefed to the city council on November 18<sup>th</sup>, December 2<sup>nd</sup> with public hearings on both dates and council vote on December 16<sup>th</sup>, which is a briefing meeting of the city council.

Motion seconded by Councilmember Hill.

After discussion, Mayor Leppert called the vote on Councilmember Atkins motion to defer addendum addition agenda items 11, 12, 13 and 14 to dates certain that all items be briefed to the city council on November 18<sup>th</sup>, December 2<sup>nd</sup> with public hearings on both dates and council vote on December 16<sup>th</sup>, which is a briefing meeting of the city council.

Voting Yes: [7] Medrano, Neumann, Salazar, Atkins, Hill, Margolin, Hunt

Voting No: [8] Leppert, Caraway, Jasso, Davis, Kadane, Allen, Koop, Natinsky

Mayor Leppert declared the motion failed.

After further discussion, Mayor Leppert requested the City Attorney review with the city council the following amendments provided by certain members of the city council to follow with a straw vote on each amendment:

**POSSIBLE FLOOR AMENDMENTS TO PROPOSED MOTIONS REQUIRING THREE SECONDS RESOLUTION (SECTION 7, CITY COUNCIL RULES)**

1. Define matters that require expanded seconds to include:
  - o A “significant zoning case,” which includes a change of zoning on specific property where:

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- Incentives, abatements, or other public subsidies in any form have been applied for or received for development of the property;
- The property is 25 acres or more in size;
- The zoning application proposes 100,000 square feet or more of floor area; or
- The city staff recommendation and city plan commission recommendation on the zoning application do not agree.

- A tax abatement.
- A housing tax credit.
- An historic development tax abatement.
- Federal grant money administered by the city.
- Tax increment financing.
- An economic development grant or loan.

2. Require two seconds. (*The proposed ordinance requires three seconds.*)

3. Replace the three seconds requirement with a requirement that, at the time a main motion is made to approve or deny a zoning case, a city council member must publicly disclose any campaign contributions, gifts, economic benefits, or direct contacts or communications he or she has received from the zoning applicant or the applicant's agent or representative within the preceding XXX calendar months.

Councilmember Salazar recommended that an additional amendment be considered that states the following:

4. Require a record vote.

By general consensus, the following amendments were agreed upon by the city council to come back for final approval on the November 9, 2009 voting agenda meeting of the city council.

1. Define matters that require expanded seconds to include:

- A "significant zoning case," which includes a change of zoning on specific property where:

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A. The property is:

- 4) 10 acres or more in size for a multifamily use; or
- 5) 25 acres or more in size for all other uses; or

B. The zoning application proposes:

- 1) 200,000 square feet or more of floor area for a retail or commercial use; or
- 2) 1,000,000 square feet or more of floor area for an industrial use; or
- 6) a density of 60 units or more per acre for a multifamily use regardless of parcel size; or

C. The city staff recommendation and city plan commission recommendation on the zoning application do not agree.

- A tax abatement.
- A housing tax credit.
- An historic development tax abatement.
- Federal grant money administered by the city.
- Tax increment financing.
- An economic development grant or loan.

2. Require two seconds. (*The proposed ordinance requires three seconds.*) **Amend to reflect “two seconds” instead of three seconds.**

During and after discussion, the following individuals addressed the city council on the item:

Gay Hopkins, 6030 Monticello Ave.  
Kirk Williams, 5400 Renaissance Tower  
Jonathan Vinson, 6342 Vickery Blvd.

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09-2683

Addendum addition 15: A resolution revising the policy guidelines for council members and city officials who are board and commission members concerning the solicitation and acceptance of gifts, tickets, meals, travel, lodging, entertainment, and honoraria to include additional reporting requirements - Financing: No cost consideration to the City

By general consensus, at the request of Mayor Leppert addendum addition agenda item 15 was deferred until the November 9, 2009 voting agenda meeting of the city council.

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OCTOBER 28, 2009

09-2684

Addendum addition 16: Zoning Case Z089-275 (OTH)

A public hearing was called on zoning case Z089-275 (OTH), an application for and an ordinance granting an amendment to Specific Use Permit No. 1767 for a bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the north side of Commerce Street, east of Good Latimer Expressway

(The staff and city plan commission recommended approval subject to 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. 27720

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, OCTOBER 28, 2009

EXHIBIT C