

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 14, 2010

10-0852

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

PRESENT: [15] Leppert, Caraway, Medrano, Jasso, Neumann, Hill (*9:09 a.m.),
Salazar, Davis, Atkins, Kadane, Allen, Koop, Natinsky, Margolin,
Hunt (*1:59 p.m.)

ABSENT: [0]

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

The assistant city secretary announced that a quorum of the city council was present.

The invocation was given by James Patterson, Minister, First Baptist Dallas Church.

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 3:12 p.m.

Mayor

ATTEST:

Assistant City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 14, 2010

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 14, 2010

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0853

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: Rich Sheridan, 3022 Forest Lane
REPRESENTING: Some Citizens
SUBJECT: The corrupt energy industry

SPEAKER: Brad Kirby, 2110 Irving Blvd.
REPRESENTING: Stolen dogs
SUBJECT: Police Chief lied to the Mayor

SPEAKER: Steven Meeks, 1716 Lake View Dr.
SUBJECT: My house was set on fire

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Trinity River Plan

SPEAKER: Bragg Forest, 7518 Spring Valley Rd.
REPRESENTING: Stolen Dog Group
SUBJECT: Stolen dogs

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Chris Brown, 2110 Candleberry Dr., **Mesquite, TX**
REPRESENTING: Traffic officers of Dallas County
SUBJECT: Funeral escorts in Dallas County

SPEAKER: D. J. Mayfield, 901 S. Ervay St.
SUBJECT: Discrimination lawsuit and justice

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0854

Item 1: Approval of Minutes of the March 10, 2010 City Council Meeting

Councilmember Neumann moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0855

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-41, and addendum addition consent agenda items 1-4, was presented for consideration.

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

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

Councilmember Margolin requested that consent agenda item 9 be considered as an individual item. Mayor Leppert stated the consent agenda item 9 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 item 9 and addendum addition consent agenda item 3 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0856

Item 2: Authorize **(1)** Supplemental Agreement No. 1 to Lease No. DTFASW-06-L-00022 with the Federal Aviation Administration to delete approximately 1,083 square feet of terminal storage space located in the airport ticket wing; and **(2)** Supplemental Agreement No. 2 to extend the lease for a one-year term to September 30, 2011 and increase rent during the one-year extension period for the remaining office space at Dallas Love Field - Estimated Annual Revenue Reduction: \$5,740

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0857

Item 3: Authorize a three-year master agreement for the purchase of bagged ice - Reddy Ice Corporation, lowest responsible bidder of three - Not to exceed \$371,158 - Financing: Current Funds (\$203,083) and Water Utilities Current Funds (\$168,075)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0858

Item 4: Authorize **(1)** the ratification of one-year of maintenance and technical support services in the amount of \$69,021; and **(2)** a two-year service contract for maintenance and technical support of the facility reservation system software utilized by Park and Recreation staff in the amount of \$181,079 - Active Network, Sole Source - Total not to exceed \$250,100 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0859

Item 5: Authorize settlement of the lawsuit styled Serapio Lara and Claudia Jaramillo, Plaintiffs, and Eric Lee Pogue, Intervenor v. City of Dallas, Cause No. 08-12910-I - Not to exceed \$37,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0860

Item 6: Authorize Supplemental Agreement No. 3 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, Civil Action No. 3:10-CV-00036-M, and for claims made against the City on behalf of city employees Sherrie Lopez, Sheila Schulte-De Albrecht, Diana Salinas and Cheryl Hill, and any lawsuits subsequently filed related to these claims - Not to exceed \$650,000, from \$825,000 to \$1,475,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0861

Item 7: Authorize Supplemental Agreement No. 4 to the professional services contract with the law firm of Hankinson Levinger LLP for additional legal services necessary in the lawsuit styled City of Dallas v. Kenneth E. Albert, et al., Case No. 05-03-01297-CV, and any other proceedings relating to the subject matter of this litigation - Not to exceed \$30,000, from \$160,000 to \$190,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0862

Item 8: Authorize **(1)** an amendment to the City of Dallas Main Street District Initiative Loan and Grant Program pursuant to Chapter 380 of the Texas Local Governmental Code to allow expenditures for a comprehensive update of the Downtown Parking Strategy and the related Retail Activation Strategy to identify and prioritize improvements needed to support the retail recruitment effort in the Downtown area; and **(2)** an amendment to the grant agreement with Central Dallas Association, in compliance with the City of Dallas Main Street District Initiative Loan and Grant Program, to allow expenditures for a comprehensive update of the Downtown Parking Strategy and related Retail Activation Strategy to identify and prioritize improvements needed to support the retail recruitment effort in the Downtown area - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0863

Item 9: Authorize a contract for roof replacement and asbestos abatement for fourteen City-owned facilities (list attached): **(1)** Roofing Bundle D with J. Reynolds and Co., Inc., lowest responsible bidder of four in the amount of \$316,410; **(2)** Roofing Bundle E with J. Reynolds and Co., Inc., lowest responsible bidder of four in the amount of \$453,640; and **(3)** Roofing Bundle F with J. Reynolds and Co., Inc., lowest responsible bidder of four in the amount of \$209,077 - Total not to exceed \$979,127 - Financing: Capital Construction Funds (\$56,279) and 2006 Bond Funds (\$922,848)

Councilmember Margolin requested that consent agenda item 9 be considered as an individual item. Mayor Leppert stated that consent agenda item 9 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

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

Councilmember Margolin moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0864

Item 10: Authorize a contract with Metro Dallas Homeless Alliance to provide training and technical support on the Homeless Management and Information System for the period April 1, 2010 through September 30, 2012 - Not to exceed \$75,000 - Financing: 2008-09 Homeless Prevention and Rapid Re-Housing Program Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0865

Item 11: Authorize the second amendment to the Management Services Contract, Phase II, with Metro Dallas Homeless Alliance (MDHA) to: **(1)** allow MDHA to provide services to a greater number of homeless persons under a grant award from the State of Texas, Texas Department of Housing and Community Affairs (TDHCA) Homeless Housing and Services Program to the City of Dallas for the Homeless Housing and Services Program for the period January 1, 2010 through August 31, 2011; and **(2)** require MDHA to comply with all conditions of the grant agreement between the City of Dallas and TDHCA - Not to exceed \$3,061,364, from \$27,173,214 to \$30,234,578 - Financing: Texas Department of Housing and Community Affairs Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0866

Item 12: Authorize renewal of the tri-party contract grant agreement between the City of Dallas, the U.S. Department of Housing and Urban Development, and the Dallas Housing Authority for the Shelter Plus Care Grant which provides rental assistance funds to be distributed by the Dallas Housing Authority for single room occupancy of homeless persons living with HIV/AIDS at Hillcrest House located at 834 North Marsalis Avenue for the period May 12, 2010 through May 11, 2011 - Total not to exceed \$385,536 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0867

Item 13: Authorize an amendment to the one hundred twenty-six-month concession contract with Tony Martinez Golf Management from May 1, 2010 through August 31, 2010 to allow the City to reconstruct golf course elements including greens, tees and fairways and improve drainage at Grover C. Keeton Golf Course located at 2323 Jim Miller Road - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0868

Item 14: Authorize an increase in the contract with Phoenix I Restoration and Construction, Ltd. for modifications to structural steel, masonry, electrical, mechanical, skylight and signage; and other miscellaneous items at the Texas Discovery Gardens in Fair Park located at 3601 Martin Luther King Jr. Boulevard - Not to exceed \$72,646, from \$5,235,766 to \$5,308,412 - Financing: 1995 Bond Funds (\$5,419), 1998 Bond Funds (\$1,111), 2003 Bond Funds (\$650), 2006 Bond Funds (\$22,944) and Capital Gifts, Donation and Development Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0869

Item 15: Authorize Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. for additional work necessary to complete the Emergency Action Plan and Operation and Maintenance Manual as required by the Texas Commission on Environmental Quality for Simonds Lake Dam located at 1911 Bowers Road - Not to exceed \$3,500, from \$24,670 to \$28,170 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0870

Item 16: Authorize a Memorandum of Understanding with the Texas Department of Transportation to define shared investigative and administrative responsibilities to maximize interagency cooperation in response to Criminal Trespass offenses
- Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0871

Item 17: Authorize participation with Dallas County in a collaborative effort to submit a consolidated application, with Dallas County as the lead agency, for the acceptance of the 2010-11 Juvenile Accountability Incentive Block Grant to provide further development and enhancements to an integrated data processing system from the Office of the Governor, Criminal Justice Division, and execution of the grant agreement, waiver of application and memorandum of understanding - \$103,362 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds (\$93,965) and Current Funds (\$9,397) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0872

Item 18: Authorize an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for traffic signal improvements on IH 20 at Cockrell Hill Road, US 67 at Kiest Boulevard, US 67 at Polk Street, Loop 12 at West Davis Street, and IH 635 at Plano Road - Not to exceed \$120,284 - Financing: Texas Department of Transportation Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0873

Item 19: Authorize payment to Dallas Area Rapid Transit for the City's share of construction cost for Walnut Hill Lane east side access to the DART Lake Highlands Station - Not to exceed \$75,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0874

Item 20: Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Dallas City Homes for the construction of affordable houses; **(2)** the sale of 3 vacant lots from Dallas Housing Acquisition and Development Corporation to Dallas City Homes; and **(3)** execution of a release of non-tax liens included in the foreclosure judgment, pre-judgment non-tax liens not included in the judgment, and post-judgment non-tax liens, if any (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0875

Item 21: Authorize a professional services contract with Criado & Associates, Inc. for the engineering design of Streetscape Group 06-3011 (list attached) - Not to exceed \$466,221 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0876

Item 22: Authorize a contract with Jeske Construction Company, lowest responsible bidder of three, for the construction of landscaping improvements in the median of Topeka Avenue from Singleton Boulevard to McBroom Road - Not to exceed \$121,531 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0877

Item 23: Authorize a contract with MACVAL Associates, LLC, lowest responsible bidder of eight, for the reconstruction of alley paving and storm drainage improvements between Town Bluff Drive and Leameadow Drive from Hillcrest Road to Wildvine Drive - Not to exceed \$166,122 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0878

Spring Valley Road/Coit Road

Note: Item Nos. 24 and 25
must be considered collectively.

Item 24: Authorize **(1)** a contract with Axis Contracting, Inc., lowest responsible bidder of six, for the construction of bicycle and pedestrian enhancements for the Spring Valley/Coit pedestrian amenities project in an amount not to exceed \$429,038; **(2)** the receipt and deposit of funds from the Texas Department of Transportation in an amount not to exceed \$331,502; and **(3)** an increase in appropriations in the amount of \$331,502 in the Capital Projects Reimbursement Fund - Total not to exceed \$429,038 - Financing: 2003 Bond Funds (\$97,536) and Capital Projects Reimbursement Funds (\$331,502)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0879

Spring Valley Road/Coit Road

Note: Item Nos. 24 and 25
must be considered collectively.

Item 25: Authorize payment to the City of Richardson for contract administration and construction inspection for the construction of the Spring Valley/Coit pedestrian amenities project - Not to exceed \$21,452 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0880

Item 26: Authorize an increase in the contract with Camino Construction, L.P. for the reconstruction of street paving, storm drainage, street resurfacing, water and wastewater main improvements for Dolphin Heights Project Group 06-3009 (list attached) - Not to exceed \$196,084, from \$1,333,450 to \$1,529,534 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0881

Item 27: Authorize Supplemental Agreement No. 1 to the professional services contract with Camp Dresser & McKee, Inc. for additional engineering design services for the urban streetscape design of the Cedar Springs median from Routh Street north to the Katy Trail Bridge and from Olive Street south to Harwood Street - Not to exceed \$79,865, from \$450,458 to \$530,323 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0882

Item 28: Authorize Supplemental Agreement No. 3 to the professional services contract with Michael Baker, Jr., Inc. for the engineering design of infrastructure improvements for the Spring Avenue Redevelopment Project, Phase II - Not to exceed \$486,409, from \$122,841 to \$609,250 - Financing: 2006-07 Community Development Block Grant Reprogramming No. 2 Funds (\$428,115) and Water Utilities Capital Improvement Funds (\$58,294)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0883

Item 29: Authorize ordinances granting seven 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: \$7,000

Approved as part of the consent agenda.

Assigned ORDINANCE NOS. 27835, 27836, 27837, 27838, 27839, 27840 AND 27841

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0884

Item 30: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Donald Wiley of a total of approximately 72,148 square feet of land improved with a restaurant and workshop located near the intersection of Interstate Highway I-20 and Quietwood Drive for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$705,420 (\$697,920 plus closing costs not to exceed \$7,500) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0885

Item 31: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jeffrey S. Wooley, Cheryl L. Wooley, Diane Wiley and Michael D. Wiley of approximately 35,950 square feet of land improved with a single family dwelling located near the intersection of Interstate Highway I-20 and Quietwood Drive for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$184,260 (\$180,760 plus closing costs not to exceed \$3,500) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0886

Item 32: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from T & B Land Company, LLC of approximately 20,301 square feet of land for the Dallas Arboretum Expansion Project located near the intersection of Garland Road and Tavaros Avenue - Not to exceed \$497,500 (\$490,000 plus closing costs not to exceed \$7,500) - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0887

Item 33: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from IMLIC Holdings, LP of approximately 9,454 square feet of land located near the intersection of Frankford and Coit Roads for the Frankford Road Improvement Project - Not to exceed \$236,466 (\$234,080 plus closing costs not to exceed \$2,386) - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0888

Item 34: Authorize **(1)** the first amendment to the lease agreement with Dallas Firefighter's Museum, Inc., as Lessee, of an approximately 8,816 square foot two-story building, formerly Fire Station No. 5, located at 3801 Parry Avenue to extend the term of the lease for an additional three years to provide additional time to perform renovations; and **(2)** an increase in the amount of funds to be expended by lessee, as required by the Lease - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0889

Item 35: An ordinance abandoning portions of Robin Road to Randall's Food & Drugs LP, the abutting owner, containing a total of approximately 9,348 square feet of land located near the intersection of Robin Road and Wateka Drive, authorizing the quitclaim and providing for the dedication of approximately 9,939 square feet of land needed for street right-of-way - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27842

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0890

Item 36: An ordinance granting a private license to Randall's Food & Drugs LP for the use of approximately 2,679 square feet of land to install and maintain 16 parking spaces, two light poles, a screening wall and landscaping on portions of Wateka Drive and University Boulevard near their intersection with Inwood Road - Revenue: \$6,831 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27843

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0891

Item 37: An ordinance abandoning a portion of St. Augustine Road to St. Augustine Estate Apartments II, L.L.C., the abutting owner, containing approximately 131,100 square feet of land located near the intersection of St. Augustine Road and Bluffcreek Drive and authorizing the quitclaim - Revenue: \$19,040 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27844

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0892

Item 38: Authorize a contract for the construction of erosion control improvements at Alice Creek, from Charlemagne Street to 750 feet north - DCI Contracting, Inc., lowest responsible bidder of seven - Not to exceed \$634,030 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0893

Item 39: Authorize **(1)** a contract for the installation of a 20-inch recycled water main extension from the Dallas Zoo to the Stevens Park Golf Course, Phase 2, with Atkins Bros. Equipment Co., Inc., lowest responsible bidder of eight in the amount of \$2,960,587; and **(2)** an increase in appropriations in the Texas Water Development Board Bond proceeds in an amount not to exceed \$2,960,587, from \$2,792,409 to \$5,752,996 - Not to exceed \$2,960,587 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0894

Item 40: Authorize a contract for the installation of water and wastewater mains at 38 locations (list attached) - P & E Contractors, Inc., lowest responsible bidder of eight - \$7,203,826 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0895

Item 41: Authorize Supplemental Agreement No. 2 to the professional services contract with AECOM USA Group, Inc. f/k/a TCB, Inc. to provide additional engineering services for the survey, analysis, and design of bank stabilization and water transmission main repairs generally along Simpson Stuart Road and the Trinity River from east of State Highway 310 (Central Expressway) to Murdock Road - Not to exceed \$832,425, from \$9,176,695 to \$10,009,120 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0896

Item 42: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The assistant city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2009-2010 board term updated through APRIL 14, 2010.

The assistant 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 Otis E. "Bert" Holmes, Vice Chair, to the Senior Affairs Commission.

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

The Assistant City Secretary announced ballots would be distributed to vote for one of the two nominees for Vice Chair to the Citizens Police Review Board, Jacqueline Staley and Nancy Wilson.

Later in the meeting, Mayor Leppert received the results from the Assistant City Secretary of the balloting for Vice Chair to the Citizens Police Review Board.

The Assistant City Secretary announced the following results of the balloting for Vice Chair to the Citizens Police Review Board:

Jacqueline Staley: 9 votes

Nancy Wilson: 5 votes

Councilmember Natinsky moved to accept the report from the Assistant City Secretary.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

10-0896

Page 2

Mayor Leppert announced that Jacqueline Staley was appointed as Vice Chair to the Citizens Police Review Board.

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, 2011.

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

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

10-5198 CDC COMMUNITY DEVELOPMENT COMMISSION
10-5199 BOARD OFFICERS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0897

Item 43: Authorize an amendment to Resolution No. 09-2666, previously approved on October 28, 2009, authorizing a real property tax abatement agreement with Forest Park Medical Center, LLC and Forest Park Realty Partners III, LP to include Architecture, Design, Fees, Financing and other related soft cost as part of the minimum required investment for the project - 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 Allen moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0898

Item 44: Authorize **(1)** a professional services contract for on-going operational and transactional assistance for the Dallas Development Fund's New Markets Tax Credit program with S.B. Friedman & Company, most advantageous proposer of four; and **(2)** establishment of repayment and a loan receivable from the Dallas Development Fund - Not to exceed \$110,000 - Financing: Public/Private Partnership 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 Hill and Councilmember Salazar and unanimously adopted. (Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0899

Item 45: Authorize acquisition from Charles Williams of one parcel of land improved with an occupied residential structure located at 2437 Hooper Street for the proposed Bexar Street Redevelopment Project which is being implemented as part of the Neighborhood Investment Program - Not to exceed \$20,000 (\$18,000 plus closing costs not to exceed \$2,000) - Financing: 2002-03 Community Development Block 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 Davis moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0900

Item 46: Authorize the reconstruction on-site of three homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 703 Korgan Street in the amount of \$93,400, 1330 Grant Street in the amount of \$93,400 and 4911 Upshur Street in the amount of \$93,400 - Total not to exceed \$280,200 - Financing: 2007-08 Community Development Block Grant Funds (\$108,000), 2008-09 Community Development Block Grant Funds (\$110,007) and 2008-09 Community Development Block Grant Reprogramming Funds (\$62,193)

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 Salazar and Councilmember Atkins and unanimously adopted. (Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0901

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 47-52, was presented for consideration.

Agenda items 48 and 50 were removed from the consent zoning docket, to be considered as individual hearings.

Agenda item 47: Zoning Case Z089-213 (WE)

~~Agenda item 48 Zoning Case Z089-278 (RB) [considered individually]~~

Agenda item 49: Zoning Case Z090-128 (OTH)

~~Agenda item 50: Zoning Case Z090-116 (WE) [considered individually]~~

Agenda item 51 Zoning Case Z090-122 (WE)

Agenda item 52 Zoning Case Z090-130 (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 Deputy Mayor Pro Tem Medrano and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0902

Item 47: Zoning Case Z089-213 (WE)

The consent zoning docket, consisting of agenda items 47-52, was presented for consideration.

A public hearing was called on zoning case Z089-213 (WE), an application for and an ordinance granting a Specific Use Permit for a commercial parking lot on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southeast corner of Elm Street and Second Avenue

(The staff and city plan commission recommended approval, for a five-year period, with eligibility for automatic renewals for additional five-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. 27845

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0903

Item 48: Zoning Case Z089-278 (RB)

The consent zoning docket, consisting of agenda items 47-52, was presented for consideration.

Councilmember Atkins requested that zoning consent item 48 be considered as an individual item. Mayor Leppert stated that zoning consent item 48 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

A public hearing was called on zoning case Z089-278 (RB), 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 with deed restrictions providing for maximum density, structure height, and access provisions on the south line of Teagarden Road, west of Haymarket Road

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

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

Richard Botelho, 10214 Teagarden Rd., representing the landowner

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

Karl Krawley, 900 Jackson St., representing Dallas Independent School District

Councilmember Atkins moved to close the public hearing, approve the item and pass the ordinance.

Motion seconded by Councilmember Salazar and unanimously adopted.

Assigned ORDINANCE NO. 27846

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0904

Item 49: Zoning Case Z090-128 (OTH)

The consent zoning docket, consisting of agenda items 47-52, was presented for consideration.

A public hearing was called on zoning case Z090-128 (OTH), an application for and an ordinance granting a Specific Use Permit for a day care facility on property zoned an R-10(A) Single Family District, on the southwest corner of Crepe Myrtle Lane and Larkspur Lane

(The staff and city plan commission recommended approval, for a five-year period with eligibility for automatic renewals for additional five-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. 27847

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0905

Item 50: Zoning Case Z090-116 (WE)

The consent zoning docket, consisting of agenda items 47-52, was presented for consideration.

Councilmember Atkins requested that zoning consent item 50 be considered as an individual item. Mayor Leppert stated that zoning consent item 50 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

A public hearing was called on zoning case Z090-116 (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-5(A) Single Family District uses on property zoned an R-5(A) Single Family District in an area generally bounded by Tioga Street, Sebring Drive, and Soft Wind Drive

(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.

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

Motion seconded by Councilmember Hill and unanimously adopted.

Assigned ORDINANCE NO. 27848

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0906

Item 51: Zoning Case Z090-122 (WE)

The consent zoning docket, consisting of agenda items 47-52, was presented for consideration.

A public hearing was called on zoning case Z090-122 (WE), an application for and an ordinance granting a renewal of Specific Use Permit No. 1620 for a private-club bar and commercial amusement (inside) limited to a Class A dance hall on property zoned a CR Community Retail District, on the east side of the Dallas Parkway Frontage Road, north of Belt Line Road

(The staff recommended Approval for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a revised site plan and conditions and city plan commission recommended Approval for a three-year period, subject to a revised 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. 27849

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0907

Item 52: Zoning Case Z090-130 (RB)

The consent zoning docket, consisting of agenda items 47-52, was presented for consideration.

A public hearing was called on zoning case Z090-130 (RB), an application for and an ordinance granting a Specific Use Permit for an Open-Enrollment Charter School on property zoned a CS Commercial Service District, an NS(A) Neighborhood Service District, and an MF-2(A) Multifamily District, within the State Fair of Texas property boundary, specifically near the intersection of Pennsylvania Avenue and First Avenue

(The staff and city plan commission recommended Approval for a three-year period with eligibility for automatic renewal for additional two-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. 27850

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0908

Item 53: Zoning Case Z089-277 (RB) - INDIVIDUAL

Theresa O'Donnell, director of development services, 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 development services.

A public hearing was called on zoning case Z089-277 (RB), an application for and an ordinance granting a CR Community Retail District on property zoned an R-10(A) Single Family District, on a parcel with frontage on both the south line of IH 20 and the north line of Rylie Crest Road, west of Seagoville Road

(The staff and city plan commission recommended Denial)

Councilmember Atkins moved to continue the public hearing and hold under advisement until the April 28, 2010 voting agenda meeting of the city council.

Motion seconded by Councilmember Salazar and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0909

Item 54: Zoning Case Z090-112 (WE) - INDIVIDUAL

A public hearing was called on zoning case Z090-112 (WE), an application for an IM Industrial Manufacturing District on property zoned a CR Community Retail District and an Specific Use Permit for a metal salvage facility on property zoned a CR Community Retail District and an IM Industrial Manufacturing District generally bounded by Cedar Crest Boulevard, Pontiac Avenue and Childs Street

(The staff recommended Denial without prejudice and city plan commission recommended Denial)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0910

Item 55: Zoning Case Z078-236(RB) DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z078-236(RB), an application for and an ordinance granting a Planned Development District for certain Mixed Uses on property zoned an MF-1(A) Multifamily District, an MF-2(A) Multifamily District, a TH-3(A) Townhouse District, and a CR Community Retail District on property generally bounded by Bennett Avenue, Manett Street, and Fitzhugh Avenue

(The staff recommended Approval, subject to a conceptual plan and staff's recommended conditions and city plan commission recommended Approval, subject to conceptual 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", 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.

Deputy Mayor Pro Tem Medrano moved to close the public hearing and follow the city plan commission's recommendation for approval with the following change:

- Changing liquor store uses in tract 1 from permitted uses to nonconforming uses.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27851

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0911

Item 56: Zoning Case Z089-259 (MAW) DESIGNATED ZONING CASES - 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 Z089-259 (MAW), an application for an MF-1(A) Multifamily District on property zoned a TH-2(A) Townhouse District on the northeast side of Westmoreland Road, south of Redbird Lane

(The staff recommended Denial and city plan commission recommended Denial without prejudice)

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:

Jimmy Shnurr, 3400 Carlisle St., representing the applicant

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

Loquita Henderson, 3919 Wanklyn Ct.

Jonathan Vinson, 901 Main St., representing Woods at Five Mile Creek, L.P.

Ashley Moore, 6449 Allegiance Dr.

Daphne Gonzalez, 6440 Wanklyn St., representing The Community

Eddie W. Fambles, 6428 Wanklyn St., representing The Community

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

10-0911

Page 2

Councilmember Atkins moved to continue the public hearing and remand back to the City Plan Commission for consideration of the TH-3(A) Townhouse District.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0912

Item 57: Zoning Case Z089-262 (RB) DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z089-262 (RB), an application for and an ordinance granting an amendment to Planned Development District No. 758 on both sides of Walnut Hill Lane, east of Skillman Street

(The staff and city plan commission recommended Approval, subject to a conceptual plan, development plans for infrastructure improvements, 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", 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 or in favor of the city plan commission's recommendation.

Councilmember Allen moved to close the public hearing and approve the amendments to Plan Development No. 758 with the following change:

- The total number of caliper inches required to be mitigated is 4,502.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27852

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0913

Item 58: Zoning Case Z067-147 (SA) DESIGNATED ZONING CASES – UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z067-147 (SA), to receive comments regarding a City Council authorized hearing to determine proper zoning on property zoned an MU-2 Mixed Use District, CS Commercial Service District, IM Industrial Manufacturing District, with Specific Use Permit No. 1484 for Commercial Amusement (Inside) for Class A Dance Hall with consideration given to appropriate zoning for that area including use, development standards, parking, landscaping, sign, and other appropriate regulations in an area generally bounded by Interstate 35 and Interstate 30 to the northwest, the Union Pacific Railroad right-of-way to the northeast, the DART Railroad right-of-way to southeast, and the Trinity Levee to the southwest and an ordinance granting a new subarea within Planned Development District No. 784, the Trinity River Corridor Special Purpose District

(The staff and city plan commission recommended Approval, of a new subarea and form districts within Planned Development District No. 784, the Trinity River Corridor Special Purpose District, subject to conditions and a regulating plan for property located southeast of Interstate 35 and Interstate 30, with retention of Specific Use Permit No. 1484 and no change of zoning to property generally bounded by Cadiz Street, the existing sumps, Industrial Boulevard, and the Union Pacific Railroad)

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:

Louis Okon, 2001 S. Riverfront Blvd., representing Okon Metals and Cedars West
Paul Hardie, 1119 S. Riverfront Blvd., representing Industrial Electric Equipment, Inc.
and Hurt and Hardie, Inc.

John Hargrove, 1903 Rock Island, representing Orr Reed

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

10-0913

Page 2

Deputy Mayor Pro Tem Medrano moved to continue the public hearing and hold under advisement no later than the June 23, 2010 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0914

TOD TIF District

Note: Item Nos. 59, 60, 61 and 62
must be considered collectively.

Item 59: A public hearing to receive comments on a boundary amendment to Tax Increment Reinvestment Zone Number Seventeen (TOD TIF District) to remove certain properties from the Mockingbird/Lovers Lane Sub-District, reassign the properties located in the existing boundary at the 8th and Corinth DART station area from the Cedars West Sub-District to the Lancaster Corridor Sub-District for resource allocation purposes and increase the geographic area of the TIF District by adding property to the Mockingbird/Lovers Lane, Cedars West, and Lancaster Corridor Sub-Districts, and creating a new Cedar Crest Sub-District - Financing: No cost consideration to the City

Item 60: An ordinance amending Ordinance No. 27432, previously approved on December 10, 2008, to amend the geographic area of the Tax Increment Financing Reinvestment Zone Number Seventeen (TOD TIF District) to remove certain properties from the Mockingbird/Lovers Lane Sub-District, reassign the properties located in the existing boundary at the 8th and Corinth Street DART station area from the Cedars West Sub-District to the Lancaster Corridor Sub-District for resource allocation purposes and increase the geographic area of the TIF District by adding property to the Mockingbird/Lovers Lane, Cedars West, and Lancaster Corridor Sub-Districts, and creating a new Cedar Crest Sub-District - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

Assigned ORDINANCE NO. 27853

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0915

TOD TIF District

Note: Item Nos. 59, 60, 61 and 62
must be considered collectively.

Item 61: An ordinance **(1)** approving the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Seventeen (TOD TIF District); and **(2)** authorizing a participation agreement with Dallas County for Tax Increment Financing Reinvestment Zone Number Seventeen - Financing: No cost consideration to the City

Councilmember Davis moved to pass the ordinance.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

Assigned ORDINANCE NO. 27854

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0916

TOD TIF District

Note: Item Nos. 59, 60, 61 and 62
must be considered collectively.

Item 62: Authorize the establishment of the City of Dallas TOD TIF District Grant Program to implement the Project Plan and Reinvestment Zone Financing Plan (Project Plan) for Tax Increment Financing Reinvestment Zone Number Seventeen, (TOD TIF District) pursuant to Chapter 311 of the Texas Tax Code, V.T.C.A. to be administered by the City of Dallas, Office of Economic Development to promote economic development within the TOD TIF District - Financing: No cost consideration to the City

Councilmember Davis moved to approve the item.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0917

Item 63: 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 Cullum-Thomas, Cullum-Thomas #2, Cullum-Thomas #3 and the estate of Gillis Thomas located near the intersection of Diplomacy Row and Profit Drive and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Cullum-Thomas 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 staff recommended approval)

The Assistant City Secretary read the following statement into the record:

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

The following individual addressed the city council regarding the item:

A. Kay Roska, 1722 Routh St., representing the applicant

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

Motion seconded by Councilmember Atkins and unanimously adopted.

(Note: John Cuddihee, licensed professional engineer, was present but did not speak before the City Council.)

Assigned ORDINANCE NO. 27855

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0918

Addendum addition 1: Authorize changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0919

Addendum addition 2: Authorize a contract with McMahon Contracting, L.P., lowest responsible bidder of five, for the construction of pavement surface improvements for Asphaltic Concrete Resurfacing Group 1 for 2010 (list attached) - Not to exceed \$7,953,684 - Financing: 1998 Bond Funds (\$65,453), 2003 Bond Funds (\$5,248,405), 2006 Bond Funds (\$2,539,451) and Water Utilities Capital Construction Funds (\$100,375)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0920

Addendum addition 3: Authorize a contract with Austin Bridge & Road, L.P., lowest responsible bidder of five, for the construction of pavement surface improvements for Asphaltic Concrete Resurfacing Group 2 for 2010 (list attached) - Not to exceed \$7,747,010 - Financing: 2003 Bond Funds (\$235,211), 2006 Bond Funds (\$7,450,424) and Water Utilities Capital Construction Funds (\$61,375)

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

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

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

Councilmember Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0921

Addendum addition 4: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from CMC Concrete Accessories, Inc. d/b/a Shepler's of an improved tract of land containing an additional 39,518 square feet for a total of approximately 84,410 square feet located near the intersection of Irving Boulevard and Sylvan Avenue for the Baker Pump Station - Not to exceed \$489,513 (\$485,013 plus closing costs not to exceed \$4,500) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 14, 2010

10-0922

The Mayor recessed the meeting at 9:35 a.m. and reconvened the meeting at 1:49 p.m.

The City Council attended the North Texas Crime Commission 60th Anniversary Luncheon held at the Hyatt Regency Hotel.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 14, 2010

EXHIBIT C