

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 9, 2011

11-0390

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

PRESENT: [14] Leppert, Caraway (*1:30 p.m.), Jasso, Neumann, Hill, Salazar (*9:19 a.m.), Davis, Atkins, Kadane, Allen, Koop (*9:18 a.m.), Natinsky (*9:18 a.m.), Margolin, Hunt (*1:30 p.m.)

ABSENT: [1] Medrano (**absent on city business)

The meeting was called to order at 9:04 a.m.

The city secretary announced that a quorum of the city council was present at 9:19 a.m.

The invocation was given by Councilmember Hill.

Councilmember Atkins led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 3:18 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.**

****Absent on city business**

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 9, 2011

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 9, 2011

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0391

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: Habri Hassan, 4010 Esters Rd., **Irving, TX**
SUBJECT: Taxi issue

SPEAKER: Richard Hunter, 14333 Preston Rd.
SUBJECT: Mayor Pro Tem giving key to city to Michael Vick

SPEAKER: Ewing Moseley, 4719 Cole Ave.
SUBJECT: Code Compliance & taxi drivers

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0392

Item 1: Approval of Minutes of the January 26, 2011 City Council Meeting

Councilmember Neumann moved to adopt the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0393

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-27, and addendum addition consent agenda items 1-8, was presented for consideration.

Councilmember Atkins requested that consent agenda items 4 and 21 be considered as individual items. Mayor Leppert stated that consent agenda items 4 and 21 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Councilmember Margolin requested that addendum addition consent agenda item 7 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 7 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Councilmember Natinsky moved to adopt all items on the consent agenda with the exception of consent agenda items 4, 21 and addendum addition consent agenda item 7 which would be considered later in the meeting.

Motion seconded by Councilmember Salazar and unanimously adopted. (Caraway, Hunt absent when vote taken; Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0394

Item 2: Authorize **(1)** an acquisition contract to upgrade the BMC software utilized for system monitoring and scheduling for the City's servers and mainframe computer systems in the amount of \$550,911; and, **(2)** a four-year service contract for maintenance and support for the BMC system monitoring and scheduling software in the amount of \$681,960 - BMC Software, Inc., most advantageous proposer of two - Total not to exceed \$1,232,871 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0395

Item 3: Authorize the purchase of a 7,000 gallon asphalt transport tank - Cooper Equipment Co., through Texas Association of School Boards (BuyBoard) - Not to exceed \$62,628 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0396

Item 4: Authorize a five-year service contract for acquisition and distribution of replacement toilets as part of the Water Conservation Strategic Plan - Ferguson Enterprises, Inc., most advantageous proposer of two - Not to exceed \$4,053,775 - Financing: Water Conservation Program Funds (subject to annual appropriations)

Councilmember Atkins 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 Atkins' request.

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

Councilmember Atkins moved to adopt the item.

Motioned seconded by Councilmember Salazar and unanimously adopted. (Caraway, Hunt absent when vote taken; Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0397

Item 5: Authorize an acquisition contract for the purchase and installation of a sound system for the Majestic Theatre - Audio Fidelity Communications Corporation dba The Whitlock Group through the State of Texas Department of Information Resources - Not to exceed \$257,946 - Financing: Majestic Theatre Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0398

Item 6: Authorize settlement of a claim filed by Allan G. Ramirez, Claim No. 10285693, seeking compensation for property damages - Not to exceed \$17,343
- Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0399

Item 7: Authorize settlement of the lawsuit styled Jose Hernandez and Jose Garcia v. City of Dallas, Cause No. 09-06740-E - Not to exceed \$19,100 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0400

Item 8: Authorize **(1)** approval of the Receivership and Operation Goodwill Program Statement; and **(2)** acceptance of properties from the U.S. Marshal's Office for referral to certified Community Housing Development Organizations (CHDO) - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0401

- Item 9: Authorize a professional services contract with Jacobs Engineering Group, Inc. for design of improvements to include a new trail; new rest area/overlooks; new parking lots; new shoreline sidewalk connection; native grassland and tree mitigation; shoreline erosion control and wetland mitigation; and other miscellaneous site improvements at White Rock Lake East Lawther Trail; and playground replacement at the White Rock Lake Big Thicket area located along East Lawther Drive from Mockingbird Lane south to the Bath House Cultural Center - Not to exceed \$294,375 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0402

Item 10: Authorize a contract for interior renovation and expansion of Kidd Springs Recreation Center located at 700 West Canty Street - Speed Fab-Crete Corporation, best value proposer of ten - Not to exceed \$1,188,565 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0403

Item 11: Authorize a contract for interior renovation and expansion of the Ridgewood/Belcher Recreation Center located at 6818 Fisher Road - Speed Fab-Crete Corporation, best value proposer of six - Not to exceed \$592,889 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0404

Item 12: Authorize a professional services contract with Perkins + Will-CRA, LLP for architectural and engineering design services and construction administration services of the Preston Royal Branch Library replacement facility located at 5639 Forest Lane - Not to exceed \$445,300 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0405

Item 13: Authorize a professional services contract with PSA-Dewberry, Inc. to provide design services, preparation of construction documents and construction administration for the Fire Station No. 37 replacement facility located at 6790 Greenville Avenue - Not to exceed \$367,500 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0406

Compressed Natural Gas Fueling Facilities

Note: Item Nos. 14 and 15
must be considered collectively.

Item 14: Authorize **(1)** the acceptance of the U. S. Department of Energy Award No. DE-EE0002555 for compressed natural gas fueling availability expansion in the amount of \$150,000; **(2)** execution of the grant agreement; and **(3)** establishment of appropriations in the amount of \$150,000 in the U. S. Department of Energy CNG Fueling Availability Expansion Fund - Not to exceed \$150,000 - Financing: U. S. Department of Energy - CNG Fuel Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0407

Compressed Natural Gas Fueling Facilities

Note: Item Nos. 14 and 15
must be considered collectively.

Item 15: Authorize (1) a contract with Transtar Energy Company, L.P., a limited partnership and wholly owned subsidiary of Clean Energy Fuels Corporation, best value proposer of two, for the construction of compressed natural gas fueling facilities at the Southeast Service Center located at 2768 Municipal Street and the Northwest Service Center located at 9811 Harry Hines Boulevard in the amount of \$2,298,866; and (2) a thirty-six month maintenance and operations contract in the amount of \$300,000 - Total not to exceed \$2,598,866 - Financing: U. S. Department of Energy Alternative Fuel & Advanced Technology Grant Funds (\$1,200,000), U. S. Department of Energy - CNG Fuel Grant Funds (\$150,000), ISTEA-Vehicle Conversion Funds (\$948,866) and Current Funds (\$300,000) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0408

Item 16: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Charlotte Skinner of approximately 18,881 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$11,556 (\$9,441 plus closing costs not to exceed \$2,115) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0409

Item 17: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from S. M. Johnson of approximately 34,742 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$24,714 (\$22,614 plus closing costs not to exceed \$2,100) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0410

Item 18: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Luis Alvarez and Amelia Alvarez of approximately 48,156 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$26,042 (\$24,078 plus closing costs not to exceed \$1,964) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0411

Item 19: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jessie Foster and Patricia Foster of approximately 4,002 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$35,206 (\$33,091 plus closing costs not to exceed \$2,115) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0412

Item 20: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Perry D. Harbour of approximately 66,463 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$45,314 (\$43,201 plus closing costs not to exceed \$2,113) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0413

Item 21: Authorize: **(1)** Purchase Agreement; **(2)** acquisition; and **(3)** acceptance of a charitable donation from Union Pacific Railroad Company of approximately four miles of abandoned, unimproved railroad right-of-way, between Rylie and Cloverhill Roads for the Kleberg Trail Corridor Project - Not to exceed \$310,000 (\$300,000 plus closing cost not to exceed \$10,000) - Financing: Public/Private Partnership Funds (\$260,000) and 2003 Bond Funds (\$50,000)

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

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

Councilmember Atkins moved to adopt the item.

Motioned seconded by Councilmember Salazar and unanimously adopted. (Caraway, Hunt absent when vote taken; Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0414

Item 22: Authorize moving expense and rental assistance payments for Alejandro Vielma in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2506 Cadillac Drive for future City facilities - Not to exceed \$15,590 - Financing: 2006 Bonds Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0415

Item 23: Authorize moving expense and replacement housing payments for Daisy Lee Skyler in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 923 LaSalle Drive for future City facilities - Not to exceed \$36,200 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0416

Item 24: An ordinance granting a revocable license to Naga Hospitality, Inc. for the use of approximately 248 square feet of land to use and maintain a sidewalk café on a portion of High Market Street right-of-way located near its intersection with Houston Street - Revenue: \$1,518 annually plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28112

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0417

Item 25: An ordinance abandoning a portion of a utility easement to First Baptist Church of Dallas, the abutting owner, containing approximately 12,286 square feet of land located near the intersection of St. Paul and San Jacinto Streets - Revenue: \$5,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28113

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0418

Item 26: An ordinance abandoning a water line easement to Museum of Nature and Science, the abutting owner, containing approximately 7,055 square feet of land located near the intersection of Field and Broom Streets - Revenue: \$5,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28114

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0419

Item 27: Authorize a professional services contract with Arredondo, Zepeda & Brunz, LLC to provide engineering design services for the renewal of water and wastewater mains at 45 locations (list attached) - Not to exceed \$1,501,775 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0420

Item 28: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2009-2011 board term updated through FEBRUARY 9, 2011.

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

Councilmember Hill moved to appoint Marissa Anchia, Vice Chair, to the Municipal Library Board.

Motion seconded by Councilmember Salazar and unanimously adopted. (Caraway, Hunt absent when vote taken; Medrano absent on city business)

Councilmember Hill moved to appoint nominees to "individual appointments" position in the report who met all qualifications for service to the boards and commissions of the city for the term ending September 30, 2011, except the Redistricting Commission, the term to end at the completion of work.

Motion seconded by Councilmember Salazar and unanimously adopted. (Caraway, Hunt absent when vote taken; Medrano absent on city business)

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

| | | |
|----------------|------------|--|
| 10-5110 | CPR | DALLAS CITIZENS POLICE REVIEW BOARD |
| 10-5111 | PLA | PERMIT AND LICENSE APPEAL BOARD |
| 10-5112 | RDC | REDISTRICTING COMMISSION |
| 10-5113 | SDF | SOUTH DALLAS/FAIR PARK TRUST FUND BOARD |
| 10-5114 | | BOARD OFFICERS |

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0421

Item 29: Authorize the use of conveyances as buildings on property on the south side of West Commerce Street between Pittman Street and Haslett Street, in accordance with the provisions of Section 51A-4.603 of the Dallas Development Code - Financing: No cost consideration to the City

Councilmember Salazar moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0422

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 30-39, was presented for consideration.

Agenda items 30, 34, 35 and 36 were removed from the consent zoning docket, to be considered as individual hearings.

- ~~Agenda item 30: Zoning Case Z090-207(RB) [considered individually]~~
- Agenda item 31: Zoning Case Z090-238(WE)
- Agenda item 32: Zoning Case Z090-254(RB)
- Agenda item 33: Zoning Case Z090-259(MG)
- ~~Agenda item 34: Zoning Case Z090-260(MG) [considered individually]~~
- ~~Agenda item 35: Zoning Case Z101-103(RB) [considered individually]~~
- ~~Agenda item 36: Zoning Case Z101-111(RB) [considered individually]~~
- Agenda item 37: Zoning Case Z101-116(MG)
- Agenda item 38: Zoning Case Z101-117(OTH)
- Agenda item 39: Zoning Case Z101-118(OTH)

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

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

Motion seconded by Councilmember Natinsky and unanimously adopted. (Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0423

Item 30: Zoning Case Z090-207(RB)

The consent zoning docket, consisting of agenda items 30-39, was presented for consideration.

Councilmember Hunt requested that zoning consent item 30 be considered as an individual item. Mayor Leppert stated that zoning consent item 30 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

A public hearing was called on zoning case Z090-207(RB), an application for and an ordinance granting an amendment to and expansion of the Tract 1c portion of Planned Development District No. 486 for a Community service center on property zoned a CH Clustered Housing District and Planned Development District No. 486 on the south corner of Bank Street and Gurley Avenue

(The staff and city plan commission recommended Approval subject to a conceptual plan, Tract 1c development plan, and conditions)

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

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

- In Tract 1c, no minimum front yard is required on Gurley Avenue and a seven foot front yard is required on Bank Street

and pass the ordinance.

Motion seconded by Councilmember Hill and unanimously adopted. (Medrano absent on city business)

Assigned ORDINANCE NO. 28115

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0424

Item 31: Zoning Case Z090-238(WE)

The consent zoning docket, consisting of agenda items 30-39, was presented for consideration.

A public hearing was called on zoning case Z090-238(WE), an application for and an ordinance granting an amendment to Specific Use Permit No. 1766 for commercial motor vehicle parking on property zoned a CS Commercial Service District with a D-1 Dry Liquor Control Overlay on a portion on the north side of C.F. Hawn Freeway, east of Silverado Drive

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28116

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0425

Item 32: Zoning Case Z090-254(RB)

The consent zoning docket, consisting of agenda items 30-39, was presented for consideration.

A public hearing was called on zoning case Z090-254(RB), an application for and an ordinance granting a Planned Development District for a Convalescent and nursing homes, hospice care, and related institutions use and CR Community Retail District Uses on property zoned a CR Community Retail District on the northeast line of Bonnie View Road, north of Illinois Avenue

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28117

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0426

Item 33: Zoning Case Z090-259(MG)

The consent zoning docket, consisting of agenda items 30-39, was presented for consideration.

A public hearing was called on zoning case Z090-259(MG), an application for and an ordinance granting a Planned Development District for a Private recreation center, club, or area limited to a Public school district athletic complex and R-7.5(A) Single Family District Uses on property zoned an R-7.5(A) Single Family District located on the northeast corner of Alto Garden Drive and Seaford Drive

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28118

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0427

Item 34: Zoning Case Z090-260(MG)

The consent zoning docket, consisting of agenda items 30-39, was presented for consideration.

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

A public hearing was called on zoning case Z090-260(MG), an application for and an ordinance granting an amendment to Planned Development District No. 656 for a Public school other than an open enrollment charter school and R-7.5(A) Single Family District Uses on property located on the southeast corner of Hillcrest Road and Meadow Road

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

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

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

Karl Crawley, 900 Jackson St., representing the applicant

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

- Require one street tree per 50 linear feet of frontage on Airline Road;
- Amend the development plan and require a vinyl-coated chain link fence along the parking lot street frontage on the south side of the stadium from Meadow to Lakehurst and then from Lakehurst to the new concession area to replace the gated area which is an older gate chain link fence.
- Remove or screen the dumpsters.
- Paint the two storage buildings to blend in with stadium.

and pass the ordinance.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Medrano absent on city business)

Assigned ORDINANCE NO. 28119

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0428

Item 35: Zoning Case Z101-103(RB)

The consent zoning docket, consisting of agenda items 30-39, was presented for consideration.

Councilmember Neumann requested that zoning consent item 35 be considered as an individual item. Mayor Leppert stated that zoning consent item 35 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Neumann's request.

A public hearing was called on zoning case Z101-103(RB), an application for and an ordinance granting an amendment to Specific Use Permit No. 1474 for a Public school on property zoned an MF-1(A) Multifamily District, located at the southeast corner of Wandt Drive and Ridge Center Drive

(The staff and city plan commission recommended Approval, 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.

Councilmember Neumann moved to close the public hearing and follow the city plan commission's recommendation for approval subject to an amended site plan and an amended landscape plan showing proposed classrooms moved approximately 10 feet from their original location and pass the ordinance.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Medrano absent on city business)

Assigned ORDINANCE NO. 28120

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0429

Item 36: Zoning Case Z101-111(RB)

The consent zoning docket, consisting of agenda items 30-39, was presented for consideration.

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

A public hearing was called on zoning case Z101-111(RB), regarding an application for and an ordinance granting an amendment to the Phase I portion of Planned Development Subdistrict No. 20 for certain GR General Retail Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property located at the east corner of Oak Lawn Avenue and Gillespie Street

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

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

Marcus Pestl, 2805 Welborn St.
Neil Emmons, 2525 Turtle Creek Blvd.
Peter Heckel, 3703 Congress Ave.
Trey Bounds, 2804 Welborn St.
Sharon Heckel, 3703 Congress Ave.
Gordon Smith, 3610 Gillespie St.
Larry McAfee, 3015 Oak Lawn Ave., representing Warwick Melrose Hotel
Ellen Borlenghi, 2808 Welborn St.
Rob Martin, 2809 Welborn St.
Ronald Heilman, 3610 Gillespie St.
Frank Okudo, 2805 Welborn St.
Bryan Rose, 3610 Gillespie St.
Alvin Tisdale, 2810 Welborn St.
Karin Lucas, 2525 Turtle Creek Blvd.
Jennifer McKeever, 2727 Hood St.
Frank Kopec, 3618 Gillespie St., President of the Welborn/Gillespie Homeowner Association
Belinda Meyrat, 3722 Gillespie St.
Major Ginsberg, 3716 Gillespie St.

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

Kirk Williams, 5400 Renaissance Tower, representing the applicant
Billy E. Hibbs, Jr., 6708 Hollytree Circle, the applicant

Councilmember Hunt moved to close the public hearing and deny without prejudice.

Motion seconded by Councilmember Davis.

Later in the meeting, Mayor Leppert called a recess of the city council meeting at 3:04 p.m.

Mayor Leppert reconvened the city council meeting at 3:15 p.m.

After discussion, Councilmember Hunt withdrew her motion to deny without prejudice.

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

After further discussion, Councilmember Hunt moved to close the public hearing, approve the item with the following changes:

- a) Specific use permit for bar, lounge, or tavern use.
- b) Delete liquor store as an allowed use.
- c) Convenience Store as defined in Chapter 12B is not permitted.

and pass the ordinance.

Motion seconded by Councilmember Atkins and unanimously adopted. (Caraway, Davis absent when vote taken; Medrano absent on city business)

Assigned ORDINANCE NO. 28121

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0430

Item 37: Zoning Case Z101-116(MG)

The consent zoning docket, consisting of agenda items 30-39, was presented for consideration.

A public hearing was called on zoning case Z101-116(MG), regarding an application for and an ordinance granting an MU-1 Mixed Use District on property zoned an IM Industrial Manufacturing District generally located on the northwest corner of South Malcolm X Boulevard and Louise Avenue

(The staff and city plan commission recommended Approval)

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28122

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0431

Item 38: Zoning Case Z101-117(OTH)

The consent zoning docket, consisting of agenda items 30-39, was presented for consideration.

A public hearing was called on zoning case Z101-117(OTH), regarding an application for and an ordinance granting a Specific Use Permit for a private recreation center, club or area on property zoned an MF-1(A) Multifamily District on the east side of North Marlborough Avenue, north of West Jefferson Boulevard

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28123

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0432

Item 39: Zoning Case Z101-118 (OTH)

The consent zoning docket, consisting of agenda items 30-39, was presented for consideration.

A public hearing was called on zoning case Z101-118 (OTH), regarding an application for and an ordinance granting a Specific Use Permit for a financial institution with drive-in window on property zoned Tract 1A within Planned Development District No. 260, located on the north side of Park Lane, west of North Central Expressway

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28124

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0433

Item 40: Zoning Case Z090-221(WE) UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z090-221(WE), regarding an application for and an ordinance granting a Planned Development District for a Fraternal Organization and office use on property zoned an R-10(A) Single Family District with consideration given to a Specific Use Permit for a Fraternal Organization on property on the west side of Stults Road, south of Forest Lane

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.

(The staff recommended Approval of a Planned Development District for a Fraternal Organization and office use, subject to the conditions and approval of Specific Use Permit for a Fraternal Organization for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, landscape plan and conditions and the city plan commission recommended Denial)

Note: This item was considered by the City Council at a public hearing on January 12, 2011, and was taken under advisement until February 9, 2011, with the public hearing open.

Councilmember Allen moved to continue the public hearing and hold under advisement until the March 9, 2011 voting agenda meeting of the city council.

Motion seconded by Councilmember Neumann and unanimously adopted. (Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0434

DEVELOPMENT CODE AMENDMENTS – CONSENT

Item 41: A public hearing to receive comments regarding consideration of amendments to Chapter 51 and Chapter 51A, the Dallas Development Code, to establish appropriate regulations for a community garden use under the existing crop production use in Chapter 51A and the existing farm use in Chapter 51 and an ordinance granting the amendments

(The staff and city plan commission recommended Approval)

No one addressed the city council regarding the item.

Councilmember Jasso moved to close the public hearing, follow the city plan commission's recommendation and pass the ordinance.

Motion seconded by Councilmember Salazar and unanimously adopted. (Hunt absent when vote taken; Medrano absent on city business)

Assigned ORDINANCE NO. 28125

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0435

Item 42: A public hearing to receive comments on Substantial Amendment No. 1 to the FY 2010-11 Consolidated Plan for the Neighborhood Stabilization Program 3 (NSP3) including: **(a)** acceptance of grant funds from the U.S. Department of Housing and Urban Development in an amount of \$2,356,962 pursuant to the Housing and Economic Recovery Act of 2008 (HERA), as amended on July 21, 2010 under the Dodd-Frank Act; **(b)** approval of the Program Statement, Attachment A; **(c)** the addition of staff positions and reimbursement for existing positions to provide for the administration, planning, oversight, reporting, and implementation of the NSP3 projects over a three year period; **(d)** execution of the grant agreement; **(e)** the receipt and deposit of program income in an amount not to exceed \$1,020,000 generated from NSP activities; and **(f)** the establishment of appropriations in an amount not to exceed \$1,020,000 in the NSP Program Income Fund to be used for other eligible activities; and at the close of the public hearing, authorize Substantial Amendment No. 1 to the FY 2010-11 Consolidated Plan for the NSP 3 - Total not to exceed \$3,376,962 - Financing: 2010 - 11 Neighborhood Stabilization Program 3 Funds

No one addressed the city council regarding the item.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0436

Item 43: A public hearing to receive comments regarding adoption of the Garland Road Vision Study, which defines issues, goals and recommendations related to urban design and planning as well as providing an implementation guide for future development in the area generally located along Garland Road from I-635 to the intersection with Gaston and East Grand Avenues and a resolution adopting the study - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Gerard Worrall, III, 6704 Velasco Ave., representing Garland Road Vision Advisory Committee

Councilmember Kadane moved to close the public hearing and adopt the item.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted. (Hunt absent when vote taken; Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0437

Addendum addition 1: A resolution designating an absence by Councilmember
Vonciel Jones Hill as being for "official city business" -
Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0438

Addendum addition 2: An ordinance amending Chapter 42A of the Dallas City Code, in accordance with the meet and confer agreement, to: **(1)** provide requirements for using Dallas police officers to provide security, crowd control, and traffic control at special events; **(2)** provide requirements for using Dallas fire-rescue emergency medical personnel and emergency medical vehicles to provide first aid and emergency medical services at special events; and **(3)** make certain conforming amendments - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28126

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0439

Addendum addition 3: A resolution to urge members of the Legislature of the State of Texas to give further consideration to and pass any necessary legislation to protect the citizens of the State of Texas who may find themselves with no alternative but to seek the type of short-term, high-interest, unregulated loans offered by credit service organizations - Financing: No cost consideration to the City (via Councilmember Jasso, Deputy Mayor Pro Tem Medrano, and Councilmembers Hill, Salazar, Atkins, Allen and Margolin)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0440

Addendum addition 4: An ordinance amending Chapters 2 and 19 of the Dallas City Code to: **(1)** eliminate the Environmental Health Commission; and **(2)** make certain conforming amendments -
Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28127

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0441

Addendum addition 5: Authorize a contract for installation of new filtration equipment at Campbell-Green Sprayground located at 16600 Hillcrest Road, Daniieldale Sprayground located at 500 West Wheatland Road, Mildred L. Dunn Sprayground located at 3300 Carpenter Avenue, Pemberton Hill Sprayground located at 6424 Elam Road, Ridgewood Sprayground located at 6818 Fisher Road and Samuell-Grand Pool located at 6200 East Grand Avenue; installation of new resilient safety surfacing at Daniieldale Sprayground located at 500 West Wheatland Road, Mildred L. Dunn Sprayground located at 3300 Carpenter Avenue, Pemberton Hill Sprayground located at 6424 Elam Road and Umphress Sprayground located at 7700 Umphress Road; installation of ultraviolet filtration equipment at Bahama Beach located at 1895 Campfire Circle; installation of new plaster at Bonnie View Pool located at 2100 Huntingdon Avenue and Lake Highlands North Pool located at 9344 Church Road; installation of coping stones and gutter tiles at Everglade Pool located at 5100 Jim Miller Road, Grauwyler Pool located at 7500 Harry Hines Boulevard and Martin Weiss Pool located at 3400 West Clarendon Drive - Sunbelt Pools, Inc., best value proposer of three - Not to exceed \$677,488 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0442

Addendum addition 6: Authorize a professional services contract with Half Associates, Inc. for preparation of a metes and bounds survey description of an approximately four-mile abandoned railroad corridor for the acquisition and future development of Kleberg Trail located from Interstate Highway 20 southward to Dallas city limits - Not to exceed \$52,000 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0443

Addendum addition 7: Authorize **(1)** reprogramming of the 2006 Bond Funds originally allocated for trails and walkways at Arapaho Park located at 7401 Tophill Lane; playground expansion at Katie Jackson Park located at 4900 Haverwood Lane; amenities at Preston Ridge Trail located from Meandering Way between Belt Line Road and Campbell Road; and a pavilion at Preston Green Park located at 6900 Duffield Court; **(2)** the receipt and deposit of funds in the amount of \$98,000 from Collin County in the Collin County Grant Fund; **(3)** an increase in appropriations in the Collin County Grant Fund in the amount of \$98,000; **(4)** the receipt and deposit of funds in the amount of \$17,325 from the Billingsley Company in the Capital Gifts, Donation and Development Fund; **(5)** an increase in appropriations in the Capital Gifts, Donation and Development Fund in the amount of \$17,325; and **(6)** a contract for an off-leash dog park, plaza, pavilion, parking lot, site furnishings and landscaping at NorthBark Park located at 4900 Gramercy Oaks Drive with Wall Enterprises, best value proposer of eight - Not to exceed \$1,574,019 - Financing: Collin County Grant Funds (\$98,000) and 2006 Bond Funds (\$1,476,019)

Councilmember Margolin requested that addendum addition consent agenda item 7 be considered as an individual item. Mayor Leppert stated that addendum addition consent agenda item 7 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Later in the meeting, addendum addition consent agenda item 7 was brought up for consideration.

Councilmember Natinsky moved to adopt the item.

Motion seconded by Councilmember Atkins.

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

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Margolin voting "No." (Caraway, Hunt absent when vote taken; Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 9, 2011

11-0444

Addendum addition 8: Authorize Supplemental Agreement No. 1 to the contract with Urban Engineers Group, Inc. for additional engineering services for Greenville Avenue from Belmont Avenue to Ross Avenue - Not to exceed \$121,159, from \$135,431 to \$256,590 - Financing: 2006 Bond Funds (\$103,629) and Water Utilities Capital Improvement Funds (\$17,530)

Adopted as part of the consent agenda.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 9, 2011

EXHIBIT C