

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 9, 2010

10-1456

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

PRESENT: [15] Leppert, Caraway, Medrano, Jasso, Neumann, Hill, Salazar (*9:02 a.m.), Davis, Atkins, Kadane, Allen, Koop, Natinsky, Margolin, Hunt (*9:22 a.m.)

ABSENT: [0]

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

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

The invocation was given by Dwayne Bradford, Pastor, Samaritan Bible Way Baptist Church.

Deputy Mayor Pro Tem Medrano led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 2:33 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, JUNE 9, 2010

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 9, 2010

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1457

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: Mary Martin, 2505 Wedglea Dr.
REPRESENTING: Wedglea Manor Homeowners Association
SUBJECT: Dallas Housing Authority

SPEAKER: Fran Moreno-Randle, 2535 Wedglea Dr.
REPRESENTING: Wedglea Manor Homeowners Association
SUBJECT: Dallas Housing Authority; Cliff Manor

SPEAKER: Mark Mynett, 2403 W. Colorado Blvd.
REPRESENTING: Stevens Park Homeowners Association
SUBJECT: Dallas Housing Authority; Cliff Manor

SPEAKER: Daniel Duke, 2548 Wedglea Dr.
REPRESENTING: Wedglea Creek Garden Homes
SUBJECT: Dallas Housing Authority; Cliff Manor

SPEAKER: Rich Sheridan, 3022 Forest Ln.
REPRESENTING: K2 opportunity
SUBJECT: Some citizens

OPEN MICROPHONE – END OF MEETING

SPEAKER: Michael Bates, 2548 Wedglea Dr.
SUBJECT: Dallas Housing Authority; Cliff Manor

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

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

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
SUBJECT: “The original vision”

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
SUBJECT: “Stimulation with no imagination”

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1458

Item 1: Approval of Minutes of the May 26, 2010 City Council Meeting.

Councilmember Hill moved to approve the minutes.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1459

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-54, and addendum addition consent agenda items 1-5, was presented for consideration.

Councilmember Neumann requested that consent agenda items 4, 6, 10, 29, and 39 be considered as individual items. Mayor Leppert stated that consent agenda items 4, 6, 10, 29 and 39 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Neumann's request.

Councilmember Hill requested that consent agenda item 16 be considered as an individual item. Mayor Leppert stated that consent agenda item 16 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill's request.

Councilmember Salazar requested that addendum addition consent agenda item 5 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 5 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Salazar's request.

Councilmember Atkins requested that consent agenda item 10 and addendum addition consent agenda items 1 and 4 be considered as individual items. Mayor Leppert stated that consent agenda item 10 and addendum addition consent agenda items 1 and 4 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Councilmember Natinsky requested that addendum addition consent agenda item 5 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 5 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

Councilmember Margolin requested that consent agenda item 10 and addendum addition consent agenda items 2 and 4 be considered as individual items. Mayor Leppert stated the consent agenda item 10 and addendum addition consent agenda items 2 and 4 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Margolin's request.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

10-1459

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Mayor Pro Tem Caraway moved to approve all items on the consent agenda with the exception of consent agenda items 4, 6, 10, 16, 29, 39 and addendum addition consent agenda 1, 2, 4 and 5 which would be considered later in the meeting.

Motion seconded by Councilmember Natinsky and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1460

Item 2: Authorize **(1)** the application for and acceptance of an Interlocal Agreement with the Texas Department of Transportation (TxDOT), Aviation Division, to perform routine airport maintenance at Dallas Executive Airport under TxDOT's Routine Airport Maintenance Program (RAMP) eligible maintenance projects at Dallas Executive Airport are estimated to cost a total of \$100,000; **(2)** the City match of 50% of the project costs under the Routine Airport Maintenance Program (RAMP); and **(3)** the execution of the grant agreement for the period June 9, 2010 through September 30, 2010 - Total not to exceed \$100,000 - Financing: Texas Department of Transportation Grant Funds (\$50,000) and Aviation Current Funds (\$50,000)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1461

Item 3: Authorize **(1)** establishment of a Love Field Modernization Program (LFMP) Pay-Go Fund to transfer funds to the Trustee, Wells Fargo Bank, National Association account for the Apron and Hydrant Fueling System (AFSP) projects managed by Southwest Airlines in an amount not to exceed \$109,165,000 for the duration of the AFSP Projects; **(2)** the establishment of appropriations in the LFMP Pay-Go Fund for the duration of AFSP Projects in an amount not to exceed \$109,165,000; **(3)** establishment of an LFMP Aviation Capital Improvement Program Fund to transfer funds to the Trustee, Wells Fargo Bank, National Association account for the duration of the various City funded LFMP Projects managed by Southwest Airlines; **(4)** the establishment of appropriations in the LFMP CIP Fund for the duration of the projects as needed in an amount not to exceed \$20,028,000; **(5)** the establishment of appropriations in the Airport Improvement Program (AIP) LFMP Grant Fund for the Taxiway “B” Modifications Project managed by Southwest Airlines in an amount not to exceed \$620,080 for the duration of the Project; **(6)** the transfer of funds in an amount not to exceed \$620,080 from the AIP LFMP Grant Fund to the Trustee, Wells Fargo Bank, National Association for the duration of Taxiway “B” Modifications Project; **(7)** the establishment of appropriations for the duration of Advanced Surveillance Program (ASP) Project in an amount not to exceed \$3,641,850 in the Aviation Grant Fund; and **(8)** the transfer of funds from the Aviation Grant Fund to the Trustee, Wells Fargo Bank, National Account in an amount not to exceed \$3,641,850 for the duration of the City Funded Advanced Surveillance Program (ASP) Project, the ASP project costs include the design, installation and operation of a closed circuit television as a part of the Dallas LFMP administered by Southwest Airlines - Total not to exceed \$133,454,930 - Financing: Federal Aviation Administration (FAA) Grant Funds (\$81,465,330), Aviation Passenger Facility Charge (PFC) Funds (\$48,347,750) and Transportation Security Administration (TSA) Funds (\$3,641,850)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1462

Item 4: Authorize **(1)** participation in a purchasing agreement with Public Sourcing Solutions; and **(2)** a three-year master agreement for office supplies, Office Max through Public Sourcing Solutions - Not to exceed \$4,873,604 - Financing: Current Funds

Councilmember Neumann requested that consent agenda item 4 be considered as an individual item. Mayor Leppert stated that consent agenda item 4 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 4 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1463

Item 5: Authorize a three-year master agreement for welding machines and supplies for City facilities - Matheson Tri-Gas, Inc. in the amount of \$266,295, Red Ball Oxygen Company, Inc. in the amount of \$50,580 and Lawson Products, Inc. in the amount of \$32,700, lowest responsible bidders of four - Total not to exceed \$349,575 - Financing: Current Funds (\$223,399), Aviation Current Funds (\$12,000) and Water Utilities Current Funds (\$114,176)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1464

Item 6: Authorize a three-year service contract for grounds maintenance services at floodway levees and library properties - BIO Landscape & Maintenance, Inc. in the amount of \$552,422, Forest Hills Lawn Service, Inc. in the amount of \$127,620 and JBA Land Management, LLC in the amount of \$71,568, lowest responsible bidders of seven - Total not to exceed \$751,610 - Financing: Current Funds (subject to annual appropriations)

Councilmember Neumann requested that consent agenda item 6 be considered as an individual item. Mayor Leppert stated that consent agenda item 6 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 6 was brought up for consideration.

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1465

Item 7: Authorize a three-year service contract for online tutorial services for the Library - Brainfuse, Inc., most advantageous proposer of two - Not to exceed \$135,000 - Financing: Texas State Library and Archives Commission Grant Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1466

Item 8: Authorize a three-year service contract for securing or barricading of vacant buildings or hazardous areas within the City - H2O Plumbing, LLC in the amount of \$880,000, Vacant Property Security, Inc. in the amount of \$215,750 and IHP Pro System in the amount of \$115,200, lowest responsible bidders of four - Total not to exceed \$1,210,950 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1467

Item 9: Authorize a three-year master agreement for Websense web filter software license renewal - Comp-e-Ware Technology Associates, lowest responsible bidder of three - Not to exceed \$90,320 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1468

Item 10: Authorize Supplemental Agreement No. 1 to the service contract with CompuCom Systems for Help Desk support services, through the Department of Information Resources, State of Texas Cooperative Contract - Not to exceed \$1,720,000, from \$8,183,315 to \$9,903,315 - Financing: Current Funds (subject to annual appropriations)

Councilmember Neumann, Councilmember Atkins and Councilmember Margolin requested that consent agenda item 10 be considered as an individual item. Mayor Leppert stated that consent agenda item 10 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann, Councilmember Atkins and Councilmember Margolin's request.

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

Councilmember Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1469

Item 11: Authorize Supplemental Agreement No. 1 to exercise the first of three one-year renewal options to the professional engineering contract with Biggs & Mathews Environmental, Inc. for hydrogeology and groundwater monitoring at McCommas Bluff Landfill, Northeast Transfer Station, Northwest Transfer Station and Southwest Transfer Station - Not to exceed \$117,830, from \$235,890 to \$353,720 - Financing: Current Funds (subject to annual appropriations)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1470

Item 12: Authorize settlement of the lawsuit styled Ruth Herrera v. City of Dallas, Cause No. 09-00529-E - Not to exceed \$6,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1471

Item 13: Authorize settlement of the lawsuit styled Keith Clarence Braxton v. Danny R. Hulseley and City of Dallas, Cause No. 09-03394-C - Not to exceed \$14,848 -
Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1472

Item 14: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Crowell & Moring LLP for additional legal services necessary in the lawsuit styled City of Dallas and TWDB v. Dale Hall, et al., No. 08-1520 - Not to exceed \$20,500, from \$25,000 to \$45,500 - Financing: Current Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1473

Item 15: Authorize **(1)** an application for and acceptance of the Workforce Investment Act Grant from the U.S. Department of Labor Employment and Training Administration for the creation of a workforce training pilot program for the International Inland Port of Dallas for the period of May 1, 2010 through October 31, 2011; **(2)** establishment of appropriations for the grant; and **(3)** execution of the grant agreement - Not to exceed \$186,000 - Financing: U.S. Department of Labor, Employment and Training Administration Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1474

Item 16: Authorize the issuance of tax-exempt educational facilities bonds to be issued by the Red River Education Finance Corporation ("RREFC") in an aggregate principal amount not to exceed \$7,300,000 for the benefit of The Lamplighter School - Financing: No cost consideration to the City

Councilmember Hill requested that consent agenda item 16 be considered as an individual item. Mayor Leppert stated that consent agenda item 16 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill's request.

Later in the meeting, consent agenda item 16 was brought up for consideration.

Councilmember Margolin moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1475

Item 17: Authorize a public hearing to be held on August 11, 2010 to receive comments on proposed changes to the City's current use of Community Development Block Grant funds for public improvement activities at non-profit organizations
- Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1476

Item 18: Authorize **(1)** an application for and acceptance of the FY2010 Edward Byrne Memorial Justice Assistance Grant in the amount of \$1,910,863 from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period October 1, 2009 through September 30, 2013; **(2)** execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County, and eligible units of local government; and **(3)** execution of the grant agreement - Not to exceed \$1,910,863 - Financing: U.S. Department of Justice, Bureau of Justice Assistance Grant Funds

Approved as part of the consent agenda

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1477

Item 19: Authorize **(1)** the acceptance of a sub-recipient grant from the U.S. Department of Education through the Texas Department of Agriculture for Fair Park utility and security costs, in an amount not to exceed \$1,000,000; **(2)** execution of the grant agreement with the Texas Department of Agriculture for the reimbursement of utility and security costs; and **(3)** execution of a conditional letter of agreement with the Texas Department of Agriculture for the use of the reimbursement for the Pan American Arena located at Admiral Nimitz Circle near Martin Luther King, Jr. Boulevard - Total not to exceed \$1,000,000 - Financing: Texas Department of Agriculture Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1478

Item 20: Authorize a contract for interior renovation at Lake Highlands North Recreation Center located at 9410 White Rock Trail - Prime Construction Company, best value proposer of three - Not to exceed \$614,038 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1479

Item 21: Authorize a professional services contract with GSR Andrade Architects, Inc. for schematic design through construction administration services for interior renovation and expansion at Harry Stone Recreation Center located at 2403 Millmar Drive - Not to exceed \$136,515 - Financing: 2006 Bond Funds

Approved as part of the consent agenda

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1480

Item 22: Authorize a professional services contract with Lim and Associates, Inc. for schematic design through construction administration services for drainage improvements at Hulcy Park located at 1200 Daniieldale Road - Not to exceed \$32,187 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1481

Item 23: Authorize a professional services contract with Linda Tycher and Associates, Inc. for schematic design through construction administration services for a new loop trail at Cherrywood Park located at 5400 Cedar Spring Road and a playground replacement at Friendship Park located at 12700 Hornbeam Drive - Not to exceed \$36,770 - Financing: 2006 Bond Funds

Approved as part of the consent agenda

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1482

Item 24: Authorize a professional services contract with Urban Engineers Group, Inc. for schematic design through construction administration services for a new loop trail in Elmwood Parkway and improvements along Rugged Drive from Elmwood Parkway to Kiest Park - Not to exceed \$92,515 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1483

Item 25: Authorize an increase in the contract with Phoenix I Restoration and Construction, Ltd. for modifications to the Fair Park Aquarium located at 1462 First Avenue to address necessary repairs and renovations to the existing facility; code compliance issues, including revisions to existing parking spaces to meet Texas Accessibility Standards; installation and finish-out of aquaria exhibits; and partial painting of the steel structural members at the Fair Park Coliseum ceiling located at 1438 Coliseum Circle - Not to exceed \$961,551, from \$8,391,313 to \$9,352,864 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1484

Item 26: Authorize Supplemental Agreement No. 1 to the professional services contract with Metropolitan Infrastructure, PLLC for design and construction documents for replacement of pedestrian bridges, ADA accessibility to the new pavilion and Fire Department emergency access at Lakewood Park, located at 7000 Williamson Road - Not to exceed \$15,475, from \$36,845 to \$52,320 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1485

Item 27: Authorize an application for the Paul Coverdell Forensic Science Improvement Program grant from the U.S. Department of Justice, Office of Justice Programs, for forensic equipment, training and personnel for the National Integrated Ballistics Information Network site - \$175,000 - Financing: U.S. Department of Justice Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1486

Item 28: Authorize a contract with Jeske Construction Company, lowest responsible bidder of seven, for the construction of street paving, storm drainage, lighting, traffic signal, water and wastewater main improvements for Street Group 06-613 (list attached) - Not to exceed \$1,718,931 - Financing: 2006 Bond Funds (\$1,301,820), Water Utilities Capital Construction Funds (\$39,156) and Water Utilities Capital Improvement Funds (\$377,955)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1487

Item 29: Authorize **(1)** a contract with MACVAL Associates, LLC, lowest responsive bidder of eight, for the construction of improvements to the Taxi Cab Holding Area at Dallas Love Field, in an amount not to exceed \$791,473; and **(2)** an increase in appropriations in the amount of \$791,473 in the Aviation Capital Construction Fund - Total not to exceed \$791,473 - Financing: Aviation Capital Construction Funds

Councilmember Neumann requested that consent agenda item 29 be considered as an individual item. Mayor Leppert stated that consent agenda item 29 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 29 was brought up for consideration.

Councilmember Atkins moved to approve the item.

Motion seconded by Councilmember Salazar

Later in the meeting, Councilmember Atkins moved to withdraw his motion to approve the item.

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

By general consensus, at the request of Mayor Leppert, the item was deferred until June 23, 2010 voting agenda meeting of the city council. (Medrano absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1488

Item 30: Authorize a contract with MACVAL Associates, LLC, lowest responsible bidder of three, for construction of the new exterior accessibility ramp and stairs at the Sammons Center for the Arts located at 3630 Harry Hines Boulevard - Not to exceed \$174,946 - Financing: 1995 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1489

Item 31: Authorize a professional services contract with Urban Engineers Group, Inc. for the engineering design of thoroughfare improvements on Southwell Road from Ables Lane to Shady Trail - Not to exceed \$187,033 - Financing: 2003 Bond Funds (\$116,013) and Water Utilities Capital Improvement Funds (\$71,020)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1490

Item 32: Authorize Supplemental Agreement No. 3 to the professional services contract with Burgess & Niple, Inc. for a structural study, additional survey, and the engineering design of streetscape and traffic signal improvements in order to extend the project limit on Cadiz Street from Riverfront Boulevard to Hotel Street in a northerly direction to South Lamar Street - Not to exceed \$97,373, from \$260,941 to \$358,314 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1491

Item 33: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Eleazar Cabrera and Angelica Cabrera of approximately 1,841 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$5,462 (\$3,762 plus closing costs not to exceed \$1,700) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1492

Item 34: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Clarence James Roberts and Patsy E. Roberts of approximately 2,655 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$8,000 (\$5,433 plus closing costs not to exceed \$2,567) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1493

Item 35: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Mario A. Barrera, Sr. of approximately 6,261 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$25,000 (\$19,762 plus closing costs not to exceed \$5,238) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1494

Item 36: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Edwin Wayne Steele of approximately 29,706 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$26,000 (\$22,280 plus closing costs not to exceed \$3,720) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1495

Item 37: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Noel N. Washington of approximately 18,745 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$33,000 (\$28,118 plus closing costs not to exceed \$4,882) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1496

Item 38: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Billie Bob Klein and William Robert Klein of approximately 147,775 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$373,813 (\$367,813 plus closing costs not to exceed \$6,000) - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1497

Item 39: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of 25 properties consisting of 17 single family homes and 8 vacant lots in the Cadillac Heights neighborhood located near the intersection of Cedar Crest and Kiest Boulevards to be used for future City facilities (list attached) - Not to exceed \$1,034,150 (\$987,500 plus closing costs not to exceed \$46,650) - Financing: 2006 Bond Funds

Councilmember Neumann requested that consent agenda item 39 be considered as an individual item. Mayor Leppert stated that consent agenda item 39 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 39 was brought up for consideration.

Councilmember Neumann 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

JUNE 9, 2010

10-1498

Item 40: Authorize moving expense and rental assistance payments for Constantino Lopez and Juana Maria Berlanga in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 920 LaSalle Drive for future City facilities - Not to exceed \$9,700 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1499

Item 41: Authorize moving expense and rental assistance payments for Roberto Coronado and Adriana Reyes in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 1003 Packard Street for future City facilities - Not to exceed \$22,191 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1500

Item 42: Authorize moving expense and rental assistance payments for Juan Juarez and Liliana Maldonado in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 1019 Packard Street for future City facilities - Not to exceed \$22,732 - Financing: 2006 Bonds Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1501

Item 43: Authorize moving expense and replacement housing payments for Clinton Robinson in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2931 Gloyd Street for future City facilities - Not to exceed \$38,300 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1502

Item 44: An ordinance abandoning a drainage easement to The Jesuit College Preparatory School of Dallas, Inc., the abutting owner, containing approximately 242,745 square feet of land located near the intersection of Inwood Road and Willow Lane - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27895

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1503

Item 45: An ordinance granting a private license to Lower Oak Lawn Investment, LP for approximately 18,739 square feet of land to install, use and maintain landscaping, pedestrian ramps, steps, planters, irrigation system, street furniture and street light poles on and under portions of Hi Line Drive and Edison Street rights-of-way - Revenue: \$5,400 one time fee plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27896

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1504

Item 46: An ordinance granting a revocable license to Victory Ductbank, L.P. for a total of approximately 5,412 square feet of land to install, maintain and utilize subsurface telecommunication conduits under portions of Olive, Lamar and Houston Streets, Museum Way and Victory Avenue rights-of way - Revenue: \$10,131 annually plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27897

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1505

Item 47: An ordinance amending Ordinance No. 27569 to Dallas Main L.P. to remove the one year replat requirement - Revenue: \$5,400 plus the \$20 ordinance publication fee

Approved as part of the consent agenda.

Assigned ORDINANCE NO. 27898

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1506

Item 48: Authorize a construction contract with Austin Filter Systems, Inc., lowest responsible bidder of four, for the construction of erosion control improvements for Erosion Control Group 06-805 (list attached) - Not to exceed \$992,539 - Financing: Water Utilities Capital Improvement Funds (\$159,470) and 2006 Bond Funds (\$833,069)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1507

Item 49: Authorize Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. for additional design and analysis for floodplain management assistance - Not to exceed \$505,900, from \$166,800 to \$672,700 - Financing: Current Funds (\$249,000) (to be reimbursed by Stormwater Drainage Management Funds), Stormwater Drainage Management Funds (\$227,200) and Water Utilities Capital Construction Funds (\$29,700)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1508

Item 50: Authorize adoption of the 2010 Drought Contingency Plan for the City of Dallas - Financing: This action has no cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1509

Item 51: Authorize adoption of: **(1)** the Water Conservation Five-Year Strategic Plan; and **(2)** the 2010 Water Conservation Plan for the City of Dallas which will be submitted to the Texas Commission on Environmental Quality by June 2010 - Financing: No cost consideration to the City

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1510

Item 52: Authorize a contract for the installation of water and wastewater mains at 28 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of seven - \$6,151,078 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1511

Item 53: Authorize a professional services contract with Camp Dresser & McKee Inc. for the installation, configuration, setup, and testing of the process control system at the Bachman Water Treatment Plant - Not to exceed \$585,000 - Financing: Water Utilities Capital Improvement Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1512

Item 54: Ratify an emergency purchase of an 84-inch tee and closure section fitting for the repair of pipeline within Bachman Water Treatment Plant which conveys water from ozonation structure to mixture basins - Hanson Pipe Products, Inc. - Not to exceed \$72,000 - Financing: Water Utilities Capital Construction Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1513

Item 55: 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 JUNE 9, 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.

Councilmember Atkins 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 Salazar 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.]

10-5230 BOA BOARD OF ADJUSTMENT

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1514

Item 56: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Munck Carter, LLP for additional legal services necessary in the lawsuit styled Yi Yin v. City of Dallas, et al., Civil Action No. 3:09-CV-00295-G - Not to exceed ~~\$75,000~~ \$60,350, from \$25,000 to ~~\$100,000~~ \$85,350 - Financing: Water Utilities Current Funds

Corrected on the addendum to the agenda.

Councilmember Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1515

Item 57: 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)

Councilmember Atkins moved to defer the item until September 8, 2010 voting agenda meeting of the city council.

Motion seconded by Councilmember Hill.

Later in the meeting, Councilmember Atkins moved to withdraw his motion to defer the item.

Councilmember Hill, who seconded the motion, also withdrew her second to the motion.

After discussion, Councilmember Atkins moved to defer the item until the June 23, 2010 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1516

Item 58: 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

Councilmember Margolin moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1517

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 59-63, was presented for consideration.

Agenda item 61 was removed from the consent zoning docket, to be considered as individual hearings.

Agenda item 59 Zoning Case Z089-115(RB)
Agenda item 60 Zoning Case Z090-108(RB)
~~Agenda item 61 Zoning Case Z090-144(RB)~~ [considered individually]
Agenda item 62 Zoning Case Z090-156(WE)
Agenda item 63 Zoning Case Z090-162(KB)

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

The following individual addressed the city council regarding item:

Rider Scott, 2705 Foxsboro, representing Advanced Academy, item 59

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1518

Item 59: Zoning Case Z090-115 (RB)

The consent zoning docket, consisting of agenda items 59-63, was presented for consideration.

A public hearing was called on zoning case Z090-115 (RB), an application for and an ordinance granting an amendment to and expansion of Specific Use Permit No. 1496 for an Open-enrollment Charter School on property zoned an IR Industrial Research District, and an ordinance terminating Specific Use Permit No. 1384 for an Open-enrollment Charter School on the expansion portion of the request site, and a resolution terminating existing deed restrictions on a portion of the site on Joseph Hardin Drive and Exchange Service Drive, southeast corner, and the west line of Joseph Hardin Drive at the terminus of Exchange Service Drive

(The staff and city plan commission recommended Approval for a five-year period, with eligibility for automatic renewal of additional five-year periods, subject to a Tract 1 site plan, Tract 2 site plan, traffic management plan, and conditions, approval of the termination of Specific Use Permit No. 1384, and approval of the termination of existing deed restrictions)

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

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

Rider Scott, 2705 Foxsboro, representing Advanced Academy

Approved as part of the consent zoning docket.

Assigned ORDINANCE NOS. 27899 AND 27900

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1519

Item 60: Zoning Case Z090-108 (RB)

The consent zoning docket, consisting of agenda items 59-63, was presented for consideration.

A public hearing was called on zoning case Z090-108 (RB), an application for and an ordinance granting a Specific Use Permit for an Open-enrollment Charter School on property zoned an R-7.5(A) Single Family District, at the southwest corner of Scyene Road and Prichard Lane

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

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27901

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1520

Item 61: Zoning Case Z090-144 (RB)

The consent zoning docket, consisting of agenda items 59-63, was presented for consideration.

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.

Deputy Mayor Pro Tem Medrano requested that zoning consent item 61 be considered as an individual item. Mayor Leppert stated that zoning consent item 61 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Medrano's request.

A public hearing was called on zoning case Z090-144 (RB), an application for and an ordinance granting an amendment to, and renewal of Specific Use Permit No. 1700 for a Bar, lounge or tavern and an Inside commercial amusement limited to a Class A dance hall on property within the Tract A portion of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south line of Main Street, west of Malcolm X Boulevard

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

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

Deputy Mayor Pro Tem Medrano moved to continue the public hearing and hold under advisement until the June 23, 2010 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1521

Item 62: Zoning Case Z090-156 (WE)

The consent zoning docket, consisting of agenda items 59-63, was presented for consideration.

A public hearing was called on zoning case Z090-156 (WE), an application for and an ordinance granting an amendment to and expansion of Subarea No. 2 within Planned Development District No. 366, the Buckner Special Purpose District, on property zoned an R-7.5(A) Single Family District on the north side of Rosemont Road, approximately 280 feet west of South Buckner Boulevard

(The staff and city plan commission recommended Approval)

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 27902

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1522

Item 63: Zoning Case Z090-162 (KB)

The consent zoning docket, consisting of agenda items 59-63, was presented for consideration.

A public hearing was called on zoning case Z090-162 (KB), an application for and an ordinance granting an amendment to Specific Use Permit No. 1639 for a tower/antenna for cellular communication on property zoned Planned Development District No. 317, northeast of the intersection of Alexander Street and Cockrell Avenue

(The staff and city plan commission recommended Approval, 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. 27903

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1523

Item 64: Zoning Case Z078-309 (RB) – INDIVIDUAL

A public hearing was called on zoning case Z078-309 (RB), an application for and an ordinance granting a Specific Use Permit for Gas drilling and production on property zoned an A(A) Agricultural District and Specific Use Permit No. 517 for a Commercial radio station and transmitting towers on the south line of Sanders Loop, east of Belt Line Road

(The staff recommended Approval, for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan of existing conditions, a site/operations plan for drilling, a site/operations plan for production, and staff's recommended conditions, subject to deed restrictions volunteered by an abutting property owner and city plan commission recommended Approval, for a twenty-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan of existing conditions, a site/operations plan for drilling, a site/operations plan for production, and conditions, subject to deed restrictions volunteered by an abutting property owner)

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. (Hill absent when vote taken)

Assigned ORDINANCE NO. 27904

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1524

Item 65: 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 a 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

JUNE 9, 2010

10-1525

Item 66: Zoning Case Z090-126(RB) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z090-126(RB), 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)

Note: This item was considered by the City Council at a public hearing on May 12, 2010, and was taken under advisement until June 9, 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 continue the public hearing and hold under advisement until the June 23, 2010 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1526

Item 67: Zoning Case Z090-115(RB) DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z090-115(RB), an application for and an ordinance granting a Planned Development District for a General merchandise or food store greater than 100,000 square feet and CR Community Retail District Uses on property zoned a CR Community Retail District, on the southwest line of Webb Chapel Road, north of Northwest Highway

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

The following individual addressed the city council regarding the item:

Juan Soto, no address provided

Councilmember Salazar moved to approve the item.

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

Assigned ORDINANCE NO. 27905

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1527

Item 68: A benefit assessment hearing to receive comments on sidewalk paving for Sidewalk Group 06-141, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a construction contract with Estrada Concrete Company, LLC, lowest responsible bidder of ten (list attached) - Not to exceed \$299,013 - Financing: 2006 Bond Funds (\$290,413) and Water Utilities Capital Construction Funds (\$8,600)

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 27906

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1528

Item 69: A benefit assessment hearing to receive comments on sidewalk paving for Sidewalk Group 06-142, and at the close of the hearing, authorize an **ordinance** levying benefit assessments, and a construction contract with Estrada Concrete Company, LLC, the lowest responsible bidder of seven (list attached) - Not to exceed \$501,761 - Financing: 2006 Bond Funds (\$499,661) and Water Utilities Capital Construction Funds (\$2,100)

No one addressed the city council regarding the item.

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

Motion seconded by Councilmember Atkins and unanimously adopted.

Assigned ORDINANCE NO. 27907

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1529

Item 70: A public hearing to receive comments on the proposed FY 2010-11 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds and the proposed FY 2009-10 Reprogramming Budget - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Hill moved to close the public hearing.

Motion seconded by Councilmember Salazar and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1530

Item 71: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Behringer Harvard Plaza Skillman, L.P. located near the intersection of Skillman Street and Audelia Road and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Behringer Harvard Plaza Skillman, L.P. 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 individuals addressed the city council regarding the item:

Samuel Johnson, 3508 Seltzer Dr. **Plano, TX**, professional geoscientist
Susan Rainey, 219 Classen Dr., representing the applicant

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

Motion seconded by Councilmember Atkins and unanimously adopted.

Assigned ORDINANCE NO. 27908

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1531

Item 72: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Brenntag Southwest, Inc. located near the intersection of Plano and Turbeville Roads and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Brenntag Southwest, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

(The 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:

Laurie Rodriguez, 27327 Ranch Creek, **Boerne, TX**, professional geoscientist

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

Motion seconded by Councilmember Neumann and unanimously adopted.

Assigned ORDINANCE NO. 27909

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1532

Item 73: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by LUI2 Dallas Oak Lawn VI, L.P. located near the intersection of Stemmons Freeway and Oak Lawn Avenue, and an ordinance authorizing support of the issuance of a municipal setting designation to LUI2 Dallas Oak Lawn VI, L.P. 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:

Roger Smith, 6433 Westgale, **North Richland Hills, TX**, professional geoscientist

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

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

Assigned ORDINANCE NO. 27910

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1533

Item 74: A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain City-sponsored youth programs in compliance with State law, and, at the close of the hearing, approval of an ordinance to readopt Chapter 12 of the Dallas City Code - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 27911

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

Closed Session [**10-1534; HELD**]

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

- Legal issues involving a proposed local option election on sale of alcoholic beverages under the Texas Election Code

At 11:04 a.m., Mayor Leppert announced the closed session of the city council authorized by Chapter 551, "OPEN MEETING," of the (Texas Open Meetings Act) to discuss the following matters:

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

- Legal issues involving a proposed local option election on sale of alcoholic beverages under the Texas Election Code

Mayor Leppert reconvened the city council meeting after the closed session at 1:58 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1535

Addendum addition 1: An ordinance authorizing the issuance and sale of Waterworks and Sewer System Revenue Refunding Bonds, Series 2010 in an amount not to exceed \$450,000,000; establishing parameters regarding the sale of the Bonds; approving the execution of the Bond Purchase Agreement and all other matters related thereto - Not to exceed \$801,620 - Financing: Water Utilities Current Funds

Councilmember Atkins 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 Atkins' request.

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

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

Councilmember Salazar moved to approve the ordinance.

Motion seconded by Councilmember Hill and unanimously adopted. (Atkins abstain)

Assigned ORDINANCE NO. 27912

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1536

Addendum addition 2: 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)** the receipt and deposit of funds from Southwest Perennials, Inc. for reimbursement of greenhouse utility charges - Annual Revenue: \$45,000

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

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

Councilmember Hill moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1537

Addendum addition 3: Authorize a professional services contract with Good, Fulton & Farrell Architects for schematic design and a cost estimate for a Livestock Arena at Fair Park located at 1419 South Washington Avenue - Not to exceed \$97,000 - Financing: 2006 Bond Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1538

Addendum addition 4: A resolution authorizing the conveyance of approximately 6,362 square feet of land to the City of University Park located near the intersection of Lovers Lane and US Hwy 75 in exchange for approximately 7,497 square feet of land located near the intersection of Worcola Street and Mockingbird Lane from the City of University Park - Not to exceed \$2,300 - Financing: 1998 Bond Funds

Councilmember Margolin requested that addendum addition consent agenda item 4 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 4 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Later in the meeting, addendum addition consent agenda item 4 was brought up for consideration.

Councilmember Margolin moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1539

Addendum addition 5: An ordinance granting an amendment to and expansion of Planned Development District No. 741 for mixed uses on property zoned Planned Development District No. 741, Planned Development District No. 387 and an A(A) Agricultural District with SUP No. 3 for a power plant on a portion of the property and with SUP No. 517 for commercial radio transmitting station and towers on a portion of the property, north of Hackberry Road, east of Belt Line Road - Z090-103 - Financing: No cost consideration to the City

Councilmember Salazar and Councilmember Natinsky requested that addendum addition consent agenda item 5 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 5 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Salazar and Councilmember Natinsky's request.

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

Councilmember Salazar moved to defer the item until the June 23, 2010 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 9, 2010

10-1540

The City Council attended the Margaret Hunt Hill Bridge Construction Site Tour.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 9, 2010

EXHIBIT C