

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 25, 2011

11-1274

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

PRESENT: [14] Caraway, Medrano, Jasso, Neumann, Hill, Salazar (*9:15 a.m.), Davis, Atkins, Kadane (*1:00 p.m.), 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 Yaakov Rich, Rabbi, Congregation Toras Chaim.

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 6:46 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, MAY 25, 2011

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 25, 2011

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1275

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: Pedro Carrillo, 734 W. Page Ave.
REPRESENTING: The People
SUBJECT: Neighborhoods

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

SPEAKER: Robert Ceccarelli, 5303 Harry Hines Blvd.
SUBJECT: Abuse in group homes

SPEAKER: Richard Sheridan, 3022 Forest Ln.
SUBJECT: Electronic vote fraud

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: RSR lawsuit, FBI and Dallas City Council

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

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
REPRESENTING: R.A.W. (Real American Women)
SUBJECT: The Ethics Commission

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1276

Item 1: Approval of Minutes of the April 27, 2011 City Council Meeting

Deputy Mayor Pro Tem Medrano moved to adopt the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1277

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-63 and addendum addition consent agenda items 1-5, was presented for consideration.

Councilmember Atkins requested that consent agenda item 2 be considered as an individual item. Acting Mayor Caraway stated that consent agenda item 2 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Atkins' request.

Councilmember Neumann moved to approve all items on the consent agenda with the exception of consent agenda item 2 which would be considered later in the meeting.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Salazar, Kadane absent when vote taken; Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1278

Item 2: Authorize an increase in the master agreement with AT&T through the State of Texas Department of Information Resources to extend the contract term for one year for the purchase of Cisco communication equipment and SmartNet maintenance through August 13, 2012 - Not to exceed \$2,435,185, from \$4,500,000 to \$6,935,185 - Financing: Current Funds

Councilmember Atkins requested that consent agenda item 2 be considered as an individual item. Acting Mayor Caraway stated that consent agenda item 2 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 2 was brought up for consideration.

Councilmember Atkins moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1279

Item 3: Authorize a professional services contract to develop a citywide collaborative emergency response plan for Continuity of Operations and Continuity of Government for the City - Science Applications International Corporation, through the Houston-Galveston Area Council of Governments - Not to exceed \$100,000 - Financing: U.S. Department of Homeland Security Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1280

Item 4: Authorize the purchase of three aerial trucks and eleven fire pumpers for Dallas Fire-Rescue - Metro Fire Apparatus Specialists, Inc., through the Houston-Galveston Area Council of Governments - Not to exceed \$8,251,000 - Financing: 2010 Certificates of Obligation (\$7,752,000) and 2006 Bond Funds (\$499,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1281

Item 5: Authorize payment of an agreed judgment in the lawsuit styled Andrea Thompson-Powell v. City of Dallas, Cause No. 09-15331-E - Not to exceed \$51,881 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1282

Item 6: Authorize Supplemental Agreement No. 1 to the professional services contract with Fitch & Associates for additional expert witness services necessary in the Medicare audit of ambulance services - Not to exceed \$35,000, from \$25,000 to \$60,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1283

Item 7: Authorize **(1)** the acceptance of the Heavy-Duty Vehicle and Equipment Grant from the North Central Texas Council of Governments to purchase and install auxiliary electric power systems on twenty-four heavy-duty trucks in order to reduce emissions due to vehicle idling for the period February 17, 2011 through July 31, 2011; and **(2)** execution of the grant agreement - Not to exceed \$211,404 - Financing: Texas Commission on Environmental Quality Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1284

Item 8: Authorize **(1)** the acceptance of a grant from the U.S. Department of Homeland Security under the 2009 Assistance to Firefighters Grant for driver and officer training, swift water rescue training, and a wellness/fitness program for the period October 1, 2010 through September 30, 2012 in the amount of \$1,645,508 with a cash match from the City in the amount of \$411,377; and **(2)** execution of the grant agreement - Not to exceed \$2,056,885 - Financing: U.S. Department of Homeland Security Assistance to Firefighters Grant Funds (\$1,645,508) and Current Funds (\$411,377) (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1285

Item 9: Authorize a two-year contract with El Centro Community College for reimbursement of Fire Department training costs for the period September 1, 2011 through August 31, 2013 - Revenue: \$275,188

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1286

Item 10: Approval of the Forty-Fifth Supplemental Concurrent Bond Ordinance authorizing the issuance of Dallas/Fort Worth International Airport Joint Revenue Refunding Bonds, Series 2011A (the “2011A Bonds”), subject to certain parameters - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28194

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1287

Item 11: Approval of the Forty-Sixth Supplemental Concurrent Bond Ordinance authorizing the issuance of Dallas/Fort Worth International Airport Joint Revenue Bonds, Series 2011B (the “2011B Bonds”), subject to certain parameters - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28195

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1288

Item 12: Approval of the Forty-Seventh Supplemental Concurrent Bond Ordinance authorizing the issuance of Dallas/Fort Worth International Airport Joint Revenue Refunding Bonds, Series 2011C, Series 2011D, Series 2011E, Series 2011F, Series 2011G, Series 2011H (the "2011C, 2011D, 2011E, 2011F, 2011G, 2011H Bonds"), subject to certain parameters - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28196

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1289

Item 13: Authorize a contract for construction of a new pavilion at Webb Chapel Park located at 11428 Cromwell Drive - Phoenix I Restoration and Construction, Ltd., best value proposer of six - Not to exceed \$271,990 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1290

Item 14: Authorize a contract for interior renovation, roof replacement, exterior repairs, and HVAC replacement at Anita Martinez Recreation Center located at 3212 North Winnetka Avenue - The Warrior Group, Inc., best value proposer of nine - Not to exceed \$1,141,895 - Financing: 2003 Bond Funds (\$200,000) and 2006 Bond Funds (\$941,895)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1291

Item 15: Authorize a contract for playground replacements at Kiest Park located at 3080 South Hampton Road and Sugarberry Park located at 7102 Sugarberry Road - Jay Davis Company, Inc. dba JDC Construction Co., lowest responsible bidder of eleven - Not to exceed \$287,707 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1292

Item 16: Authorize **(1)** Supplemental Agreement No. 1 to the professional services contract with Sally Johnson Architect, LLC for schematic design through construction administration services for interior and exterior renovations, roof repair and mechanical upgrades at Walnut Hill Recreation Center; and **(2)** reprogramming of the 2006 Bond Funds originally allocated for Fair Oaks Park pavilion to Walnut Hill Recreation Center located at 10011 Midway Road - Not to exceed \$38,780, from \$206,245 to \$245,025 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1293

Item 17: Authorize Supplemental Agreement No. 2 to the professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide for engineering and surveying services to include revisions of the final plat and setting field monuments associated with easements required by Building Inspection at NorthBark Park located at 4900 Gramercy Oaks Boulevard - Not to exceed \$3,900, from \$24,900 to \$28,800 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1294

Item 18: Authorize an application for the Violence Against Women Formula Grant from the Office of the Governor, Criminal Justice Division in the amount of \$45,980 to provide sufficient services to reach all eligible crime victims for the period September 1, 2011 through August 30, 2012 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1295

Item 19: Authorize a contract with SYB Construction Company, Inc., lowest responsible bidder of nine, for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Street Reconstruction Group 06-612 (list attached) - Not to exceed \$1,405,067 - Financing: 2006 Bond Funds (\$1,051,096), Water Utilities Capital Construction Funds (\$3,068) and Water Utilities Capital Improvement Funds (\$350,903)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1296

Item 20: Authorize a contract with SYB Construction Company, Inc., lowest responsible bidder of eight, for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Street Reconstruction Group 06-616A (list attached) - Not to exceed \$397,357 - Financing: 2003 Bond Funds (\$365,604), Water Utilities Capital Construction Funds (\$725) and Water Utilities Capital Improvement Funds (\$31,028)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1297

Item 21: Authorize a contract with McMahon Contracting, L.P., lowest responsible bidder of nine, for the construction of street paving, storm drainage and water and wastewater main improvements for Street Reconstruction Group 06-616B (list attached) - Not to exceed \$1,327,655 - Financing: 2006 Bond Funds (\$1,109,204), Water Utilities Capital Construction Funds (\$11,650) and Water Utilities Capital Improvement Funds (\$206,801)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1298

Item 22: Authorize a contract with Texas Standard Construction, Ltd., lowest responsible bidder of 11, for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Street Reconstruction Group 06-619 (list attached) - Not to exceed \$1,999,007 - Financing: 2006 Bond Funds (\$1,516,296), Water Utilities Capital Construction Funds (\$10,556) and Water Utilities Capital Improvement Funds (\$472,155)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1299

Item 23: Authorize a contract with SYB Construction Company, Inc., lowest responsible bidder of seven, for the reconstruction of alley paving, drainage, water and wastewater main improvements for Alley Reconstruction Group 06-2026-N (list attached) - Not to exceed \$987,987 - Financing: 2006 Bond Funds (\$688,346), Water Utilities Capital Improvement Funds (\$296,769) and Water Utilities Capital Construction Funds (\$2,872)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1300

Item 24: Authorize a contract with SYB Construction Company, Inc., lowest responsible bidder of nine, for the reconstruction of alley paving, drainage, water and wastewater main improvements for Alley Reconstruction Group 06-2026-S (list attached) - Not to exceed \$918,943 - Financing: 2006 Bond Funds (\$584,348), Water Utilities Capital Improvement Funds (\$328,159) and Water Utilities Capital Construction Funds (\$6,436)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1301

Item 25: Authorize a professional services contract with Neel-Schaffer, Inc. for the engineering design of Pedestrian Group 06-3013 (list attached) - Not to exceed \$150,945 - Financing: 2006 Bond Funds (\$100,309), 2006-07 Community Development Block Grant Reprogramming Funds (\$34,986) and Water Utilities Capital Improvement Funds (\$15,650)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1302

Item 26: Authorize **(1)** the termination of the existing Interlocal Agreement with the Texas Department of Transportation for the Sylvan Avenue Bridge over the Trinity River from Gallagher Street to Irving Boulevard, previously approved on January 28, 2004, by Resolution No. 04-0410; and **(2)** a Local Project Advance Funding Agreement with and payment to the Texas Department of Transportation for the City's share of the design and construction costs for the Sylvan Avenue Bridge over the Trinity River from Gallagher Street to Irving Boulevard - Not to exceed \$7,139,658 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1303

Item 27: Authorize **(1)** alley paving for the alley between Goodwin Avenue and Vanderbilt Avenue from Laneri Avenue to Glencoe Street; provide for partial payment of alley construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on June 22, 2011, to receive comments - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1304

Item 28: Authorize **(1)** alley paving, wastewater main improvements and installation of a storm drainage system for Alley Group 06-1124; provide for partial payment of alley construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on June 22, 2011, to receive comments (list attached) - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1305

Item 29: Authorize an increase in the construction contract with Turner Construction Company, assigned to the Dallas Center for the Performing Arts Foundation, Inc. for construction management, to increase the capacity of the Stage House air conditioning system for the Annette Strauss Artist Square Project - Not to exceed \$122,493, from \$5,630,137 to \$5,752,630 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1306

Item 30: Authorize an increase in the contract with Omega Contracting, Inc. for additional roadway paving and an increase in quantities of structural soil and fill materials for streetscaping and utility improvements for Main Street from Harwood Street to Good Latimer Expressway - Not to exceed \$400,277, from \$2,260,027 to \$2,660,304 - Financing: 2003 Bond Funds (\$138,416) and Water Utilities Capital Improvement Funds (\$261,861)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1307

Item 31: Authorize an increase in the contract with Texas Standard Construction, Ltd. for additional replacement of sidewalks, curbs and gutters and partial pavement repairs for the West Dallas Sidewalk Group 2010-01 (list attached) - Not to exceed \$87,700, from \$373,569 to \$461,269 - Financing: 2009-10 Community Development Block Grant Funds

Adopted as part of the consent agenda

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1308

Item 32: Authorize Supplemental Agreement No. 2 to the professional services contract with TranSystems Corporation to provide additional engineering design and surveying services to add the Deep Ellum Streetscape Project to Streetscape Group 06-3010 (list attached) - Not to exceed \$694,859, from \$412,171 to \$1,107,030 - Financing: 2003 Bond Funds (\$301,088), 2006 Bond Funds (\$293,791) and Water Utilities Capital Improvement Funds (\$99,980)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1309

Item 33: Authorize **(1)** Supplemental Agreement No. 1 to the professional services contract with GSR Andrade Architects, Inc. to provide architectural and engineering services for design and construction administration for the Central Receiving Facility at Dallas Love Field in the amount of \$506,650, from \$24,500 to \$531,150; and **(2)** an increase in appropriations in the amount of \$713,895 in the Aviation Capital Construction Fund for design and professional services, city administration, and other owner's costs - Not to exceed \$506,650 - Financing: Aviation Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1310

Item 34: Authorize **(1)** Supplemental Agreement No. 15 to the contract with Jacobs Engineering Group, Inc. for additional design and construction administration services for the relocation of the airfield lighting vaults at Dallas Love Field in the amount of \$100,145, from \$4,642,567 to \$4,742,712; and **(2)** an increase in appropriations in the amount of \$100,145 in the Aviation Capital Construction Fund - Not to exceed \$100,145 - Financing: Aviation Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1311

Item 35: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Ruth Ferguson, Don Ray Ferguson, Ronald James Ferguson, Rickey Bernard Ferguson, Tamara Leashawn Ferguson and Geneva Anderson of approximately 6,585 square feet of land located near Luzon and Dutch Harbor Streets for the Street Realignment and Connection between Luzon and Corregidor Project - Not to exceed \$11,500 (\$10,000 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

MAY 25, 2011

11-1312

Item 36: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Gene Dunston of approximately 1,528 square feet of land located near Harry Hines Boulevard and Burbank Street for the Burbank Street Improvements Project - Not to exceed \$12,752 (\$11,002 closing costs not to exceed \$1,750) - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1313

Item 37: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Maxine Johnson of approximately 5,266 square feet of land improved with a single family residence located near the intersection of Bexar Street and Bethurum Avenue for the Bexar Street Improvement Project - Not to exceed \$23,000 (\$21,500 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

MAY 25, 2011

11-1314

Item 38: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from AP-Prescott Twin Sixties, LP of approximately 1,796 square feet of land located near Twin Sixties Drive and U.S. 75 Central Expressway for the Katy Trail, Phase VI Project - Not to exceed \$121,900 (\$120,000 plus closing costs not to exceed \$1,900) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1315

Item 39: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Behringer Harvard Mockingbird Commons, LLC of approximately 1,418 square feet of land located near Mockingbird Lane and U.S. 75 Central Expressway for the Katy Trail, Phase VI Project - Not to exceed \$132,500 (\$130,000 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

MAY 25, 2011

11-1316

Item 40: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Eugene Ellis Edmonds and Ruth Edmonds of approximately 2,896 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$3,449 (\$1,448 plus closing costs not to exceed \$2,001) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1317

Item 41: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Paul Wainwright and Ruby Wainwright of a tract of land containing approximately 27,782 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$17,000 (\$13,891 plus closing costs not to exceed \$3,109) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1318

Item 42: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Warren Lynch and Jeanne Lynch of approximately two acres of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$60,041 (\$57,722 plus closing costs not to exceed \$2,319) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1319

Item 43: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from 7586 Mountain Creek Parkway, LLC of approximately 23,639 square feet of land located near the intersection of Mountain Creek Parkway and Clark Road for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$121,054 (\$118,195 plus closing costs not to exceed \$2,859) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1320

Item 44: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from White Property Co. #2 LTD of approximately 155,138 square feet of land located near the intersection of Telephone Road and Dizzy Dean Drive for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$130,110 (\$124,110 plus closing costs not to exceed \$6,000) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1321

Item 45: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from White Property Co. #2 LTD of approximately 64,424 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$230,484 (\$225,484 plus closing costs not to exceed \$5,000) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1322

Item 46: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Purvis T. Welch and Robbie Lee Hale of a tract of land containing approximately 301,937 square feet of land located near the intersection of Garden Grove Road and Interstate Highway 20 for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$231,000 (\$225,599 plus closing costs not to exceed \$5,401) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1323

Item 47: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Progressive Relocation of Texas, L.P. and Devin Phillips of approximately nine acres of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$487,376 (\$482,791 plus closing costs not to exceed \$4,585) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1324

Item 48: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from 635-I20 JV of three tracts of land containing a total of approximately 495,023 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$932,479 (\$922,479 plus closing costs not to exceed \$10,000) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1325

Item 49: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 1,751 square feet from Rhonda Martinez, Christine Soto and Roger Paul Cecil located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$8,000 (\$6,500 plus closing costs not to exceed \$1,500) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1326

Item 50: Authorize the deposit of a Special Commissioners' Award in City of Dallas v. Michael W. Brandt, Cause No. cc-09-03725-c, pending in the County Court at Law No. 3, for acquisition from Michael W. Brandt of approximately 1,460 square feet of land located at the intersection of Wheelock and Brockbank Drives for the Brockbank Street Improvements Project - Not to exceed \$34,000 (\$32,500 plus closing costs not to exceed \$1,500) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1327

Item 51: Authorize moving expense and rental assistance payments for Ashley Brown as a result of an official written offer of just compensation to purchase real property at 2463 West Five Mile Parkway for the Five Mile Parkway Voluntary Purchase Program Project - Not to exceed \$7,500 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1328

Item 52: Authorize moving expense and replacement housing payments for Tony Garza in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 1003 LaSalle Drive for future City facilities - Not to exceed \$31,600 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1329

Item 53: Authorize moving expense and replacement housing payments for Charlie Herron as a result of an official written offer of just compensation to purchase real property at 1505 Prater Road for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$36,801 - Financing: Water Utilities Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1330

Item 54: Authorize an environmental deed restriction prohibiting exposure to and the use of groundwater without the express written pre-approval of the State of Texas under a portion of city-owned land containing approximately 6,350 square feet located near the intersection of Mockingbird Lane and Quebec Street, subject to the receipt of an Innocent Landowner Certificate in favor of the City for the affected site from the Texas Commission on Environmental Quality - Revenue: \$1,000

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1331

Item 55: Authorize the execution of Quitclaim Deeds for 40 properties that were acquired by the taxing entities (the City of Dallas; the State of Texas; the County of Dallas; and Dallas Independent School District) from a sheriff's sale to the highest bidders (list attached) - Revenue: \$380,957

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1332

Item 56: An ordinance amending Ordinance No. 28129, which abandoned a portion of Atwood Street, to Gina Diane Bishop Corwin and Jeffrey Ray Bishop, by altering the preamble and Sections 10, 11 and 12 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28197

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1333

Item 57: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Kirk O. Mears of two tracts of land containing a total of approximately 1,920 square feet located on Patrick Drive near its intersection with Blessing Drive for the installation of drainage improvements for the Rush Creek Flood Protection and Storm Drainage Improvement Project - Not to exceed \$7,504 (\$5,504 plus closing costs not to exceed \$2,000) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1334

Item 58: Authorize a professional services contract for the design of the western gateway to the Continental Pedestrian Bridge - Wallace Roberts & Todd, LLC, most advantageous proposer of nine - Not to exceed \$287,774 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1335

Item 59: Authorize a contract for the construction of erosion control improvements for five sites at 2118-2132 Clarksdale Drive, 2102-2103 Healey Drive, 8022 Claremont Drive, 8220 Coolgreene Drive and 8165-8171 Hunnicut Road - ARK Contracting Services, LLC, lowest responsible bidder of six - Not to exceed \$851,923 - Financing: 2006 Bond Funds (\$744,330) and Water Utilities Capital Construction Funds (\$107,593)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1336

Item 60: Authorize Utility Adjustment Agreement Amendment No. 1 with LBJ Infrastructure Group LLC and Trinity Infrastructure, LLC, for water and wastewater main relocations and adjustments in Interstate Highway 635 (Lyndon B. Johnson Freeway) from Luna Road to U.S. Highway 75 (Central Expressway) and in Interstate Highway 35E (Stemmons Freeway) from Northwest Highway to Valwood Parkway for the Interstate Highway 635 Managed Lanes Project - Not to exceed \$331,574 - Financing: Water Utilities Current Funds (\$114,074) (to be reimbursed by LBJ Infrastructure Group LLC and Trinity Infrastructure, LLC) and Water Utilities Capital Improvement Funds (\$217,500)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1337

Item 61: Authorize a contract for the installation of water and wastewater mains at 34 locations (list attached) - Camino Construction, L.P., lowest responsible bidder of nine - Not to exceed \$7,191,857 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1338

Item 62: Authorize an increase in the contract with Archer Western Contractors, Ltd. for additional work associated with the ozone completion improvements at the Elm Fork Water Treatment Plant - Not to exceed \$119,544, from \$5,743,400 to \$5,862,944 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1339

Item 63: Authorize an increase in the contract with John Burns Construction Company of Texas, Inc. for additional work associated with the installation of a 20-inch recycled water main extension from the Cedar Crest Golf Course to the Dallas Zoo, Phase 1 - Not to exceed \$100,549, from \$2,792,409 to \$2,892,958 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1340

Item 64: 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 May 25, 2011.

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

Councilmember Atkins moved to appoint Jason Villalba to the Housing Finance Corporation Board and Leonor Marquez, Employee of Person covered by Subsection 2, 3, or 4, to the Trinity River West Municipal Management District.

Motion seconded by Councilmember Natinsky 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.]

11-5168 HFC HOUSING FINANCE CORPORATION BOARD
11-5169 TRW TRINITY RIVER WEST MUNICIPAL MANAGEMENT DISTRICT

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1341

Item 65: Consideration and appointment of one member to the Dallas Area Rapid Transit Board of Directors, Place 3 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A)

Councilmember Koop moved to reappoint the following individual to the Dallas Area Rapid Transit (DART) Board of Directors, with the term to expire June 30, 2013, as recommended by the City Council Transportation and Environment Committee:

- Place 03 – Scott Carlson

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1342

Item 66: Authorize a contract for grading and utilities, soccer fields, parking, drives, lighting, vending and toilet pavilions, loop trail, irrigation, landscaping, fencing and site furnishings for the Elm Fork Athletic Complex located at 2200 block of Walnut Hill Lane - Rogers-O'Brien Construction Company, Ltd., best value proposer of seven - Not to exceed \$11,743,012 - Financing: 2006 Bond Funds (\$11,243,012) and Texas Parks and Wildlife Grant Funds (\$500,000)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1343

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 67: 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 Silver Creek Investments, LLC and the Bank of DeSoto, related to the remodeling of the Glendale Shopping Center located at 4404 South Marsalis Avenue - Not to exceed \$600,000 - Financing: 2006 Bond Funds

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

Acting Mayor Caraway moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1344

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 68: Authorize an amendment to Section 2 of Resolution No. 11-0659, previously approved on March 9, 2011, which authorized an economic development grant agreement with Houseman Building L.L.C., related to the remodeling of the Houseman Building located at 400 North Akard Street to include acquisition costs in the minimum private investment for this project - Financing: No cost consideration to the City

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

MAY 25, 2011

11-1345

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 69: Authorize an amendment to Section 2 and Section 6 of Resolution No. 11-0661, previously approved on March 9, 2011, which authorized a development agreement with Hamilton Atmos, LP. related to the Atmos Complex redevelopment project located at 1900 and 1916 Jackson Streets, 301 South Harwood Street, 1915 and 1815 Wood Streets to clarify that each phase of the Atmos Complex is independent, completion of Phase II of the project is not a requirement for reimbursement of Phase I of the project and the TIF reimbursement of \$15,000,000 plus interest up to \$8,000,000 for a total incentive amount of \$23,000,000 which is split amongst the project phases as follows: Phase I - \$3,250,000 plus interest and Phase II - \$11,750,000 plus interest - 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 Salazar moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1346

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 70: Authorize a public hearing to be held on June 8, 2011 to receive comments on amendments to the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to: **(1)** extend the term of the TIF District by a 10 year period from December 31, 2029 through December 31, 2039; **(2)** increase the City of Dallas' participation from a variable rate of 55 to 85% to a flat rate of 90%; **(3)** direct the City Manager to negotiate an increase in Dallas County's participation rate from 55% to 75% and to execute an amendment to the Interlocal Agreement between the City of Dallas and Dallas County to reflect such increase; **(4)** increase the Davis Garden TIF District budget from \$38,267,083 to \$103,658,541 (in 2008 dollars); **(5)** modify the names of budget categories from Environmental Remediation to Environmental Remediation/Demolition, and from Parks, Open Space, Trails, Streetscape to District-wide Improvements - Parks, Open Space, Trails, Trolley/Streetcar; **(6)** amend budget categories to: increase Infrastructure Improvements from \$22,074,732 to \$33,219,568, decrease Environmental Remediation/Demolition from \$6,131,870 to \$4,300,000, increase Affordable Housing from \$7,072,911 to \$11,920,435, increase Historic Façade Restoration from \$536,539 to \$1,946,858, increase District-wide Improvements - Parks, Open Space, Trails, Trolley/Streetcar from \$1,303,023 to \$4,358,953, and increase Administration and Implementation from \$1,148,008 to \$1,877,595; and **(7)** add a budget category to the TIF Project Plan for The Canyon in Oak Cliff in an amount of \$46,035,132; and at the close of the public hearing, consideration of an ordinance amending Ordinance No. 27090, previously approved on February 27, 2008, to reflect these modifications and all corresponding modifications to the Project Plan and Reinvestment Zone Financing Plan - 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."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
11-1346
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Councilmember Neumann moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1347

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 71: Authorize **(1)** a public hearing to be held on June 22, 2011 to receive comments concerning the renewal of the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Prestonwood area, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(2)** a resolution approving the creation of the District for seven years and approval of the District's Service Plan for 2012-2018 - 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 Natinsky moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1348

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 72: Authorize on-site reconstruction of four homes in accordance with the requirements of the Reconstruction/SHARE Program Statement for the properties located at: 1829 East Overton Road in the amount of \$93,400; 5531 Alta Avenue in the amount of \$93,400; 2723 Grafton Avenue in the amount of \$93,400; and 2814 Michigan Avenue in the amount of \$93,400 - Total not to exceed \$373,600 - Financing: 2010-11 HOME Investment Partnership Program Grant Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", 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 Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

DESIGNATED PUBLIC SUBSIDY MATTERS

11-1349

Item 73: Authorize modifications to the Reconstruction/SHARE Program Statement to: **(1)** increase the maximum Reconstruction Program Assistance Type One loan amount from up to \$93,400 to \$103,000; **(2)** provide assistance to the extent permitted under appropriate regulations to cover the difference in the amount needed to complete an on-site reconstruction when either the contractor or property owner terminates the existing contract; and **(3)** clarification of the use of funds and deleting the one time payment of taxes in accordance with directions from U.S. Department of Housing and Urban Development (HUD) - 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 Jasso moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1350

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 74–83, was presented for consideration.

Agenda items 74, 77, 78, 79 and 81 were removed from the consent zoning docket, to be considered as individual hearings.

~~Agenda item 74 Zoning Case Z090-234(RB)~~ [**considered individually**]

Agenda item 75 Zoning Case Z101-131(WE)

Agenda item 76 Zoning Case Z101-134(MG)

~~Agenda item 77 Zoning Case Z101-149(JH)~~ [**considered individually**]

~~Agenda item 78 Zoning Case Z101-171(WE)~~ [**considered individually**]

~~Agenda item 79 Zoning Case Z101-172(WE)~~ [**considered individually**]

Agenda item 80 Zoning Case Z101-179(WE)

~~Agenda item 81 Zoning Case Z101-187(RB)~~ [**considered individually**]

Agenda item 82 Zoning Case Z101-190(WE)

Agenda item 83 Zoning Case Z101-194(MG)

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1351

Item 74: Zoning Case Z090-234 (RB)

The consent zoning docket, consisting of agenda items 74-83, was presented for consideration.

Acting Mayor Caraway requested that zoning consent item 74 be considered as an individual item. Acting Mayor Caraway stated that zoning consent item 74 would be considered as an individual item later in the meeting, there being no objection voiced to his request.

A public hearing was called on zoning case Z090-234(RB), an application for and an ordinance granting an IM Industrial Manufacturing District and an ordinance granting a Specific Use Permit for a Metal salvage facility on property zoned an IR Industrial Research District on the northeast line of South Central Expressway, north of Loop 12

(The staff and city plan commission recommended Approval of an IM Industrial Manufacturing District and approval of a Specific Use Permit for a Metal salvage facility for a two-year period, with eligibility for automatic renewal for additional two-year periods, subject to a site plan and conditions)

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

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

Motion seconded by Councilmember Hunt.

By general consensus of the City Council, at the request of Acting Mayor Caraway, Section 6.3 of the City Council Rules of Procedures was suspended to allow the following individuals to address the City Council:

Claudia Fowler, 4531 Solar Lane, representing the Joppa Community
Vera Sanders, 4635 Cherbourg, representing the South Central Civic League
Santos Martinez, 900 Jackson St., representing the applicant
Dallas Cothrum, 900 Jackson St., representing the applicant

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11-1351

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Later in the meeting, Acting Mayor Caraway moved to substitute the original motion to close the public hearing, adopt the recommendation of the city plan commission and pass the ordinance to defer the item until June 8, 2011.

Motion seconded by Councilmember Allen.

Councilmember Davis moved the city council meet in executive session to confer with the city attorney.

Motion seconded by Councilmember Atkins.

After discussion, Acting Mayor Caraway called the vote on Councilmember Davis' motion to go into executive session to confer with the city attorney:

Voting Yes: [11] Medrano, Jasso, Neumann, Hill, Salazar, Davis, Atkins, Kadane,
Koop, Natinsky, Hunt
Voting No: [3] Caraway, Allen, Margolin
Vacant: [1] Place 15

Acting Mayor Caraway declared the motion adopted.

Acting Mayor Caraway called a recess of the city council meeting at 2:03 p.m. as authorized by Section 551.071, Consultation with Attorney, of the Texas Open Meetings Act, to confer with the City Attorney.

Acting Mayor Caraway reconvened the city council meeting after the executive session at 2:16 p.m.

No other matters were discussed during the executive session.

Councilmember Atkins moved to defer the item until June 8, 2011.

Motion seconded by Councilmember Hill with a friendly amendment that if the item is held over for an additional two weeks, the owner gets two additional weeks on the previous date given before as a date certain to vacate the property.

Councilmember Atkins agreed to incorporate Councilmember Hill's friendly amendment if the item is held over for an additional two weeks, the owner gets two additional weeks on the previous date given before as a date certain to vacate the property.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1352

Item 75: Zoning Case Z101-131(WE)

The consent zoning docket, consisting of agenda items 74-83, was presented for consideration.

A public hearing was called on zoning case Z101-131(WE), an application for and an ordinance granting a renewal of Specific Use Permit No. 1395 for an Outside Salvage and Reclamation use on property zoned an IM Industrial Manufacturing District on the northeast corner of South Central Expressway (U.S. 75) and Youngblood Road

(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 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. 28198

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1353

Item 76: Zoning Case Z101-134(MG)

The consent zoning docket, consisting of agenda items 74-83, was presented for consideration.

A public hearing was called on zoning case Z101-134(MG), an application for and an ordinance granting a Planned Development District for a public school other than an open enrollment charter school and CR Community Retail District uses on property zoned an MF-2(A) Multifamily District, a CR-D Community Retail District with a Liquor Control Overlay and Planned Development District No. 366 with a Liquor Control Overlay on an interior tract of land north of Military Parkway between Scottsdale Drive and Buckner Boulevard

(The staff and city plan commission recommended Approval, subject to conditions, a development plan, and a traffic management plan with retention of the D Liquor Control Overlay on a portion)

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. 28199

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1354

Item 77: Zoning Case Z101-149(JH)

The consent zoning docket, consisting of agenda items 74-83, was presented for consideration.

Councilmember Neumann requested that zoning consent item 77 be considered as an individual item. Deputy Mayor Pro Tem Medrano stated that zoning consent item 77 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 Z101-149(JH), an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of 3,500 square feet or less on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay at the southwest corner of West Kiest Boulevard and US 67/Marvin D. Love Freeway

(The staff and city plan commission recommended Approval, of the D-1 Liquor Control Overlay and approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise use greater than 3,500 square feet for a two-year period with eligibility for automatic renewal of 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.

Councilmember Neumann moved to close the public hearing, follow the city plan commission's recommendation with the following amendment:

- No automatic renewal

and pass the ordinance.

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

Assigned ORDINANCE NOS. 28200 AND 28201

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1355

Item 78: Zoning Case Z101-171(WE)

The consent zoning docket, consisting of agenda items 74-83, was presented for consideration.

The City Secretary requested that zoning consent agenda item 78 be considered as an individual item to allow citizens to speak. Deputy Mayor Pro Tem Medrano stated that zoning consent agenda item 78 would be considered as an individual item later in the meeting there being no objection voiced to the City Secretary's request.

A public hearing was called on zoning case Z101-171(WE), an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store of less than 3,500 square feet on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay, on the south line of C. F. Hawn Freeway, west of Silverado Drive

(The staff and city plan commission recommended Approval, for a two-year time period with eligibility for automatic renewals for additional five-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:

Mike Coker, 2700 Swiss Ave., representing the applicant

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

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

Assigned ORDINANCE NO. 28202

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1356

Item 79: Zoning Case Z101-172 (MW)

The consent zoning docket, consisting of agenda items 74-83, was presented for consideration.

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of sustainable development and construction.

A public hearing was called on zoning case Z101-172(MW), an application for and an ordinance granting the renewal of Specific Use Permit No. 1691 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 south side of Exposition Avenue, east of Ash Lane

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

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

Timothy Austin, 2951 N. Camino Lagos, **Grand Prairie, TX**, applicant
Michael Liebermann, 839 Exposition Ave., representing Pizza Lounge
John Roberts, 4717 Vera Cruz Dr., **Garland, TX**, landlord of property
Julia Stern, 7130 San Mateo
Gwain Wooten, 1000 Grigsby, representing Real American Women (R.A.W.)
Darryl Thomas, 821 Green Hill Rd., representing Minc Club
Carl N. Sidle, 204 Conrad St., representing Minc Club

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

Gene Dennis, 820 Exposition, representing The Gibson CD, Exposition Park Association

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
11-1356
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Councilmember Davis moved to close the public hearing, accept the recommendation of the city plan commission with the following amendment:

- No automatic renewal

and pass the ordinance.

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

Assigned ORDINANCE NO. 28203

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1357

Item 80: Zoning Case Z101-179(WE)

The consent zoning docket, consisting of agenda items 74-83, was presented for consideration.

A public hearing was called on zoning case Z101-179(WE), an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store or food store of less than 3,500 square feet on property within Planned Development District No. 366 with a D Liquor Control Overlay, on the southeast corner of South Buckner Road (Loop 12) and Elam Road

(The staff and city plan commission recommended Approval, for a two-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. 28204 AND 28205

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1358

Item 81: Zoning Case Z101-187(RB)

The consent zoning docket, consisting of agenda items 74-83, was presented for consideration.

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of sustainable development and construction.

A public hearing was called on zoning case Z101-187(RB), an application for and an ordinance granting the renewal of Specific Use Permit No. 1757 for a Bar, lounge, or tavern and Inside commercial amusement use for a Live music venue on property within the Tract A portion of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the northeast corner of Elm Street and July Alley

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

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

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

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

Assigned ORDINANCE NO. 28206

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1359

Item 82: Zoning Case Z101-190 (WE)

The consent zoning docket, consisting of agenda items 74-83, was presented for consideration.

A public hearing was called on zoning case Z101-190(WE), an application for and an ordinance granting a Specific Use Permit for a commercial amusement (inside) limited to a banquet hall, convention/display shows and receptions and a dance hall within Planned Development District No. 619 for mixed uses, on the south side of Main Street, west of Ervay Street

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28207

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1360

Item 83: Zoning Case Z101-194(MG)

The consent zoning docket, consisting of agenda items 74-83, was presented for consideration.

A public hearing was called on zoning case Z101-194(MG), an application for and an ordinance granting a Planned Development District for mixed uses on property zoned a CC Community Commercial Subdistrict, an MF-1(A) Multifamily Subdistrict, and a R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northwest corner of Hatcher Street and Scyene Road

(The staff and city plan commission recommended Approval, subject to a conceptual 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. 28208

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1361

Item 84: Zoning Case Z090-220(RB) INDIVIDUAL

A public hearing was called on zoning case Z090-220(RB), an application for and an ordinance granting a Specific Use Permit for an Open-enrollment Charter School on property zoned an RR Regional Retail District, on the northwest line of Marvin D. Love Freeway, southwest of Camp Wisdom Road

(The staff recommended Approval for a five-year period, with eligibility for automatic renewal of additional five-year periods, subject to a site plan, traffic management plan, and conditions and city plan commission recommended Approval for a period ending June 15, 2013, with eligibility for automatic renewal of additional five-year periods, subject to a site plan, traffic management 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:

Dallas Cothrum, 900 Jackson St., representing the applicant

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

- remove the landscape plan requirement;
- reduce the maximum number of classrooms allowed to five; and
- amend the site plan to show a maximum five classrooms.

and pass the ordinance.

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

Assigned ORDINANCE NO. 28209

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1362

Item 85: Zoning Case Z101-175(OTH) INDIVIDUAL

A public hearing was called on zoning case Z101-175(OTH), an application for and an ordinance granting the renewal of and amendment to Specific Use Permit No. 1741 for an alcoholic beverage establishment limited to a bar, lounge, or tavern and the commercial amusement (inside) use limited to a Class A dance hall on property zoned an RS-MU Regional Service-Mixed Use Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the east side of South Lamar Street, between Starks Avenue and Haven Street, west of Central Expressway

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

Augustine A. Ekukpe, 10102 Ekukpe Dr., the applicant

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

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

Assigned ORDINANCE NO. 28210

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1363

Item 86: Zoning Case Z101-110(WE) UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z101-110(WE), an application for and an ordinance granting a Specific Use Permit for a vehicle storage lot within Planned Development District No. 323, the Urbandale Area Special Purpose District, on the southeast line of Forney Road, between Peachtree Street and Lawnview Avenue

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

Note: This item was considered by the City Council at a public hearing on April 27, 2011, and was held under advisement until May 25, 2011, with the public hearing open.

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

Councilmember Davis moved to continue the public hearing and hold under advisement until the June 8, 2011 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1364

Item 87: Zoning Case Z101-128(MG) - DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-128(MG), an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a D(A) Duplex District on the southeast line of Garland Road, between Lunar Lane and Old Gate Lane

(The staff recommended Denial and city plan commission recommended Approval, subject to deed restrictions volunteered by the applicant)

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

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Deputy Mayor Pro Tem Medrano 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 Kadane moved to close the public hearing, adopt the recommendation of the city plan commission and pass the ordinance.

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

Assigned ORDINANCE NO. 28211

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1365

Item 88: Zoning Case Z101-144(MW) – DESIGNATED ZONING CASES - INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of sustainable development and construction.

A public hearing was called on zoning case Z101-144(MW), an application for a CR Community Retail District on property zoned an R-5(A) Single Family District on the southwest corner of Chalk Hill Road and Chippewa Drive with consideration given to an NS(A) Neighborhood Service District

(The staff recommended Approval of an NS(A) Neighborhood Service District in lieu of the requested CR Community Retail District and city plan commission recommended Denial)

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

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Deputy Mayor Pro Tem Medrano 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 Salazar moved to continue the public hearing and hold under advisement until the June 8, 2011 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1366

Item 89: Zoning Case Z101-146(JH) – DESIGNATED ZONING CASES - INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of sustainable development and construction.

A public hearing was called on zoning case Z101-146(WE), an application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet on property zoned Subdistrict 1 within Planned Development District No. 366 with a D Liquor Control Overlay, at the northwest corner of South Buckner Boulevard and Cordell Drive

(The staff recommended Approval of the D-1 Liquor Control Overlay and approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise use greater than 3,500 square feet for a two-year period with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions and city plan commission recommended Denial)

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

Santos Martinez, 900 Jackson St., representing the applicant

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

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

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11-1366

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Councilmember Davis 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 Hill and Councilmember Atkins and unanimously adopted. (Caraway, Hunt absent when vote taken; Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1367

Item 90: Zoning Case Z101-151(JH) – DESIGNATED ZONING CASES - INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of sustainable development and construction.

A public hearing was called on zoning case Z101-151(WE), an application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of 3,500 square feet or less on property zoned Subdistrict 2 within Planned Development District No. 366 with a D Liquor Control Overlay at the southeast corner of South Buckner Boulevard and Alto Garden Drive

(The staff recommended Approval of the D-1 Liquor Control Overlay and approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise use of 3,500 square feet or less for a two-year period with eligibility for automatic renewal of additional five-year periods, subject to a site plan and conditions and city plan commission recommended Denial)

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

Santos Martinez, 900 Jackson St., representing the applicant
Carol Shier, 704 Manhattan Dr.
Randall Edwards, 7948 Wes Hodges Rd., representing Kwik Mart Valero
Victor Manuel Bernal, 322 Rose Garden St., representing Kwik Mart Valero

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

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

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11-1367

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

Councilmember Hill moved to close the public hearing, subject to a revised site plan and conditions and with the final ordinance to come back on the June 22, 2011 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1368

Item 91: Zoning Case Z101-154(MW) – DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-154(MW), an application for and an ordinance granting a CS Commercial Service District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the east side of Southeast Drive, north of C.F. Hawn Freeway

(The staff recommended Denial and city plan commission recommended Approval, subject to deed restrictions volunteered by the applicant)

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

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

Jonathan Vinson, 901 Main St., representing the applicant

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

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

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

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

Assigned ORDINANCE NO. 28212

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1369

Item 92: Zoning Case Z101-166(MG) – DESIGNATED ZONING CASES - INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of sustainable development and construction.

A public hearing was called on zoning case Z101-166(MG), an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of less than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northeast corner of the intersection of Lawnview Avenue and Military Parkway

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

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

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

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1370

Item 93: Zoning Case Z101-195(MG) – DESIGNATED ZONING CASES - INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of sustainable development and construction.

A public hearing was called on zoning case Z101-195(MG), an application for and an ordinance granting a Specific Use Permit for Tower/antennas for cellular communication on property zoned an MC-1 Multiple Commercial District on the south side of McCallum Boulevard, east of Preston Road

(The staff recommended Approval, for a 10-year period with eligibility for additional 10-year periods subject to a site plan and conditions and city plan commission recommended Denial)

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

Michael Davis, 2411 Creekglen Dr., representing the applicant

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

John Wagler, 17203 Marianne Dr., representing North Dallas Community
Kaigan Farmer, 17203 Marianne Dr., representing Preston Gateway Community
Teryl Rodrian Fisher, 16924 Preston Bend Dr.
Virginia Kay Ash, 17207 Marianne Cir.

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11-1370

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

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

Councilmember Natinsky moved to close the public hearing, follow the staff recommendation with the following changes:

- increase the square footage requirement for the associated office building to 39,000 square feet;
- require the associated office building to be a minimum of three stories;
- provide a revised site plan;
- require landscaping to comply with the attached site plan; and
- require a six-foot decorative wrought-iron fence around Tower Site 1 if the cellular tower exceeds 70 feet in height.

and pass the ordinance.

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

Assigned ORDINANCE NO. 28213

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1371

Item 94: Zoning Case Z101-122(MG) – DESIGNATED ZONING CASES – UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z101-122(MG), an application for and an ordinance granting an RR Regional Retail District on property zoned Planned Development District No. 22 and a resolution accepting deed restrictions volunteered by the applicant on the west line of Preston Road, south of Alpha Road

(The staff and conditions and city plan commission recommended Approval, subject to deed restrictions volunteered by the applicant)

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

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

William Cothrum, 900 Jackson St., representing the applicant

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Deputy Mayor Pro Tem Medrano 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 Koop moved to close the public hearing and deny without prejudice.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1372

DEVELOPMENT CODE AMENDMENTS – INDIVIDUAL

Item 95: A public hearing to receive comments regarding consideration of amendments to Chapter 51 and Chapter 51A, the Dallas Development Code, to create a new alternative financial establishment use, establishing which zoning districts the use will be permitted in and providing appropriate standards for the use and an ordinance granting the revisions

(The staff and city plan commission recommended Approval)

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

Marie Graziano, 8144 Walnut Hill Ln., representing AARP Texas.
Gerald Britt, 511 Akard St., representing City Square/Anti-Poverty Coalition
Frederick Haynes, 2020 W. Wheatland Rd., representing Friendship West Baptist Church/Anti-Poverty Coalition
Oren Hayon, 8500 Hillcrest Rd., representing Rabbinic Association of Greater Dallas

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

Councilmember Allen moved to close the public hearing, adopt the Budget Finance and Audit Council Committee draft ordinance adding the following amendments:

- requiring a minimum separation of 1,500 feet between uses
- requiring a minimum distance of 300 feet from a lot in a residential district
- requiring a minimum distance of 500 feet from an expressway
- requiring the use may only operate in a freestanding building
- requiring a Specific Use Permit for the use in all permitted districts

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

Assigned ORDINANCE NO. 28214

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1373

DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

Item 96: A public hearing to receive comments regarding consideration of amendments to Article VII, "Sign Regulations," Chapter 51A, the Dallas Development Code, to amend regulations pertaining to detached non-premise signs (billboards) to provide appropriate regulations for digital billboards and an ordinance granting the revisions

(The staff and city plan commission recommended Approval)

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

Don Glendenning, 3401 Lee Pkwy., President, Scenic Dallas
Crispin Lawson, 2300 Canton St., President, Dallas Homeowners League
Marla Beikman, 5739 Preston Fairways Dr., representing North Dallas Neighborhood Alliance
Bob Wise, 3003 Swiss Ave., representing Meadows Foundation
Ann Murphy, 19126 Windmill Ln.

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

William Cothrum, 900 Jackson St., representing Clear Channel
Jake Smith, 1111 Calais, **South Lake, TX**, President of Clear Channel
Ed Oakley, 5811 Lewis St.
Tim Anderson, 100 Scenic Dr., representing Clear Outdoor

Councilmember Natinsky moved to close the public hearing with the following amendments:

- 1) The exchange ratio (trade down ratio) is 4 to 1.
- 2) 300 feet from a lot in a residence district.
- 3) 50 sites to be converted to digital.
- 4) Any companies with 61 or fewer signs are eligible for one sign face exchange at one to one ratio.
- 5) The digital boards be placed the minimum of 500 feet from the escarpment zone and from a lot in historic district and a minimum of 2000 feet from the Trinity River.

Motion seconded by Councilmember Atkins.

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11-1373

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Later in the meeting, Councilmember Natinsky moved to amend his previous motion to include the following as an additional amendment:

- \$2,000 fee per sign face.

Motion seconded by Councilmember Neumann.

After discussion, Councilmember Atkins called the question on the amended motion presented by Councilmember Natinsky with the following six amendments:

- 1) The exchange ratio (trade down ratio) is 4 to 1.
- 2) 300 feet from a lot in a residence district.
- 3) 50 sites to be converted to digital.
- 4) Any companies with 61 or fewer signs are eligible for one sign face exchange at one to one ratio.
- 5) The digital boards be placed the minimum of 500 feet from the escarpment zone and from a lot in historic district and a minimum of 2000 feet from the Trinity River.
- 6) \$2,000 fee per sign face.

Motion seconded by Councilmember Salazar.

After discussion, Deputy Mayor Pro Tem Medrano called the vote on Councilmember Natinsky's motion and amendment with the ordinance to come back at a later date:

Voting Yes: [10] Medrano, Jasso, Neumann, Hill, Salazar, Davis, Atkins, Kadane, Allen, Natinsky

Voting No: [3] Koop, Margolin, Hunt

Absent when vote taken: [1] Caraway

Absent: [1] Place 15 vacant

Deputy Mayor Pro Tem Medrano declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1374

BENEFIT ASSESSMENT HEARINGS

Item 97: A benefit assessment hearing to receive comments on street paving, storm drainage, water and wastewater main improvements for Street Group 06-452, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a construction contract with RKM Utility Services, Inc., lowest responsible bidder of ten (list attached) - Not to exceed \$2,220,948 - Financing: 2006 Bond Funds (\$1,454,193), Water Utilities Capital Improvement Funds (\$725,655) and Water Utilities Capital Construction Funds (\$41,100)

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

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

Assigned ORDINANCE NO. 28215

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1375

MISCELLANEOUS HEARINGS

Item 98: 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

Councilmember Hill moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1376

MISCELLANEOUS HEARINGS

Item 99: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Kumiva Group, LLC located near the intersection of Medical District Drive and Cass Street and adjacent street right-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Kumiva Group, LLC by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

(The staff recommended approval)

The City Secretary read the following statement into the record:

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

The following individual addressed the city council regarding the item:

Scott Kolodziej, 11855 Lochwood Blvd., professional geoscientist

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

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

Assigned ORDINANCE NO. 28216

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1377

MISCELLANEOUS HEARINGS

Item 100: A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain City-sponsored youth programs in compliance with State law, and, at the close of the hearing, approval of an ordinance to readopt Chapter 12 of the Dallas City Code - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 28217

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1378

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Home Depot U.S.A., Inc.

Note: Item Nos. 101, 102 and 103 must be considered collectively.

Item 101: A public hearing to receive comments concerning the creation of a reinvestment zone for commercial tax abatement, to be known as City of Dallas Reinvestment Zone No. 76, incorporating approximately 74 acres of property located at 2320 Beckleymeade Avenue in Dallas for the purpose of granting a economic development incentives to Home Depot U.S.A., Inc. and PR Crow I-20 II LLP - Financing: No cost consideration to the City

Item 102: An ordinance designating the approximately 74 acres of property located at 2320 Beckleymeade Avenue in Dallas as City of Dallas Reinvestment Zone No. 76 for the purpose of granting economic development incentives to Home Depot U.S.A., Inc. and PR Crow I-20 II LLP, establishing the boundaries of the Reinvestment Zone and providing for an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 28218

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1379

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Home Depot U.S.A., Inc.

Note: Item Nos. 101, 102 and 103 must be considered collectively.

Item 103: Authorize (1) the termination of a real property tax abatement pursuant to Resolution No. 08-0928 and 08-0929 that was originally approved on March 26, 2008; and (2) a 75 percent business personal property tax abatement agreement for 10 years with Home Depot U.S.A., Inc. and PR Crow I-20 II LLP located on approximately 74 acres of property located at 2320 Beckleymeade Avenue in Dallas - Revenue: First year revenue estimated at \$139,475; ten-year revenue estimated at \$1,394,750 (Estimated revenue foregone for ten-year business personal property tax abatement estimated at \$4,184,250)

No one addressed the city council regarding the item.

Councilmember Atkins moved adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

Closed Session [**11-1380**]

6ES

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

- Love Terminal Partners, L.P. v. United States, No. 8-536-L, United States Court of Claims
- Legal issues involving Section 6.204 of the Texas Family Code and Section 46-6 of the Dallas City Code
- Andrew Collins v. Paul Bauer et al., Civil Action No. 3-11-CV-0887-B

At 10:06 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.)

- Love Terminal Partners, L.P. v. United States, No. 8-536-L, United States Court of Claims
- Legal issues involving Section 6.204 of the Texas Family Code and Section 46-6 of the Dallas City Code

Acting Mayor Caraway reconvened the city council meeting after the closed session at 1:00 p.m. No other matters were discussed during the closed session. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1381

Addendum addition 1: Authorize the preparation of plans for issuance in an amount not to exceed \$285,000,000 in Waterworks and Sewer System Revenue Refunding Bonds, Series 2011 - Financing:
This action has no cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1382

Addendum addition 2: Authorize a contract with Texas Standard Construction, Ltd., lowest responsible bidder of seven, for the construction of paving, drainage and streetscape/urban design improvements including sidewalks, curb and gutter, barrier free ramps, and water mains for Greenville Avenue from Alta Avenue to Bell Avenue - Not to exceed \$1,350,538 - Financing: 2003 Bond Funds (\$71,597), 2006 Bond Funds (\$1,125,980), Water Utilities Capital Construction Funds (\$15,812) and Water Utilities Capital Improvement Funds (\$137,149)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1383

Addendum addition 3: Authorize an increase in the construction contract with Trane U.S., Inc. for control upgrades at additional City facilities (list attached) - Not to exceed \$450,000, from \$1,800,000 to \$2,250,000 - Financing: U.S. Department of Energy Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1384

Addendum addition 4: Authorize an increase in the construction contract with Facility Solutions Group, Inc. for lighting retrofits at additional City facilities (list attached) - Not to exceed \$597,750, from \$2,391,000 to \$2,988,750 - Financing: U.S. Department of Energy Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1385

Addendum addition 5: Authorize Supplemental Agreement No. 6 to the professional services contract with HNTB Corporation for additional design analysis, additional utility and environmental investigations, and construction administration for the 100-Year Remediation Plan - Not to exceed \$3,621,053, from \$37,972,710 to \$41,593,763 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1386

May 2011 Election

Addendum addition 6: Receive the report of the Ad Hoc City Council Canvassing Committee and adopt a resolution and order accepting the canvassing committee's report declaring the results of the May 14, 2011 general election for members of the City Council - Financing: No cost consideration to the City

Councilmember Koop moved to adopt the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

11-1387

May 2011 Election

Addendum addition 7: An ordinance ordering a runoff election to be held in the City of Dallas, on Saturday, June 18, 2011, for the purpose of electing members of the City Council to represent Places 15 (Mayor) and 12, in which no candidate received a majority of the votes in the general election held on Saturday, May 14, 2011 - Financing: No cost consideration to the City

Councilmember Salazar moved to pass the ordinance.

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

Assigned ORDINANCE NO. 28219

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

May 2011 Election

11-1388

Addendum addition 8: A resolution approving the appointment of citizens to serve
as election judges for the June 18, 2011 runoff election -
Financing: No cost consideration to the City

Councilmember Salazar moved to adopt the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

May 2011 Election

11-1389

Addendum addition 9: A resolution authorizing the Mayor to appoint an Ad Hoc City Council Canvassing Committee to review the returns of the June 18, 2011 runoff election, and submit a canvass report to the full City Council on Monday, June 27, 2011 - Financing: No cost consideration to the City

Councilmember Salazar moved to approve the resolution authorizing Acting Mayor Caraway to appoint an Ad Hoc City Council Canvassing Committee to review the returns of the June 18, 2011 runoff election and submit a canvass report to the full City Council on Monday, June 27, 2011.

The Ad Hoc City Council Canvassing Committee will consist of:

Councilmember Ron Natinsky, Chair
Councilmember Steve Salazar
Councilmember Dave A. Neumann

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

May 2011 Election

11-1390

Addendum addition 10: A resolution authorizing **(1)** an increase in the joint elections agreement and election services contract between the City of Dallas and Dallas County for the conduct of a runoff election to be held on Saturday, June 18, 2011 in an amount not to exceed \$1,175,000, from \$950,000 to \$2,125,000; **(2)** legal advertising, translation services, security and other election services in an amount not to exceed \$110,000; and **(3)** an increase in appropriations in the amount of \$1,285,000, from \$1,092,283 to \$2,377,283 in the City Secretary's Office Elections budget - Not to exceed \$1,285,000 - Financing: Contingency Reserve Funds

Councilmember Salazar moved to adopt the resolution.

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

Later in the meeting, Councilmember Natinsky moved to reconsider the previous vote on the item to allow an amendment to the total appropriations approved for the June 18, 2011 runoff election.

Motion seconded by Councilmember Koop.

Deputy Mayor Pro Tem Medrano declared the motion to reconsider the item adopted and that addendum addition item 10 was before the city council for reconsideration. (Caraway, Salazar, Davis, Atkins, Hunt absent when vote taken; Place 15 vacant)

Councilmember Natinsky moved to amend and approve addendum addition item 10 **(1)** for an increase in the joint elections agreement and election services contract between the City of Dallas and Dallas County for the conduct of a runoff election to be held on Saturday, June 18, 2011, in an amount not to exceed \$1,466,119, from \$950,000 to \$2,416,119; **(2)** legal advertising, translation services, security and other election services in an amount not to exceed \$110,000; and **(3)** an increase in appropriations in the amount of \$1,576,119, from \$1,092,283 to \$2,668,402 in the City Secretary's Office Elections budget - Not to exceed \$1,576,119.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 25, 2011

DESIGNATED PUBLIC SUBSIDY MATTERS

11-1391

Addendum addition 11: Authorize the City Manager to: (1) execute loan documents to provide for LifeNet Community Behavioral Healthcare or its wholly owned subsidiary, assumption of a loan on property at 4515 Live Oak Street in the amount of \$927,141 from the Prince of Wales Partnership and an amendment to the terms of the loan to a 0% interest, forgivable loan, extended through December 31, 2029; and (2) purchase deed restrictions from LifeNet Community Behavioral Healthcare in the amount of \$300,000 to ensure affordable, permanent supportive housing units on the 4515 Live Oak property through December 31, 2029 - Total not to exceed \$300,000 - Financing: 2005 Bond Funds

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

MAY 25, 2011

11-1392

Addendum addition 12: Zoning Case Z101-145(MG) – DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-145(MG), an application for and an ordinance granting a Planned Development District for mixed uses on property zoned an R-7.5(A) Single Family District located on the east line of Coit Road, south of Frankford Road

(The staff and city plan commission recommended Approval, subject to a conceptual plan, conditions and urban design guidelines)

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

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

Bill Dahlstrom, 901 Main St., representing the applicant

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

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

Councilmember Natinsky moved to close the public hearing and follow the city plan commission recommendation for approval of the zoning change with the ordinance to come back on the June 8, 2011 voting agenda meeting of the city council subject to the following changes:

- The following uses are prohibited:
 - Commercial cleaning or laundry plant.
 - Tool or equipment rental.
 - Ambulance service.
 - Dance Hall.
 - Commercial parking lot or garage.
 - Surface parking.
 - Home improvement center, lumber, brick or building materials sales yard over 50,000 square feet.
 - Commercial amusement (inside) greater than 5,000 square feet.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-1392

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- Heliport and helistop uses are permitted by Special Use Permit only.
- Private streets and alleys, private drives, and private roads must be maintained by an entity other than the city, although the city maintains authority to enforce traffic regulations on these roadways.
- Public access must be provided to private streets and alleys and private roads.
- Private drives to parking areas may only be gated in multifamily portions of the district.
- Private streets, private roads, and private drives must provide bulb-outs at the ends of parallel parking rows in order to define the rows of parallel parking.
- Maximum structure height in Area A is six stories/84 feet. Maximum structure height in Area B is 10 stories/135 feet without rail adjacency, and 12 stories/160 feet with rail adjacency.
- Commencement of construction of more than 830 multifamily units is prohibited until the commencement of construction of at least 16,000 square feet of retail and personal service uses.
- Parking provided on a private drive or private road is considered on-street parking.
- Compact parking spaces for required parking are prohibited. Compact parking spaces in excess of required parking are only permitted to accommodate new energy-source technologies for vehicles, including but not limited to, rechargeable electric vehicles and hydrogen-fueled vehicles.
- Except for residential uses, the required parking for uses in Area B may be reduced by 20 percent if any part of Area B is within 2,000 feet of a rail transit station.
- Except for residential uses, the required parking may be reduced by 15 percent if the use is located within 2,000 to 3,000 feet of a rail station.
- Surface parking lots adjacent to private roads must be screened in accordance with Section 51A-4.301(f)(5).

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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- If Area B has rail adjacency, at least half of the required off-street parking must be provided as structured parking at final build-out.
- Pole signs are prohibited.
- A maximum of two pylon signs are permitted adjacent to Coit Road. All other detached premise signs must be monument signs. Pylon signs are (1) a monolithic structure, (2) with a base width a minimum of 75 percent of the sign width, (3) a maximum height of 30 feet, and (4) a maximum sign effective area of 200 square feet.
- The Property owner or operator must enter a development agreement with the city, including the provision of sewer service prior to the submittal of a preliminary plat for construction of the first phase of development.
- Drainage on the property must be managed in compliance with the applicable City of Dallas integrated stormwater management regulations as amended from time to time.
- The west end of the collector road shown on the conceptual plan must be signalized. The developer must pay the cost of the signal.
- All drive cuts for private drives or private roads aligned with a median cut in Coit Road must prohibit left turns via hooded median breaks to south bound Coit from the site unless the intersection is signalized.

Motion seconded by Councilmember Hill and Councilmember Koop and unanimously adopted. (Caraway, Salazar, Davis, Atkins, Hunt absent when vote taken; Place 15 vacant)

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 25, 2011

EXHIBIT C