

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 13, 2010

10-0130
VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [14] Leppert, Caraway, Medrano, Jasso, Neumann, Hill, Salazar (*9:35 a.m.), Davis, Atkins, Kadane, Allen, Koop, Natinsky, Margolin

ABSENT: [1] Hunt

The meeting was called to order at 9:02 a.m.

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

The invocation was given by Matthew S. C. Olver, Father of the Church of Incarnation in Dallas.

Councilmember Natinsky led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 2:34 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 13, 2010

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 13, 2010

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0131

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: David Gipson, 7030 Fair Oaks Ave.
SUBJECT: Ethics: Death by Omission Too!

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: FBI and KKK

SPEAKER: Brad Kirby, 2110 Irving Blvd.
SUBJECT: Dog thieves go free

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

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

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

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
SUBJECT: "Why was Medger, Malcolm, John and Robert assassinated?"

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0132

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

Deputy Mayor Pro Tem Medrano moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0133

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-46 and addendum addition consent agenda items 1-4, was presented for consideration.

Councilmember Jasso requested that consent agenda item 18 be considered as an individual item. Mayor Leppert stated that consent agenda item 18 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Jasso's request.

Councilmember Neumann requested that consent agenda item 21 and addendum addition consent agenda item 1 be considered as individual items. Mayor Leppert stated that consent agenda item 21 and addendum addition consent agenda item 1 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

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

Councilmember Margolin requested that consent agenda item 8 be considered as an individual item. Mayor Leppert stated the consent agenda item 8 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Mayor Pro Tem Caraway moved to approve all items on the consent agenda with the exception of consent agenda items 8, 12, 15, 18, 21 and addendum addition consent agenda item 1 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0134

Item 2: Authorize a two-year service contract for voice and data cable installation services to connect computers and phones at new and existing City facilities - AAA Data Communications, Inc., lowest responsible bidder of eight - Not to exceed \$1,150,850 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0135

Item 3: Authorize **(1)** a two-year service contract for exercise equipment maintenance services at City facilities with Fit Supply, LLC in the amount of \$11,833; and **(2)** a two-year master agreement for exercise equipment with Comm-Fit L.P. in the amount of \$221,681, Power Systems, Inc. in the amount of \$76,189, Body Works Fitness Equipment, Inc. in the amount of \$43,084, Pro Star Sports, Inc. in the amount of \$1,903 and Sport Supply Group, Inc. in the amount of \$95, lowest responsible bidders of ten - Total not to exceed \$354,785 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0136

Item 4: Authorize a three-year master agreement for polyethylene bags, recycling bags, trash can liners and zipper lock storage bags - All American Poly Co. in the amount of \$1,076,293, Central Poly Corporation in the amount of \$392,083, Best Products Company, Inc. in the amount of \$142,856 and Interboro Packaging Corporation in the amount of \$16,829, lowest responsible bidders of six - Total not to exceed \$1,628,061 - Financing: Current Funds (\$1,604,671) and Water Utilities Current Funds (\$23,390)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0137

Item 5: Authorize **(1)** a one-year master agreement for fleet vehicles and equipment with Southwest International Trucks, Inc. in the amount of \$2,098,258, Sam Pack's Five Star Ford in the amount of \$1,230,044, Dallas Freightliner, Inc. in the amount of \$172,376, Kirby-Smith Machinery, Inc. in the amount of \$164,825, Conley Lott Nichols of Texas, Inc. in the amount of \$162,730, Reliable Chevrolet in the amount of \$139,367, East Texas Mack Sales, LLC dba B & C Body Co. in the amount of \$62,896, Friendly Chevrolet Co. in the amount of \$35,285 and Landmark Equipment Co. in the amount of \$14,895, lowest responsible bidders of thirteen; and **(2)** the interim financing of Sanitation fleet replacement and landfill equipment rebuilds - Total not to exceed \$4,080,676 - Financing: Current Funds (\$2,037,212), Water Utilities Current Funds (\$1,146,964), Aviation Current Funds (\$28,502) and Water Utilities Capital Construction Funds (\$867,998) (to be reimbursed with interest upon the receipt of proceeds from the sale of future equipment acquisition contractual obligations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0138

Item 6: Authorize a three-year master agreement for water meter access hatches for Dallas Water Utilities - U.S.F. Fabrication, Inc., lowest responsible bidder of three - Not to exceed \$860,664 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0139

Item 7: Authorize a three-year service contract for labor and parts to be used for refuse bodies, truck transmissions and differentials - Equipment Southwest, Inc. in the amount of \$3,278,272, Texan Waste Equipment dba Heil of Texas in the amount of \$2,233,172, Truck Parts Specialists in the amount of \$938,070, The Around the Clock Freightliner Group, LLC in the amount of \$172,000 and RLS Services, Inc. in the amount of \$92,500, lowest responsible bidders of eight - Total not to exceed \$6,714,014 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0140

Item 8: Authorize a three-year service contract for maintenance, testing, repair services, and parts for the uninterruptible power supply system and emergency power distribution equipment at City Hall - Square D Company, only bidder - Not to exceed \$1,145,910 - Financing: Current Funds (subject to annual appropriations)

Councilmember Margolin requested that consent agenda item 8 be considered as an individual item. Mayor Leppert stated that consent agenda item 8 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 8 was brought up for consideration.

Councilmember Margolin moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0141

Item 9: Authorize settlement of a claim filed by State Farm Insurance, as subrogee of Jack Jones, Claim No. 08220477 - Not to exceed \$24,227 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0142

Item 10: Authorize settlement of the lawsuit styled Debra Cenicerros and Monserrat Saucedo v. The City of Dallas, Cause No. 09-01688-F - Not to exceed \$8,500 -
Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0143

Item 11: Authorize settlement of the lawsuit styled Hilda Zarate v. City of Dallas, Cause No. 08-02760-E - Not to exceed \$9,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0144

Item 12: Authorize a contract for facility pavement repairs to the Northeast Transfer Station located at 7677 Fair Oaks Avenue, Southwest Transfer Station located at 4610 Westmoreland Road and the McCommas Bluff Landfill located at 5100 Youngblood Road - Master Construction and Engineering, Inc., lowest responsible bidder of three - Not to exceed \$315,832 - Financing: 2006 Bond Funds

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

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

Councilmember Atkins moved to defer the item until the January 27, 2010 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0145

Item 13: Authorize a contract for the construction of storage bays and shelving for vehicle parts, fluids and accessories stored at the Police Auto Pound located at 1955 Vilbig Road - Jordan's Weld Shop and Electronics, lowest responsible bidder of four - Not to exceed \$53,435 - Financing: Current Funds (to be reimbursed by Stormwater Drainage Management Funds)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0146

Item 14: Authorize a contract for building repairs and improvements to remediate water infiltration at the Women's Museum located at 3800 Parry Avenue - Phoenix 1 Restoration and Construction, Ltd., lowest responsible bidder of five - Not to exceed \$330,135 - Financing: 2003 Bond Funds (\$85,135) and 2006 Bond Funds (\$245,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0147

Item 15: Authorize an Interlocal Agreement with Cooperative Personnel Services (CPS), a California-based public sector agency, to designate a representative to serve on the CPS - Joint Exercise Partnership Agreement Board, and, as a board member, the City is eligible for grant funds regarding organizational initiatives to include training, uniform testing and other consulting services - Financing: No cost consideration to the City

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

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

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

- Whereas, pursuant to the City Charter, the City of Dallas; Civil Service Board has certain responsibilities; and
- Whereas, this Resolution is not intended to and does not authorize any deviation from the Civil Service Board's role under the City Charter.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0148

Item 16: Authorize **(1)** the acceptance of a grant from the U.S. Department of Education for an Improvement of Education Grant to support the Every Child Ready to Read program at the Dallas Public Library for the period September 25, 2009 through August 10, 2011; and **(2)** execution of the grant agreement - \$214,000 - Financing: Improvement of Education Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0149

Item 17: Authorize the optional redemption of the Sports Arena Project Tax Exempt Special Tax Revenue Bonds, Series 1998A in an amount not to exceed \$4,370,000 in principal and Sports Arena Project Taxable Special Tax Revenue Bonds, Series 1998B in an amount not to exceed \$2,810,000 in principal plus call premium total of \$35,900 - Total not to exceed \$7,215,900 - Financing: Sports Arena Project Surplus Debt Redemption Funds (\$6,358,686) and Sports Arena Debt Service Reserve Funds (\$857,214)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0150

Item 18: Authorize a three-year agreement with The Belo Foundation for the display fountain at Ferris Plaza located at 400 South Houston Street for the term January 14, 2010 through January 13, 2013 - Revenue: \$40,662

Councilmember Jasso requested that consent agenda item 18 be considered as an individual item. Mayor Leppert stated that consent agenda item 18 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Jasso's request.

Later in the meeting, consent agenda item 18 was brought up for consideration.

Councilmember Jasso moved to approve the item.

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

Later in the meeting, Councilmember Jasso moved to reconsider the previous vote on item 18 in order to amend the item.

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

Councilmember Jasso moved to amend and approve the item with the following changes to read:

- The Belo Foundation will make quarterly payments to the City to fund the extended hours of operation of the display fountain. These payments will be made in arrears within thirty days following the end of each calendar quarter, and the quarterly payment of \$3,388.50 shall be pro rated, if necessary, to reflect any days during which the display fountain has been inoperable during the proceeding quarter.
- The City will seek reimbursement from the Belo Foundation to offset the cost of the extended hours of operation of the display fountain.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0151

Item 19: Authorize a professional services contract with Armstrong Berger for schematic design through construction administration services for a playground replacement and security lighting at Fox Hollow Park located at 5701 FM Road 1382 - Not to exceed \$26,390 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0152

Item 20: Authorize a professional services contract with GSR Andrade Architects, Inc. for schematic design through construction administration services for parking lot improvements, renovation of the open air gymnasium, and restoration of the existing pavilion at Hamilton Park; and interior renovation and roof replacement at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive - Not to exceed \$129,630 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0153

Item 21: Authorize a professional services contract with Hayden Consultants, Inc. for schematic design through construction administration services for expansion of the existing parking lots at Exall Recreation Center located at 1355 Adair Street and at Park in the Woods Recreation Center located at 6800 Mountain Creek Parkway - Not to exceed \$41,448 - Financing: 2006 Bond Funds

Councilmember Neumann requested that consent agenda item 21 be considered as an individual item. Mayor Leppert stated that consent agenda item 21 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

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

Councilmember Neumann moved to approve the item.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted. (Davis absent when vote taken; Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0154

Item 22: Authorize a professional services contract with La Terra Studio, Inc. for schematic design through construction administration services for playground replacements at Kiest Park located at 3080 South Hampton Road and Sugarberry Park located at Sugarberry at Big Stone Gap - Not to exceed \$33,225 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0155

Item 23: Authorize a professional services contract with Talley Associates, Inc. for schematic design through construction administration services for playground expansion at J.J. Lemmon Park located at 6100 J.J. Lemmon Road; playground replacements at Fruitdale Park located at 4400 Vandervoort Drive and at Ricketts Branch Park located at 7300 Albert Williams Drive; and a loop trail at Seaton Park located at 3200 Seaton Drive - Not to exceed \$62,371 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0156

Item 24: Authorize a Professional Services Agreement with Dallas County for the Dallas Police Department to participate in the Grants to Encourage Arrest Program to assist victims of domestic violence and to increase accountability of perpetrators of family violence for the period August 1, 2009 through July 31, 2011 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0157

**LBJ/Skillman DART Station
Pedestrian Bridge**

Note: Item Nos. 25 and 26
must be considered collectively.

Item 25: Authorize payment to the Texas Department of Transportation for the City's share of construction costs for the LBJ/Skillman DART Station Pedestrian Bridge project - Not to exceed \$1,698,829 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0158

LBJ/Skillman DART Station
Pedestrian Bridge

Note: Item Nos. 25 and 26
must be considered collectively.

Item 26: Authorize a license agreement with Dallas Area Rapid Transit for the use of their right-of-way to construct and maintain a pedestrian bridge and walkway from the LBJ/Skillman DART station to Audelia Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0159

Item 27: Authorize a contract for the construction of street paving and storm drainage for Stedman Drive from existing concrete pavement north of Stedman Circle to Davenport Road - Texas Standard Construction, Ltd., lowest responsible bidder of ten - Not to exceed \$241,187 - Financing: 2003 Bond Funds (\$201,187) and 2006 Bond Funds (\$40,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0160

Item 28: Authorize a contract for the construction of street paving, storm drainage, water and wastewater adjustments for Street Group 06-448 (list attached) - Texas Standard Construction, Ltd., lowest responsible bidder of ten - Not to exceed \$455,827 - Financing: 2006 Bond Funds (\$439,352), Water Utilities Capital Construction Funds (\$6,475), and Water Utilities Capital Improvement Funds (\$10,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0161

Item 29: Authorize an increase in the contract with McMahon Contracting, L.P. for the modification of light poles, additional traffic marking, and the adjustment of the existing storm drain system for the Dallas Center for the Performing Arts Phase, 2B project - Not to exceed \$47,626, from \$3,216,634 to \$3,264,260 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0162

Item 30: Authorize Supplemental Agreement No. 1 to the professional services contract with APM & Associates, Inc. for additional engineering services for Dickerson Street from McCallum Boulevard to Frankford Road - Not to exceed \$59,800, from \$279,258 to \$339,058 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0163

Item 31: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from David Horton and Darla Horton of approximately 15,040 square feet of land improved with a single family dwelling located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$66,925 (\$65,000 plus closing costs not to exceed \$1,925) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0164

Item 32: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Thomas Day and June Day of approximately 15,980 square feet of land improved with a single family dwelling located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$72,000 (\$70,000 plus closing costs not to exceed \$2,000) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0165

Item 33: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Donald Zeno and Donette Zeno of approximately 15,980 square feet of land improved with a single family dwelling located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$84,041 (\$82,000 plus closing costs not to exceed \$2,041) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0166

Item 34: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Albert A. Perry and Cinda J. Perry of approximately 17,047 square feet of land improved with a single family dwelling located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$85,050 (\$83,000 plus closing costs not to exceed \$2,050) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0167

Item 35: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Ruby Annabel Salazar of three tracts of land containing a total of approximately 42,336 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$86,668 (\$84,672 plus closing costs not to exceed \$1,996) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0168

Item 36: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Kenneth Ray White of approximately 47,497 square feet of land improved with a dog kennel business located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$271,305 (\$268,288 plus closing costs not to exceed \$3,017) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0169

Item 37: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from 635-Dowdy Venture of approximately 442,400 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$353,000 (\$348,880 plus closing costs not to exceed \$4,120) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0170

Item 38: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Graue Properties, Ltd. of three tracts of land containing a total of approximately 425,058 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$1,946,688 (\$1,931,688 plus closing costs not to exceed \$15,000) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0171

Item 39: Authorize the quitclaim of 40 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$272,608

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0172

Item 40: An ordinance abandoning portions of water main, public utilities, sanitary sewer and storm water easements to Sikka Investments LLC, the abutting owner, containing a total of approximately 18,380 square feet of land located near the intersection of Polk Street and Marvin D. Love Freeway - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27778

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0173

Item 41: An ordinance abandoning a portion of a water main easement to Friendly Access Self Storage, Ltd., the abutting owner, containing approximately 64 square feet of land located near the intersection of Coit Road and McCallum Boulevard - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27779

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0174

Item 42: An ordinance granting a private license to First Baptist Church of Dallas, Texas for the use of approximately 2,283 square feet of air space to install and maintain a pedestrian skybridge above portions of St. Paul Street located near its intersection with Wenchell Street - Revenue: \$14,845 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27780

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0175

Item 43: Authorize **(1)** a professional services contract with Morris Architects to provide a replacement cost study of the Dawson State Jail; **(2)** the receipt and deposit of funds from CHPD, LP in an amount not to exceed \$13,225; and **(3)** an increase in appropriations in the amount of \$13,225 in the Capital Gifts Donations and Development Fund - Total not to exceed \$26,450 - Financing: Capital Gifts Donations and Development Funds (\$13,225) and 2006 Bond Funds (\$13,225)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0176

Item 44: Authorize an amendment to the Interlocal Agreement with the Trinity River Authority, North Texas Municipal Water District, and the Tarrant Regional Water District to continue the evaluation of instream flow requirements on Trinity River Basin water rights - \$10,000 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0177

Item 45: Authorize Supplemental Agreement No. 4 to the Reciprocal Agreement Emergency Treated Water Supply contract with the Dallas County Park Cities Municipal Utilities District (Dallas County Park Cities MUD) to relocate an existing emergency treated water interconnect - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0178

Item 46: Authorize an increase in the agreement with the State of Texas, acting through the Texas Department of Transportation for water and wastewater main relocations in Northwest Highway from west of Lawther Drive to east of Goforth Drive - Not to exceed \$104,038, from \$3,052,425 to \$3,156,463 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0179

10-0180

Item 47: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The City Secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2009-2010 board term updated through JANUARY 13, 2010.

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

Deputy Mayor Pro Tem Medrano moved to appoint Clayton P. Henry, volunteer with cultural board experience, to the Cultural Affairs Commission; Bryan Rutherford, member of and nominated by the Dallas Bar Association and Marcos Ronquillo, citizen at large, to the Judicial Nominating Commission; William "Lyle" Burgin, citizen at large, to the Landmark Commission; Neal Sleeper, registered voter, to the Reinvestment Zone Six Board (Farmers Market); B. H. "Mike" Morgan, own property in the area, to the Reinvestment Zone Eight Board (Design District); Tim Slaughter, registered voter, to the Reinvestment Zone Eighteen Board (Maple/Mockingbird); and Diane F. Benjamin and Ester Davis, 55 years of age or older, to the Senior Affairs Commission.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted. (Davis absent when vote taken; Hunt absent)

Deputy Mayor Pro Tem Medrano requested the vote be divided, so the vote on Vice Chair of the Permit and License Appeal Board could be voted on separately.

Mayor Leppert ordered the vote divided, there being no objections raised to Deputy Mayor Pro Tem Medrano's request.

Councilmember Natinsky moved to appoint Raul Magdaleno, Chair, Automated Red Light Enforcement Commission; Carl Raines, Chair, Citizens Police Review Board; Sharon C. Patterson, Chair, Environmental Health Commission; Marcos G. Ronquillo, Chair, Judicial Nominating Commission; Ester Davis, Chair, Senior Affairs Commission; Michael P. Lo Vuolo, Vice Chair, Community Development Commission; Elizabeth Davis Frizell, Vice Chair, Judicial Nominating Commission; and Jesse Tafalla, Vice Chair, Senior Affairs Commission.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

10-0179

10-0180

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Motion seconded by Mayor Pro Tem Caraway and unanimously adopted. (Davis absent when vote taken; Hunt absent)

Deputy Mayor Pro Tem Medrano announced she had a conflict of interest and would abstain from voting or participating in any discussion relating to the appointment of Vice Chair to the Permit and License Appeal Board. Deputy Mayor Pro Tem Medrano left the city council chamber.

Mayor Pro Tem Caraway moved to appoint Ricardo Medrano, Vice Chair, Permit and License Appeal Board.

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

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

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted. (Davis absent when vote taken; Hunt absent)

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

10-5116	ARC	AUTOMATED RED LIGHT ENFORCEMENT COMMISSION
10-5117	BOX	BOARD OF ADJUSTMENT ALTERNATE MEMBERS
10-5118	CAC	CULTURAL AFFAIRS COMMISSION
10-5119	CDC	COMMUNITY DEVELOPMENT COMMISSION
10-5120	EHC	ENVIRONMENTAL HEALTH COMMISSION
10-5121	JNC	JUDICIAL NOMINATING COMMISSION
10-5122	LMC	LANDMARK COMMISSION
10-5123	RZ06	REINVESTMENT ZONE SIX BOARD (FARMERS MARKET)
10-5124	RZ08	REINVESTMENT ZONE EIGHT BOARD (DESIGN DISTRICT)
10-5125	RZ18	REINVESTMENT ZONE EIGHTEEN BOARD (MAPLE/MOCKINGBIRD)
10-5126	SAC	SENIOR AFFAIRS COMMISSION
10-5127		BOARD OFFICERS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0181

Item 48: Authorize a zoning application on property with delinquent taxes located at 3606 and 3610 Bryan Street - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0182

Item 49: Authorize an amendment to the development agreement with Deep Ellum Warehouses, Ltd., previously approved on November 12, 2007, by Resolution Nos. 07-3359 and 07-3360 in Tax Increment Financing Reinvestment Zone Number Twelve (Deep Ellum TIF District) to: **(1)** split the project into two phases: Phase I - private improvements; and Phase II - public infrastructure improvements on Hill Avenue; **(2)** extend the deadline for Phase II of the project from December 31, 2008 to June 30, 2010; **(3)** add Phase III to the project and allocate an additional \$80,000 in TIF funds for Phase III improvements related to the redevelopment of 3927 Benson Street; and **(4)** amend Exhibit B and add Exhibit C1 - Not to exceed \$80,000 from \$515,000 to \$595,000 - Financing: Deep Ellum TIF District 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 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."

Mayor Pro Tem Caraway moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0183

Item 50: Authorize an amendment to the development agreement with Fairways at La Reunion, LLC and/or its affiliates, previously approved on January 28, 2009, by Resolution Nos. 09-0286 and 09-0287, in Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District) to: **(1)** extend the project deadline to begin construction of the Courtyards at La Reunion from August 30, 2009 to October 31, 2010 and to extend the project deadline to complete construction of the Courtyards at La Reunion from December 31, 2010 to February 29, 2012; **(2)** allow new construction in lieu of rehabilitation for the Courtyards at La Reunion; **(3)** replace Exhibit B-1, B-3, C-1, C-3, and F with amended Exhibit B-1, B-3, C-1 and C-3; **(4)** remove the Brazos Bank Building and its associated Exhibits B-2, C-2, and F from the development requirements; and **(5)** amend the Fort Worth Avenue TIF Allocation Policy - 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 Neumann moved to approve the item.

Motion seconded by Councilmember Kadane and Mayor Pro Tem Caraway and unanimously adopted. (Davis absent when vote taken; Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0184

Item 51: Authorize Supplemental Agreement No. 1 to the contract with Community Council of Greater Dallas to increase the payment amount for additional training on the Homeless Management and Information System for the period October 1, 2009 through March 31, 2010 - Not to exceed \$9,800, from \$25,000 to \$34,800 - Financing: 2008-09 Homeless Prevention and Rapid Re-Housing Program Grant 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 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. (Davis absent when vote taken; Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0185

Item 52: Authorize the reconstruction on-site of two homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 2923 Cypress Avenue in the amount of \$87,500 and 1215 Iowa Avenue in the amount of \$87,500 - Total not to exceed \$175,000 - Financing: 2005-06 Community Development Block Grant Funds (\$16,833) and 2007-08 Community Development Block Grant Funds (\$158,167)

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 Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0186

Item 53: Authorize **(1)** preliminary adoption of FY 2009-10 Consolidated Plan Substantial Amendment No. 2 to reprogram **(a)** FY 2006-07 Community Development Block Grant Funds from Downtown Mortgage Assistance Program to Bexar Street Mixed-Use Project in the amount of \$475,800 and Reconstruction/SHARE Program in the amount of \$1,474,200; and **(b)** FY 2009-10 HOME Investment Partnership Funds from Reconstruction/SHARE program to Bexar Street Mixed Use Project in the amount of \$1,346,200; and **(2)** a public hearing to be held on February 24, 2010 to receive comments on Substantial Amendment No. 2 to the FY 2009-10 Consolidated Plan - Total not to exceed \$3,296,200 - Financing: 2006-07 Community Development Block Grant Funds (\$1,950,000) and 2009-10 Home Investment Partnership Program Grant Funds (\$1,346,200)

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 Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0187

Item 54: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from PBH Investments, LLC of eight parcels of land containing a total of approximately 72 square feet, located near the intersection of Hugo and Woodside Streets for the State-Thomas TIF Infrastructure Improvement Project - Not to exceed \$4,897 (\$3,888 plus closing costs not to exceed \$1,009) - Financing: State-Thomas TIF District 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 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 Atkins and Councilmember Salazar and unanimously adopted. (Davis absent when vote taken; Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0188

Item 55: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from PBH Investments, LLC of approximately 275 square feet of land located near the intersection of Hugo and Woodside Streets for the State-Thomas TIF Infrastructure Improvement Project - Not to exceed \$15,892 (\$14,850 plus closing costs not to exceed \$1,042) - Financing: State-Thomas TIF District 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 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 Atkins and Councilmember Salazar and unanimously adopted. (Davis absent when vote taken; Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0189

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 56-62 and addendum addition zoning consent agenda item 7, was presented for consideration.

Agenda items 59 and 61, were removed from the consent zoning docket, to be considered as individual hearings.

Agenda item 56: Zoning Case-Z089-206 (MAW)
Agenda item 57: Zoning Case-Z089-264 (KB)
Agenda item 58: Zoning Case Z089-268 (OTH)
~~Agenda item 59: Zoning Case Z089-270 (RB) [considered individually]~~
Agenda item 60: Zoning Case-Z089-276 (WE)
~~Agenda item 61: Zoning Case Z089-279 (RB) [considered individually]~~
Agenda item 62: Zoning Case-Z089-285 (WE)
Addendum Agenda item 7 Zoning Case Z090-104 (RB)

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0190

Item 56: Zoning Case Z089-206 (MAW)

The consent zoning docket, consisting of agenda items 56-62 and addendum addition zoning consent agenda item 7, was presented for consideration.

A public hearing was called on zoning case Z089-206 (MAW), an application for and an ordinance granting a Specific Use Permit for vehicle display, sales and service use on property zoned Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2, with a Dry D-1 Liquor Control Overlay on the south side of C.F. Hawn Freeway, west of Cliffview Drive

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27781

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0191

Item 57: Zoning Case Z089-264 (KB)

The consent zoning docket, consisting of agenda items 56-62 and addendum addition zoning consent agenda item 7, was presented for consideration.

A public hearing was called on zoning case Z089-264 (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 No. 619 in an area generally bounded by Elm Street, Akard Street, Main Street and Stone Place

(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. 27782

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0192

Item 58: Zoning Case Z089-268 (OTH)

The consent zoning docket, consisting of agenda items 56-62 and addendum addition zoning consent agenda item 7, was presented for consideration.

A public hearing was called on zoning case Z089-268 (OTH), an application for and an ordinance granting the renewal of Specific Use Permit No. 1566 for a vehicle display, sales and service use on property within Subdistrict 2 of Planned Development District No. 535, the C.F. Hawn Special Purpose District No. 3, on the south side of C.F. Hawn Freeway, between Prairie Creek Road and South St. Augustine Road

(The staff and city plan commission recommended approval an application for and an ordinance granting a Specific Use Permit for a Medical clinic on property within the Tract 1A portion of Planned Development District No. 316, the Jefferson Area Special Purpose District, on property at the northwest corner of Jefferson Boulevard and Madison Street)

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. 27783

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0193

Item 59: Zoning Case Z089-270 (RB)

The consent zoning docket, consisting of agenda items 56-62 and addendum addition zoning consent agenda item 7, was presented for consideration.

Councilmember Jasso requested that zoning consent item 59 be considered as an individual item. Mayor Leppert stated that zoning consent item 59 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Jasso's request.

A public hearing was called on zoning case Z08599-270 (RB), an application for and an ordinance granting a Specific Use Permit for a Medical clinic on property within the Tract 1A portion of Planned Development District No. 316, the Jefferson Area Special Purpose District, on property at the northwest corner of Jefferson Boulevard and Madison Street

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

Later in the meeting, zoning consent agenda item 59 was brought up for consideration.

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

Councilmember Jasso moved to close the public hearing, follow the city plan commission recommendation for approval with the following change:

- Changing the date of automatic termination from January 13, 2015 to January 13, 2013.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27784

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0194

Item 60: Zoning Case Z089-276 (WE)

The consent zoning docket, consisting of agenda items 56-62 and addendum addition zoning consent agenda item 7, was presented for consideration.

A public hearing was called on zoning case Z089-276 (WE), an application for and an ordinance granting an amendment to Tract 3 of Planned Development District No. 508 for CH Clustered Housing, MF-2(A) Multifamily, LO-1 Limited Office, MU-1 Mixed Use District uses on the southwest corner of Goldman Street and Bickers Street

(The staff and city plan commission recommended approval subject to a development plan, 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. 27785

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0195

Item 61: Zoning Case Z089-279 (RB)

The consent zoning docket, consisting of agenda items 56-62 and addendum addition zoning consent agenda item 7, was presented for consideration.

The City Secretary requested that zoning consent item 61 be considered as an individual item to allow citizens to speak. Mayor Leppert stated that zoning consent item 61 would be considered as an individual item later in the meeting there being no objection voiced to the City Secretary's request.

A public hearing was called on zoning case Z089-279 (RB), an application for and an ordinance granting a renewal of Specific Use Permit No. 1691 for a Bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest line of Exposition Avenue, east of Ash Lane

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

Later in the meeting, zoning consent agenda item 61 was brought up for consideration.

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

Gene Dennis, 4222 Hallmark Dr., representing The Gibson Co., Inc.

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

Timothy Austin, 2951 N. Camino Lagos, **Grand Prairie, TX**, representing Minc Lounge

John Roberts, 4717 Vera Cruz Dr., **Garland, TX**, representing Minc Lounge

Maurice Moore, 1532 Glen Ln., **Glen Heights, TX**, representing Minc Lounge

Ester Davis, 2204 Millermore St.

Selvin. DeLeon, 101 S. Walton St., representing Minc Lounge

Councilmember Davis moved to close the public hearing and deny the application.

The motion died for a lack of a second.

Mayor Pro Tem Caraway moved the city council meet in executive session to confer with the city attorney.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

10-0195

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

Mayor Leppert called a recess of the city council meeting at 1:29 p.m. as authorized by Section 551.071, Consultations with Attorney, of the Texas Open Meetings Act to confer with the City Attorney.

Mayor Leppert reconvened the city council meeting after the executive session at 1:35 p.m.

No other matters were discussed during the executive session.

After discussion, Councilmember Davis moved to close the public hearing and deny the application.

Motion seconded by Councilmember Salazar.

Later in the meeting, Councilmember Davis moved to withdraw her motion to deny the application.

Councilmember Salazar, who seconded the motion to deny the application, also withdrew his second.

After further discussion, Councilmember Davis 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 Councilmember Hill and unanimously adopted. (Medrano absent when vote taken; Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0196

Item 62: Zoning Case Z089-285 (WE)

The consent zoning docket, consisting of agenda items 56-62 and addendum addition zoning consent agenda item 7, was presented for consideration.

A public hearing was called on zoning case Z089-285 (WE), an application for and an ordinance granting a Planned Development District for a public school other than an open-enrollment charter school and R-7-5(A) Single Family District uses on property zoned an R-7.5(A) Single Family District in an area bounded by Beckley Avenue, West Corning Avenue, Toluca Avenue and West McVey Avenue

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27786

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0197

Item 63: Zoning Case Z089-284 (CG) INDIVIDUAL

A public hearing was called on zoning case Z089-284 (CG), an application for and an ordinance granting a Neighborhood Stabilization Overlay (NSO) on property zoned an R-7.5(A) Single Family District in an area generally bounded by the centerline of the alleys north and south of Desco Drive, between Hillcrest Road on the east and Edgemere Street on the west

(The staff and city plan commission recommended approval)

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

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

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

Assigned ORDINANCE NO. 27787

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0198

Item 64: Zoning Case Z089-204 (DC) DESIGNATED ZONING CASES INDIVIDUAL

A public hearing was called on zoning case Z089-204 (DC), to receive comments regarding a City Plan Commission authorized hearing on property zoned a portion of Subarea No. 1 and a portion of Subarea No. 2 within Planned Development District No. 366, the Buckner Special Purpose District, with consideration being given to and an ordinance granting a new Subarea within Planned Development District No. 366 on the east side of Buckner Boulevard between Military Parkway and Ricardo Drive

(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."

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

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

Doug Hunt, 3421 S. Buckner Blvd., representing Access Self Storage
Shirley Stark, 2612 Max Goldblatt Dr., representing Piedmont-Scyene Homeowner Association

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

- A hotel or motel use is allowed in Subarea 6 by Special Use Permit only and must have more than 60 guest rooms.
- A commercial amusement (inside) use in Subarea 6 is treated as if it were in a CR Community Retail District.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

10-0198

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Motion seconded by Mayor Pro Tem Caraway and Councilmember Atkins and unanimously adopted. (Hunt absent)

Assigned ORDINANCE NO. 27788

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0199

Item 65: Zoning Case Z089-266 (RB) DESIGNATED ZONING CASES INDIVIDUAL

A public hearing was called on zoning case Z089-266 (RB), an application for a Specific Use Permit for a Bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest corner of Elm Street and Good Latimer Expressway

(The staff recommended approval of a two-year period, subject to a site plan and staff's recommended conditions and the 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:

Audra Buckley, 2700 Swiss Ave., representing the applicant
Michael Coker, 7809 Glen Maple Dr., representing the applicant
Barry Annino, 6116 Winton St.

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

Councilmember Hill moved to close the public hearing, follow the staff recommendation for approval with the following change:

- Specific Use Permit is approved for a two-year period
- No automatic renewals
- Parking agreement requires a certificate of occupancy
- Must have at least 2,500 square feet for restaurant use
- No outdoor speakers
- The patio located on the attached site must remain uncovered

and pass the ordinance.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
10-0199
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Motion seconded by Councilmember Atkins and Councilmember Kadane and unanimously adopted. (Hunt absent)

Assigned ORDINANCE NO. 27789

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0200

Item 66: A public hearing to receive comments regarding consideration of amendments to Chapter 51A, the Dallas Development Code, to amend Section 51A-4.221; amending the definition of “adult cabaret” and adding a new definition for “adult cabaret entertainment” to make those definitions in 51A identical to the definitions in Chapter 41A and an ordinance granting the amendments

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 27790

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0201

Item 67: 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 \$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, authorize (1) 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; 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 Kadane and Councilmember Koop and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0202

Item 68: 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 (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, authorize (1) submission of the 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; 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 Hill moved to close the public hearing and approve the item.

Motion seconded by Councilmember Atkins and Councilmember Salazar.

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." (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0203

Item 69: 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 individuals addressed the city council regarding the item:

A. Kay Roska, 1722 Routh St., representing Minyard Food Stores, Inc.
Marvin Crenshaw, 5134 Malcolm X Blvd.
Gwain Wooten, 1000 Grigsby Ave.

Councilmember Davis moved to close the public hearing, accept the recommendation of the staff and pass the ordinance.

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

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

Assigned ORDINANCE NO. 27791

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

Closed Session [**10-0204; HELD**]

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

- April Gilliland, et al. v. City of Dallas, Civil Action No. 3:09-CV-2137-N
- Legal issues involving enforcement of the City's sign ordinance

At 10:20 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.)

- April Gilliland, et al. v. City of Dallas, Civil Action No. 3:09-CV-2137-N
- Legal issues involving enforcement of the City's sign ordinance

Mayor Leppert reconvened the city council meeting after the closed session at 1:01 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0205

Addendum addition 1: Authorize **(1)** the trade-in of sixty-six pickup trucks; and **(2)** acceptance of sixty-six 2010 model year pickup trucks for fleet vehicle replacements at zero cost consideration and a revenue amount of \$131,630 - Friendly Chevrolet Co., highest responsible bidder of three - Revenue: \$131,630

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

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

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0206

Addendum addition 2: Authorize **(1)** a six-month extension of three contracts for Administrative Law Judges (ALJ) for Willie Crowder, Kimberly Lonergan and William Messer for the period of January 1, 2010 through June 30, 2010 to hear employee appeals of terminations and demotions; and **(2)** contracts with each ALJ in the amount of \$3,000 each - Total not to exceed \$9,000 - Financing: Current Funds (\$4,500 to be reimbursed by appealing employees)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0207

Addendum addition 3: An ordinance granting a Specific Use Permit for a pedestrian skybridge on property zoned a CA-1(A) Central Area-1 District with an SP Pedestrian Overlay on North St. Paul Street between Federal Street and San Jacinto Street - Z089-173 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27792

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0208

Addendum addition 4: Authorize a contract for the construction of erosion control at Faulkner Point - BAR Constructors, Inc., lowest responsible bidder of nine - Not to exceed \$2,396,635 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0209

Addendum addition 5: An ordinance granting a franchise to Atmos Energy Corporation for a term of fifteen years to provide gas utility services within the City and providing for compensation - Estimated Annual Revenue: \$12,000,000

Councilmember Salazar moved to pass the ordinance.

Motion seconded by Councilmember Atkins.

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." (Hunt absent)

Assigned ORDINANCE NO. 27793

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0210

Addendum addition 6: Authorize the Dallas Development Fund (DDF) to accept a New Markets Tax Credit (NMTC) allocation from the United States Treasury Department's Community Development Financial Institutions (CDFI) Fund and enter into an allocation agreement with the CDFI Fund - 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 Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0211

Addendum addition 7: Zoning Case Z090-104 (RB)

The consent zoning docket, consisting of agenda items 56-62 and addendum addition zoning consent agenda item 7, was presented for consideration.

A public hearing was called on zoning case Z090-104 (RB), an application for and an ordinance granting an amendment to Planned Development District No. 166 for a College, Private school, Multiple-family residential uses, and the Establishment for the care of alcoholic, narcotic, or psychiatric patients, on property on the west side of La Prada Drive, south of Blythe Drive

(The staff and city plan commission recommended approval subject to an Area 1 development plan/Area 2 conceptual plan and conditions, and approval of rescinding the existing development plan)

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. 27794

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 13, 2010

10-0212

DESIGNATED ZONING CASES – INDIVIDUAL

Addendum addition 8: A public hearing to receive comments regarding consideration of amendments to the Downtown Special Provision Sign District to allow for one midlevel premise sign for every 100 feet in building height in an area generally bounded by Woodall Rogers to the north, Interstate 45/US 75 to the east, Interstate 30/R.L. Thornton to the south and Interstate 35/Stemmons Freeway to the west

(The staff and city plan commission recommended approval)

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 or in favor of the city plan commission's recommendation.

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 Councilmember Neumann and unanimously adopted. (Caraway, Medrano absent when vote taken; Hunt absent)

Assigned ORDINANCE NO. 27795

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 13, 2010

EXHIBIT C