

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

11-0620

VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
ACTING MAYOR DWAIN CARAWAY, PRESIDING

PRESENT: [14] Caraway, Medrano, Jasso, Neumann, Hill (*9:10 a.m.), Salazar (*9:17 a.m.), Davis, Atkins, Kadane, Allen, Koop, Natinsky, Margolin, Hunt

ABSENT: [0]

VACANT: [1] Place 15

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

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

The invocation was given by Jari Khan, Secretary Public Affairs and Media Relations Ahmadiyya Muslim Community Dallas.

Councilmember Hunt led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 4:23 p.m.

Acting Mayor

ATTEST:

City Secretary

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

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

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

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

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

EXHIBIT A

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

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0621

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: Richard Sheridan, 3022 Forest Ln.
SUBJECT: Racism, the homeless and the Trinity River Project

SPEAKER: Charles Lingerfeld, 1608 Vail Meadow Ln.
SUBJECT: Maintaining fair and balance elections

SPEAKER: Raymond Crawford, 2647 Southwood Dr.
SUBJECT: Gas drilling task force

SPEAKER: Myron Young, 1322 Alaska Ave.
SUBJECT: Police department

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

SPEAKER: Trinia Triche, 1818 Corsicana St.
SUBJECT: Not Provided

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: J. B. Jackson, Jr. Institute
SUBJECT: "The Truth"

SPEAKER: Frank Ward, P. O. Box 50694
SUBJECT: Have Faith in GOD, Wise Up, Rise Up

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

SPEAKER: Juanita Wallace, 1409 S. Lamar St.
SUBJECT: Natural gas

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

SPEAKER: Harbi Hassan, 4010 Esters Rd.
REPRESENTING: ATO
SUBJECT: US Supreme Court; CNG head of the line

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
SUBJECT: The Roselyn Home

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0622

Item 1: Approval of Minutes of the February 23, 2011 City Council Meeting

Councilmember Neumann moved to adopt the minutes.

Motion seconded by Deputy Mayor Pro Tem Medrano and unanimously adopted. (Place
15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0623

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-32, and addendum addition consent agenda items 1-9, was presented for consideration.

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

Councilmember Davis moved to adopt all items on the consent agenda with the exception of addendum addition consent agenda item 9 which would be considered later in the meeting.

Motion seconded by Councilmember Atkins and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0624

Item 2: Authorize a one-year master agreement for dipotassium orthophosphate (chemical for corrosion control) to be used by Water Utilities - Carus Corporation, lowest responsible bidder of five - Not to exceed \$1,122,300 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0625

Item 3: Authorize a three-year master agreement for Geographic Information System software and maintenance - Environmental Systems Research Institute, through the Department of Information Resources - Not to exceed \$846,347 - Financing: Current Funds (\$672,497) and Water Utilities Current Funds (\$173,850)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0626

Item 4: Authorize a three-year master agreement for solar powered school zone flashers and 24-hour warning flasher assemblies parts and accessories - K & K Systems, Inc., lowest responsible bidder of six - Not to exceed \$652,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0627

Item 5: Authorize a one-year service contract to provide micro-surfacing and slurry seal
- Viking Construction, Inc. in the amount of \$2,163,000 and NyMac
Enterprises, Inc. in the amount of \$1,007,600, lowest responsible bidders of
three - Total not to exceed - \$3,170,600 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0628

Item 6: Authorize a service contract to repair the ozone generator at the Elm Fork Water Treatment Plant - Fin-Tek Corporation dba Finnegan-Reztek, Inc., lowest responsible bidder of two - Not to exceed \$158,955 - Financing: Water Utilities Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0629

Item 7: Authorize a three-year service contract for automotive body and collision repair - Graff Chevrolet in the amount of \$4,301,250, Martin's Paint & Body Shop in the amount of \$3,416,490, Eddie's Mechanic & Body Repair, Inc. in the amount of \$2,936,250, Six Construct, Inc. dba Budget Auto Body Shop in the amount of \$2,067,825, First Class Auto, Inc. in the amount of \$1,121,930 and All-Pro Collision Center in the amount of \$948,850, lowest responsible bidders of fifteen - Total not to exceed \$14,792,595 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0630

Item 8: Authorize a three-year master agreement for radio tower repair services - AmChel Communications, Inc., lowest responsible bidder of two - Not to exceed \$165,341 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0631

Item 9: Authorize a three-year service contract to provide transportation starter services at Dallas Love Field - Highpoint Enterprises, lowest responsible bidder of three - Not to exceed \$609,790 - Financing: Aviation Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0632

Item 10: Authorize a five-year service contract for computer mainframe software license maintenance and support - Computer Associates International, Inc., through the State of Texas Department of Information Resources - Not to exceed \$727,674 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0633

Item 11: Authorize the purchase of three pre-owned semi-trucks for Dallas Fire-Rescue - Texas Kenworth dba MHC Kenworth Dallas, most advantageous proposer of three - Not to exceed \$151,413 - Financing: 2009-10 Governor's Division of Emergency Management Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0634

Item 12: Authorize the purchase of seven CNG and twenty-five hybrid electric sedans for Police, Code Compliance and Dallas Fire-Rescue from Sonic-Lute Riley L.P. dba Lute Riley Honda in the amount of \$183,470 and Sam Pack's Five Star Ford in the amount of \$687,475, lowest responsible bidders of three - Total not to exceed \$870,945 - Financing: 2006 Equipment Acquisition Contractual Obligation Notes (\$131,050), 2007 Equipment Acquisition Contractual Obligation Notes (\$640,945) and U.S. Department of Energy - Alternative Fuel & Advanced Technology Grant Funds (\$98,950)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0635

Item 13: Authorize Supplemental Agreement No. 7 to increase the service contract with TriTech Software Systems for three-years for on-site technical support of the Computer Aided Dispatch and VisiNet Mobile systems - Not to exceed \$410,376, from \$10,819,193 to \$11,229,569 - Financing: Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0636

Item 14: Authorize a professional services contract with Good, Fulton & Farrell Architects for schematic design through construction administration services for upgrades to the main electrical service, lighting, controls and a new fire alarm system at Fair Park Pan American Arena located at Admiral Nimitz Circle and Martin Luther King, Jr. Boulevard - Not to exceed \$78,158 - Financing: Texas Department of Agriculture Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0637

Item 15: Authorize a professional services contract with Jacobs Engineering Group, Inc. for schematic design through construction administration services for reconstruction of the hike and bike trail at Kiest Park located at 3080 South Hampton Road - Not to exceed \$140,870 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0638

Item 16: Authorize a professional services contract with Pacheco Koch Consulting Engineers, Inc. for a conceptual planning study for parking and traffic circulation at Winfrey Point and along East Lawther Drive at White Rock Lake Park located at 8300 Garland Road - Not to exceed \$100,330 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0639

Item 17: Authorize **(1)** Supplemental Agreement No. 6 to the professional services contract with Thomas Balsley Associates for additional design services for Main Street Garden Park located at 1920 Main Street in the amount of \$41,335, from \$1,012,773 to \$1,054,108; and **(2)** an increase in appropriations in the amount of \$41,335 in the Capital Gifts, Donation and Development Fund - Not to exceed \$41,335 - Financing: Capital Gifts, Donation and Development Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0640

Item 18: Authorize **(1)** the acceptance of a grant from the Dallas Downtown Improvement District to provide outreach services for hard-to-reach and chronically homeless individuals who reside within the Central Business District for the period October 1, 2010 through March 31, 2011; and **(2)** execution of the grant agreement - Not to exceed \$70,844 - Financing: Downtown Improvement District Homeless Outreach Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0641

Item 19: Authorize **(1)** the application for and acceptance of the Transnational Criminal Group grant from the U.S. Department of Justice through the Office of the Governor, Criminal Justice Division in the amount of \$300,000 to Dallas Police Department's Gang Unit for the period October 1, 2010 through September 30, 2011; and **(2)** execution of the grant agreement - Not to exceed \$300,000 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0642

Item 20: Authorize a service agreement with ONCOR Electric Delivery for installation of pedestrian lights on Carbondale Street from Linfield Road to South Loop 12 - Not to exceed \$70,532 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0643

Item 21: Authorize a contract with JRJ Paving, L.P., lowest responsible bidder of four, for the construction of pavement surface improvements for Asphaltic Concrete Street Resurfacing for 2011 (list attached) - Not to exceed \$16,287,911 - Financing: 2003 Bond Funds (\$649,354), 2006 Bond Funds (\$15,491,107), Water Utilities Capital Construction Funds (\$62,450) and Capital Construction Funds (\$85,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0644

Item 22: Authorize a contract with McMahon Contracting, LP, lowest responsible bidder of eight, for the construction of street paving, storm drainage, lighting, water and wastewater main improvements for Street Reconstruction Group 06-616 (list attached) - Not to exceed \$2,666,406 - Financing: 2006 Bond Funds (\$1,880,384), Water Utilities Capital Construction Funds (\$29,891) and Water Utilities Capital Improvement Funds (\$756,131)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0645

Item 23: Authorize **(1)** a contract for the purchase of theater equipment for the Annette Strauss Artist Square with SECOA, Inc., lowest responsible bidder of four, in the amount of \$1,135,633; and **(2)** assignment of the contract to the Dallas Center for the Performing Arts Foundation, Inc. as the City's agent and construction manager for all purposes, including contract administration, inspection, supervision and coordination of installation work - Not to exceed \$1,135,633 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0646

Item 24: Authorize **(1)** a professional services contract with Camp Dresser & McKee, Inc. for engineering planning services for the Love Field Master Drainage Plan at Dallas Love Field in an amount not to exceed \$1,884,500; and **(2)** an increase in appropriations in the amount of \$1,969,500 in the Aviation Capital Construction Fund for engineering planning services, testing, and other contract administration costs - Total not to exceed \$1,969,500 - Financing: Aviation Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0647

Item 25: Authorize a professional services contract with McAfee3 Architects to provide architectural and engineering services for design and construction administration of the Fire Station No. 44 replacement facility located at the intersection of South Fitzhugh Avenue and Lagow Street - Not to exceed \$380,000 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0648

Item 26: Authorize a professional services contract with Perkins + Will - CRA, LLP to provide architectural and engineering services for design and construction administration for the Fire Station No. 27 replacement facility located at the southwest corner of Douglas Avenue and Northwest Highway - Not to exceed \$605,000 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0649

Item 27: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Viceroy Investments, LLC of approximately 1,293 square feet of land located near the intersection of Burbank Street and Mohawk Drive for the Burbank Street Improvements Project - Not to exceed \$7,019 (\$5,819 plus closing costs not to exceed \$1,200) - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0650

Item 28: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Viceroy Regal, LP of approximately 2,231 square feet of land located near the intersection of Burbank Street and Mohawk Drive for the Burbank Street Improvements Project - Not to exceed \$11,540 (\$10,040 plus closing costs not to exceed \$1,500) - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0651

Item 29: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jorge Garcia of approximately 3,286 square feet of land located near the intersection of Burbank Street and Huron Drive for the Burbank Street Improvements Project - Not to exceed \$27,012 (\$25,012 plus closing costs not to exceed \$2,000) - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0652

Item 30: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Gene Dunston of approximately 2,690 square feet of land located near the intersection of Harry Hines Boulevard and Burbank Street for the Burbank Street Improvements Project - Not to exceed \$39,020 (\$37,020 plus closing costs not to exceed \$2,000) - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0653

Item 31: Authorize acquisition from Connell David and Henrietta David of approximately 5,889 square feet of land improved with a single family dwelling located near the intersection of Aztec Drive and Custer Road for the Locust Avenue Project - Not to exceed \$28,500 (\$26,000 plus closing costs not to exceed \$2,500) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0654

Item 32: Authorize a contract for the installation of water and wastewater mains at 33 locations (list attached) - Omega Contracting, Inc., lowest responsible bidder of eight - Not to exceed \$7,249,913 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0655

Item 33: 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 MARCH 9, 2011.

The city secretary noted the report indicated no nominees and re-nominees for full council and individual appointments were cleared for council action.

Deputy Mayor Pro Tem Medrano moved to appoint Gabriel Soto, Vice Chair, to the Park and Recreation Board.

Motion seconded by Councilmember Koop and unanimously adopted. (Place 15 vacant)

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

11-5143 BOARD OFFICER

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0656

Item 34: An ordinance amending Chapter 59, Dallas Energy Conservation Code, of the Dallas City Code, as amended; adopting with certain changes the 2009 Edition of the International Energy Conservation Code of the International Code Council, Inc.; regulating the construction, enlargement, alteration, repair, demolition, use, and maintenance of construction work in the city; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

Councilmember Salazar moved to pass the ordinance.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Place 15 vacant)

Assigned ORDINANCE NO. 28138

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0657

Item 35: A resolution repealing Resolution No. 07-1608, previously approved on May 23, 2007, authorizing the City Attorney and City Manager to settle the lawsuit styled Ash Grove Texas, L.P. v. City of Dallas, et al., Cause No. 3:08-CV-02114-O in the U. S. District Court for the Northern District of Texas, and establishing a policy to give a preferential bid evaluation of all cement produced by vendors who are in compliance with all applicable environmental standards for the emission of nitrogen oxides (NOx) and operate kilns with emissions that are a specific amount below the applicable state standard, ~~depending on the type of kiln operated~~ - Financing: No cost consideration to the City

Corrected on the addendum to the agenda.

The following individual addressed the city council regarding the item:

Jim Schermbeck, no address provided

Councilmember Koop moved to adopt the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0658

Item 36: An ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the northeast line of Bonnie View Road, south of Highland Hills Drive - Z090-145 - Financing: No cost consideration to the City

Councilmember Atkins moved to pass the ordinance.

Motion seconded by Councilmember Salazar and unanimously adopted. (Place 15 vacant)

Assigned ORDINANCE NO. 28139

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0659

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 37: Authorize an economic development grant agreement pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Business Development Grant Program with Houseman Building L.L.C., related to the remodeling of the Houseman Building located at 400 North Akard Street - Not to exceed \$200,000 - Financing: Public/Private Partnership Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Acting Mayor Caraway read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Hunt moved to adopt the item.

Motion seconded by Councilmember Salazar and Councilmember Atkins and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0660

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 38: Authorize an amendment to the development agreement with Reserve at Stutz Road, LLC, previously approved on August 25, 2010, by Resolution Nos. 10-2165 and 10-2166, in Tax Increment Financing Reinvestment Zone Number Eighteen (Maple/Mockingbird TIF District) to extend project deadlines for obtaining: **(1)** a construction permit from December 31, 2010 to June 30, 2011; **(2)** a Certificate of Acceptance from December 31, 2011 to June 30, 2012; and **(3)** an Operating and Maintenance Agreement from December 31, 2011 to June 30, 2012 and to allow for additional extensions of project deadlines up to 6 months for good cause and additional consideration, subject to the Maple/Mockingbird TIF District Board of Director's approval and final authorization by the Director of the Office of Economic Development - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Acting Mayor Caraway 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."

Deputy Mayor Pro Tem Medrano moved to adopt the item.

Motion seconded by Councilmember Hill and Councilmember Kadane and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0661

DESIGNATED PUBLIC SUBSIDY MATTERS

**Downtown Connection TIF District -
Atmos Complex Redevelopment**

Note: Item Nos. 39 and 40
must be considered collectively.

Item 39: Authorize an amendment to the development agreement with Hamilton Atmos, LP for the redevelopment of 1900 Jackson Street, 1916 Jackson Street, 301 South Harwood Street, 1915 Wood Street, and 1815 Wood Street, the Atmos Complex, previously approved on October 22, 2008, by Resolution No. 08-2919 and 08-2920, in Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) to: **(1)** develop the Atmos Complex in two Phases; **(2)** increase the total number of units from approximately 220 units to a minimum of 87,000 square feet of residential space for Phase I (approximately 107 units) and a minimum of 115,000 square feet of residential space (approximately 123 units) for Phase II; **(3)** increase the number of affordable units from 23 units to a minimum of 87,000 square feet of affordable residential space (approximately 107 units) for Phase I and a minimum of 46,000 square feet of affordable residential space (approximately 63 units for Phase II); **(4)** change the deadline to obtain a building permit for the project from April 20, 2011 to June 1, 2011 for Phase I and June 1, 2015 for Phase II; **(5)** change the date to obtain a certificate of occupancy for the project from February 28, 2013 to February 28, 2013 for Phase I and December 31, 2016 for Phase II; **(6)** change TIF funding from a principal of \$12,560,401 plus interest for a maximum total incentive not to exceed \$23,000,000 to an amount not to exceed \$15,000,000 plus interest for a total incentive not to exceed \$23,000,000 for Phases I and II; **(7)** change the due dates for the remaining option fee payment from April 20, 2011 to June 1, 2011; and **(8)** change the method of reimbursement to reflect the district's Increment Allocation policy approved by the Downtown Connection TIF District Board of Directors on September 16, 2009 - Not to exceed \$23,000,000 - Financing: Downtown Connection TIF District Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Acting Mayor Caraway read the following certification into the record:

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-0661

Page 2

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Hunt moved to adopt the item.

Motion seconded by Councilmember Hill and Councilmember Atkins and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0662

DESIGNATED PUBLIC SUBSIDY MATTERS

**Downtown Connection TIF District -
Atmos Complex Redevelopment**

Note: Item Nos. 39 and 40
must be considered collectively.

Item 40: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse Hamilton Atmos, LP in an amount not to exceed \$15,000,000 plus interest for a total amount not to exceed \$23,000,000 for TIF-eligible project costs pursuant to the development agreement with Hamilton Atmos, LP - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Acting Mayor Caraway read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Hunt moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Medrano and Councilmember Salazar and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0663

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 41: Authorize (1) a public hearing to be held on April 13, 2011 to receive comments on a City of Dallas proposal to submit an amended application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant Section 108 Guarantee Loan Program loan in the amount of \$11,750,000 to fund a loan for Hamilton Atmos LP for development of the Atmos Lofts project for conversion of 3 vacant commercial buildings located at 301 South Harwood Street, 1815 Wood Street, and 1915 Wood Street into a mixed-use project including 9,500 square feet of bottom floor retail space, 123 apartment homes above the retail space with 63 apartment units deed restricted for 15 years for affordability to families with incomes at 80% or less of Area Median Family Income as established by HUD, and a parking garage and to fund site work, housing rehabilitation, and interest reserve; and at the close of the public hearing, (2) consideration of an amended application to HUD for a CDBG Section 108 Guarantee Loan Program loan for Hamilton Atmos LP in an amount not to exceed \$11,750,000 - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Acting Mayor Caraway read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

Councilmember Hunt moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Medrano and Councilmember Hill and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0664

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 42-45 and addendum agenda item 21, was presented for consideration.

Agenda item 42: Zoning Case Z101-114(OTH)

Agenda item 43: Zoning Case Z090-184(RB)

Agenda item 44: Zoning Case Z101-126(RB)

Agenda item 45: Zoning Case Z101-130(RB)

Addendum item 21 Zoning Case Z101-102(WE)

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

Councilmember Atkins 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 Salazar and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0665

Item 42: Zoning Case Z101-114(OTH)

The consent zoning docket, consisting of agenda items 42-45 and addendum agenda item 21, was presented for consideration.

A public hearing was called on zoning case Z101-114(OTH), an application for and an ordinance granting a Specific Use Permit for an industrial (inside) use for light manufacturing on property zoned Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the east side of Rock Island Street, north of Bessemer Street

(The staff and city plan commission recommended Approval for a five-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.

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28140

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0666

Item 43: Zoning Case Z090-184(RB)

The consent zoning docket, consisting of agenda items 42-45 and addendum agenda item 21, was presented for consideration.

A public hearing was called on zoning case Z090-184(RB), an application for and an ordinance granting an amendment to the development plan and conditions for Planned Development District No. 315 for a Mini-warehouse use and LO-1 Limited Office District Uses on the south line of Forest Lane, west of Marsh 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 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. 28141

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0667

Item 44: Zoning Case Z101-126(RB)

The consent zoning docket, consisting of agenda items 42-45 and addendum agenda item 21, was presented for consideration.

A public hearing was called on zoning case Z101-126(RB), an application for and an ordinance granting the renewal of Specific Use Permit No. 1692 for a Bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest line of Exposition Avenue, west of Parry Avenue

(The staff and city plan commission recommended Approval for a three-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.

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28142

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0668

Item 45: Zoning Case Z101-130(RB)

The consent zoning docket, consisting of agenda items 42-45 and addendum agenda item 21, was presented for consideration.

A public hearing was called on zoning case Z101-130(RB), an application for and an ordinance granting a CR Community Retail District on property zoned an NO(A) Neighborhood Office District on the northwest line of Garrett Avenue, northwest of Ross 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. 28143

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0669

Item 46: Zoning Case Z090-229(RB) – INDIVIDUAL

A public hearing was called on zoning case Z090-229(RB), an application for and an ordinance granting a Specific Use Permit for a Bail bonds office on property zoned as Planned Development District No. 784, the Trinity River Corridor Special Purpose District, at the southwest corner of Reunion Boulevard and the Interstate 35 southbound access road

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

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

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

Santos Martinez, 900 Jackson St., representing the applicant

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

Deputy Mayor Pro Tem Medrano asked Councilmember Atkins if he would accept a friendly amendment by adopting the recommendation of the city plan commission with eligibility for automatic renewal for additional three-year period, instead of the two-year period.

Councilmember Atkins agreed to Deputy Mayor Pro Tem Medrano's friendly amendment to adopt the recommendation of the city plan commission with eligibility for automatic renewal for additional three-year period, instead of the two-year period.

Motion seconded by Deputy Mayor Pro Tem Medrano with the friendly amendment.

After discussion, Acting Mayor Caraway called the vote on Councilmember Atkins' motion as modified by Deputy Mayor Pro Tem Medrano's friendly amendment to adopt the recommendation of the city plan commission with eligibility for automatic renewal for additional three-year period, instead of the two-year period.

Acting Mayor Caraway declared the motion as modified by the friendly amendment unanimously adopted. (Place 15 vacant)

Assigned ORDINANCE NO. 28144

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0670

Item 47: Zoning Case Z090-124(RB) UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z090-124(RB), an application for and an ordinance granting an IM Industrial Manufacturing District and a resolution accepting deed restrictions volunteered by the applicant and an ordinance granting a Specific Use Permit for an Outside salvage or reclamation use on property zoned an IR Industrial Research District on the north line of Singleton Boulevard, east of Pluto Street

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 an IM Industrial Manufacturing District, and approval of a Specific Use Permit for an Outside salvage or reclamation use for a two-year period with eligibility for automatic renewal for additional three-year periods, subject to a site plan and conditions and city plan commission recommended Approval of an IM Industrial Manufacturing District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for an Outside salvage or reclamation use for a two-year period with eligibility for automatic renewal for additional three-year periods, subject to a site plan and conditions)

Note: This item was considered by the City Council at public hearings on November 10, 2010 and January 12, 2011, and was taken under advisement until March 9, 2011, with the public hearing open.

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

Councilmember Salazar moved to continue the public hearing and hold under advisement until the April 13, 2011 voting agenda meeting of the city council.

Motion seconded by Councilmember Neumann and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0671

Item 48: Zoning Case Z090-239(WE) UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z090-239(WE), an application for and an ordinance granting an NO(A) Neighborhood Office District on property zoned an R-7.5(A) Single Family District on the southeast corner of Marine Way and Stillwell Boulevard

(The staff and city plan commission recommended Approval)

Note: This item was considered by the City Council at a public hearing on February 23, 2011, and was taken under advisement until March 9, 2011, with the public hearing open.

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

Councilmember Salazar moved to continue the public hearing and hold under advisement until the April 13, 2011 voting agenda meeting of the city council.

Motion seconded by Councilmember Hill and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0672

Item 49: Zoning Case Z090-221(WE) DESINATED ZONING CASES UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z090-221(WE), 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 city plan commission recommended Denial)

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

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

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

Linda Moore, 8652 Ashcroft Ave.
Martha Branham Willis, 8542 Stults Rd.
Miles Schulze, 9121 Pinewood Dr.
Doris Smith, 9315 Whittenburg Gate Ave.
Veronica Smith, 9315 Whittenburg Gate Ave.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-0672

Page 2

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

LaJuanda Jones, 3806 Shady Hill Ln., representing The Greater Cornerstone Baptist Church

Cynthia Durbin, 8436 Birchcroft Dr., representing Stults Rd. Neighborhood

Katherine Savers McGovern, 4364 Royal Ridge Dr.

Trinia Triche, 1818 Corsicana St.

Councilmember Allen moved to close the public hearing and adopt the recommendation of the city plan commission to deny the application without prejudice.

Motion seconded by Councilmember Neumann and Councilmember Kadane and unanimously adopted. (Davis absent when vote taken; Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0673

Item 50: Zoning Case Z090-169(WE) DESINATED ZONING CASES UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z090-169(WE), an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District and a resolution accepting deed restrictions volunteered by the applicant on the east side of Maple Avenue, between Inwood Road and Butler Street

(The staff and city plan commission recommended Approval of the MU-3 Mixed Use District and approval of the deed restrictions volunteered by the applicant)

Note: This item was considered by the City Council at public hearings on October 26 and December 8, 2010, and was taken under advisement until March 9, 2011, with the public hearing open.

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

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

Suzan Kedron, 901 Main St., representing the applicant

Deputy Mayor Pro Tem Medrano moved to continue the public hearing and hold under advisement until the June 22, 2011 voting agenda meeting of the city council.

Motion seconded by Councilmember Neumann and Councilmember Hill and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0674

Item 51: A benefit assessment hearing to receive comments on street paving, storm drainage, water and wastewater main improvements for Brockbank Drive from Lombardy Lane to Bynum Avenue to 600 feet north of Wheelock Street, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a construction contract with JRJ Paving, L.P., lowest responsible bidder of seven - Not to exceed \$2,547,177 - Financing: 2006 Bond Funds (\$1,972,887), Water Utilities Capital Improvement Funds (\$520,534) and Water Utilities Capital Construction Funds

The following individual addressed the city council regarding the item:

Nancy Fox, 9818 Brockbank Dr.

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

Motion seconded by Councilmember Atkins and unanimously adopted. (Place 15 vacant)

After the adoption of the item the Acting Mayor allowed addition citizens to speak.

The following additional speakers addressed the city council regarding the item:

John Klein, 9830 Brockbank Dr.

Arturo Avalos, 9748 Brockbank Dr.

Jose Luis Martinez, 9714 Brockbank Dr.

After discussion, Councilmember Margolin moved to reconsider the vote for further discussion and postpone consideration pending further conversation with the citizens who spoke against the item.

Motion seconded by Councilmember Allen.

After further discussion, Councilmember Margolin withdrew her motion to reconsider the vote on the item for further discussion and postpone pending further conversation with the citizens who spoke against the item.

Councilmember Allen, who seconded the motion to reconsider the vote on the item for further discussion and postpone consideration pending further conversation with the citizens who spoke against the item, also withdrew his second to the motion.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-0674

Page 2

Councilmember Salazar restated his original motion to move to close the public hearing and pass the ordinance.

Motion seconded by Councilmember Atkins and unanimously adopted. (Place 15 vacant)

Assigned ORDINANCE NO. 28145

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0675

Item 52: A public hearing to receive comments in preparation of the FY 2011-12 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Trina Triche, 1818 Corsicana St.
Carlos Marroquin, 5106 Cedar Springs Rd.
Gwain Wooten, 1000 Grigsby Ave.

Councilmember Neumann moved to close the public hearing.

Motion seconded by Councilmember Atkins and unanimously adopted. (Hunt absent when vote taken; Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0676

Item 53: A public hearing to receive comments regarding an ordinance amending the comprehensive plan of the City of Dallas to incorporate the West Dallas Urban Structure and Guidelines and a resolution adopting the West Dallas Urban Structure and Guidelines for the area generally located north of Interstate 30, west and south of the Trinity River, and east of Sylvan Avenue - Financing: No cost consideration to the City

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

The following individuals addressed the city council regarding the item:

Larry Beasley, Dallas City Design Studio

Monte Anderson, 901 Fort Worth Ave., owner of the Belmont Hotel

Frank Ward, P. O. Box 50694

Willie Lewis, 319 N. Main St.

Eva Elvove, 3326 Herbert St., representing the LaBajada Neighborhood Association

Paula Hutchinson, 507 W. Main St., representing the Lone Star Missionary Baptist Church

Felix Lozada, 3228 Bataan St.

Elizabeth Lewis, 319 N. Main St.

Randall White, 1939 Mayflower Dr., Vice Chairman of the West Dallas Chamber of Commerce Board, Chairman of the Fort Worth Avenue TIF Board, one of the founding Presidents of the Non-Profit Fort Worth Avenue Development Group and past President of the Stevens Park Neighborhood Association

Shade L. O'Quinn, President of the Dallas Chapter of the American Institute Architects

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

Motion seconded by Councilmember Hill and unanimously adopted. (Medrano, Salazar abstain; Hunt absent when vote taken; Place 15 vacant)

Assigned ORDINANCE NO. 28146

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

Closed Session [**11-0677; HELD**]

6ES

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

- Legal issues involving Chapter 254 of the Texas Health and Safety Code
- Legal issues regarding ordinances regulating signs on public property
- Legal issues involving the DFW Airport general counsel position

At 10:08 a.m., Acting Mayor Caraway 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 Chapter 254 of the Texas Health and Safety Code
- Legal issues regarding ordinances regulating signs on public property
- Legal issues involving the DFW Airport general counsel position

Acting Mayor Caraway reconvened the city council meeting after the closed session and lunch at 2:03 p.m. No other matters were discussed during the closed session. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0678

Addendum addition 1: Authorize an application for and acceptance of a grant from the Federal Aviation Administration (FAA) for the federal share of the eligible capital improvements at Dallas Love Field - Not to exceed \$4,357,853 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0679

Addendum addition 2: Authorize a one-year service contract, with two one-year extension options, for median maintenance and mowing of Texas Department of Transportation rights-of-way within the corporate boundaries of Dallas - BIO Landscape & Maintenance, Inc., lowest responsible bidder of four - Not to exceed \$2,181,263 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0680

Addendum addition 3: Authorize **(1)** Supplemental Agreement No. 2 to increase the contract with AT&T (formerly SBC DataComm, Inc.) for telecommunication services including voice (dial tone) and data network services, network management, monitoring, maintenance, perimeter security, and related services; and **(2)** an extension of the contract term by eight months - Total not to exceed \$3,790,199, from \$71,190,633 to \$74,980,832 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0681

Addendum addition 4: A resolution authorizing (1) execution of the Other Events Trust Fund Agreement with the Texas Comptroller of Public Accounts for the benefit of the 2011 TicketCity Classic Bowl Game for the period December 8, 2010 through December 31, 2011; and (2) the acceptance and deposit of funds from the Dallas Convention & Visitors Bureau in the amount of \$56,798 to be deposited in the Other Events Trust Fund with the State Comptroller of Public Accounts - Financing: This action has no cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0682

Addendum addition 5: Authorize (1) a Memorandum of Understanding with the American Heart Association; and (2) the acceptance of a grant from the American Heart Association (AHA) for participation in a Dallas County cardiac arrest study entitled the AHA Dallas Caruth Initiative by providing de-identified patient care data for the period October 1, 2011 through September 30, 2012 - Not to exceed \$131,000 - Financing: American Heart Association Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0683

Addendum addition 6: Authorize the continued occupancy under the lease agreement with Jess Baroukh L.L.C. for approximately 5,000 square feet of office space located at 2645 South Lancaster Road for the operation of the Women, Infants and Children Clinic through May 31, 2011 - Total not to exceed \$7,500 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0684

Addendum addition 7: Authorize **(1)** the acceptance of a 2009 Buffer Zone Protection Plan grant in an amount not to exceed \$388,000 for the period April 1, 2009 through August 31, 2011 from the Department of Homeland Security through its agent, the Texas Division of Emergency Management, to provide funding for costs associated with securing critical infrastructure and key resource sites to prevent acts of terrorism within the City; **(2)** the acceptance of a 2010 Buffer Zone Protection Plan grant in an amount not to exceed \$950,000 for the period June 1, 2010 through May 31, 2012; and **(3)** execution of the grant agreements with the Texas Division of Emergency Management (the State Administrative Agency) - Total not to exceed \$1,338,000 - Financing: U.S. Department of Homeland Security Grant Funds

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0685

Addendum addition 8: Authorize a contract with Ratcliff Constructors, LP, best value proposer of two, for the construction of the 2014 Main Street Municipal Building Annex Renovation - Not to exceed \$8,859,334 - Financing: 1998 Bond Funds (\$98,000) and 2006 Bond Funds (\$8,761,334)

Approved as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0686

Addendum addition 9: Ratify emergency work performed on an existing service contract with Young's General Contracting, Inc. for additional hydromulch and lime stabilization located within the specific buffer areas along the Trinity River Levee System - Not to exceed \$191,627 - Financing: Stormwater Drainage Management Funds

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

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

Councilmember Neumann moved to adopt the item.

Motion seconded by Councilmember Salazar and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0687

May 2011 Election

Addendum addition 10: An ordinance amending Ordinance No. 20231, as amended, to adopt certain new election precincts - Financing: No cost consideration to the City

Councilmember Neumann moved to pass the ordinance.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Place 15 vacant)

Assigned ORDINANCE NO. 28147

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0688

May 2011 Election

Addendum addition 11: An ordinance ordering a general election to be held in the City of Dallas on Saturday, May 14, 2011, for the purpose of electing the Mayor and 14 members of the City Council to represent Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 for the term beginning June 27, 2011 - Financing: No cost consideration to the City

Councilmember Neumann moved to pass the ordinance.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Place 15 vacant)

Assigned ORDINANCE NO. 28148

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0689

May 2011 Election

Addendum addition 12: A resolution authorizing a joint election agreement and election services contract between the City of Dallas, Dallas County, and various other jurisdictions within Dallas, Collin, Denton and Rockwall Counties, for the conduct of a joint election to be held on Saturday, May 14, 2011 - Not to exceed \$850,000 - Financing: Current Funds

Councilmember Neumann moved to adopt the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0690

May 2011 Election

Addendum addition 13: A resolution approving the appointment of citizens to serve as election judges for the May 14, 2011, joint election and the June 18, 2011, runoff election, if necessary - Financing: No cost consideration to the City

Councilmember Neumann moved to adopt the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0691

May 2011 Election

Addendum addition 14: A resolution authorizing the Mayor to appoint an Ad Hoc City Council Canvassing Committee to review the returns of the May 14, 2011 general election and submit a canvass report to the full City Council on Wednesday, May 25, 2011 - Financing: No cost consideration to the City

Councilmember Neumann moved to adopt the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Place 15 vacant)

Later in the meeting, Acting Mayor Caraway announced the following Councilmember's would serve as chair and members of the Ad Hoc City Council Canvassing Committee to review the returns of the May 14, 2011 general election.

Councilmember Linda Koop, Chair
Councilmember Vonciel Jones Hill
Councilmember Jerry Allen
Deputy Mayor Pro Tem Medrano
Councilmember Sheffield Kadane (Alternate)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0692

May 2011 Election

Addendum addition 15: A resolution appointing a precinct election officer serving in an election precinct as a member of the early voting ballot board for the May 14, 2011 City Council General Election - Financing: No cost consideration to the City

Councilmember Neumann moved to appoint the following individual to the Early Voting Ballot Board:

- Se-Gwen Tyler

Motion seconded by Councilmember Natinsky and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0693

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum addition 16: Authorize a public hearing to be held on April 13, 2011 to receive comments concerning the creation of City of Dallas Reinvestment Zone No. 75 located at 3333 Dan Morton Drive, Dallas, Texas; and at the close of the hearing, consideration of **(1)** an ordinance creating City of Dallas Reinvestment Zone No. 75; **(2)** a 90 percent business personal property tax abatement for ten years with Dean Foods Company and/or its subsidiary WhiteWave Foods Company; and **(3)** a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Dean Foods Company and/or its subsidiary WhiteWave Foods Company in an amount up to \$250,000 associated with retaining and expanding the company's operations in Southern Dallas - Financing: No cost consideration to the City

Councilmember Neumann moved to adopt the item.

Motion seconded by Councilmember Davis and Councilmember Natinsky and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0694

DESIGNATED PUBLIC SUBSIDY MATTERS

Skillman Corridor TIF District

Note: Addendum Item Nos. 17, 18, 19 & 20 must be considered collectively.

Addendum addition 17: An ordinance amending the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Fourteen, (Skillman Corridor TIF District) to: **(1)** modify the TIF Project Plan budget to reflect Economic Development Grants as an eligible item; and **(2)** authorize an amendment to Ordinance No. 26534, previously approved on December 13, 2006, to reflect this modification - Financing: No cost consideration to the City

Councilmember Atkins moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Medrano and Councilmember Salazar and unanimously adopted. (Place 15 vacant)

Assigned ORDINANCE NO. 28149

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0695

DESIGNATED PUBLIC SUBSIDY MATTERS

Skillman Corridor TIF District

Note: Addendum Item Nos. 17, 18, 19 & 20 must be considered collectively.

Addendum addition 18: Authorize the establishment of the City of Dallas Skillman Corridor TIF District Grant Program to implement the Project Plan and Reinvestment Zone Financing Plan (Project Plan) for Tax Increment Financing Reinvestment Zone Number Fourteen (Skillman Corridor TIF District) pursuant to Chapter 311 of the Texas Tax Code, V.T.C.A. to be administered by the City of Dallas - Office of Economic Development to promote economic development within the Skillman Corridor TIF District - Financing: No cost consideration to the City

Councilmember Atkins moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Medrano and Councilmember Salazar and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0696

DESIGNATED PUBLIC SUBSIDY MATTERS

Skillman Corridor TIF District

Note: Addendum Item Nos. 17, 18, 19 & 20 must be considered collectively.

Addendum addition 19: Authorize (1) a development agreement with Audelia WGK, LLC to dedicate future TIF revenues for an economic development grant and other eligible project costs related to the White Rock Place development located at the southwest corner of Walnut Hill Lane and Audelia Road in Tax Increment Financing Reinvestment Zone Number Fourteen (Skillman Corridor TIF District); and (2) the Skillman Corridor TIF District Board of Directors to dedicate a principal amount not to exceed \$1,915,000 plus an additional grant in lieu of interest for a maximum incentive not to exceed \$2,372,000 from future Skillman Corridor TIF District revenues in accordance with the development agreement - Not to exceed \$2,372,000 - Financing: Skillman Corridor TIF District Funds

Councilmember Allen moved to adopt the item with the following revision to Section 8 of the resolution to remove the minimum percentage of residential completion for shared increment eligibility:

Section 8. That upon completion of the project and satisfaction of all project requirements and subject to the availability of Skillman Corridor TIF funds, the Project shall be eligible for total TIF reimbursements in a principal amount not to exceed \$1,915,000 plus an additional grant in lieu of interest for a maximum incentive not the exceed \$2,372,000 in accordance with Exhibit C – Skillman Corridor TIF District Increment Allocation Policy ~~except that eligibility for shared increment will only begin when a minimum of eighty percent of the future residential development is completed (homes are completed on a least eighty percent of the new residential lots).~~

Motion seconded by Councilmember Neumann and Councilmember Hill and unanimously adopted. (Medrano absent when vote taken; Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0697

DESIGNATED PUBLIC SUBSIDY MATTERS

Skillman Corridor TIF District

Note: Addendum Item Nos. 17, 18, 19 & 20 must be considered collectively.

Addendum addition 20: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Fourteen (Skillman Corridor TIF District) to reimburse Audelia WGK, LLC a principal amount not to exceed \$1,915,000 plus an additional grant in lieu of interest for a maximum incentive not to exceed \$2,372,000 for certain TIF-eligible project costs related to the White Rock Place development located at the southwest corner of Walnut Hill Lane and Audelia Road in the Skillman Corridor TIF District - Financing: No cost consideration to the City

Councilmember Allen moved to adopt the item.

Motion seconded by Councilmember Neumann and Councilmember Hill and unanimously adopted. (Medrano absent when vote taken; Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0698

Addendum addition 21: Zoning Case Z101-102(WE)

The consent zoning docket, consisting of agenda items 42-45 and addendum agenda item 21, was presented for consideration.

A public hearing was called on zoning case Z101-102(WE), an application for and an ordinance granting an amendment to the development plan of Planned Development District No. 518, on the south corner of Oak Lawn Avenue and Maple Avenue

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

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. 28150

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 9, 2011

11-0699

Acting Mayor Caraway recessed the meeting at 10:08 a.m. and reconvened the meeting at 2:03 p.m.

The City Council attended the Trinity Commons Foundation Annual Luncheon held at the Hilton Anatole Hotel, 2201 Stemmons Freeway, Dallas, TX 75207.

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

EXHIBIT C