

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 22, 2011

11-1644

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

PRESENT: [14] Caraway, Medrano, Jasso (*9:04 a.m.), Neumann, Hill, Salazar (*9:04 a.m.), Davis (*9:04 a.m.), Atkins, Kadane, Allen, Koop, Natinsky, Margolin, Hunt (*9:20 a.m.),

ABSENT: [0]

VACANT: [1] Place 15

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

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

The invocation was given by Councilmember Hill.

Councilmember Atkins led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 3:28 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, JUNE 22, 2011

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 22, 2011

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1645

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: Kathy Coffman, 10805 Larkglen Cir.
SUBJECT: Permanent supportive housing

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Ernest Mason, 1900 S. Ewing St.
REPRESENTING: Dallas Youth Council
SUBJECT: Expanding opportunities to help youth succeed

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

SPEAKER: Robert Ceccarelli, 5302 Harry Hines Blvd.
SUBJECT: Homeless

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Governor of Texas, the KKK and the RSR law settlement

SPEAKER: Richard Sheridan, 3022 Forest Ln.
SUBJECT: Al Lipscomb, the vote and John Wiley Price

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
REPRESENTING: R.A.W. (Real American Women)
SUBJECT: 30,000 people over 4 billion dollar budget

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1646

Item 1: Approval of Minutes of the June 8, 2011 City Council Meeting

Councilmember Neumann moved to adopt the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1647

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-91 and addendum addition consent agenda items 1-27, was presented for consideration.

Councilmember Hill requested that consent agenda item 75 be considered as an individual item. Acting Mayor Caraway stated that consent agenda item 75 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill's request.

Councilmember Davis requested that consent agenda items 19, 20, 31 and 82 be considered as individual items. Acting Mayor Caraway stated that consent agenda items 19, 20, 31 and 82 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Davis' request.

Councilmember Hunt requested that consent agenda items 51, 52, 53 and 54 be considered as individual items. Acting Mayor Caraway stated that consent agenda items 51, 52, 53 and 54 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Hunt's request.

Councilmember Neumann moved to approve all items on the consent agenda with the exception of consent agenda items 19, 20, 31, 51, 52, 53, 54, 75 and 82 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1648

Item 2: Authorize an amendment to extend the lease agreement for an additional five year term with the Oak Cliff Country Club dba Country Club of Dallas containing approximately 400 square feet of land improved with facilities and equipment for the instrument landing system at Dallas Executive Airport for the period through September 30, 2016 - Not to exceed \$5 - Financing: Aviation Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1649

Item 3: Authorize a five-year sublease agreement with the Federal Aviation Administration for approximately 400 square feet of land to house facilities and equipment for the instrument landing system at Dallas Executive Airport -
Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1650

Item 4: Authorize a one-year service contract, with two one-year renewal options, for the publishing of official notices and City advertising - The Dallas Morning News, Sole Source - Not to exceed \$1,000,000 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1651

Item 5: Authorize a three-year service contract for marketing and selling, through public auction, of City owned land and facilities that have been declared surplus property - Hudson & Marshall, LLC, most advantageous proposer of two - Estimated Net Revenue: \$3,180,241

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1652

Item 6: Authorize a three-year service contract for online access to a reference database service - InfoUSA Marketing, Inc., through an Interlocal Agreement with the City of Ft. Worth - Not to exceed \$274,200 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1653

Item 7: Authorize a three-year service contract for grounds maintenance services at floodway sumps - Good Earth Landscaping & Management, LTD, lowest responsible bidder of three - Not to exceed \$1,398,044 - Financing: Stormwater Drainage Management Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1654

Item 8: Authorize a three-year service contract for non-emergency wrecker services - Recovery Systems, Inc. dba Pro-Tow Wrecker Service in the amount of \$1,465,500 and Brad's Towing Service, Inc. in the amount of \$359,070, lowest responsible bidders of six - Total not to exceed \$1,824,570 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1655

Item 9: Authorize a three-year service contract, with two one-year extension options, for independent review of ambulance billing and health care programs as required in the Integrity Agreement with the U. S. Department of Health and Human Services - Page, Wolfberg & Wirth, LLC, most advantageous proposer of four - Not to exceed \$516,564 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1656

Item 10: Authorize a three-year master agreement for printed goods - Visual Communications in the amount of \$1,368,366, AC Printing in the amount of \$1,736,061, Janus Signs dba FastSigns in the amount of \$114,601 and Delphi Legal Technologies, Inc. in the amount of \$165,086, most advantageous proposers of eleven - Total not to exceed \$3,384,114 - Financing: Current Funds (\$3,095,973), Stormwater Drainage Management Current Funds (\$7,200), Aviation Current Funds (\$32,500), Water Utilities Current Funds (\$168,442) and Convention and Event Services Current Funds (\$79,999)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1657

Item 11: Authorize a three-year master agreement for cardiac and pharmaceutical injectable drugs for Dallas Fire-Rescue - Taylor Distribution Group in the amount of \$1,005,512, Regimed Medical in the amount of \$344,128, GTL Supply Solutions, LLC in the amount of \$109,693, Bound Tree Medical, LLC in the amount of \$71,739 and Ever Ready First Aid & Medical Supply in the amount of \$622, lowest responsible bidders of eight - Total not to exceed \$1,531,694 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1658

Item 12: Authorize a three-year master agreement for the purchase of additional data storage and peripherals for Communication and Information Services - ViON Corporation, only bidder - Not to exceed \$938,103 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1659

Item 13: Authorize the purchase of four ambulances for Dallas Fire-Rescue - San Antonio Ambulance Sales, Inc. through the Houston-Galveston Area Council of Governments - Not to exceed \$614,120 - Financing: Current Funds (\$460,480) and 2006 Bond Funds (\$153,280)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1660

Item 14: Authorize the purchase of one regenerative air type sweeper and one conveyor for the Aviation Department - Texan Waste Equipment dba Heil of Texas in the amount of \$103,854 and Sunbelt Rentals, Inc. in the amount of \$31,100, lowest responsible bidders of four - Total not to exceed \$134,954 - Financing: Aviation Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1661

Item 15: Authorize Supplemental Agreement No. 1 to increase the service contract with Physio-Control, Inc. through The National Association of State Procurement Officials for a term of four years for the maintenance of 61 LIFEPAK® Model 1000 units - Not to exceed \$94,779, from \$379,115 to \$473,894 - Financing: Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1662

Item 16: Authorize Supplemental Agreement No. 6 to increase the service contract with CGI Technologies and Solutions, Inc. for five years of maintenance and support for the City's financial and accounting system, through the State of Texas Department of Information Resources, to extend the contract term through September 30, 2016 - Not to exceed \$1,875,255, from \$4,887,191 to \$6,762,446 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1663

Item 17: Authorize settlement of a claim filed by Oncor Electric, Claim No. LDWU-10-00024-01-50 - Not to exceed \$22,933 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1664

Item 18: Authorize settlement of the lawsuit styled Hilda Morales and Delia Vargas v. City of Dallas, Cause No. 10-03460-F - Not to exceed \$60,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1665

Item 19: Authorize Community Based Non-Profit Grant Agreements, approved by the South Dallas/ Fair Park Trust Fund Advisory Board for programs that enhance the quality of life for the residents in the South Dallas/Fair Park Trust Fund target area, to provide funding as follows: **(1)** St. Phillip's School and Community Center in an amount not to exceed \$35,000; **(2)** H.I.S. BridgeBuilders in an amount not to exceed \$35,000; and **(3)** Big Thought in an amount not to exceed \$35,000 - Total not to exceed \$105,000 - Financing: South Dallas/Fair Park Trust Funds

Councilmember Davis requested that consent agenda item 19 be considered as an individual item. Acting Mayor Caraway stated that consent agenda item 19 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

Later in the meeting, consent agenda item 19 was brought up for consideration.

Councilmember Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1666

Item 20: Authorize Community Based Non-Profit Grant Agreements, approved by the South Dallas/Fair Park Trust Fund Advisory Board for programs that enhance the quality of life for the residents in the South Dallas/Fair Park Trust Fund target area, to provide funding as follows: (1) Academy for Young Victors, Inc. d/b/a Eco Life Services International in an amount not to exceed \$35,000; and (2) The Family Place in an amount not to exceed \$35,000 - Total not to exceed \$70,000 - Financing: South Dallas/Fair Park Trust Funds

Councilmember Davis requested that consent agenda item 20 be considered as an individual item. Acting Mayor Caraway stated that consent agenda item 20 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

Later in the meeting, consent agenda item 20 was brought up for consideration.

Councilmember Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1667

Item 21: Authorize an Interlocal Agreement with the University of Texas at Dallas, to provide program evaluation services for the Project Reconnect HIV/AIDS Health Improvements for Re-entering Ex-offenders (HIRE) Initiative Grant for the period October 1, 2010 through September 30, 2011 - Not to exceed \$32,500 - Financing: U.S. Department of Health and Human Services Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1668

Item 22: Authorize **(1)** the acceptance of a Permanent Supportive Housing Grant in the amount of \$701,906 from the U.S. Department of Housing and Urban Development to provide tenant-based rental assistance and case management for single chronically homeless persons and to provide funding for four staff positions to administer the program for the period October 1, 2011 through September 30, 2012; **(2)** a local match in an amount not to exceed \$36,981; and **(3)** execution of the grant agreement - Total not to exceed \$738,887 - Financing: U.S. Department of Housing and Urban Development Grant Funds (\$701,906) and Current Funds (\$36,981) (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1669

Item 23: Authorize **(1)** the acceptance of a Shelter Plus Care Grant Funds from the U.S. Department of Housing and Urban Development to provide sponsor-based rental assistance for permanent housing for homeless veterans with disabilities for the period October 1, 2011 through September 30, 2012; **(2)** a contract between the City of Dallas and Operation Relief Center, Inc. to provide sponsor-based rental assistance to homeless veterans with disabilities; and **(3)** execution of the grant agreement - Not to exceed \$88,560 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1670

Item 24: Authorize **(1)** the acceptance of a Shelter Plus Care Grant from the U.S. Department of Housing and Urban Development to provide tenant based rental assistance for permanent housing and supportive services for homeless persons with disabilities for the period October 1, 2011 through September 30, 2012; and **(2)** execution of the grant agreement - Not to exceed \$903,960 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1671

Item 25: Authorize **(1)** the acceptance of a Transitional Supportive Housing Grant in the amount of \$154,027 from the U.S. Department of Housing and Urban Development to provide tenant-based rental assistance and case management for homeless families and single homeless persons for the period December 1, 2011 through November 30, 2012; **(2)** a local match in an amount not to exceed \$9,978; and **(3)** execution of the grant agreement - Total not to exceed \$164,005 - Financing: U.S. Department of Housing and Urban Development Grant Funds (\$154,027) and Current Funds (\$9,978) (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1672

Item 26: Authorize **(1)** the acceptance of a Transitional Supportive Housing Grant in the amount of \$257,606 from the U.S. Department of Housing and Urban Development to provide tenant-based rental assistance and case management for families and single homeless persons for the period October 1, 2011 through September 30, 2012; **(2)** a local match in an amount not to exceed \$15,866; and **(3)** execution of the grant agreement - Total not to exceed \$273,472 - Financing: U.S. Department of Housing and Urban Development Grant Funds (\$257,606) and Current Funds (\$15,866) (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1673

Item 27: Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by East Dallas Community Organization for the construction of affordable houses; **(2)** the sale of 6 vacant lots from Dallas Housing Acquisition and Development Corporation to East Dallas Community Organization; and **(3)** execution of a release of lien for any non-tax liens that may have been filed by the City (list attached) - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1674

Item 28: Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Builders of Hope, Inc., DBA Ecological Community Builders, for the construction of affordable houses, **(2)** the sale of 10 vacant lots from Dallas Housing Acquisition and Development Corporation to Ecological Community Builders; and, **(3)** execution of a release of lien for any non-tax liens that may have been filed by the City (list attached) - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1675

Item 29: Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Dallas Neighborhood Alliance for Habitat for the construction of affordable houses; and (2) the exchange of the deed restrictions from 11 vacant lots previously purchased from the Dallas Housing Acquisition and Development Corporation to comparable lots owned by Dallas Neighborhood Alliance for Habitat (list attached) - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1676

Item 30: Authorize the expansion of the Oak Cliff-Marsalis Neighborhood Investment Program target area to include the 500 block of East 8th Street to the 300 block of West Davis Street for gateway improvements to the Bishop Arts District - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1677

Item 31: Authorize approval of a Business Incentive Program as per the Program Statement for the use of \$180,813 of Community Development Block Grant Funds - Not to exceed \$180,813 - Financing: 2000- 01 Community Development Block Grant Reprogramming Funds

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

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

Councilmember Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1678

Item 32: A resolution declaring 3 unimproved properties unwanted and unneeded and authorizing their conveyance by Deed without Warranty to Builders of Hope, Inc., DBA Ecological Community Builders, for \$10 and a senior housing rental development on the properties within 3 years of execution of the deed (list attached) - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1679

Item 33: Authorize **(1)** adoption of the final FY 2011-12 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$29,375,880 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$17,105,526; **(b)** HOME Investment Partnerships Program in the amount of \$7,530,380; **(c)** Housing Opportunities for Persons with AIDS in the amount of \$3,969,841; and **(d)** Emergency Shelter Grant in the amount of \$770,133; and **(2)** adoption of the Proposed FY 2010-11 Reprogramming Budget in the amount of \$1,719,511 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1680

Item 34: Authorize a hike and bike trail license agreement for use of Oncor right-of-way for the Northaven Trail Project - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1681

Item 35: An ordinance amending Chapter 32 of the Dallas City Code to: **(1)** clarify when selling, distributing, or attempting to sell services and goods in city parks and other property under the control of the Park and Recreation Board is prohibited; **(2)** provide for defenses; and **(3)** provide for enforcement - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO.28241

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1682

Item 36: Authorize a contract for a new playground and lighting at Fox Hollow Park located at 5701 FM Road 1382 - VA Construction, Inc., lowest responsible bidder of six - Not to exceed \$301,176 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1683

Item 37: Authorize a contract for playground replacements at Apache Park located at 701 Apache Lane, Lake Highlands Park located at 9500 Lake Highlands Drive, and Sand Springs Park located at 10243 Hillhouse Lane - Henneberger Construction, Inc., lowest responsible bidder of three - Not to exceed \$370,160 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1684

Item 38: Authorize a contract for renovation and an addition to include a new multi-purpose room, restrooms and a fitness room at Cummings Recreation Center located at 2976 Cummings Street - Primestar Construction Corporation, best value proposer of fifteen - Not to exceed \$1,383,740 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1685

Item 39: Authorize a contract for grading and utilities, soccer fields, parking, drives, lighting, vending and toilet pavilions, loop trail, irrigation, landscaping, fencing and site furnishings at 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 \$15,289,695 - Financing: 2006 Bond Funds (\$14,789,695) and Texas Parks and Wildlife Grant Funds (\$500,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1686

Item 40: Authorize a professional services contract with Nathan D. Maier Consulting Engineers, Inc. for alternative analysis, master erosion control report, review and reconnaissance, project meetings, coordination, and prioritization of erosion areas for Citywide Park Erosion Control Study - Not to exceed \$209,004 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1687

Item 41: Authorize a professional services contract with Perkins+Will Architects for assessment of the existing facility, programming, space planning, conceptual design and cost estimate for renovation of office space and maintenance facilities at Muchert Center located at 10031 East Northwest Highway - Not to exceed \$68,400 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1688

Item 42: Authorize an increase in the contract with Riverway Contractors and Management, Inc. for modifications to the original trail design, additional trail extension, ADA ramp, retaining wall, gabion wall and additional lighting at Bachman Lake Park, Phase II, located at 3500 Northwest Highway - Not to exceed \$87,663, from \$604,600 to \$692,263 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1689

Item 43: Authorize an increase in the contract with Wall Enterprises for modification to the scope of work to include additional grading at pond, excavation, and concrete sidewalk at NorthBark Park located at 4899 Gramercy Oaks Drive; and for installation of a concrete parking lot at Daniieldale Park located at 500 West Wheatland Road - Not to exceed \$247,468, from \$1,574,019 to \$1,821,487 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1690

Item 44: Authorize Supplemental Agreement No. 1 to the professional services contract with DAL-TECH Engineering, Inc. for topographic surveys, bathometric surveys and schematic design through construction administration services for levee repair and irrigation storage improvements at Grover C. Keeton Golf Course located at 2323 Jim Miller Road - Not to exceed \$66,639, from \$24,974 to \$91,613 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1691

Item 45: Authorize Supplemental Agreement No. 2 to the professional services contract with Freese and Nichols, Inc. for additional design services, bid phase services, and construction administration services for the renovation of the existing golf course, erosion control improvements, recycled water irrigation system, maintenance and cart barn at Stevens Park Golf Course located at 1005 North Montclair Avenue - Not to exceed \$207,655, from \$968,985 to \$1,176,640 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1692

Item 46: Authorize renewal of the contract with El Centro College of the Dallas County Community College District to place authorized Police Department training in the El Centro Community Service Program, including receipt of payment from El Centro for the two-year period September 1, 2011 through August 31, 2013 - Not to exceed \$406,125 - Financing: Texas Higher Education Coordinating Board Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1693

Item 47: Authorize an agreement with the Texas Department of Transportation for the City's match to install a new traffic signal at the intersection of Easton Road and Hermosa Drive - Not to exceed \$10,000 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1694

Item 48: Authorize a contract with Jeske Construction Company, lowest responsible bidder of eight, for the construction of street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 06-621 (list attached) - Not to exceed \$450,104 - Financing: 2003 Bond Funds (\$137,170), 2006 Bond Funds (\$208,136), Water Utilities Capital Construction Funds (\$10,885) and Water Utilities Capital Improvement Funds (\$93,913)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1695

IH 635 (LBJ)
at Skillman Street Interchange

Note: Item Nos. 49 and 50
must be considered collectively.

Item 49: Authorize a professional services contract with Bridgefarmer and Associates, Inc. for the preliminary engineering design of bridge, paving and drainage improvements for the LBJ Freeway at Skillman Street interchange planned improvements - Not to exceed \$323,127 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1696

IH 635 (LBJ)
at Skillman Street Interchange

Note: Item Nos. 49 and 50
must be considered collectively.

Item 50: Authorize a Local Project Advance Funding Agreement with the Texas Department of Transportation for voluntary engineering design services for the LBJ Freeway at Skillman Street interchange planned improvements - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1697

Katy Trail, Phase VI

Note: Item Nos. 51, 52, 53 & 54
must be considered collectively

Item 51: Authorize **(1)** a license agreement with Dallas Area Rapid Transit for the use of their right-of-way to construct and maintain the proposed Katy Trail, Phase VI from Ellsworth Street to Worcola Street; and **(2)** Supplemental Agreement No. 9 to the Master Interlocal Agreement with Dallas Area Rapid Transit for the use of their right-of-way to construct and maintain the pedestrian bridges over Mockingbird Lane and over the DART Light Rail Train Red Line track near Twin Sixties Drive - Financing: No cost consideration to the City

Councilmember Hunt requested that consent agenda item 51 be considered as an individual item. Acting Mayor Caraway stated that consent agenda item 51 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

Later in the meeting, consent agenda item 51 was brought up for consideration.

Councilmember Hunt moved to adopt the item with the following amendment to Agenda Item 51:

- Authorize payment to DART by the City, either in cash or equivalent consideration, of the fair market value of DART's property, up to a maximum of \$100,000, for the City's use of said property for the trail bridges.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1698

Katy Trail, Phase VI

Note: Item Nos. 51, 52, 53 & 54
must be considered collectively

Item 52: Authorize (1) termination of the existing Interlocal Agreement with and payment to the Texas Department of Transportation for the Katy Trail, Phase VI from Ellsworth Street to Worcola Street, previously approved on November 8, 2006, by Resolution No. 06-3065; (2) a Local Project Advance Funding Agreement with the Texas Department of Transportation for the design and construction of the Katy Trail, Phase VI from Ellsworth Street to Worcola Street; and (3) the receipt and deposit of Regional Toll Revenue funds from the Texas Department of Transportation in an amount not to exceed \$6,480,000; and (4) an increase in appropriations in the amount of \$6,480,000 in the Regional Toll Revenue II Fund - Total not to exceed \$6,674,000 - Financing: 2006 Bond Funds (\$194,000) and Regional Toll Revenue II Funds (\$6,480,000)

Councilmember Hunt requested that consent agenda item 52 be considered as an individual item. Acting Mayor Caraway stated that consent agenda item 52 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

Later in the meeting, consent agenda item 52 was brought up for consideration.

Councilmember Hunt moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1699

Katy Trail, Phase VI

Note: Item Nos. 51, 52, 53 & 54
must be considered collectively

Item 53: Authorize **(1)** a Project Specific Agreement with Dallas County for the Katy Trail, Phase VI from Ellsworth Street to Worcola Street; and **(2)** the receipt and deposit of funds from Dallas County in an amount not to exceed \$1,000,000; and **(3)** an increase in appropriations in the amount of \$1,000,000 in the Capital Projects Reimbursement Fund - Not to exceed \$1,000,000 - Financing: Capital Projects Reimbursement Funds (\$1,000,000)

Councilmember Hunt requested that consent agenda item 53 be considered as an individual item. Acting Mayor Caraway stated that consent agenda item 53 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

Later in the meeting, consent agenda item 53 was brought up for consideration.

Councilmember Hunt moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1700

Katy Trail, Phase VI

Note: Item Nos. 51, 52, 53 & 54
must be considered collectively

Item 54: Authorize a contract with AUI Contractors, LLC, lowest responsible bidder of four, for construction of the Katy Trail, Phase VI from Ellsworth Street to Worcola Street - Not to exceed \$6,974,629 - Financing: 2006 Bond Funds (\$697,463), Capital Projects Reimbursement Funds (\$697,463) and Regional Toll Revenue II Funds (\$5,579,703)

Councilmember Hunt requested that consent agenda item 54 be considered as an individual item. Acting Mayor Caraway stated that consent agenda item 541 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

Later in the meeting, consent agenda item 54 was brought up for consideration.

Councilmember Hunt moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1701

Item 55: Authorize a professional services contract with Halff Associates, Inc. for the engineering design of Pedestrian and Bicycle Enhancements to the Cedar Crest Bridge and the Moore Park Trail Extension - Not to exceed \$549,945 - Financing: 1998 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1702

Item 56: Authorize **(1)** street paving, storm drainage, water and wastewater main improvements for Street Group 06-455; provide for partial payment of 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 August 10, 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

JUNE 22, 2011

11-1703

Item 57: Authorize an increase in the construction contract with Lee Lewis Construction, Inc. for structural, mechanical, electrical and audio visual changes to the construction of Upper Level D Meeting Room Project at the Dallas Convention Center - Not to exceed \$96,267, from \$12,630,327 to \$12,726,594 - Financing: 2009 Convention Center Revenue Bonds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1704

Item 58: Authorize an increase in the contract with JRJ Paving, L.P. to provide additional resurfacing to add the street segment Westmoreland Road from Jefferson Boulevard to 9th Street to the Asphaltic Concrete Street Resurfacing Group for 2011 - Not to exceed \$199,855, from \$16,287,910 to \$16,487,765 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1705

Item 59: Authorize **(1)** an increase to the construction contract with Ever Construction Corporation for additional work to include roof replacement and heating and air conditioning repairs at the Majestic Theater located at 1925 Elm Street; and **(2)** extension of the contract term - Not to exceed \$95,803, from \$1,260,937 to \$1,356,740 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1706

Item 60: Authorize Supplemental Agreement No. 1 to the professional services contract with BDS Technologies, Inc. to provide additional surveying services for the Bexar Street Employment Center, Street Group III, consisting of seven reconstruction projects (list attached) - Not to exceed \$88,155, from \$476,118 to \$564,273 - Financing: 2008-09 Community Development Block Grant Reprogramming Funds (\$36,047) and 2009-10 Community Development Block Grant Funds (\$52,108)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1707

Item 61: Authorize ~~Supplemental Agreement No. 1 to the~~ a professional services contract with Urban Engineers Group, Inc. ~~to provide~~ for the engineering design of alley improvements between McKee Street and Beaumont Street from Browder Street to McKee Street - Not to exceed \$45,329, from \$187,033 to \$232,362 - Financing: Cedars TIF District Funds (\$31,759) and Water Utilities Capital Improvement Funds (\$13,570)

Corrected on the addendum to the agenda.

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1708

Item 62: Authorize **(1)** an amendment to the development agreement with Prescott Realty Group and Southern Methodist University to add implementation of three projects with the Mockingbird Plaza Sustainable Development Project; and **(2)** payment to Prescott Realty Group for engineering design cost (list attached) - Not to exceed \$300,000 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1709

Item 63: Authorize Supplemental Agreement No. 2 to the professional services contract with HKS, Inc. for architectural and engineering design services to include waterproofing building envelope, fire alarm and emergency lighting system replacement, and Area C concept design for the Dallas Convention Center - Not to exceed \$1,437,740, from \$2,671,091 to \$4,108,831 - Financing: 2009 Convention Center Revenue Bonds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1710

Item 64: Authorize Supplemental Agreement No. 2 to the professional services contract with the Conley Group for design modifications necessary for the renovation of the 2014 Main Street Building - Not to exceed \$109,700, from \$1,252,800 to \$1,362,500 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1711

Item 65: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Donna Beth Babb Witherspoon of a tract of land containing approximately 1,910 square feet located near the intersection of Dowdy Ferry Road and Interstate Highway 20 for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$2,000 (\$859 plus closing costs not to exceed \$1,141) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1712

Item 66: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Dennis Rogers and Linda Rogers of a tract of land containing approximately 4,631 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$4,973 (\$3,473 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

JUNE 22, 2011

11-1713

Item 67: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from M. A. Marsh of a tract of land containing approximately 7,199 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$6,200 (\$4,679 plus closing costs not to exceed \$1,521) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1714

Item 68: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Thomas Kay and Sue Kay of a tract of land containing approximately 6,587 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$7,500 (\$5,355 plus closing costs not to exceed \$2,145) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1715

Item 69: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Clemmie Skief of three tracts of land containing a total of approximately 18,073 square feet located near the intersection of Telephone and Bonnie View Roads for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$29,000 (\$27,111 plus closing costs not to exceed \$1,889) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1716

Item 70: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Thomas, LP of a total of approximately 188 square feet of land improved with brick pavers and landscaping located near the intersection of Thomas Avenue and Hall Street for the State-Thomas TIF Infrastructure Improvements Project - Not to exceed \$12,850 (\$11,650 plus closing costs not to exceed \$1,200) - Financing: State-Thomas TIF District Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1717

Item 71: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Shero Industrial Properties, LP of approximately 2,157 square feet of land located near the intersection of Cadiz Street and Riverfront Boulevard for the Cadiz Street Improvements Project - Not to exceed \$18,178 (\$16,178 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

JUNE 22, 2011

11-1718

Item 72: A resolution declaring City-owned land improved with a library located at 1125 Buckner Boulevard near the intersection of Loma Garden Avenue and Buckner Boulevard unwanted and unneeded and authorizing its advertisement for sale by sealed bid with no minimum bid specified - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1719

Item 73: Authorize moving expense and replacement housing payments for Elpidia Orta in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 1003 Pontiac Avenue for future City facilities - Not to exceed \$35,000 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1720

Item 74: Authorize moving expense and rental assistance payments for five eligible residents in the Acacia Village Apartments as a result of an official written offer of just compensation to purchase real property near the intersection of Park Lane and Ridgecrest Road to be used in conjunction with the Vickery Meadows Branch Library Project (list attached) - Not to exceed \$104,011 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1721

Item 75: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 11,669 square feet from John H. Adams and Dolly D. Adams, located near the intersection of Wintergreen Road and Chapman Drive for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$20,300 (\$18,500 plus closing costs not to exceed \$1,800) - Financing: Water Utilities Capital Improvement Funds

Councilmember Hill requested that consent agenda item 75 be considered as an individual item. Acting Mayor Caraway stated that consent agenda item 75 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill's request.

Later in the meeting, consent agenda item 75 was brought up for consideration.

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

Councilmember Hunt moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1722

Item 76: Authorize settlement in lieu of proceeding further with condemnation in City of Dallas vs. Pinnacle Industrial Center, L.P., et al., Case No. cc-09-04103-C, pending in the County Court at Law No. 3, for acquisition from Pinnacle Industrial Center, LP of approximately 15 acres of land located near the intersection of Pinnacle Point Drive and Pinnacle Park Boulevard for Joey Georgusis Park - Not to exceed \$615,000 (\$600,000 plus closing costs not to exceed \$15,000) - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1723

Item 77: An ordinance granting a revocable license to 7-Eleven, Inc. for the use of approximately 36 square feet of aerial space to install and maintain one projecting, attached blade sign over a portion of Commerce Street near its intersection with Harwood Street - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28242

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1724

Item 78: An ordinance abandoning a portion of a detention area easement and drainage easement to PR Crow I-20 II, LLP, the abutting owner, containing a total of approximately 229,176 square feet of land, located near the intersection of Beckleymeade Avenue and Hampton Road - Revenue: \$5,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28243

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1725

Item 79: An ordinance abandoning a portion of an alley to Sapphire Road Development, LLC, the abutting owner, containing approximately 9,086 square feet of land located near the intersection of Lancaster Road and Mentor Avenue, authorizing the quitclaim and providing for the dedication of approximately 4,068 square feet of land needed for right-of-way - Revenue: \$18,172 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28244

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1726

Item 80: An ordinance abandoning portions of Tenth Street, an alley and a sight easement to Dallas Independent School District, the abutting owner, containing a total of approximately 52,813 square feet of land located near the intersection of Crawford and Tenth Streets and authorizing the quitclaim - Revenue: \$221,571 plus the \$20 ordinance publication fee Adopted as part of the consent agenda.

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28245

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1727

Item 81: Authorize a contract for the construction of the Rush Creek Diversion System and Drainage Improvements - S. J. Louis Construction of Texas, Ltd., lowest responsible bidder of twelve - Not to exceed \$9,191,615 - Financing: 2003 Bond Funds (\$1,221,505), 2006 Bond Funds (\$7,106,026), Water Utilities Capital Improvement Funds (\$862,196) and Water Utilities Capital Construction Funds (\$1,888)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1728

Item 82: Authorize settlement in lieu of proceeding further with condemnation in the lawsuit styled, City of Dallas v. Mainland Land & Equipment Co., et al, Cause No. cc-09-09703-a, pending in the County Court at Law No. 1, for an unimproved tract of land containing approximately 48 acres from Mainland Land & Equipment Co. located near the intersection of Morrell Avenue and Sargent Road for the Dallas Floodway Extension portion of the Trinity River Corridor Project - Not to exceed \$171,500 (\$168,000 plus closing costs not to exceed \$3,500) - Financing: 1998 Bond Funds

Councilmember Davis requested that consent agenda item 82 be considered as an individual item. Acting Mayor Caraway stated that consent agenda item 82 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

Later in the meeting, consent agenda item 82 was brought up for consideration.

Councilmember Salazar moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1729

Item 83: Authorize Supplemental Agreement No. 3 to the professional services contract with Halff Associates, Inc. for additional floodplain management assistance - Not to exceed \$310,000, from \$672,700 to \$982,700 - Financing: Stormwater Drainage Management Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1730

Item 84: Authorize an operation and maintenance contract with Tarrant Regional Water District (“TRWD”) for the delivery of water through a joint transmission pipeline that will deliver Lake Palestine water to Dallas - Financing: This action has an estimated operational expense of \$800,000,000 over a fifty-year period, all funds to come from the Dallas Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1731

**Water Supply Invasive Species Initiative-
Zebra Mussels**

Note: Item Nos. 85 and 86
must be considered collectively.

Item 85: Authorize a Memorandum of Understanding with Texas Parks and Wildlife Department to assist in the development and distribution of print and media educational materials for the prevention of the spread of Zebra Mussels - Not to exceed \$25,000 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1732

**Water Supply Invasive Species Initiative-
Zebra Mussels**

Note: Item Nos. 85 and 86
must be considered collectively.

Item 86: Authorize an increase to the contract with the United States Geological Survey for Zebra Mussel monitoring on Lake Ray Hubbard and Lake Lewisville from June 22, 2011 through September 30, 2011 - Not to exceed \$40,000, from \$329,404 to \$369,404 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1733

Item 87: Authorize a contract for the cleaning and rehabilitation of the Elm Fork Water Treatment Plant Sludge Ponds A, B, and C - Merrell Bros., Inc., lowest responsible bidder of four - Not to exceed \$8,701,959 - Financing: Water Utilities Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1734

Item 88: Authorize a contract for major maintenance and rehabilitation improvements at the Central Wastewater Treatment Plant - Archer Western Construction, LLC, lowest responsible bidder of five - Not to exceed \$2,228,000 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1735

Item 89: Authorize a contract for the installation of water and wastewater mains at 8 locations (list attached) - P & E Contractors, Inc., lowest responsible bidder of eight - Not to exceed \$6,611,551 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1736

Item 90: Authorize a thirty-six-month service contract for pavement repairs at various locations throughout the City - Omega Contracting, Inc., lowest responsible bidder of five - Not to exceed \$14,259,312 - Financing: Water Utilities Capital Construction Funds (\$6,935,412), Current Funds (\$5,088,650) (subject to annual appropriations), 1998 Bond Funds (\$921,548) and 2003 Bonds Funds (\$1,313,702)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1737

Item 91: Authorize Supplemental Agreement No. 1 to the professional services contract with Black & Veatch Corporation for additional engineering design services for the East Side Water Treatment Plant water quality improvements - Not to exceed \$3,995,000, from \$2,047,315 to \$6,042,315 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1738

11-1739

Item 92: 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 JUNE 22, 2011.

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

Councilmember Neumann moved to appoint Robert L. Good, Levi Davis, Evan Beattie and Richie Butler, Agent of Property Owners, to the North Oak Cliff Municipal Management District.

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

Councilmember Neumann moved to appoint nominees to "individual appointment" positions in the report who meet all qualifications for service to the boards and commissions of the city for the term ending September 30, 2011.

Motion seconded by Councilmember Jasso 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.]

11-5172 JNC JUDICIAL NOMINATING COMMISSION
11-5173 NOC NORTH OAK CLIFF MUNICIPAL MANAGEMENT DISTRICT

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1740

Item 93: A resolution designating absences by Councilmembers Tennell Atkins and Councilmember Angela Hunt as being for "official city business" - Financing: No cost consideration to the City

Councilmember Salazar moved to adopt the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1741

Item 94: Authorize a three-year master agreement for employee uniforms and safety shoes for civilian City employees - Promotional Designs, Inc. in the amount of \$4,535,979, Work Wear Safety Shoes in the amount of \$852,800, C & G Police Supply dba C & G Wholesale in the amount of \$44,100, Regali, Inc. in the amount of \$40,700, Lehigh Outfitters, LLC in the amount of \$12,500 and Fisher Scientific Company, LLC in the amount of \$1,500, lowest responsible bidders of ten - Total not to exceed \$5,487,579 - Financing: Current Funds (\$3,236,398), Water Utilities Current Funds (\$2,040,999) Aviation Current Funds (\$124,908) and Convention and Event Services Current Funds (\$85,274)

The following individual addressed the city council regarding the item:

David Schwartz, 34511 LBJ Frwy., representing Promotional Designs

Councilmember Hill moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1742

Item 95: An ordinance granting a Planned Development District for mixed uses subject to conditions, a conceptual plan, and urban design guidelines on property zoned an R-7.5(A) Single Family District on the east line of Coit Road, south of Frankford Road - Financing: No cost consideration to the City

Councilmember Natinsky moved to suspend City Council Rule of Procedures Section 7.6, which requires a motion to reconsider to be made at the next voting agenda meeting, to allow reconsideration of zoning case Z101-145, approved by the City Council on May 25, 2011. (City Council Rules of Procedures Section 10.1 requires a two-thirds vote to suspend the rules.)

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

Councilmember Natinsky moved to reconsider zoning case Z101-145.

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

Councilmember Natinsky moved to adopt zoning case Z101-145, subject to the conditions of his motion made at the May 25, 2011 city council voting agenda meeting, with the following changes:

- Amend the definition of rail adjacency to mean: any portion of the Property within 2,000 linear feet of a rail transit station.
- Amend Section 51P-850.113(c)(2) by adding a sentence to read: "Except for ingress and egress, these parking areas must be separated from other parking areas by curbs, landscaped areas, or other barriers."
- Amend Section 51P-850.116(a) to prohibit commencement of construction of more than 330 multifamily units until the commencement of construction of at least 16,000 square feet of nonresidential uses.
- Delete the requirement in Section 51P-850.119 that the Property owner or operator must pay the cost of traffic signals.
- Add a new subsection to Section 51P-850.119 to read:
 - "At least two lanes of the east-west collector street, designated in the design guidelines and shown on the conceptual plan, must be constructed from Coit Road to Waterview Parkway, and accepted by the City prior to the issuance of the first certificate of occupancy for the Property. The remaining two lanes of the east-west collector must be constructed from Coit Road to Waterview Parkway prior to the issuance of a certificate of more than 830 multifamily units or more than 50,000 square feet of nonresidential floor area."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-1742

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

Assigned ORDINANCE NO. 28246

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1743

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 96: Authorize a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with CCH Lamar Partners I, L.P. to promote local economic development at the company's property located at 2901 South Lamar Street - Not to exceed \$235,000 - Financing: Public/Private Partnership Funds

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1744

DESIGNATED PUBLIC SUBSIDY MATTERS

Skillman Corridor TIF District

Note: Item Nos. 97 and 98
must be considered collectively.

Item 97: Authorize an amendment to the development agreement with PC LH Land Partners, LP for the development of the Lake Highlands Town Center, previously approved on June 13, 2007, by Resolution No. 07-1739 and 07-1740, in Tax Increment Financing Reinvestment Zone Number Fourteen (Skillman Corridor TIF District) to: **(1)** change TIF funding dedication of future TIF revenues from \$23,000,000 to a maximum of \$40,000,000; **(2)** require that a third party consultant acceptable to the City be engaged to complete an analysis and recommendations for the physical and economic elements of the development plan; **(3)** allow a portion of the TIF funding as an economic development grant; **(4)** allow a portion of the TIF District's available cash up to \$1,370,000 to be released toward reimbursement of completed infrastructure; **(5)** extend project completion deadlines; **(6)** restructure minimum square footage and investment requirements for a Phase I and Future Phases; and **(7)** change the method of reimbursement to reflect the district's Increment Allocation policy as amended by the Skillman Corridor TIF District Board of Directors on June 1, 2011 - Not to exceed \$40,000,000 - Financing: Skillman Corridor TIF District Funds

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

The following individuals addressed the city council regarding the item:

Graham Irvine, 1601 Elm St., representing JAH Realty
Tommy Mann, 5400 Renaissance Dr., representing JAH Realty
Michael Coker, 7809 Glenneagle Dr., representing JAH Realty
Billy MacLeod, 1409 S. Lamar St., representing JAH Realty

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-1744

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Councilmember Allen moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1745

DESIGNATED PUBLIC SUBSIDY MATTERS

Skillman Corridor TIF District

Note: Item Nos. 97 and 98
must be considered collectively.

Item 98: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Fourteen (Skillman Corridor TIF District) to reimburse PC LH Land Partners, LP in an amount not to exceed \$40,000,000 for TIF-eligible project costs pursuant to the development agreement with PC LH Land Partners, LP - Financing: No cost consideration to the City

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

The following individuals addressed the city council regarding the item:

Graham Irvine, 1601 Elm St., representing JAH Realty
Tommy Mann, 5400 Renaissance Dr., representing JAH Realty
Michael Coker, 7809 Glenneagle Dr., representing JAH Realty
Billy MacLeod, 1409 S. Lamar St., representing JAH Realty

Councilmember Allen moved to adopt the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1746

DESIGNATED PUBLIC SUBSIDY MATTERS

Downtown Connection TIF District

Note: Item Nos. 99 and 100
must be considered collectively.

Item 99: Authorize **(1)** a development agreement with Ricchi Development Group, LLC, to dedicate future TIF revenues for eligible project costs related to environmental remediation and demolition, façade restoration, street and utility improvements and an Economic Development TIF Grant to provide funding for the redevelopment of 1914 Commerce Street (Former Statler Hilton Hotel building) located in Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District), and **(2)** the Downtown Connection TIF District Board of Directors to dedicate an amount not to exceed \$13,168,950 from future Downtown Connection TIF District revenues, a portion in the form of a TIF Economic Development grant, in accordance with the development agreement - Not to exceed \$13,168,950 - Financing: Downtown Connection TIF District Funds

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1747

DESIGNATED PUBLIC SUBSIDY MATTERS

Downtown Connection TIF District

Note: Item Nos. 99 and 100
must be considered collectively.

Item 100: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse Ricchi Development Group, LLC up to \$13,168,950 for TIF-eligible project costs pursuant to the development agreement with Ricchi Development Group, LLC - Financing: No cost consideration to the City

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1748

DESIGNATED PUBLIC SUBSIDY MATTERS

Downtown Connection TIF District

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

Item 101: Authorize **(1)** a development agreement with Ricchi 1954 Development Group, LLC, to dedicate future TIF revenues for eligible project costs related to environmental remediation and demolition, façade restoration, street and utility improvements and an Economic Development TIF Grant to provide funding for the redevelopment of 1954 Commerce Street (Former Dallas Public Library building) located in Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District); and **(2)** the Downtown Connection TIF District Board of Directors to dedicate an amount not to exceed \$3,020,350 from future Downtown Connection TIF District revenues, a portion in the form of a TIF Economic Development Grant, in accordance with the development agreement - Not to exceed \$3,020,350 - Financing: Downtown Connection TIF District Funds

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1749

DESIGNATED PUBLIC SUBSIDY MATTERS

Downtown Connection TIF District

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

Item 102: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse Ricchi 1954 Development Group, LLC up to \$3,020,350, for TIF-eligible project costs pursuant to the development agreement with Ricchi 1954 Development Group, LLC - Financing: No cost consideration to the City

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1750

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 103: Authorize a third amendment to the development agreement with INCAP Master Development, LLC, originally approved on May 28, 2008, by Resolution No. 08-1585, in Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to: **(1)** waive the deadlines for the environmental remediation and demolition activities that were required in the development agreement; and **(2)** accept the deposit of funds in the amount of \$1,000,000 to the Davis Garden TIF District Tax Increment Fund for future TIF infrastructure improvements that benefit the District in lieu of the developer constructing median improvements, streetscape or other public improvements within the Davis Garden TIF District by December 31, 2011 - 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", 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 Neumann moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1751

DESIGNATED PUBLIC SUBSIDY MATTERS

Davis Garden TIF District

Note: Item Nos. 104 and 105
must be considered collectively.

Item 104: Authorize a development agreement with SLF III – The Canyon TIF, L.P., “SLF” to dedicate future TIF revenues pursuant to the Davis Garden TIF District Grant Program that are necessary or convenient to the implementation of the project plans for the Davis Garden TIF District to extend and to support the North Oak Cliff Streetcar in the Davis Garden TIF District - Not to exceed \$3,000,000 - Financing: Davis Garden TIF District Funds

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1752

DESIGNATED PUBLIC SUBSIDY MATTERS

Davis Garden TIF District

Note: Item Nos. 104 and 105
must be considered collectively.

Item 105: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to reimburse the SLF III - The Canyon TIF, L.P., "SLF" a grant of up to \$3,000,000, pursuant to the Davis Garden TIF District Grant Program, for expenditures necessary or convenient to the implementation of the project plans for the Davis Garden TIF District to extend and to support the North Oak Cliff Streetcar in the Davis Garden TIF District - 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", 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 Neumann moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1753

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 106: Authorize ~~(1)~~ an amendment to the Project Plan and Reinvestment Zone Financing Plan ("Plan") for Tax Increment Financing Reinvestment Zone Number Twelve, City of Dallas, Texas ("Deep Ellum TIF District") in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act"), to: ~~allow a directed sale of City owned property to facilitate implementation of the proposed development plan for the City Lights project~~ (1) prioritize the redevelopment of the City Lights site' as a goal of the Plan; (2) expand the City Lights Improvements budget category to include City Lights Area Improvements; (3) add Exhibits G-1 and G-2 to the Plan to illustrate redevelopment plans for the City Lights site; and ~~(2) (4) authorize~~ related changes to the Plan ~~required to allow this directed land sale consistent with the directed sale of city property for the City Lights project -~~ Financing: No cost consideration to the City

Corrected on the addendum to the agenda.

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 Hunt moved to adopt the item and pass the ordinance.

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

Assigned ORDINANCE NO. 28291

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1754

DESIGNATED PUBLIC SUBSIDY MATTERS

Metro Paws Animal Hospital

Note: Item Nos. 107 and 108
must be considered collectively.

Item 107: Authorize **(1)** a development agreement with J & K Investments, LLC and/or its affiliate Metro Paws Animal Hospital, LLC in an amount not to exceed \$116,000, payable from future Fort Worth Avenue TIF District funds in consideration of the development of Metro Paws Animal Hospital in Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District); and **(2)** the Fort Worth Avenue TIF District Board of Directors to dedicate up to \$116,000 from future Fort Worth Avenue TIF revenues in accordance with the development agreement - Not to exceed \$116,000 - Financing: Fort Worth Avenue TIF District Funds

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1755

DESIGNATED PUBLIC SUBSIDY MATTERS

Metro Paws Animal Hospital

Note: Item Nos. 107 and 108
must be considered collectively.

Item 108: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District) to reimburse J & K Investments, LLC and/or its affiliate Metro Paws Animal Hospital, LLC for eligible expenditures pursuant to the development agreement up to \$116,000 for certain improvements related to the development of Metro Paws Animal Hospital in the Fort Worth Avenue TIF District - 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", 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 adopt the resolution.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1756

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 109: Authorize **(1)** the acceptance of \$7,600,000 of Community Development Block Grant Section 108 Guaranteed Loan Program Funds (Section 108 Loan Funds) from the U.S. Department of Housing and Urban Development (HUD) for the Continental Building downtown commercial building conversion project; **(2)** a loan agreement with FC Dallas TIF, LLC (the Section 108 Borrower) in the amount of \$7,600,000 of Section 108 Loan Funds for the Continental Building project (the Section 108 Borrower Loan) including conversion of the vacant commercial building at 1810 Commerce Street into 199 apartment units with 40 units for individuals and families with incomes at 80% or less of Area Median Family Income as established by HUD, and a loan interest reserve; **(3)** the City Manager, to enter into all necessary agreements with HUD including a Funding Approval/Agreement, a Fiscal Agency Agreement, a promissory Note, up to two letters of agreement, for establishment of a custodial account, documents relating to additional security if required by HUD, and a letter requesting advance funds for interim financing; **(4)** amendments to Resolution No. 10-0372, previously approved on January 27, 2010, to modify the loan terms of the \$2,000,000 Downtown Connection Tax Increment Financing (TIF) District Affordable Housing Loan (the TIF Borrower Loan) with FC Continental Landlord, LLC by extending the maturity date of such loan to be coterminous with the senior project loan (described below) and by changing the payment terms to coincide with the new maturity date and to agree to limited rights of enforcement in addition to subordination of the City's lien to the senior loan with Forest City Capital Corporation, insured by HUD under the 221(d)(4) insurance program (the Senior Loan); **(5)** a loan agreement with FC Continental Landlord, LLC in the amount of \$2,000,000 from Downtown Connection TIF District Funds; **(6)** the City Manager to establish appropriations for Section 108 Loan Funds and Downtown Connection TIF District Funds for an Affordable Housing Loan; and **(7)** the City Controller to deposit and disburse funds from an identified account with total disbursements not to exceed \$7,600,000 in Section 108 Loan Funds and \$2,000,000 in Downtown Connection TIF District Funds - Total not to exceed \$9,600,000 - Financing: Community Development Block Grant Section 108 Guaranteed Loan Funds (\$7,600,000) and Downtown Connection TIF District Funds (\$2,000,000)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-1756

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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 Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1757

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 110: Authorize on-site reconstruction of six homes in accordance with the requirements of the Reconstruction/SHARE Program Statement for the properties located at: 2310 Alaska Avenue in the amount of \$93,400, 2527 South Ewing Avenue in the amount of \$93,400, 6366 Denham Street in the amount of \$93,400, 2514 Kilburn Avenue in the amount of \$93,400, 649 Elwayne Avenue in the amount of \$93,400, and 4022 Ladale Drive in the amount of \$93,400 - Total not to exceed \$560,400 - 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", 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 adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1758

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 111: Authorize **(1)** an amendment to Resolution No. 10-0577, previously approved on February 24, 2010, to increase the economic development loan amount from \$530,800 to \$690,300 with Hai Tak Enterprises, Inc. for predevelopment costs and development financing for the construction of the retail component of a mixed-use building at 5203 Bexar Street; and **(2)** an amendment to Resolution No. 10-0577, previously approved on February 24, 2010, to increase a housing development loan amount from \$796,200 to \$892,700 with Hai Tak Enterprises, Inc. for the construction of nine affordable rental housing units at 5203 Bexar Street as part of a mixed-use building - Total not to exceed \$256,000 - Financing: 2006 Bond Funds (\$63,000), 2003-04 Community Development Block Grant Reprogramming Funds (\$96,500) and 2010-11 HOME Investment Partnership Funds (\$96,500)

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 adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1759

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 112: Authorize an amendment to Resolution No. 10-2771, previously approved on October 26, 2010, to increase the loan amount by \$300,000 on an existing Chapter 380 economic development forgivable loan with Sapphire Road Development, LLC for the acquisition of improved and unimproved properties, located along the Lancaster Corridor Neighborhood Investment Program Area, including associated closing costs, relocation, environmental remediation, demolition, and/or predevelopment costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment as part of the Economic Development Plan for the area - Total not to exceed \$300,000, from \$4,000,000 to \$4,300,000 - 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", 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 adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1760

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 113: A resolution authorizing the sale of approximately 83,478 square feet of unneeded and unwanted City-owned land located near the intersection of Live Oak and Cantegral Streets to Minerva Partners, Ltd., a Texas Limited Partnership, for the development of a high density mixed use project in accordance with the Deep Ellum TIF District Project Plan - Revenue: \$2,170,000

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 Hunt moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1761

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

Agenda items 115, 116, 122, 123 and 125 were removed from the consent zoning docket, to be considered as individual hearings.

Agenda item 114 Zoning Case Z090-223(WE)
~~Agenda item 115 Zoning Case Z101-168(JH) [considered individually]~~
~~Agenda item 116 Zoning Case Z101-169(JH) [considered individually]~~
Agenda item 117 Zoning Case Z101-174(WE)
Agenda item 118 Zoning Case Z101-181(WE)
Agenda item 119 Zoning Case Z101-183(OTH)
Agenda item 120 Zoning Case Z101-186(WE)
Agenda item 121 Zoning Case Z101-191(MG)
~~Agenda item 122 Zoning Case Z101-208(MW) [considered individually]~~
~~Agenda item 123 Zoning Case Z101-216(RB) [considered individually]~~
Agenda item 124 Zoning Case Z101-218(MG)
~~Agenda item 125 Zoning Case Z101-222(RB) [considered individually]~~
Agenda item 126 Zoning Case Z101-223(OTH)
Agenda item 127 Zoning Case Z101-225(MW)
Agenda item 128 Zoning Case Z101-229(MW)
Agenda item 129 Zoning Case Z101-235(MG)
Agenda item 130 Zoning Case Z101-236(MG)

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

The following individuals addressed the city council:

William Hopkins, 2011 Leath
Bessie Rodgers, 6914 Manitoba, representing Emmanuel's House, spoke on Item 129

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1762

Item 114: Zoning Case Z090-223(WE)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

A public hearing was called on zoning case Z090-223(WE), an application for and an ordinance granting a Planned Development Subdistrict for O-2-D Office Subdistrict uses and a horticultural center on property zoned an O-2-D Office Subdistrict with a D Liquor Control Overlay within Planned Development District No. 193, the Oak Lawn Special Purpose District on the southeast corner of Cedar Springs Road and Welbourn Street

(The staff and city plan commission recommended Approval, for a Planned Development Subdistrict for O-2 Office Subdistrict and a horticultural center, subject to a conceptual plan and conditions and retention of the D Liquor Control Overlay.)

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

The following individual addressed the city council:

William Hopkins, 2011 Leath

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28247

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1763

Item 115: Zoning Case Z101-168(JH)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

Councilmember Hill requested that zoning consent item 115 be considered as an individual item. Acting Mayor Caraway stated that zoning consent item 115 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill's request.

A public hearing was called on zoning case Z101-168(JH), an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting 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 RR Regional Retail District with a D Liquor Control Overlay at the northeast corner of South Hampton Road and U.S. 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 a two-year period with eligibility for automatic renewal of additional five year periods, subject to a site plan and conditions.)

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

Kermit Mitchell, 5659 Marblehead Dr., representing The Glen Oaks Homeowner Association

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

Santos Martinez, 900 Jackson, representing the applicant

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

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

Assigned ORDINANCE NOS. 28248 AND 28249

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1764

Item 116: Zoning Case Z101-169(JH)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

Councilmember Davis requested that zoning consent item 116 be considered as an individual item. Acting Mayor Caraway stated that zoning consent item 116 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

A public hearing was called on zoning case Z101-169(JH), 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 use of 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the north side of Scyene Road, west of Jim Miller Road

(The staff and city plan commission recommended Approval 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 the city plan commission's recommendation.

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

Santos Martinez, 900 Jackson, representing the applicant

Councilmember Davis moved to continue the public hearing and hold under advisement until the August 24, 2011 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1765

Item 117: Zoning Case Z101-174(WE)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

A public hearing was called on zoning case Z101-174(WE), an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store less than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southwest corner of Lake June Road and St. Augustine Road

(The staff and city plan commission recommended Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit 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 or in favor of the city plan commission's recommendation.

The following individual addressed the city council:

William Hopkins, 2011 Leath

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 28250 AND 28251

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1766

Item 118: Zoning Case Z101-181(WE)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

A public hearing was called on zoning case Z101-181(WE), an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southeast corner of Lake June Road and Holcomb Road

(The staff and city plan commission recommended Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit 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 or in favor of the city plan commission's recommendation.

The following individual addressed the city council:

William Hopkins, 2011 Leath

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 28252 AND 28253

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1767

Item 119: Zoning Case Z101-183(OTH)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

A public hearing was called on zoning case Z101-183(OTH), an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1609 for a potentially incompatible industrial (outside) use, limited to a concrete and asphalt crushing use, on property zoned an IM Industrial Manufacturing District, on the west side of Spangler Road, north of Manana Drive

(The staff and city plan commission recommended Approval for one 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.

The following individual addressed the city council:

William Hopkins, 2011 Leath

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28254

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1768

Item 120: Zoning Case Z101-186(WE)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

A public hearing was called on zoning case Z101-186(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 or food store of less than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southwest corner of Lake June Road and Holcomb Road

(The staff and city plan commission recommended Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit 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 or in favor of the city plan commission's recommendation.

The following individual addressed the city council:

William Hopkins, 2011 Leath

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 28255 AND 28256

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1769

Item 121: Zoning Case Z101-191(MG)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

A public hearing was called on zoning case Z101-191(MG), 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 less than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the north side of Elam Road between Southgate Lane and Sunburst Drive

(The staff and city plan commission recommended Approval of the D-1 Liquor Control Overlay and approval of a Specific Use Permit 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.

The following individual addressed the city council:

William Hopkins, 2011 Leath

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 28257 AND 28258

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1770

Item 122: Zoning Case Z101-208(MW)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

Councilmember Natinsky requested that zoning consent item 122 be considered as an individual item. Acting Mayor Caraway stated that zoning consent item 122 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Natinsky's request.

A public hearing was called on zoning case Z101-208(MW), an application for and an ordinance granting an amendment to Planned Development District No. 780, and an expansion of Planned Development District No. 780 on property currently zoned LI Light Industrial District and a resolution accepting an amendment to the deed restrictions on the expansion area on property on the west side of Waterview Parkway, south of Frankford Road

(The staff and city plan commission recommended Approval of the amendment to and expansion of Planned Development District No. 780; subject to a development/conceptual plan, traffic management plan, conditions and approval of the amendment to the deed restrictions on the expansion area.)

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

Councilmember Natinsky moved to close the public hearing, approve the city plan commission recommendation to accept the amended deed restrictions and approve the amendment to and expansion of Planned Development District No. 780 with the following changes:

1. That a minimum four-foot high decorative iron fence must be constructed along the southern property line up to the drive cut leading to the adjacent property. If the drive cut is closed, the fence must be extended across the drive cut.
2. That updates to the traffic study must be submitted by November 1st every year for the first three years after approval of the traffic management plan and by November 1st of every odd-numbered year after that.
3. That office use is added as a permitted use in Tract 2 only.

and pass the ordinance.

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

Assigned ORDINANCE NO. 28259

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1771

Item 123: Zoning Case Z101-216(RB)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

Councilmember Jasso requested that zoning consent item 123 be considered as an individual item. Acting Mayor Caraway stated that zoning consent item 123 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Jasso's request.

A public hearing was called on zoning case Z101-216(RB), an application for and an ordinance granting a Specific Use Permit for a Medical clinic on property within the Tract 1A portion of Planned Development District No. 316, the Jefferson Area Special Purpose District, on the northeast corner of Jefferson Boulevard and South Llewellyn Avenue

(The staff and city plan commission recommended Approval for a three-year period with eligibility for automatic renewal of additional three-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:

Gary Day, 9503 Prestmont Place, **Frisco, TX**, representing BLT Management Co.

Councilmember Jasso moved to close the public hearing and deny the application.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1772

Item 124: Zoning Case Z101-218(MG)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

A public hearing was called on zoning case Z101-218(MG), 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 greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southeast corner of the intersection of Bonnie View Road and Simpson Stuart Road

(The staff and city plan commission recommended Approval of the D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal 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.

The following individual addressed the city council:

William Hopkins, 2011 Leath

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 28260 AND 28261

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1773

Item 125: Zoning Case Z101-222(RB)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

Councilmember Margolin requested that zoning consent item 125 be considered as an individual item. Acting Mayor Caraway stated that zoning consent item 125 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

A public hearing was called on zoning case Z101-222(RB), an application for and an ordinance granting a Planned Development District for a Mini-warehouse and CR Community Retail District Uses on property zoned a CR Community Retail District, on the east line of Northwest Plaza Drive, north of the site's approximate nine feet of frontage on Northwest Highway

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

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

Councilmember Margolin moved to close the public hearing, adopt the recommendation of the city plan commission with the following amendment to:

- Section 51P-854.113(a)(3) to read "Outside rental of moving equipment and sales of packing materials is prohibited."

and pass the ordinance.

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

Assigned ORDINANCE NO. 28262

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1774

Item 126: Zoning Case Z101-223(OTH)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

A public hearing was called on zoning case Z101-223(OTH), an application for and an ordinance granting an IM Industrial Manufacturing District, a resolution accepting deed restrictions volunteered by the applicant and an ordinance granting a Specific Use Permit for an industrial (inside) potentially incompatible use, on property zoned an IR Industrial Research District on the west line of Gemini Lane, south of Royal Lane

(The staff and city plan commission recommended Approval of an IM Industrial Manufacturing District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for an industrial (inside) potentially incompatible use for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan.)

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

The following individual addressed the city council:

William Hopkins, 2011 Leath

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 28263 AND 28264

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1775

Item 127: Zoning Case Z101-225(MW)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

A public hearing was called on zoning case Z101-225(MW), an application for and an ordinance granting a renewal of Specific Use Permit No. 1344 for an open-enrollment charter school or private school on property zoned an MF-1(A) Multifamily District on the northeast corner of Frankford Road and Marsh Lane

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

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

The following individual addressed the city council:

William Hopkins, 2011 Leath

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28265

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1776

Item 128: Zoning Case Z101-229(MW)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

A public hearing was called on zoning case Z101-229(MW), an application for and an ordinance granting a renewal of Specific Use Permit No. 1747 for an alcoholic beverage establishment limited to a private-club bar on property zoned an IR Industrial Research District on the northwest corner of Stemmons Freeway and Harcourt Street

(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.

The following individual addressed the city council:

William Hopkins, 2011 Leath

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28266

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1777

Item 129: Zoning Case Z101-235(MG)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

A public hearing was called on zoning case Z101-235(MG), an application for and an ordinance granting an amendment to Specific Use Permit No. 1669 for a child-care facility to allow a foster home use on property zoned an R-7.5(A) Single Family District, on the east line of Manitoba Avenue, south of Fidelis Avenue

(The staff and city plan commission recommended Approval for a five-year period with eligibility for automatic renewal 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.

The following individual addressed the city council:

William Hopkins, 2011 Leath
Bessie Rodgers, 6914 Manitoba, representing Emmanuel's House

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28267

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1778

Item 130: Zoning Case Z101-236(MG)

The consent zoning docket, consisting of agenda items 114–130, was presented for consideration.

A public hearing was called on zoning case Z101-236(MG), an application for and an ordinance granting an amendment to Specific Use Permit No. 1347 for a public school and tower/antenna for cellular communication property zoned an R-7.5(A) Single Family District generally on the northwest corner of Frankford Road and Appleridge Drive

(The staff and city plan commission recommended Approval, subject to a revised site plan and revised conditions.)

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

The following individual addressed the city council:

William Hopkins, 2011 Leath

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28268

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1779

Item 131: Zoning Case Z101-150(JH) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z101-150(JH), an application for and an ordinance granting a D-1 Dry 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 3,500 square feet or less on property zoned CR Community Retail District with a D Dry Liquor Control Overlay at the northwest corner of West Jefferson Boulevard and North Brighton Avenue

(The staff and city plan commission recommended Approval of the D-1 Dry 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 for additional five-year periods, subject to a site plan and conditions.)

Note: This item was considered by the City Council at a public hearing on April 13, 2011, and was taken under advisement until June 22, 2011, with the public hearing open.

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

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

Dale Gray, 7104 Church Park, **Fort Worth, TX**, representing U-Stop
Parvez Malik, 1901 Central Dr., **Bedford, TX**, representing the applicant

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1780

Item 132: Zoning Case Z089-163(MD) - DESIGNATED ZONING CASE - INDIVIDUAL

A public hearing was called on zoning case Z089-163(MD), receive comments regarding an a City Plan Commission authorized hearing to determine proper zoning on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District in an area generally bounded by Plymouth Road, Atlantic Street and Hampton Road with consideration given to and an ordinance granting a Conservation District

(The staff and city plan commission recommended Approval of the Conservation District and approval of the Conceptual Plan.)

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", 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."

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

John C. Cox, 1033 N. Plymouth Rd., representing Plymouth residents
Chris Gober, 1131 N. Plymouth Rd.
Kimberly Heck, 1117 N. Plymouth Rd., representing the Plymouth Road Homeowners
Erik Mustin, 1103 N. Plymouth Rd.

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

Scott Griggs, 1803 Marydale
Scott Jenke, 2017 Lauraette Dr., representing Stevens Park Estates
Tim Strawderman, 2019 Old Orchard

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-1780

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Councilmember Jasso moved to continue the public hearing and hold under advisement until the August 24, 2011 voting agenda meeting of the city council.

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

(In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters" there was not an additional second to the Designated Zoning Case.)

Later in the meeting, Councilmember Natinsky moved to reconsider the previous vote on the item.

Motion seconded by Councilmember Salazar.

Acting Mayor Caraway declared the motion to reconsider the item adopted and that agenda item 132 was before the city council for reconsideration. (Place 15 vacant)

Councilmember Neumann moved to continue the public hearing and hold under advisement until the August 24, 2011 voting agenda meeting of the city council with the strong suggestion that both the leaders of the neighborhood and also the leader of some of the opposition work with professional staff in July to come up with something that would work in order to approve a Conservation District in the future.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1781

Item 133: Zoning Case Z101-182(JH) - DESIGNATED ZONING CASE - INDIVIDUAL)

A public hearing was called on zoning case Z101-182(JH), an application for and an ordinance granting a Planned Development District for industrial and mixed uses 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, and Planned Development District No. 276 on the southwest side of South Lamar Street, generally between Hatcher Street and Herald Street with consideration for a Specific Use Permit for metal salvage facility, outside salvage or reclamation, outside storage, recycle buy-back center for the collection of household metals, industrial metals, and recyclable materials, and commercial motor vehicle parking uses

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

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", 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."

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

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

Peter Kavanagh, 1630 Handley Dr., representing the applicant
Louis Okon, 4717 S. Lamar, owner of Okon Metals
Sylvia Williams, 4717 S. Lamar, Manager of Okon Metals

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-1781

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Councilmember Davis moved to close the public hearing, adopt the recommendation of the city plan commission with the following changes for metal recycling-related uses:

- Outside storage must comply with Article V by June 22, 2016.
- Within 50 feet of a right-of-way, excluding TXDOT rights-of-way, stacking height may not exceed the height of the screening wall.
- The traffic study must be submitted to the Director by June 22, 2014. No further traffic studies are required.
- Loading and unloading of commercial vehicles is permitted behind the required screening wall.
- Minimum fence height is eight feet; maximum fence height is 20 feet.

and pass the ordinance.

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

Assigned ORDINANCE NO. 28269

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1782

Item 134: Zoning Case Z101-192(MW) - DESIGNATED ZONING CASE - INDIVIDUAL)

A public hearing was called on zoning case Z101-192(MW), an application for and an ordinance granting an amendment to and an expansion of Planned Development District No. 287, the Dallas Arboretum and Botanical Garden, on property zoned Planned Development District No. 287 and a CR Community Retail District generally at on the northeast, southwest and northwest corners of Garland Road and Lakeland Drive

(The staff and city plan commission recommended Approval, subject to conceptual plan and conditions.)

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

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

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

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

Assigned ORDINANCE NO. 28270

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1783

Item 135: Zoning Case Z101-251(JH) - DESIGNATED ZONING CASES - INDIVIDUAL)

A public hearing was called on zoning case Z101-251(JH), an application for and an ordinance granting a Planned Development District for MO-1 Midrange Office District and MU-2 Mixed Use District uses on property zoned an MO-1 Midrange Office District, MU-2 Mixed Use District, LI Light Industrial District, and Subdistrict 1 of Planned Development District No. 318 on the northwest, northeast, southwest and southeast corners of the intersection of President George Bush Turnpike/TX 190 and the Dallas North Tollway

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

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

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

Susan Quante, 5747 Brusky Creek Trail, representing the neighborhood

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

Lucilo Pena, 1717 Art Plaza Dr.

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

- Compact parking spaces are not counted towards required off-street parking requirements. Additional parking may be compact parking spaces if they are signed and reserved for individual tenant use.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-1783

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- The following uses are permitted by right in all for subareas:

Hotel or motel. [*All guest room doors must enter into an enclosed interior area within the hotel or motel.*]

Tower/antenna for cellular communication. [*Limit of one monopole tower. The monopole tower must be stealth. Other types of tower/antenna are permitted. Treat as if an MO-1 Mid-Range Office District or an MU-2 Mixed Use District.*]

- In addition to uses prohibited in the city plan commission recommendation, the following uses are prohibited in all four subareas:

Auto service center.

Car wash.

College dormitory, fraternity or sorority house.

Commercial amusement (outside).

Extended stay hotel or motel.

Gas drilling and production.

Halfway house.

Mini-warehouse.

Mortuary, funeral home, or commercial wedding chapel.

Motor vehicle fueling station.

Open-enrollment charter school or private school.

Overnight general purpose shelter.

Public school other than an open-enrollment charter school.

Recycling buy-back center.

Recycling collection center.

Recycling drop-off container.

Restaurant without drive-in or drive-through service.

Swap or buy shop.

Temporary concrete or asphalt batching plant.

Tool or equipment rental.

and pass the ordinance.

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

Assigned ORDINANCE NO. 28271

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1784

Item 136: Zoning Case Z090-169(WE) - DESIGNATED ZONING CASE - UNDER ADVISEMENT – INDIVIDUAL

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

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

Note: This item was considered by the City Council at public hearings on October 26 and December 8, 2010, and March 9, 2011, and was taken under advisement until June 22, 2011, with the public hearing open.

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."

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

Deputy Mayor Pro Tem Medrano moved to continue the public hearing and hold under advisement until the August 10, 2011 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1785

Item 137: Zoning Case Z101-146(JH) - DESIGNATED ZONING CASE - UNDER ADVISEMENT – INDIVIDUAL

A public hearing was called on zoning case Z101-146(JH), 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.)

Note: This item was considered by the City Council at a public hearing on May 25, 2011, and was taken under advisement until June 22, 2011, with the public hearing open.

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."

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

Dallas Cothrum, 900 Jackson, representing the applicant

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

Acting Mayor Caraway moved to continue the public hearing and hold under advisement until the August 24, 2011 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1786

DEVELOPMENT CODE AMENDMENTS – INDIVIDUAL

Item 138: A public hearing to receive comments regarding consideration of amendments to Chapter 51A, the Dallas Development Code, to amend regulations pertaining to sidewalk width requirements in the CA-1(A)-CP and CA-1(A)-SP Districts to allow for a wavier to sidewalk width requirements and an ordinance granting the amendments

(The staff and city plan commission recommended Approval.)

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 28272

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1787

BENEFIT ASSESSMENT HEARINGS

Item 139: A benefit assessment hearing to receive comments on alley paving and water and wastewater adjustments for the alley between Goodwin Avenue and Vanderbilt Avenue from Laneri Avenue to Glencoe Street, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with Estrada Concrete Company, LLC, lowest responsible bidder of six - Not to exceed \$59,875 - Financing: 2006 Bond Funds (\$52,675) and Water Utilities Capital Construction Funds (\$7,200)

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 28273

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1788

BENEFIT ASSESSMENT HEARINGS

Item 140: A benefit assessment hearing to receive comments on alley paving, wastewater main improvements and installation of a storm drainage system for Alley Group 06-1124, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a contract for the construction with Texas Standard Construction, Ltd., lowest responsible bidder of six (list attached) - Not to exceed \$164,459 - Financing: 2003 Bond Funds (\$7,343), 2006 Bond Funds (\$99,192), Water Utilities Capital Improvement Funds (\$55,686) and Water Utilities Capital Construction Funds (\$2,238)

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 28274

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1789

THOROUGHFARE PLAN AMENDMENTS

Item 141: A public hearing to receive comments regarding an amendment to the City of Dallas Thoroughfare Plan to change the dimensional classification of Lamar Street from IH-30 to Corinth Street from a six-lane divided roadway M-6-D(A) within 100 feet of right-of-way to a special five-lane undivided roadway (SPCL-5-U) within 80 feet of right-of-way and 60 feet of pavement; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 28275

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1790

MISCELLANEOUS HEARINGS

Item 142: A public hearing to receive comments on a proposed expansion and amendment municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Brenntag Southwest, Inc. and Dallas Area Rapid Transit located near the intersection of Plano and Turbeville Roads and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Brenntag Southwest, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City (The staff and city plan commission recommended Approval, for a Planned.)

(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:

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

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

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

Assigned ORDINANCE NO. 28276

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1791

MISCELLANEOUS HEARINGS

Item 143: 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 Branham Ringer Partnership located near the intersection of Commerce Street and Vilbig Road and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Quality Ironworks, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

(The staff recommended Approval.)

The 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:

David Whitten, Environmental Attorney, 8123 San Fernando Way, representing the applicant

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

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

Assigned ORDINANCE NO. 28277

(Note: Chris McCaslin, professional geoscientist, was present but did not speak before the city council.)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1792

MISCELLANEOUS HEARINGS

Item 144: 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 Westdale Properties America I, Ltd., Westdale Properties, Westdale Deep Ellum Lofts, and Dallas Area Rapid Transit located near the intersection of Main Street and Trunk Avenue and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Westdale Asset Management, Ltd. 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:

Jay Spence, 714 Graywood, **Coppell, TX**, professional geoscientist

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

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

Assigned ORDINANCE NO. 28278

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1793

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Cedars TIF District

Note: Item Nos. 145 and 146
must be considered collectively.

Item 145: A public hearing to receive comments to consider an amendment to the Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) Project Plan and Reinvestment Zone Financing Plan (Project Plan) to: **(1)** extend the term of the TIF District for a 10 year period from December 31, 2012 through December 31, 2022; **(2)** decrease the City of Dallas' participation after tax year 2012 from 100% to 90%; **(3)** direct the City Manager to negotiate an increase in Dallas County's participation rate after tax year 2012 from 65% to 75% and to execute an amendment to the Inter-local Agreement between the City of Dallas and Dallas County to reflect such increase; **(4)** amend the Cedars TIF Infrastructure Improvements - Street Construction/Streetscape/ Water/Wastewater/Drainage Improvements/ East-West Corridor Construction budget line item to include Public Open Spaces and Economic Development Grants; and **(5)** make corresponding modifications to the Cedars Project Plan to reflect these amendments - Financing: No cost consideration to the City

Item 146: An ordinance amending Ordinance Nos. 21492 and 23092, passed on December 9, 1992 and April 9, 1997, respectively to: **(1)** extend the term of the TIF District for a 10 year period from December 31, 2012 through December 31, 2022; **(2)** decrease the City of Dallas' participation after tax year 2012 from 100% to 90%; **(3)** direct the City Manager to negotiate an increase in Dallas County's participation rate after tax year 2012 from 65% to 75% and to execute an amendment to the Inter-local Agreement between the City of Dallas and Dallas County to reflect such increase; **(4)** amend the Cedars TIF Infrastructure Improvements - Street Construction/Streetscape/ Water/Wastewater/Drainage Improvements/ East-West Corridor Construction budget line item to include Public Open Spaces and Economic Development Grants; and **(5)** make corresponding modifications to the Cedars Project Plan to reflect these amendments - Financing: No cost consideration to the City No one addressed the city council regarding the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-1793

Page 2

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."

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 28279

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1794

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Cedars TIF District

Note: Item Nos. 147 and 148
must be considered collectively.

Item 147: Authorize **(1)** a development agreement with 1400 Belleview GP, LLC., to dedicate existing and future TIF revenues supporting the development of 1400 Belleview project located at 1401 Browder Street located in Tax Increment Financing Reinvestment Zone Four (Cedars TIF District); and **(2)** the Cedars TIF District Board of Directors to dedicate up to \$1,657,916 from existing and future Cedars TIF District revenues in accordance with the development agreement - Not to exceed \$1,657,916 - Financing: Cedars TIF District Funds

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

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

Deputy Mayor Pro Tem Medrano moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1795

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Cedars TIF District

Note: Item Nos. 147 and 148
must be considered collectively.

Item 148: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Four (Cedars TIF District) to pay 1400 Belleview GP, LLC., for eligible expenditures pursuant to the development agreement with 1400 Belleview GP, LLC. - Financing: No cost consideration to the City

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

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

Deputy Mayor Pro Tem Medrano moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1796

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Item 149: A public hearing to receive comments concerning the renewal of the Prestonwood Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the Prestonwood Public Improvement District 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, authorize **(1)** approval of a resolution renewing the Prestonwood Public Improvement District for a period of seven years; **(2)** approval of the Service Plan for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and **(3)** a management contract with the Prestonwood Homeowners Association Inc., a non-profit corporation as the management entity for the Prestonwood Public Improvement District - 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 close the public hearing and adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

Closed Session [**11-1797; HELD**]

6ES

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

- United States of America ex rel. Douglas Moore, et al. v. City of Dallas, et al.,
Civil Action No. 3:09-CV-1452-O
- George Chavez v. City of Dallas, Cause No. 10-04702-L

Personnel (Sec. 551.074 T.O.M.A.)

- Deliberate the appointment of an interim City Secretary

At 11:17 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.)

- United States of America ex rel. Douglas Moore, et al. v. City of Dallas, et al.,
Civil Action No. 3:09-CV-1452-O
- George Chavez v. City of Dallas, Cause No. 10-04702-L

Personnel (Sec. 551.074 T.O.M.A.)

- Deliberate the appointment of an interim City Secretary

The following agenda item was made part of the closed session:

Addendum addition agenda item 28

Acting Mayor Caraway reconvened the city council meeting after the closed session at 1:03 p.m. No other matters were discussed during the closed session. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1798

Addendum addition 1: Authorize a new five-year lease agreement with EAN Holdings, LLC containing approximately 5.8 acres of land improved with asphalt parking, with a commitment of not less than \$2,500,000 in capital improvements, at the estimated annual rental revenue in the amount of \$102,215 and an estimated total revenue over the term of the lease in the amount of \$517,210 at Dallas Love Field - Estimated Annual Revenue: \$102,215

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1799

Addendum addition 2: Authorize a one-year master agreement for the purchase of heavy-duty trucks, motorcycles and transfer trailers - The Around the Clock Freightliner Group, LLC. Dallas Freightliner-Western Star in the amount of \$2,167,989, Rush Truck Centers of Texas, LP dba Rush Crane and Refuse Systems, International in the amount of \$233,639, Southwest International Trucks, Inc. in the amount of \$930,241, Denton Harley-Davidson LP dba American Eagle Harley-Davidson in the amount of \$433,004, Sam Pack's Five Star Ford, LLC in the amount of \$785,266 and B&C Body Company in the amount of \$200,498, lowest responsible bidders of twelve - Total not to exceed \$4,750,637 - Financing: Water Utilities Current Funds (\$91,422), 2006 Equipment Acquisition Contractual Obligation Notes (\$358,535), 2007 Equipment Acquisition Contractual Obligation Notes (\$391,979), 2008 Equipment Acquisition Contractual Obligation Notes (\$590,909), 2010 Certificates of Obligation (\$1,812,869), 2011 Equipment Acquisition Notes (\$980,693) and U.S. Department of Energy - Alternative Fuel and Advanced Technology Grant Funds (\$524,230)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1800

Addendum addition 3: Authorize a three-year service contract, with two one-year renewal options, for the purchase, installation and maintenance of video surveillance equipment citywide - CES Network Services, Inc., most advantageous proposer of three - Not to exceed \$1,207,000 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1801

Addendum addition 4: Authorize a five-year service agreement for citywide lease and maintenance of multifunction (print, copy, fax, scan and email) devices - Xerox Corporation, most advantageous proposer of seven - Not to exceed \$13,656,046 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1802

Addendum addition 5: Authorize an increase in the service contract with Burst Communications, Inc. to: **(1)** upgrade the existing broadcasting equipment in the City Council Chambers in the amount of \$164,647; and **(2)** include all existing broadcasting equipment in the City Council Chambers to the maintenance contract for the 3D virtual studio for the Public, Educational and Government Cable in the amount of \$188,700 - Total not to exceed \$353,347, from \$4,013,389 to \$4,366,736 - Financing: Public Educational and Governmental Access Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1803

Addendum addition 6: Authorize the sale of two thermoplastic premelter trucks and two thermoplastic striping trucks through a public auction on June 8, 2011 to Leonard Langevine in the amount of \$101,350 and Kevin Kelly in the amount of \$110,450, highest bidders - Revenue: \$211,800

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1804

Addendum addition 7: Authorize a five-year concession contract for operation of the food and beverage concessions at the Oak Cliff Cultural Center Café - Guillaumes, Inc., most advantageous proposer of three - Estimated Annual Revenue: \$4,400 (Revenue share 15% of gross sales, less sales tax)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1805

Addendum addition 8: Authorize settlement of the lawsuit styled George Chavez v. City of Dallas, Cause No. 10-04702-L - Not to exceed \$90,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1806

Addendum addition 9: Authorize the optional redemption of the Sports Arena Project Taxable Special Tax Revenue Bonds, Series 1998B, on August 15, 2011 - Not to exceed \$10,450,000 - Financing: Sports Arena Project Surplus Debt Redemption Funds (\$9,400,603) and Sports Arena Debt Service Reserve Funds (\$1,049,397)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1807

Addendum addition 10: An ordinance authorizing the issuance and sale of Waterworks and Sewer System Revenue Refunding Bonds, Series 2011 in an amount not to exceed \$285,000,000; establishing parameters regarding the sale of the Bonds; approving the execution of the Bond Purchase Agreement and all other matters related thereto - Not to exceed \$579,800 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28280

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1808

Addendum addition 11: Authorize **(1)** Supplemental Agreement No. 1 to the contract with Entech Sales and Service, Inc., for the purchase of equipment to expand security coverage at City Hall located at 1500 Marilla Street in the amount of \$46,660, from \$679,979 to \$726,639; and **(2)** a thirty-six-month service and maintenance agreement in the amount of \$157,689, from \$98,140 to \$255,829 - Total not to exceed \$204,349 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1809

Addendum addition 12: An ordinance accepting the June 3, 2011 “Settlement Agreement Between Atmos Energy Corp., Mid-Tex Division and the City of Dallas”, authorizing interim rates to be charged by Atmos Energy Corp. Mid-Tex Division (Atmos) pursuant to its February 25, 2011 Gas Reliability Infrastructure Program (GRIP) Interim Rate request and authorizing tariff DARR-Dallas Annual Rate Review - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28281

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1810

Addendum addition 13: Authorize **(1)** an application for and acceptance of the FY 2011 Edward Byrne Memorial Justice Assistance Grant in the amount of \$1,409,205 from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period October 1, 2010 through September 30, 2014; **(2)** execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County, and eligible units of local government; and **(3)** execution of the grant agreement - Not to exceed \$1,409,205 - Financing: U.S. Department of Justice, Bureau of Justice Assistance Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1811

Addendum addition 14: Authorize **(1)** an increase in the contract with McCarthy Building Companies, Inc. for additional park amenities to include a children's garden and water features at Woodall Rodgers Park located at Woodall Rodgers Freeway from St. Paul Street to Pearl Street; **(2)** the receipt and deposit of funds from the Woodall Rodgers Park Foundation in the amount of \$2,496,601; and **(3)** an increase in appropriations in the amount of \$2,496,601 in the Woodall Rodgers Development Fund - Not to exceed \$2,496,601, from \$13,340,169 to \$15,836,770 - Financing: Woodall Rodgers Development Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1812

Addendum addition 15: Authorize a construction services contract with DMI, Inc. d/b/a Decker Mechanical to construct and install new heating, ventilating and air conditioning system at the Northeast Police Station located at 9915 East Northwest Highway - Not to exceed \$476,250 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1813

Addendum addition 16: Authorize Supplemental Agreement No. 1 to the professional services contract with Iconic Consulting Group, Inc. for design modifications necessary for the Malcolm X Bridge light replacement project - Not to exceed \$3,463, from \$24,984 to \$28,447 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1814

Addendum addition 17: An ordinance amending Ordinance No. 27931, which abandoned portions of Hawkins and Jack Evans Streets and an alley to Spire Development Holdings, LLC, to extend the final replat requirement from one year to 485 days - Revenue: \$5,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28282

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1815

Addendum addition 18: An ordinance abandoning a portion of Progressive Drive to Foxhall International, LLC, the abutting owner, containing approximately 26,030 square feet of land located near the intersection of Progressive Drive and Ruder Street, authorizing the quitclaim and providing for the dedication of approximately 21,552 square feet of land needed for right-of-way - Revenue: \$7,664 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28283

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1816

Addendum addition 19: An ordinance abandoning portions of Reagan Street and alley to North Maple, L.L.C. and Old Parkland Unit E, L.L.C., the abutting owners, containing a total of approximately 18,063 square feet of land located near the intersection of Maple Avenue and Reagan Street, authorizing the quitclaim and providing for the dedication of approximately 1,954 square feet of land needed for street right-of-way - Revenue: \$966,660 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28284

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1817

Addendum addition 20: 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 Subdistrict 2 within Planned Development District No. 366 with a D Liquor Control Overlay on the southeast corner of South Buckner Boulevard and Alto Garden Drive - Z101-151 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NOS. 28285 AND 28286

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1818

Addendum addition 21: Authorize **(1)** a construction contract with Massana Construction Inc., best value proposer of eight, for site improvements including pavilion, walkways, pedestrian bridges, land forms, amphitheater, parking area, landscaping and other miscellaneous items necessary to complete the project for the Great Trinity Forest: Moore Park Gateway Project in an amount not to exceed \$1,612,360; and **(2)** a Municipal Corridor Use License with the Dallas Area Rapid Transit (DART) for the expansion and joint use of the DART overflow parking lot at 8th Street - Not to exceed \$1,612,360
- Financing: Private Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1819

Addendum addition 22: Authorize an increase in the contract with Austin Filter Systems, Inc., to provide additional erosion control improvements for four sites within Erosion Control Group 06-805 - Not to exceed \$237,781, from \$992,539 to \$1,230,320 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1820

Addendum addition 23: Authorize Supplemental Agreement No. 3 to the professional services contract with Arun Wagh, Inc., Geotechnical & Environmental Consultants, for additional independent external peer review services for the 100-Year Levee Improvement Project, Baker Pump Station, and Able Pump Station for the Trinity River Corridor Project - Not to exceed \$85,225, from \$205,352 to \$290,577 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1821

Addendum addition 24: Authorize Supplemental Agreement No. 3 to the professional services contract with David T. Williams and Associates, Engineers, LLC for additional independent external peer review services for the 100-Year Levee Improvement Project, Baker Pump Station Project, and Able Pump Station for the Trinity River Corridor Project - Not to exceed \$89,580, from \$294,752 to \$384,332 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1822

Addendum addition 25: Authorize Supplemental Agreement No. 3 to the professional services contract with George Sills Geotechnical Engineering Consultant, LLC for additional independent external peer review services for the 100-Year Levee Improvement Project, Baker Pump Station and Able Pump Station, and Flood Control Training for the Trinity River Corridor Project - Not to exceed \$95,948, from \$292,425 to \$388,373 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1823

Addendum addition 26: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of three tracts of land containing a total of approximately 13,549 square feet from Jim Mills located on Trammel Drive near its intersection with Santa Anita Drive for drainage improvements for the Rush Creek Flood Protection and Storm Drainage Improvement Project - Not to exceed \$56,000 (\$52,135 plus closing costs not to exceed \$3,865) - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1824

Addendum addition 27: Authorize settlement in lieu of proceeding with condemnation of two tracts of land containing a total of approximately 1,920 square feet from Kirk O. Mears 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 \$11,377 (\$8,877 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

JUNE 22, 2011

11-1825

Addendum addition 28: An ordinance amending Chapter 50 of the Dallas City Code to: **(1)** define terms; **(2)** require registration of credit access businesses; **(3)** establish a registration fee; **(4)** impose restrictions on extensions of consumer credit by credit access businesses; **(5)** provide recordkeeping requirements; and **(6)** provide defenses - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Gerald Britt, 511 Akard

Councilmember Allen moved to pass the ordinance with changes to Section 50-151.3(d) and (e), a copy of which was provided to the city council and includes the following:

- An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for repayment in installments may not be payable in more than four installments. Proceeds from each installment must be used to repay at least 25 percent of the principal amount of the extension of consumer credit. An extension of consumer credit that provides for repayment in installments may not be refinanced or renewed.
- An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for a single lump sum repayment may not be refinanced or renewed more than three times. Proceeds from each refinancing or renewal must be used to repay at least 25 percent of the principal amount of the original extension of consumer credit.

Motion seconded by Councilmember Neumann.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-1825

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After discussion, Acting Mayor Caraway called the vote on Councilmember Allen's motion to pass the ordinance with the following changes to Section 50-151.3(d) and (e):

- An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for repayment in installments may not be payable in more than four installments. Proceeds from each installment must be used to repay at least 25 percent of the principal amount of the extension of consumer credit. An extension of consumer credit that provides for repayment in installments may not be refinanced or renewed.
- An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for a single lump sum repayment may not be refinanced or renewed more than three times. Proceeds from each refinancing or renewal must be used to repay at least 25 percent of the principal amount of the original extension of consumer credit.

Voting Yes: [14] Caraway, Medrano, Jasso, Neumann, Hill, Salazar, Davis, Atkins, Kadane, Allen, Koop, Natinsky, Margolin, Hunt

Voting No: [0]

Vacant: [1] Place 15

Acting Mayor Caraway declared the motion adopted.

Assigned ORDINANCE NO. 28287

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1826

Addendum addition 29: Authorize an amendment to the Oil and Gas Leases, (“Lease 1” and “Lease 2A”) dated August 15, 2008 between the City of Dallas, “Lessor”, and Trinity East Energy, LLC, “Lessee”, by: **(1)** extending the primary term in both leases by 30 months; **(2)** modifying Exhibit A of Lease 1 to describe a total of approximately 1,439 acres of land; **(3)** modifying Exhibit A of Lease 2A to describe a total of approximately 1,132 acres of land; **(4)** deleting the “Extension Option” from each lease; **(5)** adding a provision requiring the pre-disclosure of all chemicals that would be used at the drill sites; **(6)** adding a provision that Lessee understands that it is required to obtain a Specific Use Permit and gas well permit before the land can be used for oil and gas drilling; **(7)** adding a provision that Lessee understands that the proposed drill sites are located on park land and that the city council must authorize the oil and gas drilling use on park land; and **(8)** adding a provision that Lessee understands that the proposed drill sites are located within the flood plain and that oil and gas drilling is not a permitted use within the flood plain and requires additional procedures and authorizations before the use is allowed - Financing: No cost consideration to the City

Councilmember Neumann moved to adopt the item.

Motion seconded by Councilmember Hill.

After discussion, Acting Mayor Caraway called the vote on Councilmember Neumann's motion:

Voting Yes: [13] Caraway, Medrano, Jasso, Neumann, Hill, Salazar, Davis, Atkins, Kadane, Allen, Koop, Natinsky, Margolin

Voting No: [1] Hunt

Vacant: [1] Place 15

Acting Mayor Caraway declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1827

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum addition 30: Authorize an amendment to the loan agreement, previously approved by Resolution No. 08-0310 on January 23, 2008, with South Dallas/Fair Park Innerscity Community Development Corporation (ICDC) for the acquisition of unimproved properties within the Frazier Neighborhood Investment Program area for residential development and construction of eleven single-family homes to: **(1)** extend the term of the loan agreement from January 23, 2012 to January 23, 2013; **(2)** allow for ICDC to offer lease-purchase or rental options to eligible low-income households; **(3)** change loan provisions from recapture to resale terms; and **(4)** allow the affordability period to be adjusted from ten years to up to twenty years for rental units - 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 Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1828

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum addition 31: Authorize **(1)** an amendment to the Community-Based Development Organization (CBDO) Program Statement for implementation and use of Community Development Block Grant Funds; and **(2)** a secured 0% interest forgivable loan in the amount of \$200,000 to Builder's of Hope, Inc., a North Carolina nonprofit corporation authorized to transact business in Texas as Ecological Community Builders (ECB), for the development of unimproved property into affordable senior rental housing in the Bexar Street neighborhood as part of the Neighborhood Investment Program (NIP) revitalization - Not to exceed \$200,000 - Financing: 2010-11 Community Development Block Grant Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", 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 Hill and unanimously adopted. (Place 15 vacant)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1829

Addendum addition 32: Zoning Case Z101-165(JH) – DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-165(JH), an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 331 on property zoned Planned Development District No. 331 and an RS-MU Regional Service Mixed Use Subdistrict within Planned Development District No. 595, the South Dallas Fair Park Special Purpose District, and an ordinance terminating Specific Use Permit No. 1084 for a Metal salvage facility, an Outside salvage or reclamation use, and an Industrial (inside) potentially incompatible use limited to an aluminum sweat furnace on a portion of the expansion area on the southwest side of South Lamar Street generally between Pine Street and Hatcher Street with consideration for a Specific Use Permit for metal salvage facility, outside salvage or reclamation, outside storage, recycle buy-back center for the collection of household metals, industrial metals, and recyclable materials, and commercial motor vehicle parking uses

(The staff recommended Denial and city plan commission recommended Approval, subject to a development plan and conditions and approval of the termination of Specific Use Permit No. 1084)

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
11-1829
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Appearing in opposition to the city plan commission's recommendation:

Leamon Davis, 1603 Stoneman St.
Gwain Wooten, 1000 Grigsby Ave.

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

Robert Miklos, 1717 Main St., representing Gold Metal Recyclers
Gerald Wafe, 2215 Pine St., representing Loshel/Gold Metal
Erwin Roland, 4927 Eastgate Cir., representing Gold Metal Recyclers
Henry Jackson, 1603 Marburg St., representing Loshel
Danny Booker, 1711 Essex Ave., representing Gold Metal Recyclers

Councilmember Davis moved to close the public hearing, adopt Planned Development District No. 331 and termination of Specific Use Permit No. 1084 with the following change to Planned Development District No. 331:

- Amend paragraph 51P-331.105(c)(2) to read as follows:

“A metal recycling-related use may not operate within this district if the use voluntarily ceases to operate for one year or the use is converted to another permitted use.”

and pass the ordinance.

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

Assigned ORDINANCE NOS. 28288 AND 28289

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 22, 2011

11-1830

Addendum addition 33: Zoning Case Z101-113(RB) – DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-113(RB), an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 553 for a Church and Private school on property zoned Planned Development District No. 553 and an R-16(A) Single Family District in the southeast quadrant of Preston Road and Orchid Lane

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

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

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

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

Santos Martinez, 900 Jackson, representing the applicant

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

- The area identified on development/landscape plan as "future paved parking" may not be used for parking until the earthen berm required by Section 51P-553.111(g) has been constructed.

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

Assigned ORDINANCE NO. 28290

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 22, 2011

EXHIBIT C