

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 26, 2010

10-1278

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

PRESENT: [15] Leppert, Caraway, Medrano, Jasso, Neumann, Hill (*9:31 a.m.),
Salazar (*9:16 a.m.), Davis, Atkins, Kadane, Allen (*9:15 a.m.),
Koop, Natinsky, Margolin, Hunt (*10:22 a.m.)

ABSENT: [0]

The meeting was called to order at 9:05 a.m.

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

The invocation was given by Phillip Webster, Reverend of Church of the Resurrection.

Councilmember Jasso led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 4:40 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, MAY 26, 2010

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 26, 2010

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1279

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: O. B. Mathis, 3346 Ridgemoor Cir.
SUBJECT: City Business

SPEAKER: Christopher Head, 9337 San Fernando Way
REPRESENTING: North Texas Assoc. of Public Employees
SUBJECT: Employee pay and benefits

SPEAKER: Brad Kirby, 2110 Irving Blvd.
REPRESENTING: Stolen Dogs
SUBJECT: What does City Code Section 7-4.5 mean?

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

SPEAKER: Rodrick Holley, 9707 White Ash Rd.
SUBJECT: Unlawful towing

OPEN MICROPHONE – END OF MEETING

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

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: City swimming pools and KKK

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SPEAKER: Trina Triche, 1818 Corsicana St.
SUBJECT: Inefficient/ineffective government agencies

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
REPRESENTING: R. A. W. (Real American Women)
SUBJECT: The oil hemorrhage in the gulf and SB 10-70

SPEAKER: Leslie Allen Davis, 3035 E. Ledbetter Dr.
SUBJECT: Change

SPEAKER: Michael King, 2433 E. Kiest Blvd.
REPRESENTING: Citizens
SUBJECT: Economic disparities, Griggs Park

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1280

Item 1: Approval of Minutes of the May 12, 2010 City Council Meeting.

Mayor Pro Tem Caraway moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1281

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-46, and addendum addition consent agenda items 1-3, was presented for consideration.

Councilmember Neumann requested that consent agenda items 7, 13, 40 and addendum addition consent agenda items 1 and 2 be considered as individual items. Mayor Leppert stated that consent agenda items 7, 13, 40 and addendum addition consent agenda items 1 and 2 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Davis requested that consent agenda item 36 be considered as an individual item. Mayor Leppert stated that consent agenda item 36 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

Councilmember Allen requested that consent agenda item 13 be considered as an individual item. Mayor Leppert stated that consent agenda item 13 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Allen's request.

Councilmember Koop requested that consent agenda item 31 be considered as an individual item. Mayor Leppert stated that consent agenda item 31 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Koop's request.

Councilmember Margolin requested that consent agenda item 11 be considered as an individual item. Mayor Leppert stated the consent agenda item 11 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Councilmember Neumann moved to approve all items on the consent agenda with the exception of consent agenda items 7, 11, 13, 31, 36, 40 and addendum addition consent agenda 1 and 2 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1282

Item 2: Authorize a one-year master agreement for fleet vehicles - Sam Pack's Five Star Ford, lowest responsible bidder of two - Not to exceed \$97,405 - Financing: Commercial Auto Theft Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1283

Item 3: Authorize a three-year master agreement for energy efficient light bulbs and tubes for City facilities - Voss Lighting in the amount of \$701,013, Facility Solutions Group, Inc. in the amount \$117,229, Simba Industries in the amount of \$9,978 and eBulb, Inc. in the amount \$4,102, lowest responsible bidders of seven - Total not to exceed \$832,322 - Financing: Current Funds (\$655,722), Convention and Event Services Current Funds (\$110,000) and Water Utilities Current Funds (\$66,600)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1284

Item 4: Authorize a three-year master agreement for replacement belts for specialized Water Utilities machinery - National Filter Media dba Filter Belts in the amount of \$66,840, Process Solutions, Inc. in the amount of \$35,805 and Asten Johnson Specialty Holdings, Inc. dba Sitos Texas in the amount of \$956, lowest responsible bidders of six - Total not to exceed \$103,601 - Financing: Water Utilities Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1285

Item 5: Authorize a three-year master agreement for the purchase of battery backup systems for traffic signals - Paradigm Traffic Systems, Inc., lowest responsible bidder of four - Not to exceed \$594,084 - Financing: Current Funds (to be reimbursed by the North Central Texas Council of Governments)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1286

Item 6: Authorize a two-year service contract, with one twelve-month renewal option, for title and loan closing services for the Home Repair Program - All America Title Services, Inc., most advantageous proposer of four - Not to exceed \$319,880 - Financing: 2009-10 Community Development Block Grant Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1287

Item 7: Authorize the purchase of one asphalt recycler, one vibratory roller and one bulldozer from Holt Texas Ltd. in the amount of \$1,039,884; and one rotoboom truck with Southwest International Trucks, Inc. in the amount of \$121,388 through Texas Association of School Boards (BuyBoard) - Total not to exceed \$1,161,272 - Financing: 2008 Equipment Acquisition Contractual Obligation Notes (\$449,985) and 2010 Combination Tax and Revenue Certificates of Obligation (\$711,287)

Councilmember Neumann requested that consent agenda item 7 be considered as an individual item. Mayor Leppert stated that consent agenda item 7 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 7 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1288

Item 8: Authorize settlement of the lawsuit styled Timothy Neeper v. City of Dallas, Cause No. DC-09-14338-M - Not to exceed \$6,800 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1289

Item 9: Authorize settlement of a claim filed by Empower Insurance Group, as subrogee of Derek Neal, and GeoVera Specialty Insurance Service, as subrogee of Derek and Roshanda Neal, Claim No. 10266375, seeking compensation for property damages - Not to exceed \$24,000 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1290

Item 10: Authorize the release of lien on real property located at 5322 Bexar Street, Dallas, Texas 75215 held as collateral for a loan made by the South Dallas/Fair Park Trust Fund to Classy Hair Design in the amount of \$9,200 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1291

Item 11: Authorize **(1)** a public hearing to be held on June 23, 2010 to receive comments concerning the creation of the Knox Street Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Knox Street area, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(2)** a resolution approving creation of the District for seven years and approval of the District's Service Plan for 2011-2017 - Financing: No cost consideration to the City

Councilmember Margolin requested that consent agenda item 11 be considered as an individual item. Mayor Leppert stated that consent agenda item 11 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 11 was brought up for consideration.

Councilmember Margolin moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1292

Item 12: Authorize an increase in the contract with Phoenix 1 Restoration and Construction, Ltd. to replace the failing insulated glass panes at the Women's Museum located at 3800 Parry Avenue - Not to exceed \$39,979, from \$330,135 to \$370,114 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1293

Item 13: Authorize the City Manager to: **(1)** accept best and final electricity offers for Groups 1 and 2 from the seven short-listed Retail Electric Providers; Constellation New Energy, Inc., GDF SUEZ Energy Resources NA, Inc., Gexa Energy, L.P., Reliant Energy Retail Services, LLC, Sempra Energy Solutions, LLC, Texas General Land Office, and TXU Energy Retail Company, LLC.; **(2)** enter into two electric services contract(s) with preferred Retail Electric Provider(s) for a period of 24 or 36 months under advisement of the City's energy consultant; and **(3)** lock prices for all groups for the contract term - Total not to exceed \$154,814,000 for 24-month contracts or \$232,221,000 for 36-month contracts - Financing: Current Funds (subject to annual appropriations)

Councilmember Neumann and Councilmember Allen requested that consent agenda item 13 be considered as an individual item. Mayor Leppert stated that consent agenda item 13 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann and Councilmember Allen's request.

Later in the meeting, consent agenda item 13 was brought up for consideration.

Councilmember Neumann moved to refer the item back to the Budget, Finance, and Audit Council Committee.

Motion seconded by Councilmember Natinsky.

After discussion, Councilmember Neumann moved amend the motion to refer the item back to the Budget, Finance, and Audit Council Committee to come back to the City Council not later than 30 days.

Councilmember Natinsky who seconded the motion accepted the amendment of Councilmember Neumann to refer the item back to the Budget, Finance, and Audit Council Committee to come back to the City Council not later than 30 days.

Mayor Leppert declared the amended motion, unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1294

Item 14: Authorize **(1)** a Memorandum of Understanding with the Washington State Association of Fire Marshals for Dallas Fire Rescue's participation as a sub-recipient in a grant from the Department of Homeland Security; **(2)** the acceptance of goods valued at \$60,000 for the distribution of smoke alarms and fire prevention education materials; **(3)** the receipt and deposit of funds in the amount of \$45,000 in the Homeland Security Grant Fund; and **(4)** the establishment of appropriations in the amount of \$45,000 in the Homeland Security Grant Fund for reimbursement of personnel expenses for the period August 28, 2009 through August 27, 2010 - Not to exceed \$105,000 - Financing: U.S. Department of Homeland Security Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1295

Item 15: Authorize **(1)** the acceptance of a Transitional Supportive Housing Grant in the amount of \$154,027 from the U.S. Department of Housing and Urban Development to provide tenant-based rental assistance and case management for homeless families and single homeless persons for the period December 1, 2010 through November 30, 2011; **(2)** a local match in an amount not to exceed \$9,978; and **(3)** execution of the grant agreement - Total not to exceed \$164,005 - Financing: U.S. Department of Housing and Urban Development Grant Funds (\$154,027) and Current Funds (\$9,978) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1296

Item 16: Authorize **(1)** the acceptance of a Transitional Supportive Housing Grant in the amount of \$257,606 from the U.S. Department of Housing and Urban Development to provide tenant-based rental assistance and case management for families and single homeless persons for the period October 1, 2010 through September 30, 2011; **(2)** a local match in an amount not to exceed \$15,866; and **(3)** execution of the grant agreement - Total not to exceed \$273,472 - Financing: U.S. Department of Housing and Urban Development Grant Funds (\$257,606) and Current Funds (\$15,866) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1297

Item 17: Authorize **(1)** the acceptance of a Permanent Supportive Housing Grant in the amount of \$701,906 from the U.S. Department of Housing and Urban Development to provide tenant-based rental assistance and case management for single chronically homeless persons for the period October 1, 2010 through September 30, 2011; **(2)** a local match in an amount not to exceed \$36,981; and **(3)** execution of the grant agreement - Total not to exceed \$738,887 - Financing: U.S. Department of Housing and Urban Development Grant Funds (\$701,906) and Current Funds (\$36,981) (subject to appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1298

Item 18: Authorize **(1)** preliminary adoption of Substantial Amendment No. 5 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program (NSP) to amend the Program Statement to include Activity 3- Acquisition, Redevelopment, & Sale of Foreclosed/Abandoned Properties; **(2)** the Reprogramming of \$2,500,000 from Activity 2-Acquisition, Rehabilitation, & Sell/Rent Foreclosed Properties Program (ARSR) to Activity 3-Acquisition, Redevelopment, & Sale of Foreclosed Properties; and **(3)** a public hearing to be held on June 23, 2010 to receive comments on Substantial Amendment No. 5 to the Consolidated Plan - Financing: No cost consideration to the City

Approved as part of the consent agenda

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1299

Item 19: Authorize **(1)** a public hearing to be held on June 23, 2010 to receive comments on the proposed private sale by quitclaim deed of one unimproved property acquired by the taxing authorities from the Sheriff's Sale to Forest Heights Neighborhood Development Corporation, a qualified non-profit organization; and at the close of the public hearing, **(2)** consideration of approval of the sale of this property (list attached) - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1300

Item 20: Authorize a modification to Resolution No. 09-2521, previously approved on October 14, 2009, to provide for an economic development grant rather than an economic development loan for exterior and interior building improvements to 5050 Bexar Street, a neighborhood serving retail/grocery business located within the Bexar Street Redevelopment Corridor - Not to exceed \$105,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1301

Item 21: Authorize a resolution extending the City Council's decision deadline for Atmos Energy Corp., Mid-Tex Division's proposed new Gas Reliability Infrastructure Program (GRIP) Interim Rate Adjustment for the period May 28, 2010 through July 12, 2010 - Financing: No cost consideration to the City

Approved as part of the consent agenda

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1302

Item 22: Authorize **(1)** the acceptance of a Brownfield Cleanup Grant from the North Central Texas Council of Governments in the amount of \$200,000; **(2)** the City's required match of \$50,000 for the grant will be provided with funding from the construction award; **(3)** the receipt and deposit of funds from the North Central Texas Council of Governments in the amount of \$200,000 in the NCTCOG - Brownfield Cleanup Grant Fund; **(4)** an increase in appropriations in the amount of \$200,000 in the NCTCOG - Brownfield Cleanup Grant Fund; **(5)** execution of the grant agreement; and **(6)** a contract for site environmental remediation at Belo Garden located at 1014 Main Street - USA Environment, L.P., best value proposer of four - Not to exceed \$1,666,191 - Financing: 1995 Bond Funds (\$380,232), 1998 Bond Funds (\$31,688), 2003 Bond Funds (\$802,426), 2006 Bond Funds (\$251,845) and NCTCOG - Brownfield Cleanup Grant Funds (\$200,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1303

Item 23: Authorize a professional services contract with Kevin Sloan Studio, LLC for schematic design through construction administration services for a pavilion renovation at Casa Linda Park located at 1500 San Saba Drive - Not to exceed \$31,312 - Financing: 2006 Bond Funds

Approved as part of the consent agenda

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1304

Item 24: Authorize a professional services contract with Perkins+Will for schematic design through construction administration services for a pavilion replacement at Fair Oaks Park located at 7600 Fair Oaks Avenue - Not to exceed \$45,073 - Financing: 2006 Bond Funds

The city secretary announced Councilmember Margolin deferred consideration of consent agenda item 24 in accordance with Subsection 7.11 of the City Council Rules of Procedures.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1305

Item 25: Authorize **(1)** a five-year horticulture services nursery contract, with one five-year renewal option, with Southwest Perennials, Inc. for the period June 1, 2010 through May 31, 2015 to operate the Greenhouse facility in Crawford Park located at 8740 Elam Road in consideration of providing bedding plants valued at approximately \$45,000 annually; and, **(2)** receipt and deposit of funds from Southwest Perennials, Inc. for greenhouse utility charges in the amount of approximately \$45,000 - Not to exceed \$45,000 - Financing: Current Funds (subject to appropriations)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1306

Item 26: Authorize **(1)** a public hearing to be held on June 9, 2010 to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, re-establish standards of care for certain city youth programs in compliance with State Law; and at the close of the hearing, **(2)** approval of an ordinance to readopt Chapter 12 of the Dallas City Code - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1307

Item 27: Authorize a Local Project Advance Funding Agreement with the Texas Department of Transportation for the construction of an eastbound IH 20 exit ramp to southbound Clark Road - Not to exceed \$500,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1308

Item 28: Authorize Supplemental Agreement No. 1 to the professional services contract with Brochette, Davis, Drake, Inc. to provide additional survey services for the Bachman Lake Park Pedestrian Bridge Project at Northwest Highway - Not to exceed \$18,005, from \$58,255 to \$76,260 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1309

Item 29: Authorize Supplemental Agreement No. 1 to the professional services contract with URS Corporation (formerly doing business as Washington Group International, Inc.) to provide additional engineering design and surveying services for the drainage improvement project in the Hawthorne Avenue and Bowser Avenue area - Not to exceed \$39,930, from \$95,107 to \$135,037 - Financing: 2003 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1310

Item 30: Authorize the City to request grant funding under the North Central Texas Council of Governments' Request for Project Applications for the Regional Solid Waste Local Project Funding Program - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1311

Item 31: Ratify emergency hiring of debris collection contractors to assist city crews in collecting snow storm debris - National Waste Management Services in an amount not to exceed \$372,018 and Raynor Shine in an amount not to exceed \$961,415 - Total not to exceed \$1,333,433 - Financing: Current Funds

Councilmember Koop requested that consent agenda item 31 be considered as an individual item. Mayor Leppert stated that consent agenda item 31 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Koop's request.

Later in the meeting, consent agenda item 31 was brought up for consideration.

Councilmember Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1312

Item 32: Authorize ordinances granting three 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: \$3,000

Approved as part of the consent agenda.

Assigned ORDINANCE NOS. 27881, 27882 AND 27883

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1313

Item 33: Authorize acquisition, from Terry Fivecoat, of approximately 15,888 square feet of land improved with a single-family dwelling located near the intersection of Glencliff Drive and San Leon Avenue under the Flood Protection and Storm Drainage Voluntary Purchase Program - Not to exceed \$75,000 (\$72,000 plus closing costs not to exceed \$3,000) - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1314

Item 34: Authorize settlement in lieu of proceeding further with condemnation in City of Dallas vs. John Radovich, et al, Cause No. cc-08-01777-d, pending in the County Court at Law No. 4, for acquisition from John Radovich for approximately 17,364 square feet of land located near the intersection of Trunk and Birmingham Avenues for the Trunk Avenue Wastewater Improvements Project - Not to exceed \$23,321 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1315

Item 35: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 442,400 square feet from 635-Dowdy Venture, located near the intersection of Interstate Highway 20 and Dowdy Ferry Road for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$365,000 (\$358,880 plus closing costs not to exceed \$6,120) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1316

Item 36: An ordinance amending Chapter 52, "Administrative Procedures for the Construction Codes," of the Dallas City Code by amending Sections 405 and 414; eliminating registration fees for plumbing contractors as required by state law; providing a saving clause; providing a severability clause; and providing an effective date - Estimated Revenue Foregone: \$30,000

Councilmember Davis requested that consent agenda item 36 be considered as an individual item. Mayor Leppert stated that consent agenda item 36 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

Later in the meeting, consent agenda item 36 was brought up for consideration.

Councilmember Davis moved to pass the ordinance.

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

Assigned ORDINANCE NO. 27884

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1317

Item 37: An ordinance granting a private license to the Dallas Black Dance Theatre for the use of approximately 170 square feet of land to install, use and maintain two subsurface conduits under a portion of Forbes Street near its intersection with Arts Plaza - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27885

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1318

Item 38: An ordinance abandoning portions of a street easement and water and wastewater easement to PC LH Land Partners, L.P., the abutting owner, containing a total of approximately 7,780 square feet of land located near the intersection of Skillman Street and Sedgwick Drive and authorizing the quitclaim - Revenue: \$10,800 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27886

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1319

Item 39: An ordinance amending Ordinance No. 27555 to Next Block-Dallas I, L.P to extend the final replat requirement from one year to three years - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27887

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1320

Item 40: Authorize **(1)** a construction contract with Massana Construction Inc., lowest responsive bidder of eight, for the construction of a concrete multipurpose trail, construction of new bridge structures, rehabilitation of existing historic structure into a bike/pedestrian crossing and other miscellaneous work necessary to complete the project for the Santa Fe Trestle Hike and Bike Trail Improvement Project in an amount not to exceed \$5,575,149; **(2)** the receipt and deposit of funds in the Santa Fe Trail Grant Fund from the Texas Department of Transportation in an amount not to exceed \$3,547,603; **(3)** an increase in appropriations in the amount of \$3,547,603 in the Santa Fe Trail Grant Fund - Total not to exceed \$5,575,149 - Financing: 1998 Bond Funds (\$2,027,546) and Santa Fe Trail Grant Funds (\$3,547,603)

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

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

Deputy Mayor Pro Tem Medrano moved to approve the item.

Motion seconded by Councilmember Neumann and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1321

Item 41: Authorize settlement in lieu of proceeding with condemnation of an unimproved tract of land containing approximately 7,000 square feet from M.H. Now, LLC located near the intersection of Colonial Avenue and Starks Avenue for the Trinity Parkway - Not to exceed \$14,000 (\$12,000 plus closing costs not to exceed \$2,000) - Financing: 1998 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1322

Item 42: Authorize a contract for the installation of water and wastewater mains at 43 locations (list attached) - Atkins Bros. Equipment Co., Inc., lowest responsible bidder of eight - \$8,687,100 - Financing: Water Utilities Capital Improvement Funds (\$8,676,960) and 2003 Bond Funds (\$10,140)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1323

Item 43: Authorize an increase in the contract with Archer Western Contractors, Ltd., for additional work associated with the construction of new pumping facilities and with modifications to existing structures at the Sunset Pump Station - Not to exceed \$257,067, from \$22,739,000 to \$22,996,067 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1324

Item 44: Authorize an increase in the contract with BAR Constructors, Inc. for constructability and schedule changes at the East Side Water Treatment Plant expansion to 540 million gallons per day, Part B, Transfer Pump Station No. 3 - Not to exceed \$377,125, from \$38,520,700 to \$38,897,825 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1325

Item 45: Authorize Supplemental Agreement No. 1 to the professional services contract with Freese and Nichols, Inc. for engineering services to address some of the recommendations of the Eastern Dam inspections and to comply with the Texas Commission on Environmental Quality regulations - Not to exceed \$294,906, from \$550,388 to \$845,294 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1326

Item 46: Ratify emergency repairs to the Chlorine Scrubber tanks at the East Side Water Treatment Plant with Carbon Silica Partners, LP, dba Diamond Fiberglass - Not to exceed \$326,000 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1327

10-1328

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 MAY 26, 2010.

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

Deputy Mayor Pro Tem Medrano moved to appoint David Neumann, City Council Appointee, to the Police and Fire Welfare Fund Board; F. Mariana Griggs, Registered Voter, to the Reinvestment Zone Three Board (Oak Cliff Gateway); Cris Jordan, Owns Property in District, to the Reinvestment Zone Five Board (City Center) and to the Reinvestment Zone Eleven Board (Downtown Connection); Jacob N. Pollack, Registered Voter, to the Reinvestment Zone Ten Board (Southwestern Medical); Traswell C. Livingston III, Registered Voter, to the Reinvestment Zone Thirteen Board (Grand Park South); Scott Jenke, Enrique A. MacGregor, Daniel "Corky" Sherman, Registered Voter, to the Reinvestment Zone Sixteen Board (Davis Garden); and Ward Richmond, Registered Voter, to the Reinvestment Zone Eighteen Board (Maple/Mockingbird).

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

10-1327

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

10-5219	BOA	BOARD OF ADJUSTMENT
10-5220	BOX	BOARD OF ADJUSTMENT ALTERNATE MEMBERS
10-5221	CSX	CIVIL SERVICE BOARD ADJUNCT MEMBERS
10-5222	PFW	POLICE AND FIRE WELFARE FUND BOARD
10-5223	RZ03	REINVESTMENT ZONE THREE BOARD (OAK CLIFF GATEWAY)
10-5224	RZ05	REINVESTMENT ZONE FIVE BOARD (CITY CENTER)
10-5225	RZ10	REINVESTMENT ZONE TEN BOARD (SOUTHWESTERN MEDICAL)
10-5226	RZ11	REINVESTMENT ZONE ELEVEN BOARD (DOWNTOWN CONNECTION)
10-5227	RZ13	REINVESTMENT ZONE THIRTEEN BOARD (GRAND PARK SOUTH)
10-5228	RZ16	REINVESTMENT ZONE SIXTEEN BOARD (DAVIS GARDEN)
10-5229	RZ18	REINVESTMENT ZONE EIGHTEEN BOARD (MAPLE/MOCKINGBIRD)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1329

Item 48: An ordinance amending Chapter 7 of the Dallas City Code to require a person who takes possession of a stray dog to attempt to locate the dog's owner -
Financing: No cost consideration to the City

Councilmember Natinsky moved to pass the ordinance.

Motion seconded by Mayor Pro Tem Caraway.

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

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

Assigned ORDINANCE NO. 27888

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1330

Item 49: Authorize approval of the recommended plan for the proposed alignment of Chalk Hill Road from West Davis Street to 800' south of the I-30 eastbound Frontage Road and Chalk Hill Road from the I-30 westbound Frontage Road to Singleton Boulevard, from its current alignment to the proposed alignment - Financing: No cost consideration to the City

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

Mayor Pro Tem Caraway moved to approve the item.

Motion seconded by Councilmember Margolin and unanimously adopted. (Koop abstain; Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1331

DESIGNATED PUBLIC SUBSIDY MATTERS

Downtown Connection TIF District

Note: Item Nos. 50 and 51
must be considered collectively.

Item 50: Authorize **(1)** a development agreement with TIF Hotel, Inc. to provide funding for the development and redevelopment of 1600 and 1604 Main Street, 1417-19 Commerce Street, 1503 Commerce Street, 1505 Commerce Street, and 1511 Commerce Street located in Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District) for the expansion of the Joule Hotel; and **(2)** the Downtown Connection TIF District Board of Directors to dedicate future tax increment revenue of the Downtown Connection TIF District in an amount not to exceed \$16,712,215 plus a TIF Grant in an amount not to exceed \$3,946,335 for a total incentive amount not to exceed \$20,658,550 - Total not to exceed \$20,658,550 - Financing: Downtown Connection 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 Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1332

DESIGNATED PUBLIC SUBSIDY MATTERS

Downtown Connection TIF District

Note: Item Nos. 50 and 51
must be considered collectively.

Item 51: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse TIF Hotel, Inc., for eligible expenditures pursuant to the development agreement with TIF Hotel, Inc. - 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 Hunt moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1333

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 52: Authorize an assignment of the development agreement with Hamilton Fidelity, LP related to the redevelopment of the Fidelity Union Life Buildings located at 1507 Pacific, 1511 Bryan and 318 North Akard Streets in Tax Increment Financing Reinvestment Zone Five (City Center TIF District) in an amount not to exceed \$9,000,000 to Prudential Commercial Property Holding Company, LLC - 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 Natinsky moved to amend the item to read:

Authorize: (1) an assignment of the development agreement with Hamilton Fidelity, LP related to the redevelopment of the Fidelity Union Life Buildings located at 1507 Pacific, 1511 Bryan and 318 North Akard Streets in Tax Increment Financing Reinvestment Zone Five (City Center TIF District) in an amount not to exceed \$9,000,000 to Prudential Commercial Property Holding Company, LLC. and (2) amend Section 20(A) of the development agreement to allow future assignment of this agreement, and rights to receive payment under this agreement, upon written approval of the City's Director of the Office of Economic Development.

and amend Section 1 of the resolution to read:

Section 1. That the City Manager, upon approval as to form by the City Attorney is hereby authorized to assign the remaining interest and development agreement with Hamilton Fidelity, LP, executed pursuant to Resolution Nos. 04-3190 and 04-3191 to Prudential Commercial Property Holding Company, LLC. Future assignment of this Agreement shall be allowed upon written approval of the City Director's of the Office of Economic Development. Approval of the assignment shall be promptly considered by the Director and shall not be unreasonably withheld.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1334

DESIGNATED PUBLIC SUBSIDY MATTERS

Cityplace Area TIF District

Note: Item Nos. 53 and 54
must be considered collectively.

Item 53: Authorize **(1)** the optional redemption of Cityplace Area TIF District Special Tax Revenue Bonds: **(a)** Series 1998 in an amount not to exceed \$1,285,000 in principal plus interest due of \$31,714; **(b)** Series 2000 in an amount not to exceed \$1,455,000 in principal plus interest due of \$36,403; and **(c)** Series 2004 in an amount not to exceed \$2,660,000 in principal plus interest due of \$39,969; and **(2)** the Cityplace Area TIF District Board of Directors to dedicate up to \$5,508,086 from Cityplace Area TIF District Funds and/or Tax Increment Bond Funds - Total not to exceed \$5,508,086 - Financing: Cityplace Area TIF District Funds and/or Tax Increment Bond 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 Margolin moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1335

DESIGNATED PUBLIC SUBSIDY MATTERS

Cityplace Area TIF District

Note: Item Nos. 53 and 54
must be considered collectively.

Item 54: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Two (Cityplace Area TIF District) to redeem Cityplace Area TIF District Special Tax Revenue Bonds: **(a)** Series 1998 in an amount not to exceed \$1,285,000 in principal plus interest due of \$31,714; **(b)** Series 2000 in an amount not to exceed \$1,455,000 in principal plus interest due of \$36,403; and **(c)** Series 2004 in an amount not to exceed \$2,660,000 in principal plus interest due of \$39,969 for a total not to exceed \$5,508,086 - 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 Margolin moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1336

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 55: Authorize the reconstruction on-site of four homes in accordance with the Reconstruction/SHARE Program Statement requirements for the properties located at 1323 Amos Street in the amount of \$93,400, 3306 Mojave Drive in the amount of \$93,400, 3038 Modree Avenue in the amount of \$93,400 and 3618 Chicago Street in the amount of \$93,400 - Total not to exceed \$373,600 - Financing: 2008-09 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 Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1337

Item 56: Zoning Case Z089-238 (RB) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z089-238 (RB), an application for and an ordinance granting renewal of and amendment to Specific Use Permit No. 1682 for an Alcoholic beverage establishment for a Private club-bar on property zoned a CR Community Retail District at the southeast corner of Midway Road and Frankford Road

(The staff recommended Approval for a three-year period, subject to a site plan and staff's recommended conditions and city plan commission recommended Approval for a period to terminate on November 12, 2011, subject to a site plan and conditions)

Note: This item was considered by the City Council at a public hearing on May 12, 2010, and was held under advisement until May 26, 2010, with the public hearing open.

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

Councilmember Natinsky moved to close the public hearing and follow the city plan commission recommendation for approval, with the following changes:

- The outdoor covered patio may only operate between 11:00 a.m. and 10:00 p.m., Monday through Thursday, and between 11:00 a.m. and 11:00 p.m., Friday through Sunday.
- A minimum of 69 off-street parking spaces are required.
- One licensed security officer is required.
- Outside speakers are only permitted in the locations shown on the site plan and must be directed inward toward the outdoor patio.
- The sound pressure level from outside speakers at any time may not exceed 56 decibels measured from a distance 50 feet from the source.
- Outside speakers must be turned off at 10:00 p.m.
- The alcoholic beverage establishment limited to a private-club bar must obtain an amended certificate of occupancy from the building official by June 25, 2010. All requirements of this specific use permit must be met before the building official may issue the amended certificate of occupancy.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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- A maximum of 100 customers and employees are permitted at the alcoholic beverage establishment limited to a private-club bar at any one time.

and pass the ordinance.

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

Assigned ORDINANCE NO. 27889

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1338

Item 57: Zoning Case Z089-203 (RB) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z089-203(RB), an application for the creation of a new subdistrict within the Light Mixed Use Subdistrict portion of Planned Development District No. 631, the West Davis Special Purpose District on the northeast corner of West Davis Street and Dwight Avenue with consideration being given to granting a Machine shop use by Specific Use Permit and an ordinance granting an amendment to the Light Mixed Use Subdistrict within Planned Development District No. 631 and an ordinance granting a Specific Use Permit for a Machine shop use

(The staff Approval of an amendment to the existing Light Mixed Use Subdistrict within Planned Development District No. 631 to permit the requested use by Specific Use Permit, subject to staff's recommended conditions and a revised West Davis Special Purpose District and Subdistrict Boundary Map, and approval of a Specific Use Permit for a three-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions, in lieu of the applicant's request to create a new subdistrict within Planned Development District No. 631 and permitting the requested use by right and city plan commission recommended Approval of an amendment to the existing Light Mixed Use Subdistrict within Planned Development District No. 631 to permit the requested use by Specific Use Permit, subject to conditions and a revised West Davis Special Purpose District and Subdistrict Boundary Map, and approval of a Specific Use Permit for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions, in lieu of the applicant's request to create a new subdistrict within Planned Development District No. 631 and permitting the requested use by right)

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

Councilmember Salazar 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.

Assigned ORDINANCE NOS. 27890 AND 27891

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1339

Item 58: Zoning Case Z090-103(DC) DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z090-103 (DC), an application for and an ordinance granting an amendment to Planned Development District No. 202 for certain nonresidential uses on the east line of Preston Road, north of Crownover Court

(The staff recommended Approval, subject to a development and landscape plan and staff's recommended conditions and city plan commission recommended Approval, subject to a development and landscape plan and revised 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:

Lucy Billingsley, 6701 Turtle Creek, representing the developer

Councilmember Salazar moved to close the public hearing and follow the city plan commission recommendation for approval of the zoning change, with the ordinance to come back on June 9, 2010 incorporating the following changes:

- For purposes of establishing a building site for a manufactured housing use, Subarea A, is considered a legal building site.
- For a data center, parking and loading must be provided in accordance with what is required for a communication exchange facility local utility use.
- For light manufacturing, parking and loading must be provided in accordance with what is required for an industrial (inside) for light manufacturing use.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
10-1339
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Motion seconded by Councilmember Hill and Councilmember Atkins and unanimously adopted. (Jasso, Hunt absent)

Assigned ORDINANCE NOS. 27890 AND 27891

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1340

Item 59: DEVELOPMENT CODE AMENDMENTS

A public hearing to receive comments regarding an application for the consideration of an amendment to Chapter 51A, Section 51A-4.501, the Dallas Development Code, allowing demolition of historic structures pursuant to a court order; allowing the fire marshal to summarily abate hazards; and re-numbering certain subsections of Section 51A-4.501 and an ordinance granting the amendments

(The staff recommended Approval and city plan commission recommended Approval, subject to Zoning Ordinance Advisory Committee recommendation)

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

Councilmember Davis moved to refer the item to the Housing Council Committee for review and recommendation to the City Council to come back not later than 30 days.

Motion seconded by Councilmember Atkins.

After discussion, Councilmember Hunt asked Councilmember Davis if she would accept a friendly amendment to her motion to defer the item to the Housing Council Committee for review and recommendation to the City Council to come back not later than 30 days and have Preservation Dallas to attend the Housing Council Committee meeting.

Councilmember Davis agreed to Councilmember Hunt's friendly amendment to refer the item to the Housing Council Committee for review and recommendation to the City Council to come back not than 30 days and have Preservation Dallas to attend the Housing Council Committee meeting.

Councilmember Atkins, who seconded the motion, also accepted Councilmember Hunt's friendly amendment to refer the item to the Housing Council Committee for review and recommendation to the City Council to come back not later than 30 days and have Preservation Dallas to attend the Housing Council Committee meeting.

After discussion, the Mayor called the vote on Councilmember Davis' motion with the friendly amendment by Councilmember Hunt to refer the item to the Housing Committee for review and recommendation to the City Council to come back not later than 30 days and have Preservation Dallas to attend the Housing Council Committee meeting.

Mayor Leppert declared the amended motion unanimously adopted. (Salazar absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1341

Item 60: DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

A public hearing to receive comments regarding an application for the consideration of amendments to Chapter 51A, Section 3.102(a) Creation; membership; appointment, the Dallas Development Code, to amend regulations pertaining to Board of Adjustment panel size and the start date of members to conform to the City Charter and an ordinance granting the amendments

(The staff recommended Approval and city plan commission recommended Denial of amendments to amend regulations pertaining to Board of Adjustment panel size, and approval of an amendment to establish the start date of the two-year term for the city plan commissioners, board of adjustment members, and landmark commissioners from September 1 to October 1 to conform to the City Charter)

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

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

Sharon Boyd, 3146 New Castle Dr.

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

Motion seconded by Councilmember Salazar and unanimously adopted.

Assigned ORDINANCE NO. 27892

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1342

Item 61: A public hearing to receive comments on the proposed private sale by quitclaim deed of two unimproved properties acquired by the taxing authorities from the Sheriff's Sale to Dallas Neighborhood Alliance For Habitat, Inc. a qualified non-profit organization; and at the close of the public hearing, authorize **(1)** the private sale under the HB110 process through the Land Transfer Program, as provided for by Section 253.010 of the Texas Local Government Code, by quitclaim deed of two unimproved properties acquired by the taxing authorities from the Sheriff's Sale to Dallas Neighborhood Alliance For Habitat, Inc., a qualified non-profit organization; and **(2)** execution of a release of non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any (list attached) - Revenue: \$2,000

No one addressed the city council regarding the item.

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

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1343

Item 62: A public hearing to receive comments on the proposed private sale by quitclaim deed of four unimproved properties acquired by the taxing authorities from the Sheriff's Sale to Builders of Hope Community Development Corporation, a qualified non-profit organization; and at the close of the public hearing, authorize **(1)** the private sale under the HB110 process through the Land Transfer Program, as provided for by Section 253.010 of the Texas Local Government Code, by quitclaim deed of four unimproved properties acquired by the taxing authorities from the Sheriff's Sale to Builders of Hope Community Development Corporation, a qualified non-profit organization; and **(2)** execution of a release of non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any (list attached) - Revenue: \$8,774

The following individuals addressed the city council regarding the item:

William Hopkins, 2011 Leath St.
Ozumba Lnuk-X, 4106 Vineyard Dr.
Brandon P. Reed, 5631 Spring Valley

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

Motion seconded by Councilmember Neumann and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1344

Item 63: A public hearing to receive comments in preparation of the FY 2010-11 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

John Knutson, 16209 Dalmalley Ln., representing Dallas Area Interfaith
Cynthia Salinas-Dooley, 726 S. Clinton Ave., representing Dallas Area Interfaith
Veletha Forsythe Lill, 622 Blair Blvd.
Betty Culbreath, 1636 Bar Harbor Dr.
Bert Holmes, 4515 W. Lawther Dr., representing Senior Affairs Commission
Michael King, 2433 E. Kiest Blvd.
Suzanne Charriere, Chair, Municipal Library Board
Gwain Wooten, 1000 Grigsby Ave.
Johnnie Goins, 3426 Tioga St.
Donald Payton, 1839 Southerland
Ozumba Lnuk-X, 4106 Vineyard
Trina Trinche, 1818 Corsicana St.
Jeff Sorells, no address given
Brandon Reed, 5631 Spring Valley
William Hopkins, 2011 Leath St.

Councilmember Jasso moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1345

Item 64: A public hearing to receive comments on the proposed use of a portion of Runyon Creek Greenbelt, totaling approximately 8,170 square feet of land, for the installation of an 18-inch wastewater line to serve the University of North Texas System Dallas campus; and at the close of the hearing, consideration of a resolution authorizing the use - Revenue: \$27,600

No one addressed the city council regarding the item.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1346

Item 65: A public hearing to receive comments regarding an ordinance amending Article V, "Flood Plain and Escarpment Zone Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code to clarify that final inspections or certificates of occupancy will not be withheld for properties in a floodplain (FP) with building permits that were obtained prior to such designation, to establish fees for fill permits in interior drainage areas, and to describe the process for removal of an FP designation from an interior drainage area, and other related matters - Financing: No cost consideration to the City

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

The following individual addressed the city council regarding the item:

Marcus Wood, 6060 N. Central Expressway

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

Motion seconded by Councilmember Jasso and unanimously adopted. (Medrano, Neumann, Salazar abstain)

Assigned ORDINANCE NO. 27893

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1347

Addendum addition 1: Authorize a five-year service contract for the collection of delinquent City accounts - Progressive Financial Services, Inc., highest responsible bidder of four - Estimated Net Annual Revenue: \$2,598,000 (Current Funds (\$429,550), Water Utilities Current Funds (\$1,943,450) and Stormwater Drainage Management Funds (\$225,000)

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 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 Kadane and unanimously adopted. (Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1348

Addendum addition 2: Authorize a master agreement with Cypress Waters Land Development, LLC, an affiliate of Billingsley Development Corporation, to outline recommended public financial incentives and developer obligations related to the development of a 1,661 acre site located in the northwest area of Dallas known as Cypress Waters - Financing: No cost consideration to the City

Councilmember Neumann requested that addendum addition consent agenda item 2 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 2 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann request.

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

Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1349

Addendum addition 3: Authorize **(1)** a management services contract with Dallas Development Fund (DDF) to administer and manage any allocations of New Markets Tax Credit (NMTC) awarded by the United States Treasury Community Development Financing Institutions (CDFI) Fund; **(2)** acceptance of NMTC fees consisting of 1% of Qualified Equity Investments pursuant to closing and collection by DDF; and **(3)** acceptance of payment of or reimbursement to the City for costs for outside assistance or legal counsel required in association with the program - Estimated Revenue: \$550,000

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1350

Addendum addition 4: Authorize an increase in the Over 65 and Disabled Persons Homestead Property Tax Exemption from \$64,000 to \$70,000 beginning with the ~~2009~~ 2010 tax year - Estimated Annual Revenue Loss: (\$2,600,000)

The city secretary announced Councilmember Atkins deferred consideration of addendum addition agenda item 4 in accordance with Subsection 7.11 of the City Council Rules of Procedures.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1351

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum addition 5: Authorize (1) the establishment of the Pleasant Grove Economic Development Program pursuant to Chapter 380 of the Texas Local Government Code (the "Act") to make loans and grants to promote local economic development in the Pleasant Grove community of Dallas; and (2) a Chapter 380 grant agreement in an amount not to exceed \$75,000 with Pleasant Grove Mission Possible, Inc. (PGMP) to implement the first phase of the Pleasant Grove Economic Development Program to fund the marketing and design work aimed at improving the image and perception of the Pleasant Grove community thereby encouraging future business and commercial activities within the area - Not to exceed \$75,000 - 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."

The following individual addressed the city council regarding the item:

Shirley Wesley-King, 3827 S. Buckner Blvd.

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1352

DESIGNATED PUBLIC SUBSIDY MATTERS

DalPark Garage

Note: Addendum Item Nos. 6 and 7 must be considered collectively.

Addendum addition 6: Authorize an amendment to the parking agreement with Central Parking System of Texas, Inc., now DalPark Partners, Ltd., parking operator of the DalPark Garage, previously approved by Resolution No. 03-1923, on June 25, 2003, in Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District) to: **(1)** extend the term of the agreement by five years from July 1, 2010 to June 30, 2015; **(2)** reduce the City's rate per space from \$101.24 to \$90 per space / per month; **(3)** reduce the number of public, short-term parking spaces from 225 spaces to 150 spaces; and **(4)** increase the public's hourly rate per space from \$1.00 per hour to \$1.50 per hour for the first four hours - Not to exceed \$820,000 - Financing: City Center 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 Davis and Councilmember Hunt and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1353

DESIGNATED PUBLIC SUBSIDY MATTERS

Dal Park Garage

Note: Addendum Item Nos. 6 and 7
must be considered collectively

Addendum addition 7: Authorize the receipt and deposit of estimated monthly average parking revenue of \$11,063 from DalPark Partners, Ltd. over a five-year period - Estimated Parking Revenue: \$663,780

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 Hill and Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1354

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum addition 8: Authorize a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low-income housing tax credit allocation for Hillside West Seniors Project located at 32 Pinnacle Park Boulevard, which is located in a census tract that has more than 30% housing tax credit units per households in the census tract as established by the U.S. Census Bureau, pursuant to Sec. 50.6(g) of the 2010 Qualified Allocation Plan (QAP), for the acquisition and new construction of the proposed 130-unit multifamily residential development - 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 Hill and Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1355

CONSENT ZONING DOCKET

The consent zoning docket, consisting of addendum addition consent agenda item 9, was presented for consideration.

Addendum additional agenda item 9 was removed from the consent zoning docket, to be considered as an individual hearing.

~~Addendum addition agenda item 9 Zoning Case Z090-157 (RB)~~ [**considered individually**]

There were no other zoning consent dockets to be heard.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1356

Addendum addition 9: Zoning Case Z090-157 (RB)

The consent zoning docket, consisting of addendum addition consent agenda item 9, was presented for consideration.

Deputy Mayor Pro Tem Medrano requested that zoning addendum addition consent item 9 be considered as an individual item. Mayor Leppert stated that zoning addendum addition consent item 9 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Medrano's request.

A public hearing was called on zoning case Z089-251 (MAW), an application for a Specific Use Permit for an Open-enrollment Charter School on property zoned a CA-1(A) Central Area District with Specific Use Permit No. 1638 on a portion of property bounded by Lamar Street, McKinney Avenue, Laws Street, and Munger Avenue

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

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

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

Rosemary Perlmeter, 3524 Dickason Ave., representing Uplift Education

Deputy Mayor Pro Tem Medrano moved to close the public hearing and follow the city plan commission recommendation for approval but change the hours of operation to between 7:30 a.m. and 6:30 p.m., Monday through Friday, and between 7:30 a.m. and 1:30 p.m. on Saturday and pass the ordinance.

Motion seconded by Councilmember Kadane and unanimously adopted.

Assigned ORDINANCE NO. 27894

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1357

The City Council attended the Luncheon and tour of the new “Giants of Savannah” exhibit at the Dallas Zoo.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 26, 2010

10-1358

NOTICE OF DEFERRED OR DELETED ITEMS

CITY COUNCIL MEETING

MAY 26, 2010

POSTED ON FRIDAY, MAY 21, 2010

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

Agenda item 24. Authorize a professional services contract with Perkins+Will for schematic design through construction administration services for a pavilion replacement at Fair Oaks Park located at 7600 Fair Oaks Avenue - Not to exceed \$45,073 - Financing: 2006 Bond Funds **[Deferred by Councilmember Margolin]**

POSTED ON MONDAY, MAY 24, 2010

Addendum addition
agenda item 4:

Authorize an increase in the Over 65 and Disabled Persons Homestead Property Tax Exemption from \$64,000 to \$70,000 beginning with the ~~2009~~ 2010 tax year - Estimated Annual Revenue Loss: (\$2,600,000) **[Deferred by Councilmember Atkins]**

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 26, 2010

EXHIBIT C