

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

09-2920  
VOTING AGENDA MEETING  
CITY COUNCIL CHAMBER, CITY HALL  
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert (\*9:55 a.m.), Caraway, Medrano, Jasso, Neumann (\*9:53 a.m.), Hill, Salazar (\*9:11 a.m.), Davis, Atkins (\*9:05 a.m.), Kadane, Allen, Koop, Natinsky, Margolin, Hunt (\*9:35 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 Robert Jeffress, Pastor of the First Baptist Church of Dallas.

Councilmember Allen 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 6:24 p.m.

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Mayor

ATTEST:

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City Secretary

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

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

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

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

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

EXHIBIT A

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

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2921

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: Richard Sheridan, 3022 Forest Lane  
REPRESENTING: Some citizens  
SUBJECT: Jesus and government

SPEAKER: Michael King, 2433 E. Kiest Blvd.  
SUBJECT: Economic disparity in Southern Sector

SPEAKER: Pat Ford, 1116 Essex Dr.  
REPRESENTING: Dallas Community Fellowship Inc.  
SUBJECT: Community Multi-Purpose Center

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

SPEAKER: William Hopkins, 2011 Leath  
SUBJECT: The KKK and EPA

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.  
REPRESENTING: J.B. Jackson, Jr., Institute  
SUBJECT: 14-1; Agenda item #27

SPEAKER: Leslie Allen Davis, 3035 E. Ledbetter Dr.  
REPRESENTING: Public at large  
SUBJECT: Change

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2922

Item 1: Approval of Minutes of the November 9, 2009 City Council Meeting

Councilmember Atkins moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2923

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-73 and addendum addition consent agenda items 1-24, was presented for consideration.

The City Secretary requested that consent agenda items 25, 26 and 44 be considered as individual items to allow citizens to speak. Mayor Pro Tem Caraway stated that consent agenda items 25, 26 and 44 would be considered as individual items later in the meeting, there being no objection voiced to the City Secretary's request.

Deputy Mayor Pro Tem Medrano requested that consent agenda item 15 be considered as an individual item. Mayor Pro Tem Caraway stated that consent agenda item 15 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Medrano's request.

Councilmember Neumann requested that consent agenda items 15, 17 and 31 and addendum addition consent agenda items 17 and 19 be considered as individual items. Mayor Pro Tem Caraway stated that consent agenda items 15, 17 and 31 and addendum addition consent agenda items 17 and 19 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

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

Councilmember Atkins requested that addendum addition consent agenda items 5, 10 and 12 be considered as individual items. Mayor Pro Tem Caraway stated that addendum addition consent agenda items 5, 10 and 12 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Councilmember Koop requested that consent agenda item 15 and addendum addition consent agenda item 19 be considered as individual items. Mayor Pro Tem Caraway stated that consent agenda item 15 and addendum addition consent agenda item 19 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Koop's request.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-2923

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Councilmember Margolin requested that consent agenda items 7, 15, 32 and 34 be considered as individual items. Mayor Pro Tem Caraway stated the consent agenda items 7, 15, 32 and 34 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Councilmember Hunt requested that addendum addition consent agenda item 21 be considered as an individual item. Mayor Pro Tem Caraway stated that addendum addition consent agenda item 21 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters," items 16, 17, 18, 28, 30, 31, and 32 on the consent agenda would be considered as individual items later in the meeting

Councilmember Koop moved to approve all items on the consent agenda with the exception of consent agenda items 7, 15 16, 17, 18, 25, 26, 28, 30, 31, 32, 34, 44 and addendum addition consent agenda items 5, 10, 12, 17, 19 and 21 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2924

Item 2: Authorize the purchase of three Spherical Immersive Digital Recorder Systems, and three portable Panoramic Still Image Camera Systems, software and training - Orator Plus, Inc., through City of Houston Interlocal Agreement - Not to exceed \$135,470 - Financing: U. S. Department of Homeland Security Grant Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2925

Item 3:

Authorize a five-year concession contract for food and beverage services for three buildings at Fair Park - Velasquez Catering & Concessions, Inc. in an estimated amount of \$28,266, Fiesta Enterprises, Inc. in an estimated amount of \$22,413 and La-Kam International in an estimated amount of \$1,919, highest commission bidder of four - Estimated Annual Revenue: \$52,598

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2926

Item 4: Authorize a service contract for the procurement and installation of audio and visual equipment to enhance the system in the Emergency Operation Center at City Hall - Audio Fidelity Communication Corp. dba The Whitlock Group, through Department of Information Resources Cooperative Purchasing Agreement - Not to exceed \$134,677 - Financing: Urban Area Security Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2927

Item 5: Authorize a three-year master agreement for ammunition for the Dallas Police Department, Court Services and Security Services - Precision Delta Corp. in the amount of \$2,242,000 and GT Distributors, Inc. in the amount of \$376,800, lowest responsible bidders of two - Total not to exceed \$2,618,800 - Financing: Current Funds (\$2,464,038) and Confiscated Monies Funds (\$154,762)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2928

Item 6: Authorize a three-year master agreement for drafting supplies - Cad & Graphic Supply, Inc. in the amount of \$295,028, Archive Supplies, Inc. in the amount of \$46,998 and Vanderburg Drafting Supplies, Inc. in the amount of \$31,798, lowest responsible bidders of four - Total not to exceed \$373,824 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2929

Item 7: Authorize a three-year service contract for independent evaluation and inspection of Dallas Fire-Rescue ground ladders, pumps and aerial ladders - Fire One, Inc., lowest responsible bidder of two - Not to exceed \$201,675 - Financing: Current Funds (subject to annual appropriations)

Councilmember Margolin requested that consent agenda item 7 be considered as an individual item. Mayor Pro Tem Caraway stated that consent agenda item 7 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 7 was brought up for consideration.

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2930

Item 8: Authorize a four-year service contract for helicopter parts, maintenance and service repairs for the Dallas Police Department's Helicopter Unit - Uniflight, LLC in the amount of \$2,000,000, AeroMaritime America, Inc. in the amount of \$1,580,426, Standard Aero Limited in the amount of \$476,081, Radio Masters, Inc. in the amount of \$436,998 and Masco Service Corp. in the amount of \$49,090, lowest responsible bidders of six - Total not to exceed \$4,542,595 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2931

Item 9: Authorize **(1)** rescinding the three-year service contract with All Facility Services, LLC, previously approved on May 27, 2009, by Resolution No. 09-1310, for overhead door repair, maintenance, parts and labor; and **(2)** a three-year service contract for overhead door repair, maintenance, parts and labor - Overhead Door Company of Dallas, lowest responsible bidder of three - Not to exceed \$2,914,880 - Financing: Current Funds (\$2,727,842), Water Utilities Current Funds (\$183,036) and Aviation Current Funds (\$4,002) (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2932

Item 10: Authorize **(1)** rescinding the five-year service contract with All Star Cleaning USA, previously approved on August 22, 2007, by Resolution No. 07-2340, for janitorial services at the Dallas Fire-Rescue training facility; and **(2)** a five-year service contract for janitorial services at the Dallas Fire-Rescue training facility - General Building Maintenance, lowest responsible bidder of four - Not to exceed \$241,084 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2933

Item 11: Authorize settlement of the lawsuit styled Daniel Lopez v. City of Dallas, Cause No. 09-00185-F - Not to exceed \$7,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2934

Item 12: Authorize settlement of the lawsuit styled Corey Raye v. City of Dallas, Cause No. 09-03730-B - Not to exceed \$7,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2935

Item 13: Authorize settlement of the lawsuit styled Lilian Romero v. City of Dallas,  
Cause No. 09-00120-B - Not to exceed \$6,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2936

Item 14: Authorize Supplemental Agreement No. 2 to the professional services contract with the law firm of Bell, Nunnally & Martin, LLP for additional legal services necessary for representation of the City in the lawsuit styled Helen Watts v. City of Dallas, Cause No. 08-13000-A, and Leanne Siri v. City of Dallas, Cause No. 09-04875-A, and for claims made against the City on behalf of city employees Sherri Lopez, Sheila Schulte-De Albrecht, Diana Salinas and Cheryl Hill, and any lawsuits subsequently filed related to these claims - Not to exceed \$300,000, from \$525,000 to \$825,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2937

Item 15: An ordinance amending Chapter 27 of the Dallas City Code to provide requirements, procedures, and fees for the registration of non-owner occupied rental property in the city - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Medrano, Councilmember Neumann, Councilmember Hill, Councilmember Koop and Councilmember Margolin requested that consent agenda item 15 be considered as an individual item. Mayor Pro Tem Caraway stated that consent agenda item 15 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Medrano, Councilmember Neumann, Councilmember Hill, Councilmember Koop and Councilmember Margolin's requests.

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

Deputy Mayor Pro Tem Medrano, Councilmember Hill and Councilmember Koop announced they had a conflict of interest and would abstain from voting or participating in any discussion. Deputy Mayor Pro Tem Medrano, Councilmember Hill and Councilmember Koop left the city council chamber.

Councilmember Atkins moved approval with the following amendment:

- That, within one year after its implementation, the city manager shall review the non-owner occupied rental property registration program established by this ordinance and report to the city council on its effectiveness.

and pass the ordinance.

Motion seconded by Councilmember Kadane and unanimously adopted. (Medrano, Hill, Koop abstain; Leppert, Neumann, Hunt absent when vote taken)

Assigned ORDINANCE NO. 27751

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2938

Item 16: Authorize an amendment to the development agreement with Bellview Condo Associates I, Ltd., previously approved on August 9, 2006, by Resolution No. 06-2022, as amended, in Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) to: **(1)** extend the project deadline from March 31, 2009 to December 31, 2010; and **(2)** amend Exhibit A, the TIF Public Improvements Cost Estimates - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Pro Tem Caraway stated that consent agenda item 16 would be considered as an individual item later in the meeting.

Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Deputy Mayor Pro Tem Medrano moved to approve the item.

Motion seconded by Councilmember Atkins and Councilmember Natinsky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2939

Item 17: Authorize an amendment to the development agreement with INCAP Master Development, LLC, previously approved on May 28, 2008, by Resolution No. 08-1585, in Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to: **(1)** add the completion date for the design of the median improvements component of December 31, 2010; **(2)** extend the completion deadline for the median improvements from July 15, 2010 to December 31, 2011; and **(3)** adjust the priority status of TIF reimbursement for the project to account for the additional time required to complete the median improvements on Davis Street between Hampton and Montclair Roads - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Pro Tem Caraway stated that consent agenda item 17 would be considered as an individual item later in the meeting.

Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Atkins and Councilmember Jasso and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2940

Item 18: Authorize an amendment to the economic development grant agreement with NEC Lake June & Masters, L.P., previously approved on June 25, 2008, by Resolution No. 08-1886, to: (1) extend the substantial completion date from December 31, 2009 to June 30, 2010; and (2) revise the job creation date from December 31, 2009 to June 30, 2010 with NEC Lake June & Masters, L.P. for the related improvements and redevelopment of the Lake June Plaza Shopping Center located at Lake June Road and Masters Drive - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Pro Tem Caraway stated that consent agenda item 18 would be considered as an individual item later in the meeting.

Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Hill moved to approve the item.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2941

Item 19: Authorize a professional services contract with Zeit Energy, LLC. to provide engineering design and management administration services for construction of compressed natural gas fueling facilities at Southeast Service Center located at 2768 Municipal Street and Northwest Service Center located at 9807 Harry Hines Boulevard - Not to exceed \$118,585 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2942

Item 20: Authorize **(1)** a contract for lighting retrofits at 113 City facilities and parking lots with Facility Solutions Group, Inc., lowest responsible bidder of four, in an amount not to exceed \$2,391,000 (list attached); **(2)** the receipt and deposit of funds from Oncor's Rebate Program for energy efficiency rebates in the amount of \$520,000 in the Energy Management Fund; and **(3)** the establishment of appropriations in the amount of \$520,000 in the Energy Management Fund - Total not to exceed \$2,911,000 - Financing: U S Department of Energy Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2943

Item 21: Authorize a professional services contract with Priority Power Management, LLC for consulting services needed to provide expert electricity procurement assistance for all buildings maintained by the City, to include the preparation of electricity specifications, evaluation of proposals, evaluation of retail energy providers, contract negotiations, and locking rates for the contract period - Not to exceed \$177,255 - Financing: Current Funds (\$152,255) and Water Utilities Current Funds (\$25,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2944

Item 22: Authorize **(1)** an increase in the contract with Gilbert May, Inc. dba Phillips/May Corporation for additional work necessary for infrastructure improvements for the Hall of State Improvement and Restoration located at 3939 Grand Avenue; and **(2)** the addition of twenty-four days to the contract - Not to exceed \$151,057, from \$6,378,407 to \$6,529,464 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2945

Item 23: Authorize a construction contract for the renovation of the L1 Level, second floor Children's Center and the fifth floor restrooms in the J. Erik Jonsson Central Library located at 1515 Young Street - Mega Contractors, Inc., lowest responsible bidder of six - Not to exceed \$2,639,000 - Financing: 2003 Bond Funds (\$1,063,236), Private Funds (\$318,956) and 2006 Bond Funds (\$1,256,808)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2946

Item 24: Authorize an Interlocal Agreement with Dallas County Hospital District dba Parkland Health & Hospital System to provide geriatric health services to low and moderate income seniors age 60 and older for the period November 1, 2009 through September 30, 2010 - Not to exceed \$129,677 - Financing: 2009-10 Community Development Block Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2947

Item 25: Authorize **(1)** the private sale under the Land Assembly process through the Land Transfer Program, pursuant to the provisions of Chapter 34 of the Texas Property Tax Code, by Quitclaim Deed of one unimproved property located at 3313 Beall Street acquired by the taxing authorities from the Sheriff's Sale to Central Dallas Community Development Corporation, a qualified non-profit organization; and **(2)** execution of a release of non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any, for the property located at 3313 Beall Street - Revenue: \$6,327

The City Secretary requested that consent agenda item 25 be considered as an individual item to allow citizens to speak. Mayor Pro Tem Caraway stated that consent agenda item 25 would be considered as an individual item later in the meeting there being no objection voiced to the City Secretary's request.

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

Deputy Mayor Pro Tem Medrano moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2948

Item 26: A resolution declaring one unimproved property located at 3331 Beall Street unwanted and unneeded and authorizing its conveyance to Central Dallas Community Development Corporation, a qualified non-profit organization, through the Land Transfer Program - Revenue: \$1,000

The City Secretary requested that consent agenda item 26 be considered as an individual item to allow citizens to speak. Mayor Pro Tem Caraway stated that consent agenda item 26 would be considered as an individual item later in the meeting, there being no objection voiced to the City Secretary's request.

Later in the meeting, consent agenda item 26 was brought up for consideration.

Councilmember Atkins moved to approve the item.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2949

Item 27: Authorize **(1)** the Dallas Housing Finance Corporation to drawdown \$25,000,000 of its tax-exempt bond allocation from the Housing Economic Recovery Act Emergency Volume Cap to convert into \$6,250,000 Mortgage Credit Certificate (MCCs) Authority to provide MCCs to low-to-moderate income first-time homebuyers purchasing homes in the City of Dallas; and **(2)** approval of the plan related to that financing - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2950

Item 28: Authorize the reconstruction on-site of seven homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 4238 Carl Street in the amount of \$87,500, 3623 Palacios Avenue in the amount of \$87,500, 4618 Underwood Street in the amount of \$87,500, 3923 Sonora Avenue in the amount of \$87,500, 3622 Lovingood Drive in the amount of \$87,500, 6297 Denham Circle in the amount of \$87,500 and 2334 Pine Street in the amount of \$87,500 - Total not to exceed \$612,500 - Financing: 2007-08 Community Development Block Grant Reprogramming Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Pro Tem Caraway stated that consent agenda item 28 would be considered as an individual item later in the meeting.

Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Atkins moved to approve the item.

Motion seconded by Councilmember Salazar and Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2951

Item 29: Authorize modifications to the Reconstruction/SHARE Program Statement to increase the maximum Reconstruction Program Assistance Type One loan amount from \$87,500 to \$93,400 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2952

Item 30: Authorize an amendment to the professional services contract with Building Community Workshop, whereby Building Community Workshop is providing research, recommendations, design and construction documents for the Reconstruction/SHARE Program, in order to provide for an extension of certain deadlines - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Pro Tem Caraway stated that consent agenda item 30 would be considered as an individual item later in the meeting.

Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Davis moved to approve the item.

Motion seconded by Councilmember Hill and Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2953

Item 31: Authorize **(1)** a public hearing to be held on January 13, 2010 to receive comments on the proposed City of Dallas submission of an application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant Section 108 Guarantee Loan Program loan in the amount of \$5,500,000 to fund a loan for Lang Partners, LLC for the acquisition of property at 1340 Plowman Avenue and to fund interest reserve, public infrastructure, demolition and site improvements for development of 260 apartment units with 52 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 and retail and office space; and at the close of the public hearing, **(2)** consideration of submission of the application to HUD for a CDBG Section 108 Guarantee Loan Program loan for Lang Partners, LLC in an amount not to exceed \$5,500,000 - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Pro Tem Caraway stated that consent agenda item 31 would be considered as an individual item later in the meeting.

Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Neumann moved to approve the item.

Motion seconded by Mayor Pro Tem Caraway and Councilmember Jasso and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2954

Item 32: Authorize (1) a public hearing to be held on January 13, 2010 to receive comments on the proposed City of Dallas submission of an 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 \$7,600,000 to fund a loan for FC Continental Complex, L.P., for the conversion of a vacant commercial building at 1810 Commerce Street into 199 apartment units with 40 units for individuals and families with incomes at 80% or less of Area Median Family Income as established by HUD and to fund an interest reserve; and at the close of the public hearing, (2) consideration of submission of an application to HUD for a CDBG Section 108 Guarantee Loan Program loan for FC Continental Complex, L.P., in an amount not to exceed \$7,600,000 - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Pro Tem Caraway stated that consent agenda item 32 would be considered as an individual item later in the meeting.

Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Hunt moved to approve the item.

Motion seconded by Councilmember Hill and Deputy Mayor Pro Tem Medrano.

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

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Margolin voting "No."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2955

Item 33: Authorize adoption of the City's Master Plan Document that governs the City's 2010 Employee and Retiree Health Benefits Plans (self-funded Preferred Provider Organizations), including the Flexible Benefits Plan (Section 125) - Total cost is based on the number of employees/retiree participants in the plan - Financing: Employee Benefits Current Funds (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2956

Item 34: Authorize approval of the proposed Park and Recreation Public Art Plan for the 2006 Bond Program in compliance with the City's Public Art Ordinance of the Dallas City Code, Chapter 2, Article X, and as approved by the Cultural Affairs Commission and the Park and Recreation Board - Financing: No cost consideration to the City

Councilmember Margolin requested that consent agenda item 34 be considered as an individual item. Mayor Leppert stated that consent agenda item 34 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's requests.

Councilmember Davis moved to approve the item.

Motion seconded by Councilmember Atkins.

After discussion, Mayor Pro Tem Caraway called for a vote on the motion.

Mayor Pro Tem Caraway declared the motion adopted on a divided vote, with Councilmember Margolin voting "No." (Leppert, Neumann absent when vote taken)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2957

Item 35: Authorize **(1)** the acceptance of five grants from the Texas Commission on the Arts to provide cultural services for the period October 1, 2009 through August 31, 2010; and **(2)** execution of the grant agreements - Not to exceed \$73,000 - Financing: Texas Commission on the Arts Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2958

Item 36: Authorize a contract with Sonia King for the fabrication and installation of a site-specific artwork to be installed on the front entrance wall of the lobby of the Pleasant Grove Library - Not to exceed \$31,938 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2959

Item 37: Authorize a contract with Emmanuel Gillespie for the fabrication and installation of a site-specific artwork to be installed in the triangular median at the intersection of the Bexar and Ghent Streets - Not to exceed \$68,325 - Financing: 2003 Bond Funds (\$44,025), 2004-05 Community Development Block Grant Funds (\$16,624), and 2006-07 Community Development Block Grant Funds (\$7,676)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2960

Item 38: Authorize a contract with ie creative artworks, incorporated for the fabrication and installation of a site-specific artwork at the Texas Discovery Gardens - Not to exceed \$266,400 - Financing: 1998 Bond Funds (\$116,290), 2003 Bond Funds (\$54,036) and 2006 Bond Funds (\$96,074)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2961

Item 39: An ordinance approving Dallas-Fort Worth International Airport Board Resolution No. 2009-10-211 which amends Chapters 2, 3 and Appendix I of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board, as amended, to: **(1)** prohibit persons from leaving vehicles unattended; **(2)** increase parking penalties; **(3)** delete requirements for the distribution of literature in terminals; and **(4)** add the Stone Meyers Parkway roadway extension to the list of airport roadways - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27752

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2962

Item 40: Authorize **(1)** a four-year agreement, with a one-year renewal option, with the Little League Baseball Association for improvements to and use of athletic fields at White Rock Lake Park located at 950 East Lawther Drive for the term December 15, 2009 through December 31, 2014 to receive and deposit annual revenue in the amount of \$25,000; **(2)** receipt and deposit of one-time funds in the amount of \$50,000 for capital improvements in the Park Improvement Fund; and **(3)** increase appropriations in the Park Improvement Fund by \$75,000, from \$1,058,554 to \$1,133,554 - Total Revenue: \$175,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2963

Item 41: Authorize a Memorandum of Agreement with the United States Department of Homeland Security, Federal Law Enforcement Training Center and the Dallas Police Department to form a joint endeavor for the purpose of producing a law enforcement training video for the period January 1, 2010 through December 31, 2012 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2964

Item 42: Authorize a Mutual Aid Agreement with Southern Methodist University, by and through its Police Department, to form a law enforcement mutual aid team to cooperate in the investigation of criminal activity and to participate in enforcing the laws of the State of Texas - Financing: No cost consideration to the City

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2965

Item 43: Authorize **(1)** a Project Agreement with Dallas County for the preliminary design and the master plan study on the East Dallas VeloWay, Phase III from Lawther Drive to Mockingbird Lane and Phase IV from Northwest Highway to north of Royal Lane, including the YMCA Extension near the intersection of Gaston Avenue and Garland Road; and **(2)** payment to Dallas County for the City's share of design costs - Not to exceed \$500,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2966

Item 44: Authorize approval of the recommended plan for the proposed alignment of Central Business District - Fair Park Link from Hall Street to Hickory Street - Financing: No cost consideration to the City

The City Secretary requested that consent agenda item 44 be considered as an individual item to allow citizens to speak. Mayor Pro Tem Caraway stated that consent agenda item 44 would be considered as an individual item later in the meeting, there being no objection voiced to the City Secretary's request.

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

The following individuals addressed the city council regarding the item:

Michael Coker, 2700 Swiss Ave., representing the property owner  
Sean Fitzgerald, 2813 Canton St., representing Deep Ellum Community Association

Deputy Mayor Pro Tem Medrano moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2967

Item 45: Authorize a professional services contract with AECOM Technical Services, Inc. (formerly Earth Tech, Inc.) for the engineering design of thoroughfare improvements on Goodnight Lane from Royal Lane to north of Harcourt Street - Not to exceed \$358,815 - Financing: 2006 Bond Funds (\$333,895) and Water Utilities Capital Improvement Funds (\$24,920)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2968

Item 46: Authorize a contract for the reconstruction of street paving, storm drainage, street resurfacing, water and wastewater main improvements for Dolphin Heights Project Group 06-3009 (list attached) - Camino Construction, L.P., lowest responsible bidder of six - Not to exceed \$1,333,450 - Financing: 2003 Bond Funds (\$823,020), Water Utilities Capital Improvement Funds (\$499,650) and Water Utilities Capital Construction Funds (\$10,780)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2969

Item 47: Authorize an increase to the contract with EAS Contracting, L.P. for additional airfield light fixtures and transformers for the Lighting Vault Relocation Project at Dallas Love Field - Not to exceed \$91,129, from \$3,442,257 to \$3,533,386 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds (\$68,347) and Aviation Capital Construction Funds (\$22,782)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2970

Item 48: Authorize an increase in the construction contract with Turner Construction Company for the improvement of subsoil under structure and mechanical and electrical systems upgrade for the Annette Strauss Artist Square Project - Not to exceed \$92,004, from \$5,316,675 to \$5,408,679 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2971

Item 49: Authorize Supplemental Agreement No. 1 to the professional services contract with Criado & Associates, Inc. to prepare the environmental assessment for 12 safe routes to school improvement projects impacting 15 schools (list attached) - Not to exceed \$36,841, from \$291,494 to \$328,335 - Financing: Texas Department of Transportation Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2972

Item 50: Authorize Supplemental Agreement No. 2 to the Construction Manager at Risk contract with McCarthy Building Companies, Inc. to increase the scope of work to construct a 5,100 square foot south building extension for the City Performance Hall within the established Guaranteed Maximum Price contract - Financing: No cost consideration to the City

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2973

Item 51: Authorize Supplemental Agreement No. 3 to the professional services contract with Corgan Associates, Inc. for construction documents, bidding and construction administration services for a 5,100 square foot building extension for the City Performance Hall - Not to exceed \$195,050, from \$7,070,067 to \$7,265,117 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2974

Item 52: Authorize ordinances granting five franchises for solid waste collection and hauling, pursuant to Chapter XIV, of the City Charter, and Chapter 18, Article IV, of the Dallas City Code (list attached) - Estimated Annual Revenue: \$2,500

Approved as part of the consent agenda.

Assigned ORDINANCE NOS. 27753, 27754, 27755, 27756 AND 27757

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2975

Item 53: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from David E. Vess of approximately 49,899 square feet of land located in Dallas County for the East Side Water Treatment Plant Project - Not to exceed \$17,000 (\$14,970 plus closing costs not to exceed \$2,030) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2976

Item 54: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Melvin Hall of approximately 92,318 square feet of land located in Dallas County for the East Side Water Treatment Plant Project - Not to Exceed \$44,000 (\$41,543 plus closing costs not to exceed \$2,457) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2977

Item 55: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Mahmood Akhtar of approximately 154,785 square feet of land located in Dallas County for the East Side Water Treatment Plant Project - Not to exceed \$86,000 (\$83,000 plus closing costs not to exceed \$3,000) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2978

Item 56: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Lloyd E. Miller of approximately 52,141 square feet of land located in Dallas County for the East Side Water Treatment Plant Project - \$406,000 (\$401,056 plus closing costs not to exceed \$4,944) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2979

Item 57: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Kumiva Group, LLC of approximately 9,985 square feet of land located near the intersection of Motor and Cass Streets for the Motor Street Improvement Project - Not to exceed \$223,500 (\$220,000 plus closing costs not to exceed \$3,500) - Financing: 2003 Bond Funds

Approved as part of the consent agenda

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2980

Item 58: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jennifer L. Guthrie and Michael D. Guthrie of approximately 87,950 square feet of improved land located in Kaufman County for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project - Not to exceed \$298,000 (\$290,000 plus closing costs not to exceed \$8,000) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2981

Item 59: Authorize settlement in lieu of proceeding with condemnation of approximately 126,850 square feet of unimproved land from Joel V. King located in Kaufman County for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project - Not to exceed \$79,356 (\$76,556 plus closing costs not to exceed \$2,800) - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2982

Item 60: Authorize moving expense and replacement housing payments for Barbara Jackson as a result of an official written offer of just compensation to purchase real property at 312 South Larkin Road for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project - Not to exceed \$34,757 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2983

Item 61: Authorize moving expense and rental assistance payments for Jose Luis Ortiz and Gladys Lomeli in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2510 Chrysler Drive for future City facilities - Not to exceed \$18,100 - Financing: 2006 Bonds Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2984

Item 62: Authorize moving expense and replacement housing payments for Juanita Rodriguez in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 1018 Packard Street for future City facilities - Not to exceed \$56,900 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2985

Item 63: An ordinance abandoning a portion of a utility easement to Northpark Land Partners, L.P., the abutting owner, containing approximately 1,698 square feet of land located near the intersection of Northwest Highway and Boedeker Street  
- Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27758

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2986

Item 64: An ordinance amending Chapter 53, Dallas Building Code, and Chapter 57, Dallas One- and Two-Family Dwelling Code, expanding the water conservation requirements for one and two-family dwellings, and the cool roof requirements for commercial buildings less than 50,000 square feet of floor area to include the installation of vegetated roofs in roofs with slopes of 2:12 or less -  
Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27759

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2987

Item 65: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from CMC Concrete Accessories, Inc., dba Shepler's, of a tract of land containing approximately 44,892 square feet located near the intersection of Irving Boulevard and Sylvan Avenue for the Baker Pump Station - Not to exceed \$193,403 (\$190,703 plus closing costs not to exceed \$2,700) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2988

Item 66: Authorize settlement in lieu of proceeding with condemnation of an unimproved tract of land containing approximately 7,000 square feet from Avan Easter, Sr. and Melba Easter Revocable Living Trust located near the intersection of Colonial Avenue and Starks Avenue for the Trinity Parkway - Not to exceed \$14,000 (\$12,000 plus closing costs not to exceed \$2,000) - Financing: 1998 Bond Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2989

Item 67: Authorize settlement in lieu of proceeding with condemnation of an unimproved tract of land containing approximately 7,000 square feet from Jerrod Bourquin located near the intersection of Colonial Avenue and Starks Avenue for the Trinity Parkway - Not to exceed \$14,000 (\$12,000 plus closing costs not to exceed \$2,000) - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2990

Item 68: Authorize settlement in lieu of proceeding with condemnation of an unimproved tract of land containing approximately 7,000 square feet from the Salem Institutional Baptist Church located at the intersection of Colonial Avenue and Starks Avenue for the Trinity Parkway - Not to exceed \$14,000 (\$12,000 plus closing costs not to exceed \$2,000) - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2991

Item 69: Authorize a professional services contract with Lockwood, Andrews & Newnam, Inc. for the flood study update of Bachman Branch Floodplain Management Study - Not to exceed \$218,445 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2992

Item 70: Authorize continuation of the contract with the Department of Interior-United States Geological Survey for operation of streamflow and water quality gauging stations in the Trinity River basin, a bromide loading study in the Red River in the Red River basin, a lake evaporation station on Lake Lewisville and a pharmaceutical and personal care products water quality study from December 9, 2009 through September 30, 2010 - \$341,342 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2993

Item 71: Authorize an increase in the contract with Cajun Constructors, Inc. for additional work associated with construction of the Alta Mesa Pump Station - Not to exceed \$122,951, from \$7,029,199 to \$7,152,150 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2994

Item 72: Authorize Supplemental Agreement No. 1 to the professional services contract with Freese and Nichols, Inc. to prepare detailed design documents for a new influent pump station at the Central Wastewater Treatment Plant - Not to exceed \$5,744,600, from \$2,153,513 to \$7,898,113 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2995

Item 73: Authorize Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. for the additional design of 41,000 feet of wastewater mains in the McKamy and Osage Branch drainage basins - Not to exceed \$2,748,935, from \$1,573,995 to \$4,322,930 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2996

09-2997

Item 74: 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 2009-2011 board term updated through DECEMBER 9, 2009.

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

Councilmember Atkins moved to appoint Linda Ward, Citizen at Large, to the Landmark Commission; Robert W. Ivey and Jason Mayes, Registered Voters, to the Reinvestment Zone Two Board (Cityplace Area); Kenneth D. Martin, Registered Voter, to the Reinvestment Zone Four Board (Cedars Area); Alexia Griffin and Lily Fern Mak, Registered Voters, to the Reinvestment Zone Six Board (Farmers Market); Michael Kutner, Registered Voter, to the Reinvestment Zone Eight Board (Design District); Judy Jacks and Michon Fulgham, Registered Voters, to the Reinvestment Zone Nine Board (Vickery Meadow); Lily Mak, Registered Voter, to the Reinvestment Zone Ten Board (Southwestern); Herbert Goodman, Registered Voter, to the Reinvestment Zone Twelve Board (Deep Ellum); Judson "Jud" L. Pankey, Registered Voter, to the Reinvestment Zone Seventeen Board (TOD); Trini Garza and Betty Hooey, 55 years of age or older, to the Senior Affairs Commission; W. Gregg Hill, Business Owner in South Dallas/Fair Park Area, Gerald Lee, Business, and Harrison Yoss, Non-Profit Management, to the South Dallas/Fair Park Trust Fund Board;

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

Councilmember Atkins moved to appoint Joe Alcantar, Chair, City Plan and Zoning Commission, Tom Baker, Chair, Park and Recreation Board, Roberto Canas, Jr., Vice Chair, Animal Shelter Commission, Gail Sachson, Vice Chair, Cultural Affairs Commission, Maureen Jones, Vice Chair, Municipal Library Board, and Joan Walne, Vice Chair, Park and Recreation Board.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

09-2996

09-2997

Page 2

Councilmember Davis read into the record to renominate Christine Taylor to serve as her individual appointee to the Martin Luther King, Jr. Community Center Board. During her required background check, I learned that she had some attendance issues, which the City Secretary's Office informed me of in accordance with Chapter 8 of the Dallas City Code. Because I believe she will be a committed member of the Martin Luther King, Jr. Community Center Board, I move approval of her reappointment, along with 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, 2011, and the chair and vice chair nominees read by the City Secretary.

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

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

<b>09-5337</b>	<b>ARC</b>	<b>AUTOMATED RED LIGHT ENFORCEMENT COMMISSION</b>
<b>09-5338</b>	<b>BOA</b>	<b>BOARD OF ADJUSTMENT</b>
<b>09-5339</b>	<b>CPC</b>	<b>CITY PLAN AND ZONING COMMISSION</b>
<b>09-5340</b>	<b>CPR</b>	<b>DALLAS CITIZENS POLICE REVIEW BOARD</b>
<b>09-5341</b>	<b>EHC</b>	<b>ENVIRONMENTAL HEALTH COMMISSION</b>
<b>09-5342</b>	<b>LMC</b>	<b>LANDMARK COMMISSION</b>
<b>09-5343</b>	<b>MLB</b>	<b>MUNICIPAL LIBRARY BOARD</b>
<b>09-5344</b>	<b>MLK</b>	<b>MARTIN LUTHER KING JR. COMMUNITY CENTER BOARD</b>
<b>09-5345</b>	<b>PAR</b>	<b>PARK AND RECREATION BOARD</b>
<b>09-5346</b>	<b>PLA</b>	<b>PERMIT AND LICENSE APPEAL BOARD</b>
<b>09-5347</b>	<b>RZ02</b>	<b>REINVESTMENT ZONE TWO BOARD (CITYPLACE AREA)</b>
<b>09-5348</b>	<b>RZ04</b>	<b>REINVESTMENT ZONE FOUR BOARD (CEDARS AREA)</b>
<b>09-5349</b>	<b>RZ06</b>	<b>REINVESTMENT ZONE SIX BOARD (FARMERS MARKET)</b>
<b>09-5350</b>	<b>RZ08</b>	<b>REINVESTMENT ZONE EIGHT BOARD (DESIGN DISTRICT)</b>
<b>09-5351</b>	<b>RZ09</b>	<b>REINVESTMENT ZONE NINE BOARD (VICKERY MEADOW)</b>
<b>09-5352</b>	<b>RZ10</b>	<b>REINVESTMENT ZONE TEN BOARD (SOUTHWESTERN MEDICAL)</b>
<b>09-5353</b>	<b>RZ12</b>	<b>REINVESTMENT ZONE TWELVE BOARD (DEEP ELLUM)</b>
<b>09-5354</b>	<b>RZ17</b>	<b>REINVESTMENT ZONE SEVENTEEN BOARD (TOD)</b>
<b>09-5355</b>	<b>SAC</b>	<b>SENIOR AFFAIRS COMMISSION</b>
<b>09-5356</b>	<b>SDF</b>	<b>SOUTH DALLAS/FAIR PARK TRUST FUND BOARD</b>
<b>09-5357</b>		<b>BOARD OFFICERS</b>

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2998

Item 75: Authorize a resolution reporting the results of balloting for nominees to the Collin Central Appraisal District Board of Directors - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Medrano moved to approve the resolution reporting the results of balloting of 99 allocated votes for nominees to Collin County Central Appraisal District Board of Directors as follows:

Steve Wright, City of Wylie	<u>99</u>
Total	99

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-2999

Item 76: Authorize a resolution reporting the results of balloting for nominees to the Denton Central Appraisal District Board of Directors - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Medrano moved to approve the resolution reporting the results of balloting 35 allocated votes for nominees to the Denton County Central Appraisal District Board of Directors as follows:

Mark Chambers, City of Fort Worth	<u>35</u>
Total	35

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3000

Item 77: Authorize a resolution appointing a representative to the Dallas Central Appraisal District Board of Directors - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Medrano moved to approve the resolution reappointing James Christopher Wells as the City of Dallas representative on the Dallas Central Appraisal District Board of Directors for a two-year term beginning January 1, 2010.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3001

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 78-85, was presented for consideration.

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters," agenda item 78 was removed from the consent zoning document, to be considered as an individual hearing.

Agenda item 81 was removed from the consent zoning docket, to be considered as an individual hearing.

~~Agenda item 78: Zoning Case Z089-216(MAW) [considered individually]~~

Agenda item 79: Zoning Case-Z089-234 (MAW)

Agenda item 80: Zoning Case Z089-253 (RB)

~~Agenda item 81: Zoning Case Z089-257 (WE) [considered individually]~~

Agenda item 82: Zoning Case-Z089-269 (RB)

Agenda item 83: Zoning Case-Z089-271 (WE)

Agenda item 84: Zoning Case-Z089-272 (WE)

Agenda item 85: Zoning Case-Z089-273 (WE)

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

Councilmember Neumann 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 Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3002

Item 78: Zoning Case Z089-216 (MAW)

The consent zoning docket, consisting of agenda items 78-85, was presented for consideration.

A public hearing was called on zoning case Z089-216 (MAW), an application for and an ordinance granting an MU-3 Mixed Use District and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned an LO-2 Limited Office District on the southeast corner of Interstate 635 (LBJ Freeway) and Audelia Road

(The staff and city plan commission recommended approval of the MU-3 District and approval of the Specific Use Permit for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions)

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", agenda item 78 was removed from the consent zoning document, to be considered as an individual hearing.

Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

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

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

Jonathan Vinson, 6342 Vickery Blvd., representing the applicant

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

Motion seconded by Councilmember Neumann and Councilmember Kadane and unanimously adopted.

Assigned ORDINANCE NOS. 27760 AND 27761

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3003

Item 79: Zoning Case Z089-234 (MAW)

The consent zoning docket, consisting of agenda items 78-85, was presented for consideration.

A public hearing was called on zoning case Z089-234 (MAW), an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 779 for mixed uses on property zoned a CR Community Retail District with Specific Use Permit No. 1479 for a tower/antenna for cellular communication and Planned Development District No. 779 on the northwest corner of Shoreview Road and Ferndale Road

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27762

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3004

Item 80: Zoning Case Z089-253 (RB)

The consent zoning docket, consisting of agenda items 78-85, was presented for consideration.

A public hearing was called on zoning case Z089-253 (RB), an application for and an ordinance granting a Planned Development District for a Private school, Child-care facility, and R-1ac(A) Single Family District uses on property zoned an R-1ac(A) Single Family District on the north line of Northwest Highway, between Inwood Road and Meadowbrook Drive

(The staff and city plan commission recommended approval, subject to a development plan, traffic management plan, and conditions)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27763



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3005

Item 81: Zoning Case Z089-257 (WE)

The consent zoning docket, consisting of agenda items 78-85, was presented for consideration.

Councilmember Margolin requested that zoning consent item 81 be considered as an individual item. Mayor Leppert stated that zoning consent item 81 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

A public hearing was called on zoning case Z089-257 (WE), an application for and an ordinance granting a Specific Use Permit for an Alcoholic Beverage Establishment for a bar, lounge, or tavern within Planned Development District No. 85 for Shopping Center, Office-2 and Multiple Family-3 uses, on the northeast corner of Greenville Avenue and Pineland Drive

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

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

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

Peter Kavanagh, 1620 Handley, representing the applicant

Councilmember Margolin moved to close the public hearing and follow the city plan commission's recommendation for approval with the following change:

- Amending the time period to be for a three-year period with eligibility for automatic renewal for two additional three-year periods

and pass the ordinance.

Motion seconded by Councilmember Koop and unanimously adopted.

Assigned ORDINANCE NO. 27764

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3006

Item 82: Zoning Case Z089-269 (RB)

The consent zoning docket, consisting of agenda items 78-85, was presented for consideration.

A public hearing was called on zoning case Z089-269 (RB), an application for and an ordinance granting a Specific Use Permit for an Industrial (outside) not potentially incompatible use for a Concrete batch plant on property zoned an IR Industrial Research District on the north line of Commerce Street, west of Sylvan Avenue

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27765

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3007

Item 83: Zoning Case Z089-271 (WE)

The consent zoning docket, consisting of agenda items 78-85, was presented for consideration.

A public hearing was called on zoning case Z089-271 (WE), an application for a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern and an Inside commercial amusement use for a live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south side of Elm Street, west of Crowds Street and an ordinance granting a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge, or tavern

(The staff recommended Approval of a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge, or tavern for a two-year period, subject to a revised site plan and staff's revised recommended conditions and the city plan commission recommended Approval of a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge, or tavern for a two-year period, subject to a site plan and conditions)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27766

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3008

Item 84: Zoning Case Z089-272 (WE)

The consent zoning docket, consisting of agenda items 78-85, was presented for consideration.

A public hearing was called on zoning case Z089-272 (WE), an application for and an ordinance granting an IR Industrial Research District on property zoned an MU-3 Mixed Use District on the west line of Denton Drive, north of Lyndon B. Johnson (I-635) Freeway

(The staff and city plan commission recommended approval)

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. 27767

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3009

Item 85: Zoning Case Z089-273 (WE)

The consent zoning docket, consisting of agenda items 78-85, was presented for consideration.

A public hearing was called on zoning case Z089-273 (WE), an application for a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge, or tavern, an Inside commercial amusement use for a live music venue and a Class A dance hall on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the south side of Elm Street, west of Crowds Street and an ordinance granting a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge, or tavern and a Class A dance hall

(The staff recommended Approval of a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge, or tavern and a Class A dance hall for a two-year period, subject to a site plan and staff's revised recommended conditions and city plan commission recommended Approval of a Specific Use Permit for an Alcoholic Beverage Establishment use for a bar, lounge, or tavern and a Class A dance hall for a two-year period, subject to a site plan and conditions)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27768

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3010

Item 86: Zoning Case Z056-295 (KS) INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of sustainable development and construction.

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

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

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

Douglas Jacobson, 3630 Armstrong  
David Stocker, 3609 Cragmont  
Glenn Solomon, 3630 Overbrook Dr.

Mayor Leppert allowed additional citizens to state their names and addresses in opposition to the item for the record:

Dede Percy, 3630 Armstrong Ave.  
Eric Paulson, 3620 Overbrook Dr.  
Margaret Solomon, 3630 Overbrook Dr.  
Diane McNulty, 3629 Overbrook Dr.  
Jeff Snoyer, 3639 Overbrook Dr.

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

Larry Good, 3601 Overbrook Dr.

Becky Sykes, 3617 Cragmont, representing Northern Hills Neighborhood Association

Bill Wallace, 3725 Cragmont, representing Northern Hills Conservation District  
Committee

Fred Fulton, 3718 Cragmont, representing Northern Hills Neighborhood

Greg Rohan, 3715 Cragmont, representing Northern Hills Neighborhood

Barron Kidd, 4315 Glenwood, representing Northern Hills Neighborhood

Mayor Leppert allowed additional citizens to state their names and addresses in favor of the item for the record:

Dedo Kidd, 4315 Glenwood Ave., representing Northern Hills Neighborhood

Phyllis Fulton, 3718 Cragmont

Jane Murphy, 4331 Glenwood Ave.

Lysa Rohan, 3715 Cragmont, representing Northern Hills Neighborhood

Eleanor Maclay, 3633 Overbrook Dr., representing Northern Hills Neighborhood

Larry Skyes, 3617 Cragmont, representing Northern Hills Neighborhood Association

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

- Take out from the ordinance anything that refers to material or paint color

and pass the ordinance.

Motion seconded by Councilmember Atkins and unanimously adopted.

Assigned ORDINANCE NO. 27769

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3011

Item 87: Zoning Case Z089-227 (RB) INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of sustainable development and construction.

A public hearing was called on zoning case Z089-227 (RB), an application for and an ordinance granting a Planned Development District for a General merchandise or food store greater than 3,500 square feet, limited to a food store, Surface parking, and R-7.5(A) Single Family District Uses on property zoned as Planned Development District No. 129, a P(A) Parking District, and an R-7.5(A) Single Family District on property generally bounded by University Boulevard, Inwood Road, Wateka Drive, both sides of Robin Road, and the northwest corner of University Boulevard and Inwood Road

(The staff recommended Approval, subject to a development plan, landscape plan, and conditions and city plan commission recommended Denial)

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

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

Joyce Lockley, 4718 Wateka Dr., representing North Park Love Field Community  
Debra Moore, 7415 Caillet St., representing North Park Love Field Community  
Pat White, 4714 Wildwood Rd., representing the Community  
Thabiti Olalunji, 4634 Newman Ave., representing North Park Love Field Community



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Mayor Leppert allowed additional citizens to state their names and addresses in opposition to the item for the record:

Wanda Wilmore, 7214 Robin Rd.  
Carol Vines, 7502 Morton St.  
Vera Reese, no address provided  
John Hinton, III, 4410 Newmore Ave.  
Bill Wallace, 3725 Cragmont  
Betty Jenkins, 7402 Robin Rd.  
Kenneth Byron, 6623 Oriole Dr,

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

Dallas Cothrum, 900 Jackson St., representing the applicant  
David Hardin, 311 Gatemere Ct., **Katy TX**, representing Tom Thumb Store  
Meredith, MaKee, 5011 Lark Ln., representing Shannon Estates Neighborhood  
Association and Crimewatch  
Michael Baldwin, 7203 Robin Rd.  
Ryan Streiff, 7306 Caillet St.  
William Cothrum, 900 Jackson St.

Mayor Leppert allowed additional citizens to state their names and addresses in favor of the item for the record:

Rick Gonzales, 4283 S. Cresthaven  
Felicia Zimmer, 5113 Wateka  
Dona Williams, 3215 W. Pentagon Pkwy  
William Hudson, 3214 W. Pentagon Pkwy  
Elizabeth Richards, 6818 Robin Rd.  
Jennifer Richards, 6818 Robin Rd.  
Julie Smith, 5414 Morton  
Joe Hearne, 5014 Wren Way,  
John Nichols, 5803 Grassmere Ln.  
Al Hirschler, 7051 Inwood Rd.  
Kathy Hirschler, 7051 Inwood Rd.  
Pamela Edwards, 7526 Morton  
Ronald Weisfeld, P. O. Box 600002  
Marc Binnbaun, 8838 McCraw Dr.  
Joan Sinclair, 5043 Cedar Springs  
Samara Kline, 5636 W. Hanover  
Cheryl Carter, 5336 Emerson  
Derek Williams, 4667 N. Versailles Ave.  
Clay Mote, 5403 Wateka

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09-3011

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Councilmember Hunt moved to close the public hearing and follow staff's recommendation for approval, with the following changes:

- A landscape license is granted as part of the ordinance;
- A parking management plan is not required;
- Deliveries for the general merchandise or food store greater than 3,500 square feet are only permitted between 6:00 a.m. and 9:00 p.m., Monday through Sunday;

and pass the ordinance.

Motion seconded by Councilmember Neumann.

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

Assigned ORDINANCE NO. 27770

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3012

Item 88: 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)

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

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

Suzan Kedron, 901 Main St., representing GAF Building Materials Corporation  
William Hopkins, 2011 Leath St.

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

Victor Toldeo, 9925 Lakeway Ct., representing Dallas Watersports Complex

Councilmember Neumann moved to close the public hearing, approve staff's recommendation for amendments to Planned Development No. 508, with the following changes to the cable ski park in Tract 13:

1. Require aquatic vegetation adjacent to all storm water outlets;

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09-3012

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2. Require a minimum 7,000 square foot wetland buffer adjacent to the outfall at the southeast corner of Fish Trap Lake. Plant materials may include but are not limited to:
  - Sedges
  - Rushes
  - Bulrushes
  - Sweetflag
  - Cannas
  - Horsetails
  - Irises
  - Arrowheads
  - Lilies;
3. Require sediment removal;
4. Require water quality testing;
5. Require access from Toronto Street;
6. Increase allowed tower height to 60 feet; and
7. Increase floor area for retail and office accessory uses related to the cable ski park to 5,000 square feet.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27771

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3013

Item 89: Zoning Case Z089-142 (MAW) UNDER ADVISEMENT - INDIVIDUAL

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

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

Note: This item was considered by the City Council at public hearings on June 10, June 24 and October 14, 2009, and was taken under advisement until December 9, 2009, with the public hearing open.

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

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

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

Myron Dornic, 5026 Maple Springs Blvd., representing the applicant

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09-3013

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Deputy Mayor Pro Tem Medrano moved to close the public hearing, approve with the Hickory Street Annex Historic District Overlay, with the following changes:

- “If the approved final Texas Department of Transportation (TxDOT) design for improvements to I-30 requires demolition on a contributing structure, that contributing structure may be relocated into the no-build zone; and
- the resolution authorizing the Hickory Street Annex historic preservation tax exemption with the Economic Development Committee’s recommendation, which was distributed to the city council today.”

and pass the ordinance.

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

Assigned ORDINANCE NO. 27772

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3014

Item 90: Authorize a historic preservation tax exemption for the Hickory Street Annex located at 501 2<sup>nd</sup> Avenue for a ten-year period on 100% of the land and structure value - Revenue: First year tax revenue foregone estimated at \$10,580 (Estimated revenue foregone for ten years is \$105,802)

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

The following individual addressed the city council regarding the item:

Myron Dornic, 5026 Maple Springs Blvd., representing the applicant

Deputy Mayor Pro Tem Medrano moved to close the public hearing, approve the resolution with the Hickory Street Annex Historic District Overlay, with the following changes:

- "If the approved final Texas Department of Transportation (TxDOT) design for improvements to I-30 requires demolition on a contributing structure, that contributing structure may be relocated into the no-build zone; and
- the resolution authorizing the Hickory Street Annex historic preservation tax exemption with the Economic Development Committee's recommendation, which was distributed to the city council today."

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3015

Item 91: Zoning Case Z089-196 (WE) UNDER ADVISEMENT - INDIVIDUAL

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

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

Note: This item was considered by the City Council at public hearings on August 12 and October 14, 2009, and was held under advisement until December 9, 2009, with the public hearing open.

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

Councilmember Hill moved to continue the public hearing and hold under advisement until the January 27, 2010 voting agenda meeting of the city council.

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



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3016

Item 92: Zoning Case Z089-244 (WE) UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z089-244 (WE), an application for and an ordinance granting a Specific Use Permit for gas drilling and production within Tract 1 of Planned Development District No. 741 for MU-3 Mixed Use District uses and an A(A) Agricultural District and deed restrictions volunteered by the applicant on east of Belt Line Road, north of Hackberry Road

(The staff recommended Approval for a ten-year period with eligibility for automatic renewal of additional ten-year periods, subject to a site/operation plan for drilling, a site/operation plan for production, and staff's recommended conditions and approval of the deed restrictions volunteered by the applicant and city plan commission recommended Approval for a twenty-year period with eligibility for automatic renewal of additional ten-year periods, subject to a site/operation plan for drilling, a site/operation plan for production, and conditions and approval of the deed restrictions volunteered by the applicant)

Note: This item was considered by the City Council at a public hearing on November 9, 2009, and was taken under advisement until December 9, 2009, with the public hearing open.

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

Councilmember Davis moved to continue the public hearing and hold under advisement indefinitely.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3017

Item 93: A public hearing to receive comments on the proposed City of Dallas submission of an application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant Section 108 Guarantee Loan Program loan in the amount of \$10,350,000 to fund a loan for Orleans at La Reunion, LLC for the acquisition of property at 2300 Fort Worth Avenue and to fund an interest reserve, tenant relocation costs and site improvements for mixed-use development of 220 apartment units with 44 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 and retail and office space; and at the close of the public hearing, authorize (1) submission of the application to HUD for a CDBG Section 108 Guarantee Loan Program loan for Orleans at La Reunion, LLC in an amount not to exceed \$10,350,000; and (2) the City Manager to submit the application and take necessary actions in connection with the application submission - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

No one addressed the city council regarding the item.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3018

Item 94: A public hearing to receive comments on amendments to the proposed 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 to increase the loan amount from \$5,100,000 to \$5,300,000 to fund a loan for Courtyards at La Reunion, LLC for the acquisition of land and building located at 2201 Fort Worth Avenue, change project scope of work from rehabilitation to demolition and construction of new apartment units, and increase number of apartment units from 64 to 95 with a decrease from 64 to 59 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; and at the close of the hearing; authorize **(1)** submission of the application as amended to HUD for a CDBG Section 108 Guarantee Loan Program loan for Courtyards at La Reunion, LLC in an amount not to exceed \$5,300,000; and **(2)** the City Manager to submit the application as amended and take necessary actions in connection with the application submission - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

No one addressed the city council regarding the item.

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

Motion seconded by Mayor Pro Tem Caraway and Councilmember Jasso and unanimously adopted. (Salazar, Davis, Atkins absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3019

Item 95: A public hearing to receive comments on Substantial Amendment No. 4 to the Consolidated Plan; and at the close of the hearing, authorize final adoption of Substantial Amendment No. 4 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program to reduce the required acquisition discount from 15% to 1%, to allow for foreclosed unimproved property to be acquired, and to add MAPSCO pages 53, 69, and 69A to the defined Areas of Greatest Need - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

No one addressed the city council regarding the item.

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

Motion seconded by Mayor Pro Tem Caraway.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3020

Item 96: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by Minyard Food Stores, Inc. located near the intersection of Martin Luther King, Jr. and Robert B. Cullum Boulevards and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Minyard Food Stores, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

The City Secretary read the following statement into the record:

"Pursuant to Section 51A-6.108 (g) (3) of the Dallas Development Code, the applicant or licensed professional engineer or professional geoscientist who is familiar with the application must be present and available to answer questions."

The following individual addressed the city council regarding the item:

A. Kay Roska, 17212 Lechlode Ln., representing Minyard Food Stores, Inc.

Councilmember Davis moved to continue the public hearing and hold under advisement until the January 13, 2010 voting agenda meeting of the city council.

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

**(Note: Steve Wemple, licensed professional engineer, was present but did not speak before the City Council.)**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3021

Item 97: A public hearing to receive comments regarding an ordinance amending the comprehensive plan of the City of Dallas to incorporate the Oak Cliff Gateway Land Use Opportunity Plan in the Trinity River Corridor Comprehensive Plan and a resolution amending the Trinity River Corridor Comprehensive Land Use Plan to incorporate the Oak Cliff Gateway Land Use Opportunity Plan and Urban Design Framework Plan for the area generally bounded by Interstate 30 to the north, the east levee of the Trinity River to the northeast, Interstate 35 to the east and south, and properties along Zang Boulevard and Beckley Avenue to the west, including properties near the southwest corner of Beckley Avenue and Colorado Boulevard and properties near the southwest corner of the Beckley Avenue and Interstate 30 - Financing: No cost consideration to the City

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

The following individuals addressed the city council regarding the item:

Augustine Jalomo, 607 W. Canty St., President of Kidd Springs Central  
Philip Nirchi, 607 W. Canty St., representing Kidd Springs Central  
Mauricio Martinez, 1015 N. Madison, President of Kidd Springs Neighborhood Association  
Bennett Stokes, 915 N. Madison Ave.  
Anne Campbell, 710 Haines Ave., representing Kidd Springs Neighborhood Association  
Pam Conley, 901 N. Madison, representing Kidd Springs Neighborhood Association  
Joseph McElroy, 404 E, 6<sup>th</sup> St., representing Lake Cliff Neighborhood Association  
Warren Rutherford, 8611 Breakers Point, representing Oak Cliff Chamber of Commerce

Councilmember Jasso moved to close the public hearing, accept the recommendation of the Trinity River Corridor Project Committee as distributed to the city council today and pass the ordinance.

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

Assigned ORDINANCE NO. 27773

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3022

Item 98: A public hearing to receive comments regarding an ordinance amending the comprehensive plan of the City of Dallas to incorporate the UNT-Dallas Area Plan (Vision and Policy Plan) and a resolution adopting the UNT-Dallas Area Plan (Implementation Program) for the area generally located along IH-35 to the west, IH-20 to the south, Tracy Road to the east and Laureland Road to the north - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

John E. Price, 1712 Windmill Circle, DeSoto, Tx, representing UNT at Dallas  
Robert Pitre, 1801 E. Wheatland Rd., representing Skyline Ranch  
Roosevelt Vaughn, Jr., 1805 Goldwood, President of Regular Fellows Inc.

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

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

Assigned ORDINANCE NO. 27774

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

Closed Session [**09-3023; HELD**]

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

- Legal issues involving City Auditor's audit of revenues from emergency ambulance fees in his audit plan for FY 2009.

At 10:56 a.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.)

- Legal issues involving City Auditor's audit of revenues from emergency ambulance fees in his audit plan for FY 2009

Mayor Leppert reconvened the city council meeting after the closed session at 1:30 p.m. No other matters were discussed during the closed session.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3024

Addendum addition 1:        Authorize termination of the ground lease and grant agreement with Gulfstream Aerospace Services Corporation at Dallas Love Field - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3025

Addendum addition 2: Authorize a contract amendment to: **(1)** extend the existing maintenance and support agreement for a period of three years in the amount of \$165,750; and **(2)** provide implementation services to upgrade and add software modules, as well as provide additional user licenses for the bank reconciliation software in the amount of \$68,000 - Accurate Software, Inc., Sole Source - Total not to exceed \$233,750 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3026

Addendum addition 3: Authorize a five-year service contract for maintenance and technical support services of the Zclient mobile and desktop interface application - Custom Logic Design, Inc., Sole Source - Not to exceed \$344,000 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3027

Addendum addition 4: Authorize settlement of a claim filed by First United Methodist Church, Claim No. 09257254 - Not to exceed \$20,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3028

Addendum addition 5: Authorize (1) an option contract to purchase a former JCPenney department store consisting of approximately 585,782 square feet of land and improved with a brick building located at 7202 South Westmoreland Road from Aspen Penny, LLC for an option fee not to exceed \$97,200; and (2) the exercise of such option and the closing on the purchase of the property for an amount not to exceed \$1,963,800 subject to completion of a due diligence investigation, including 2 appraisals and environmental review of the property plus \$50,000 for closing costs and due diligence - Total not to exceed \$2,111,000 - Financing: Public/Private Partnership Funds

Councilmember Atkins requested that addendum addition consent agenda item 5 be considered as an individual item. Mayor Pro Tem Caraway stated that addendum addition consent agenda item 5 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

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

Councilmember Atkins moved to approve the item subject to the amendment of Section 5 of the resolution to read as follows:

“That upon satisfactory completion of the City’s due diligence investigation of the Property and such other conditions to closing as may be contained in the option contact, and upon a future recommendation by the Economic Development Committee and final approval by the City Council, the City Manager, or her designee, is authorized to exercise the option right granted by the option contract and close on the purchase of the Property as therein provided.”

Motion seconded by Councilmember Hill.

After discussion, Mayor Leppert called the vote on Councilmember Atkins' amended motion to approve the item:

Voting Yes: [15] Leppert, Caraway, Medrano, Jasso, Neumann, Hill, Salazar, Davis, Atkins, Kadane, Allen, Koop, Natinsky, Margolin, Hunt

Voting No: [0]

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3029

Addendum addition 6: Authorize the fifth amendment to the contract with the Department of State Health Services to accept additional grant funds for the continuation of the Special Supplemental Nutrition Program for the Women, Infants and Children Program for the period October 1, 2008 through September 30, 2009 - Not to exceed \$524,500, from \$15,323,163 to \$15,847,663 - Financing: Department of State Health Services Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3030

Addendum addition 7: Authorize the Dallas Housing Acquisition and Development Corporation (the “Land Bank”) to enter into a one-year contract commencing as of October 1, 2009, with five one-year renewal term options, with Republic Title of Texas, Inc. to provide title abstract services for up to 300 title reports during the one-year term of the contract - Not to exceed \$93,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3031

Addendum addition 8: Authorize the Dallas Housing Acquisition and Development Corporation (the “Land Bank”) to enter into a one-year contract commencing as of October 1, 2009, with five one-year renewal term options, with Linebarger Goggan Blair and Sampson, LLP to provide legal services for up to 300 lots acquired by the Land Bank during the one-year term of the contract - Not to exceed \$300,000 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3032

Addendum addition 9: Authorize an amendment to the 2009 City Calendar to cancel the City Council Briefing Meeting scheduled for December 16, 2009 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3033

Addendum addition 10: Authorize **(1)** the acceptance of a grant from the Texas Parks and Wildlife Department in the amount of \$1,000,000 for the construction of the Five Mile Creek Trail from Glendale Park to College Park; construction of a pavilion and playground; and refurbishment of the athletic field at College Park; **(2)** the allocation of \$1,000,000 in 2003 and 2006 Bond Funds for the City's required match of the grant; **(3)** the receipt and deposit of funds in the amount of \$1,000,000 in the Texas Parks and Wildlife Grant Fund; **(4)** an increase in appropriations in the amount of \$1,000,000 in the Texas Parks and Wildlife Grant Fund; and **(5)** execution of the grant agreement - Total not to exceed \$2,000,000 - Financing: TPWD Urban Outdoor Grant Funds (\$1,000,000), 2003 Bond Funds (\$200,000) and 2006 Bond Funds (\$800,000)

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

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

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3034

Addendum addition 11: Authorize **(1)** a development agreement with Belo Garden Development, LLC, a Texas limited liability company, for the design and construction of Belo Garden; and **(2)** an endowment agreement with Maureen H. and Robert W. Decherd, Belo Corp., A. H. Belo Corporation, Belo Garden Development, LLC and The Dallas Foundation, a Texas charitable foundation for certain capital repairs, improvements and enhancements to Belo Garden for a period of ninety-nine years - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3035

Addendum addition 12: Authorize a contract for the interior renovation and expansion, heating, ventilation and air conditioning upgrades at Kleberg/Rylie Recreation Center located at 1515 Edd Road - J.C. Commercial, Inc., best value proposer of sixteen - \$894,677 - Financing: 2003 Bond Funds (\$339,521) and 2006 Bond Funds (\$555,156)

Councilmember Atkins requested that addendum addition consent agenda item 12 be considered as an individual item. Mayor Pro Tem Caraway stated that addendum addition consent agenda item 12 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

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

Councilmember Atkins moved to approve the item.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3036

Addendum addition 13: Authorize a professional services contract with JBI Partners, Inc. for schematic design through construction administration services for playground expansions and replacements at Cochran Park located at 2600 North Henderson Avenue, John C. Phelps Park located at 3000 Tips Boulevard, Moore Park located at 1900 East Eighth Street and Wonderview Park located at 2704 Wonderview Way - Not to exceed \$44,370 - Financing: 2006

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3037

Addendum addition 14: Authorize Supplemental Agreement No. 1 to the professional services contract with Hellmuth, Obata and Kassabaum, LP for a trail corridor analysis, conceptual plan, and public meetings for the Dallas North Veloway located between Royal Lane and the south shore of White Rock Lake - Not to exceed \$48,980, from \$44,030 to \$93,010 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3038

Addendum addition 15: Authorize **(1)** the application for and acceptance of the Impaired Driving Mobilization Selective Traffic Enforcement Program, Overtime Enforcement grant in the amount of \$99,984 from the Texas Department of Transportation for a statewide Driving While Intoxicated enforcement campaign to operate during various holiday intervals, for the period December 18, 2009 through September 6, 2010; **(2)** a match in the amount of \$45,256 for pension, Federal Insurance Contributions Act costs, and indirect costs; and **(3)** execution of the grant agreement - Total not to exceed \$145,240 - Financing: Current Funds (\$45,256) and Texas Department of Transportation Grant Funds (\$99,984)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3039

Addendum addition 16: Authorize a construction contract with Con-Real, LP for the construction finish out services for a restaurant at Dallas Executive Airport located at 5303 Challenger Road - Not to exceed \$534,862 - Financing: Aviation Capital Construction Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3040

Addendum addition 17: An ordinance amending Chapter 43 of the Dallas City Code to: **(1)** adjust the annual fees for licenses to use a public right-of-way; and **(2)** provide for special one-time fees for certain licenses to use a public right-of-way - Financing: No cost consideration to the City

Councilmember Neumann requested that addendum addition consent agenda item 17 be considered as an individual item. Mayor Pro Tem Caraway stated that addendum addition consent agenda item 17 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann' request.

Later in the meeting, addendum addition consent agenda item 17 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted.

Assigned ORDINANCE NO. 27775

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3041

Addendum addition 18: A resolution authorizing the sale of approximately 62,412 square feet of City-owned land located near the intersection of Sylvan Avenue and Morris Street to Oncor Electric Delivery Company - Estimated Revenue: \$600,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3042

Addendum addition 19: Authorize the adoption of Integrated Storm Water Management (iSWM) Manual, as amended, for voluntary use as part of the Drainage Design Manual to: (1) to assess the effectiveness of the projects using iSWM practices; (2) draft local criteria to supplement the North Central Texas Council of Governments (NCTCOG) iSWM Manual, including incentives to promote the use of iSWM practices; and (3) make recommendation on the (NCTCOG) iSWM Manual and on any local criteria and incentives - Financing: No cost consideration to the City

Councilmember Neumann and Councilmember Koop requested that addendum addition consent agenda item 19 be considered as an individual item. Mayor Pro Tem Caraway stated that addendum addition consent agenda item 19 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann and Councilmember Koop's requests.

Later in the meeting, addendum addition consent agenda item 19 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3043

Addendum addition 20: Authorize **(1)** a disbursement to Texas Department of Transportation, in accordance with the Local Project Advance Funding Agreement, for costs related to construction of the Margaret Hunt Hill Bridge for additional work including revisions to the bridge lighting and storm drainage system and minor channel modifications in the amount of \$249,169; and **(2)** an increase in appropriations in the amount of \$249,169 in the Trinity River Corridor Project Fund - Not to exceed \$249,169 - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3044

Addendum addition 21: Authorize **(1)** Supplemental Agreement No. 1 to the contract with Santiago Calatrava SA to provide engineering and design services for the Margaret Hunt Hill Signature Bridge across the Trinity River in an amount not to exceed \$456,795, from \$5,837,000 to \$6,293,795; and **(2)** an increase in appropriations in the amount of \$456,795 in the Trinity River Corridor Project Fund - Not to exceed \$456,795 - Financing: 1998 Bond Funds

Councilmember Hunt requested that addendum addition consent agenda item 21 be considered as an individual item. Mayor Pro Tem Caraway stated that addendum addition consent agenda item 21 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

Later in the meeting, addendum addition consent agenda item 21 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Salazar and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3045

Addendum addition 22: Authorize Supplemental Agreement No. 3 to the professional services contract with HNTB Corporation for program management of major flood management and storm drainage projects authorized for the Dallas Floodway Project in the Water Resources Development Act of 2007 - Not to exceed \$4,020,900, from \$33,951,810 to \$37,972,710 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3046

Addendum addition 23: Authorize a 10-year lease agreement, with two five-year renewal options, with Time Warner NY Cable LLC dba Time Warner Cable for approximately 2,051 square feet of land on the Preston Forest Tank Elevated Site located at 5930 Forest Lane to build a one-story building and onsite generator for fiber optic distribution for the initial period of December 9, 2009 through December 8, 2019 - Estimated Annual Revenue: \$9,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3047

Addendum addition 24: Ratify an increase in the contract with John Burns Construction Company of Texas, Inc. for emergency replacement of a wastewater main on the White Rock Creek Interceptor at U.S. Highway 75 (North Central Expressway) - Not to exceed \$274,500, from \$4,387,678 to \$4,662,178 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3048

Addendum addition 25:       At the direction of the city council, approval of designated absence of mayor and city council member to be deemed for "official city business" - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3049

Addendum addition 26: Authorize a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) Tax-exempt Bond and 4% tax credit financing pursuant to the Qualified Allocation Plan for the new construction of Turner Courts development project of 206 multifamily housing units located at 6601 Bexar Street - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Davis moved to approve the item.

Motion seconded by Councilmember Hill and Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3050

Addendum addition 27: Zoning Case Z090-106 (RB) INDIVIDUAL

A public hearing was called on zoning case Z090-106 (RB), an application for and an ordinance granting a Specific Use Permit for a dance hall on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Wycliff Avenue and Brown Street

(The staff recommended APPROVAL for a two-year period, subject to a site plan and staff conditions and city plan commission recommended Approval, for a two-year period, subject to a site plan and conditions)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27776

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3051

Addendum addition 28: Zoning Case Z089-263 (KB) INDIVIDUAL

A public hearing was called on zoning case Z089-263 (KB), an application for and an ordinance granting a Specific Use Permit for the installation of a non-premise district activity video board on property zoned Planned Development District 619 in an area generally bound by Field Street, Main Street, Akard Street and Commerce Street

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27777

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3052

Addendum addition 29: A public hearing to receive comments regarding an application for and a resolution granting a variance to the alcohol spacing requirements from the Alex W. Spence Middle Learning Center & Talented/Gifted Academy required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a proposed general merchandise or food store greater than 50,000 square feet on property on the west corner of Peak Street and Capitol Avenue - Financing: No cost consideration to the City

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

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

Barry Knight, 5400 Renaissance, representing the applicant  
Gary Huddleston, 3213 Wilbarger Trail, representing Kroger Food Stores  
John Bond, 2020 N. Haskell Ave.  
Chris James Cogna, 2030 N. Haskell

Deputy Mayor Pro Tem Medrano moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Councilmember Natinsky.

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

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Koop voting "No." (Salazar, Davis, Atkins absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

DECEMBER 9, 2009

09-3053

Lunch

The Mayor recessed the meeting at 10:56 a.m. and reconvened the meeting 1:30 p.m.

The City Council attended the U. S. Army Corps of Engineers, Jo Ellen Darcy, Assistant Secretary of the Army (Civil Works) Luncheon at the Trinity Audubon Center.

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

EXHIBIT C