

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 14, 2011

11-2362

VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR MICHAEL RAWLINGS, PRESIDING

PRESENT: [15] Rawlings, Jasso, Medrano, Griggs, Caraway, Hill (*9:06 a.m.),
Alonzo, Davis (*9:10 a.m.), Atkins, Kadane, Allen (*9:09 a.m.),
Koop, Greyson, Margolin, Hunt (*9:31 a.m.)

ABSENT: [0]

The meeting was called to order at 9:05 a.m.

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

The invocation was given by Wardell Hunter, Reverend, Olive Grove Baptist Church.

Councilmember Caraway led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 4:06 p.m.

Mayor

ATTEST:

Acting 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.**

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 14, 2011

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 14, 2011

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2363

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: Trini Garza, 2235 W. Colorado Blvd.
REPRESENTING: Senior Affairs Commission
SUBJECT: Bilingual caseworker – Senior Affairs Office

SPEAKER: Syl Benenson, 4181 Mendenhall Dr.
REPRESENTING: Older Women's League
SUBJECT: Budget

SPEAKER: Scott Westthal, 2656 Poinsettia Dr.
REPRESENTING: Dallas Area Interfaith - Quest
SUBJECT: Dallas Area Interfaith

SPEAKER: Kerry Silver, 7140 Gracefield Ln.
REPRESENTING: D.M.E. Exchange of Dallas
SUBJECT: Budget request for D.M.E. Exchange of Dallas

SPEAKER: Richard Sheridan, 3022 Forest Ln.
REPRESENTING: Some Citizens
SUBJECT: Redistricting and jobs

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Cynthia Salinas Dooley, 726 S. Clinton Ave.
REPRESENTING: Dallas Area Interfaith
SUBJECT: Quest Dallas

SPEAKER: Joe Burkleo, 545 Lacewood Dr.
SUBJECT: Redistricting

SPEAKER: Una Fontenot, 747 Cedarwood Dr., **Cedar Hill, TX**
REPRESENTING: NAACP
SUBJECT: Environmental justice

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OPEN MICROPHONE – END OF MEETING:

SPEAKER: Garret Lucero, 1126 Cable Creek Dr., **Grapevine, TX**
REPRESENTING: Dallas Fire-Rescue Uniformed Officers Assoc.
SUBJECT: New proposal for shift change

SPEAKER: Laura Zvczek, 721 Palm Desert Dr., **Garland, TX**
REPRESENTING: Uniformed Officers Assoc. for Fire Communications
SUBJECT: Proposed change to fire communications schedule

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

SPEAKER: Irma P. Hall, 3203 Obannon Dr.
REPRESENTING: CAP (Community Arts Program)
SUBJECT: CAP funding

SPEAKER: Robert Ceccarelli, 5302 Harry Hines Blvd.
SUBJECT: Homelessness and education

SPEAKER: Trina Triche, 1818 Corsicana St.
SUBJECT: Ethics in government; Agenda items 7, 8 and 12

SPEAKER: Frank Ward, P. O. Box 130694
REPRESENTING: The Trinity Reunion
SUBJECT: The spirit of truth

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
REPRESENTING: GOD
SUBJECT: Mayor & security assaulted me again on 12/8/10

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2364

Item 1: Approval of Minutes of the August 24, 2011 City Council Meeting

Deputy Mayor Pro Tem Atkins moved to adopt the minutes.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2365

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-58, and addendum addition consent agenda items 1-8, was presented for consideration.

Mayor Rawlings requested that consent agenda item 50 be considered as an individual item. Mayor Rawlings stated that consent agenda item 50 would be considered as an individual item later in the meeting, there being no objection voiced to his request.

Deputy Mayor Pro Tem Atkins requested that consent agenda item 18 be deferred indefinitely. There being no objection voiced to Deputy Mayor Pro Tem Atkins' request, the item was deferred indefinitely in accordance with Subsection 7.11 of the City Council Rules of Procedure.

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

Councilmember Caraway moved to adopt all items on the consent agenda with the exception of consent agenda items 18, 31, and 50 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2366

Item 2: Authorize **(1)** the Ninth Amendment to the Maintenance Base Lease with Southwest Airlines Co. to include a capital improvement commitment of not less than \$12,000,000 to be expended by Southwest Airlines on the leased premises; and **(2)** an Agreement For Donation and Assignment to accept Southwest Airline's donation of all rights, title and interest in those certain items of tangible personal property and services to be incorporated in or used for the construction of improvements purchased by Southwest Airlines required under the Ninth Amendment to the Southwest Airlines Co. Maintenance Base Lease at Dallas Love Field - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2367

Item 3: Authorize a five-year lease agreement with Avis Budget Group, Inc. containing approximately 3.1923 acres of land improved with asphalt parking, with a commitment of not less than \$75,000 in capital improvements to be expended within 12 months from the effective date of the lease, at the estimated annual rental revenue in the amount of \$90,386 and an estimated total revenue over the term of the lease in the amount of \$451,929 plus estimated parking lot construction reimbursement of \$414,293, not to exceed \$550,000, plus six percent annual interest, at Dallas Love Field - Estimated Annual Revenue: \$90,386

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2368

Item 4: Authorize a three-year service contract for lab work and analysis for Police Sexual Assault Case Program - Orchid Cellmark, Inc., lowest responsible bidder of three - Not to exceed \$839,625 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2369

Item 5: Authorize a three-year service contract for license renewal of McAfee Threat management products - Accuvant, Inc., lowest responsible bidder of four - Not to exceed \$396,143 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2370

Item 6: Authorize a three-year service contract for televised sewer inspection, maintenance, and repair services - Envirowaste Services Group, Inc., lowest responsible bidder of four - Not to exceed \$2,978,230 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2371

Item 7: Authorize a three-year service contract for temporary day labor - Lane Staffing, Inc., lowest responsible bidder of seven - Not to exceed \$14,477,734 - Financing: Current Funds (\$13,236,754), Water Utilities Current Funds (\$1,076,608), and Aviation Current Funds (\$164,372) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2372

Item 8: Authorize a three-year service contract for the removal and disposal of excavated materials from City facilities and work sites - Langston Commercial Industries, LLC in the amount of \$1,591,200 and Herdez Trucking Co., Inc. in the amount of \$168,000, lowest responsible bidders of four - Total not to exceed \$1,759,200 - Financing: Current Funds (\$60,000) and Water Utilities Current Funds (\$1,699,200) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2373

Item 9: Authorize a four-year service contract for maintenance and support for all Fortis products licensed to the City - IKON Office Solutions, Inc., lowest responsible bidder of two - Not to exceed \$167,426 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2374

Item 10: Authorize a one-year master agreement for anhydrous ammonia - DPC Industries, Inc., lowest responsible bidder of two - Not to exceed \$856,800 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2375

Item 11: Authorize a one-year master agreement for anthracite filter media to be used in the water purification process - CEI Anthracite, lowest responsible bidder of six
- Not to exceed \$129,846 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2376

Item 12: Authorize a three-year master agreement for the purchase of LED traffic signal lamps - Republic ITS, Inc. in the amount of \$1,006,130 and Dynamic Vision Co., Inc. in the amount of \$239,820, lowest responsible bidders of five - Total not to exceed \$1,245,950 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2377

Item 13: Authorize the purchase of one video x-ray system for Dallas Fire-Rescue - Envision CmosXray LLC through the General Services Administration - Not to exceed \$64,451 - Financing: Urban Area Security Initiative Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2378

Item 14: Authorize the purchase of one self-contained decontamination shower trailer for Dallas Fire-Rescue - Fisher Scientific Company LLC, through the Houston-Galveston Area Council of Governments - Not to exceed \$69,798 - Financing: U.S. Department of Homeland Security Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2379

Item 15: Authorize the purchase of one replacement vacuum truck for Dallas Water Utilities - CLS Sewer Equipment Company through the Houston-Galveston Area Council of Governments - Not to exceed \$233,129 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2380

Item 16: Authorize the purchase of one telescopic boom lift for Dallas Water Utilities - Simba Industries, lowest responsible bidder of five - Not to exceed \$70,296 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2381

Item 17: Authorize settlement of the lawsuit styled Edgar J. Ramirez, Rafaela Ramirez and Ramiro Ramirez v. City of Dallas, Cause No. 11-01574-M - Not to exceed \$8,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2382

Item 18: Authorize settlement of a claim filed by Maria Cardenas, Claim No. 08208894 -
Not to exceed \$9,700 - Financing: Current Funds

At the time the consent agenda was being considered, Deputy Mayor Pro Tem Atkins requested that consent agenda item 18 be deferred indefinitely. There being no objection voiced to Deputy Mayor Pro Tem Atkins' request, the item was deferred indefinitely in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2383

Item 19: Authorize Supplemental Agreement No. 1 to the professional service contract with All-American Reporting for court reporting services - Not to exceed \$60,000, from \$25,000 to \$85,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2384

Item 20: Authorize Supplemental Agreement No. 1 to the law firm of Munck Carter, LLP, for additional legal services necessary to represent the City in the lawsuit styled Leanne Siri v. The City of Dallas, Civil Action No. 3:10-CV-0036-M - Not to exceed \$700,000, from \$600,000 to \$1,300,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2385

Item 21: Authorize **(1)** approval of the Dallas Downtown Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Dallas Downtown Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Dallas Downtown 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, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2386

Item 22: Authorize **(1)** approval of the Deep Ellum Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Deep Ellum Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Deep Ellum Public Improvement District (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, **(3)** consideration of an ordinance establishing classification for the apportionment of costs and the methods of assessing special benefits for the services and improvements in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2387

Item 23: Authorize **(1)** approval of the Knox Street Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Knox Street Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Knox Street Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2388

Item 24: Authorize **(1)** approval of the Lake Highlands Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Lake Highlands Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Lake Highlands Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2389

Item 25: Authorize **(1)** approval of the Oak Lawn-Hi Line Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Oak Lawn-Hi Line Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Oak Lawn-Hi Line Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2390

Item 26: Authorize **(1)** approval of the Prestonwood Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Prestonwood Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Prestonwood Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2391

Item 27: Authorize **(1)** approval of the South Side Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the South Side Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the South Side Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2011 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2392

Item 28: Authorize **(1)** approval of the Uptown Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Uptown Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Uptown Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District; approving and adopting the 2011 assessment roll with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2393

Item 29: Authorize **(1)** approval of the Vickery Meadow Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on September 28, 2011 to receive comments concerning the annual assessment rate for the Vickery Meadow Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the Vickery Meadow Public Improvement District for the purpose of providing supplemental public services and improvements, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2011 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2394

Item 30: Authorize Community Based Non-Profit Grant Agreement to enhance the quality of life for the residents in the South Dallas/Fair Park Trust Fund target area to provide funding to Jeffries Street-Learning Center - Not to exceed \$35,000 - Financing: South Dallas/Fair Park Trust Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2395

Item 31: Ratify an emergency clean-up of a hazardous materials dump site at 1539 Round Table Drive - Protect Environmental Services, Inc. - Not to exceed \$91,111 - Financing: Current Funds (to be reimbursed by Stormwater Drainage Management Funds)

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

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

Councilmember Kadane moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2396

Item 32: Authorize an Interlocal Agreement with Dallas County Health and Human Services to provide a tenant-based rental assistance program for homeless individuals and families for the period October 1, 2011 through September 30, 2012 - Not to exceed \$300,000 - Financing: 2011-12 HOME Investment Partnerships Program Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2397

Item 33: Authorize an Interlocal Agreement with Dallas County Health and Human Services to provide scattered site housing assistance for persons with HIV/AIDS for the period October 1, 2011 through September 30, 2012 - Not to exceed \$1,412,400 - Financing: 2011-12 Housing Opportunities for Persons with AIDS Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2398

Item 34: Authorize contracts with child care providers for the City Child Care Services for the period October 1, 2011 through September 30, 2012 (list attached) - Not to exceed \$78,709 - Financing: 2011-12 Community Development Block Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2399

Item 35: Authorize a contract with Community Dental Care, Inc. for the continuation of dental health services to low/moderate income seniors aged 60 and above and children through age 19 residing in Dallas for the period October 1, 2011 through September 30, 2012 - Not to exceed \$100,000 - Financing: 2011-12 Community Development Block Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2400

Item 36: Authorize the third amendment to the contract with the Department of State Health Services to accept additional grant funds awarded for the continuation of the Special Supplemental Nutrition Program for the Women, Infants and Children Program for the period October 1, 2010 through September 30, 2011 - Not to exceed \$600,000, from \$16,284,195 to \$16,884,195 - Financing: Department of State Health Services Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2401

Item 37: Authorize **(1)** the acceptance of a federal grant through the Texas State Library for the continuation of interlibrary loan services for the period September 1, 2011 through August 31, 2012; and **(2)** execution of the grant agreement - Not to exceed \$364,169 - Financing: Texas State Library and Archives Commission Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2402

Item 38: First reading of the appropriation ordinances for the proposed FY 2011-12 City of Dallas Operating, Grants and Trusts, and Capital Budgets - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2403

Item 39: Authorize a development and maintenance agreement with First Baptist Academy of Dallas for the development and maintenance of Akard Park located at 410 North Akard Street - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2404

Item 40: Authorize a contract for structural bank stabilization at the maintenance yard at L.B. Houston Golf Course located at 11223 Luna Road - Holleman Construction Company, Inc., lowest responsible bidder of six - Not to exceed \$135,965 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2405

Item 41: Authorize an increase in the contract with Phoenix I Restoration and Construction, Ltd. for the removal and replacement of flooring in the Grand Hall, installation of waterproof floor coating in the mechanical room, HVAC repairs, and re-routing of roof drains to mitigate water infiltration issues at the Texas Discovery Gardens in Fair Park located at 3601 Martin Luther King, Jr. Boulevard - Not to exceed \$258,788, from \$5,338,810 to \$5,597,598 - Financing: Fair Park Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2406

Item 42: Authorize **(1)** the acceptance of the Commercial Auto Theft Interdiction Squad/19 grant from the Texas Automobile Burglary & Theft Prevention Authority in the amount of \$630,716 to provide a specialized proactive automobile theft program, for the period September 1, 2011 through August 31, 2012; **(2)** a local match in the amount of \$130,074; **(3)** an In-Kind Contribution in the amount of \$520,665; and **(4)** execution of the grant agreement - Total not to exceed \$1,281,455 - Financing: Texas Automobile Burglary & Theft Prevention Authority Grant Funds (\$630,716), In-Kind Contributions (\$520,665) and Current Funds (\$130,074) (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2407

Item 43: Authorize renewal of the Interlocal Agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas, for the provision of forensic, drug, toxicological, environmental, and physical evidence analysis, and other similar medical/forensic analytical services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$3,800,000 - Financing: Confiscated Monies Funds (\$2,000,000) and Current Funds (\$1,800,000) (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2408

Item 44: Authorize **(1)** the receipt and deposit of funds in the amount of \$35,307 from Galleria Mall Investors LP for temporary traffic signal cabling and traffic sensor repair for the traffic signal located on Dallas Parkway at Galleria Road/McEwen Road; and **(2)** an increase in appropriations in the amount of \$35,307 in the Capital Projects Reimbursement Fund - Not to exceed \$35,307 - Financing: Capital Projects Reimbursement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2409

Item 45: Authorize a contract with Tiseo Paving Company, lowest responsible bidder of eight, for reconstruction of street paving, storm drainage and water and wastewater main improvements for Street Reconstruction Group 06-620 (list attached) - Not to exceed \$2,191,731 - Financing: 2006 Bond Funds (\$1,825,475), Water Utilities Capital Construction Funds (\$13,863) and Water Utilities Capital Improvement Funds (\$352,393)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2410

Item 46: Authorize an increase in the contract with Camino Construction, L.P. for additional work related to the removal of railroad track sections found underneath existing pavement and various other changes related to driveways, steps, traffic control, and crosswalks for the North Bishop Avenue from West Neely Street to West Colorado Boulevard Project - Not to exceed \$180,244, from \$2,678,103 to \$2,858,347 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2411

Item 47: Authorize **(1)** Supplemental Agreement No. 10 to the professional services contract with HNTB Corporation to provide additional engineering design services for the Taxiways "A", "B" and "D" reconstruction at Dallas Love Field in the amount of \$64,288, from \$4,384,891 to \$4,449,179; and **(2)** an increase in appropriations in the amount of \$68,788 in the Federal Aviation Administration Airport Improvement Program Grant Fund for testing, city administration and other owner's expenses - Not to exceed \$64,288 - Financing: Aviation Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2412

Item 48: A resolution authorizing conveyance of an easement and right-of-way containing approximately 4,038 square feet of land to Atmos Energy Corporation for the construction and maintenance of gas facilities across City-owned land located near the intersection of Keeler Street and Luther Avenue - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2413

Item 49: An ordinance granting a private license to FC Continental Landlord, LLC for the use of approximately 56 square feet of land to maintain and use a building encroachment on a portion of Prather Street right-of-way, near the intersection with Commerce and Jackson Streets - Revenue: \$1,000 annually plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28349

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2414

Item 50: An ordinance abandoning a portion of a garbage collection and utility easement to Thomas D. Karol and Jennifer Karol, the abutting owners, containing approximately 3,004 square feet of land located near the intersection of Meaders Lane and Gaywood Road and providing for the dedication of approximately 4,313 square feet of land needed for the expansion of a backyard area - Revenue: \$5,400 plus the \$20 ordinance publication fee

Mayor Rawlings requested that consent agenda item 50 be considered as an individual item. Mayor Rawlings stated that consent agenda item 50 would be considered as an individual item later in the meeting, there being no objection voiced to his request.

Later in the meeting, consent agenda item 50 was brought up for consideration.

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

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Kadane and unanimously adopted. (Rawlings abstain)

Assigned ORDINANCE NO. 28350

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2415

Item 51: Authorize a contract for the construction of storm drainage improvements and wastewater adjustments for Vista View Drive - Texas Standard Construction, lowest responsive bidder of six - Not to exceed \$103,929 - Financing: Stormwater Drainage Management Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2416

Item 52: Authorize Supplemental Agreement No. 1 to the professional services contract with Bucher, Willis & Ratliff Corporation, a wholly-owned subsidiary of H. W. Lochner, Inc., for the Yewpon-Kingsley Area Storm Drainage Relief System, for final engineering design of the system developed in the preliminary design and study phase - Not to exceed \$192,684, from \$40,980 to \$233,664 - Financing 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2417

Item 53: Authorize **(1)** an Interlocal Agreement with the City of Farmers Branch to allow the City of Dallas to construct, own, and operate a 72-inch water transmission main within the corporate limits of the City of Farmers Branch; and **(2)** a construction contract for the installation of a 72-inch water transmission main in the amount of \$3,007,160 to S.J. Louis Construction of Texas Ltd., lowest responsible bidder of seven - Not to exceed \$3,007,160 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2418

Item 54: Authorize a contract for miscellaneous improvements at the Forney Dam (Lake Ray Hubbard) - Archer Western Construction, LLC, lowest responsible bidder of four - Not to exceed \$4,436,000 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2419

Item 55: Authorize a contract for the installation of water and wastewater mains at 25 locations, including water main improvements at Shorecrest Drive and Lemmon Avenue (list attached) - Atkins Bros. Equipment Co., Inc., lowest responsible bidder of six - Not to exceed \$10,112,922 - Financing: Water Utilities Capital Improvement Funds (\$9,415,477) and Aviation Capital Construction Funds (\$697,445)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2420

Item 56: Authorize an increase in the contract with BAR Constructors, Inc. for constructability and schedule changes for the East Side Water Treatment Plant expansion to 540 million gallons per day, Part B, Transfer Pump Station No. 3 - Not to exceed \$30,963, from \$38,897,825 to \$38,928,788 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2421

Item 57: Authorize Supplemental Agreement No. 1 to the professional services contract with HDR Engineering, Inc. for additional design and construction administration services associated with process improvements at the Central Wastewater Treatment Plant - Not to exceed \$3,386,180, from \$792,469 to \$4,178,649 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2422

Item 58: Authorize Supplemental Agreement No. 1 to the professional services contract with Malcolm Pirnie, Inc. for additional engineering services for the Elm Fork Water Treatment Plant water quality improvements - Not to exceed \$6,500,000, from \$7,562,770 to \$14,062,770 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2423

Item 59: 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 acting city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2011-2013 board term updated through September 14, 2011.

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

Mayor Pro Tem Medrano moved to adopt the appointments of Molly DeVoss, General Public, to the Animal Shelter Commission; Daisy F. Gafford, Interested Citizen, to the Cultural Affairs Commission; Joyce A. Strickland, Citizen at Large, to the Landmark Commission; and Pat Harrington, Community Development, to the South Dallas/Fair Park Trust Fund Board.

Motion seconded by Councilmember Hill and unanimously adopted.

Mayor Pro Tem Medrano moved to appoint nominees to an "individual appointment" position in the report who met all qualifications for service to the boards and commissions of the city for the term ending September 30, 2013.

Motion seconded by Councilmember Hill and unanimously adopted.

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

11-5197	ASC	ANIMAL SHELTER COMMISSION
11-5198	BOA	BOARD OF ADJUSTMENT
11-5199	CAC	CULTURAL AFFAIRS COMMISSION
11-5200	CPC	CITY PLAN AND ZONING COMMISSION
11-5201	CPR	DALLAS CITIZENS POLICE REVIEW BOARD
11-5202	JNC	JUDICIAL NOMINATING COMMISSION
11-5203	LMC	LANDMARK COMMISSION
11-5204	SDF	SOUTH DALLAS/FAIR PARK TRUST FUND BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2424

Item 60: An ordinance amending Chapter 52, "Administrative Procedures for the Construction Codes," Chapter 53, Dallas Building Code," and Chapter 57, "Dallas One and Two Family Dwelling Code," of the Dallas City Code, as amended; amending the effective date and requirements of Phase 2 of the green building program - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2425

Item 61: Authorize the first of four twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$200,000 - Financing: Public/Private Partnership Funds (subject to appropriations)

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 City Secretary Rios 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 Deputy Mayor Pro Tem Atkins and Councilmember Margolin and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2426

Item 62: Authorize on-site reconstruction of seven homes in accordance with the requirements of the Reconstruction/SHARE Program Statement for the properties located at: 3202 Bill Herrod Street in the amount of \$93,400, 3301 Chihuahua Avenue in the amount of \$93,400, 12130 Schroeder Road in the amount of \$93,400, 350 Bonnie View Road in the amount of \$93,400, 2651 Moffatt Avenue in the amount of \$93,400, 1502 Oakley Avenue in the amount of \$93,400, and 2414 Garden Drive in the amount of \$93,400 - Total amount not to exceed \$653,800 - Financing: 2009-10 HOME Investment Partnership Program Grant Funds (\$29,000) and 2010-11 HOME Investment Partnership Program Grant Funds (\$624,800)

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 City Secretary Rios 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 Atkins moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2427

CONSENT ZONING DOCKET
CONSENT DEVELOPMENT CODE AMENDMENT

The consent zoning docket, consisting of agenda items 63-72, consent development code amendment item 81 and addendum items 12-17 was presented for consideration.

Agenda items 63, 65, 66, 67, 69, 72, consent development code amendment item 81, and addendum items 12, 13, 14, 15, 16 and 17 were removed from the consent zoning docket, to be considered as individual hearings.

~~Agenda item 63: Zoning Case Z090-247(WE) [considered individually]~~
Agenda item 64: Zoning Case Z101-227(MG)
~~Agenda item 65: Zoning Case Z101-262(MG) [considered individually]~~
~~Agenda item 66: Zoning Case Z101-270(RB) [considered individually]~~
~~Agenda item 67: Zoning Case Z101-278(MG) [considered individually]~~
Agenda item 68: Zoning Case Z101-286(WE)
~~Agenda item 69: Zoning Case Z101-290(MG) [considered individually]~~
Agenda item 70: Zoning Case Z101-291(WE)
Agenda item 71: Zoning Case Z101-302(WE)
~~Agenda item 72: Zoning Case Z101-303(RB) [considered individually]~~
Agenda item 81 Development Code Amendment DCA-089-003 [considered individually]
Addendum item 12 Zoning Case Z101-260 (JH) [considered individually]
Addendum item 13 Zoning Case Z101-131(MW) [considered individually]
Addendum item 14 Zoning Case Z101-312(MW) [considered individually]
Addendum item 15 Zoning Case Z101-318(MW) [considered individually]
Addendum item 16 Zoning Case Z101-323(RB) [considered individually]
Addendum item 17 Zoning Case Z101-326(RB) [considered individually]

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

Councilmember Koop moved to close the public hearings, accept the recommendations of the city plan commission on the consent zoning cases and development code amendment docket, and pass the ordinances.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2428

Item 63: Zoning Case Z090-247(WE)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

Councilmember Alonzo requested that zoning consent item 63 be considered as an individual item. Mayor Rawlings stated that zoning consent item 63 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Alonzo's request.

A public hearing was called on zoning case Z090-247(WE), an application for and an ordinance granting an amendment to, and an expansion of, Planned Development District No. 370 for IR Industrial Research District uses, a Group Residential Facility and Overnight General Purpose Shelter on property zoned Planned Development District No. 370 and an IR Industrial Research District on the northwest corner of Calvert Street and Irving Boulevard

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

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

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

Michael Coker, 2700 Swiss Ave., representing the applicant
Gay Nell Hopkins, 6030 Monticello Ave.

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

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

Assigned ORDINANCE NO. 28351

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2429

Item 64: Zoning Case Z101-227(MG)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

A public hearing was called on zoning case Z101-227(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 northeast corner of Garland Road and Jupiter 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 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.

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 28352 AND 28353

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2430

Item 65: Zoning Case Z101-262(MG)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

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

A public hearing was called on zoning case Z101-262(MG), an application for and an ordinance granting 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 southeast corner of South Lancaster Road and East Ledbetter 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 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:

Parvez Malik, representing Business Zoom

Mayor Pro Tem Medrano moved to close the public hearing, adopt the recommendation of the city plan commission and pass the ordinance.

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

Assigned ORDINANCE NOS. 28354 AND 28355

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2431

Item 66: Zoning Case Z101-270(RB)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

Councilmember Hunt requested that zoning consent item 66 be considered as an individual item. Mayor Rawlings stated that zoning consent item 66 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

A public hearing was called on zoning case Z101-270(RB), an application for and an ordinance granting a Specific Use Permit for a Late-hours establishment limited to an Alcoholic beverage establishment for a bar, lounge, or tavern use on property within Planned Development District No. 842 for CR Community Retail District Uses, on the east line of Greenville Avenue, north of Prospect Avenue

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

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

Bruce Richardson, 5607 Richmond Ave., representing Coalition of Lowest Greenville Neighborhood Association

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

Roger Albright, 3301 Elm St., representing Singlewide

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

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

Assigned ORDINANCE NOS. 28356

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2432

Item 67: Zoning Case Z101-278(MG)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

Councilmember Griggs requested that zoning consent item 67 be considered as an individual item. Mayor Rawlings stated that zoning consent item 67 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Grigg's request.

A public hearing was called on zoning case Z101-278(MG), an application for and an ordinance granting the renewal of Specific Use Permit No. 1624 for an Industrial (outside) not potentially incompatible use for a Concrete batch plant on property zoned an IR Industrial Research District, on the northwest corner of Commerce Street and Manila Road

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

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

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

Peter Kavanagh, 1620 Handley Dr., representing Ramtex Concrete

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

- Approval of Specific Use Permit No. 1624 for a one-year period, subject to a site plan and conditions

and pass the ordinance.

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

Assigned ORDINANCE NO. 28357

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2433

Item 68: Zoning Case Z101-286(WE)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

A public hearing was called on zoning case Z101-286(WE), an application for and an ordinance granting an amendment to Specific Use Permit No. 1824 for an Open enrollment charter school on property zoned an RR Regional Retail District on the west line of South R.L. Thornton Frontage Road, south of West Kiest Boulevard

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28358

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2434

Item 69: Zoning Case Z101-290(MG)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

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

A public hearing was called on zoning case Z101-290(MG), an application for and an ordinance granting the renewal of Specific Use Permit No. 1758 for a Recycling collection center on property zoned an IR Industrial Research District with a portion within a designated flood plain on the east line of Wire Way, north of Lombardy Lane

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

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

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

Robert Baldwin, 2904 Elm St., representing the property owner

Councilmember Alonzo moved to continue the public hearing and hold under advisement until the September 28, 2011 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2435

Item 70: Zoning Case Z101-291(WE)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

A public hearing was called on zoning case Z101-291(WE), an application for and an ordinance granting a Specific Use Permit for a restaurant without drive-in or drive-through service on property zoned an NO(A) Neighborhood Office District on the east line of Hillcrest Road, south of Lyndon B. Johnson Freeway (635)

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28359

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2436

Item 71: Zoning Case Z101-302(WE)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

A public hearing was called on zoning case Z101-302(WE), an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store of less than 3,500 square feet on property within Planned Development District No. 777 for NS(A) Neighborhood Service District uses with D-1 Liquor Control Overlay on the south corner of South Belt Line Road and Garden Grove Drive

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28360

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2437

Item 72: Zoning Case Z101-303(RB)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

Councilmember Hunt requested that zoning consent item 72 be considered as an individual item. Mayor Rawlings stated that zoning consent item 72 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

A public hearing was called on zoning case Z101-303(RB), an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a Restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the east line of Greenville Avenue, south of Prospect Avenue

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

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

Bruce Richardson, 5607 Richmond Ave., representing Coalition of Lowest Greenville Neighborhood Association

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

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

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

Assigned ORDINANCE NO. 28361

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2438

Item 73: Zoning Case Z101-120(RB) - INDIVIDUAL

A public hearing was called on zoning case Z101-120(RB), an application for and an ordinance granting a Planned Development District for NS(A) Neighborhood Service District Uses, 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 restaurant without drive-in or drive-through service on property zoned an NS(A) Neighborhood Service District with a D Liquor Control Overlay within the Tract F portion of Historic District Overlay No. H/128 on the east corner of Junius Street and Henderson Avenue ~~and an ordinance granting a Planned Development District~~

(The staff and city plan commission recommended Approval of a Planned Development District, subject to a development plan and conditions; retention of the D Liquor Control Overlay; and denial of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service)

Corrected on the addendum to the agenda.

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

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

Roger Albright, 3301 Elm St., representing the applicant
Joanna Hampton, 5408 Swiss Ave.
Virginia McAlester, 5703 Swiss Ave.

Councilmember Hunt moved to close the public hearing, approve Planned Development District No. 859 with the following changes:

1. Delete the hours of operation for the restaurant use.
2. Height: Unless further restricted in this subsection, maximum structure height is 35 feet for a structure with a gable, hip, or gambrel roof; and 30 feet for any other structure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2438

Page 2

3. Stories: Maximum number of stories is two. Parking garages are exempt from this requirement but must comply with the height regulations.
4. Delete (c) "Garden" under the additional provisions.

and pass the ordinance.

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

Assigned ORDINANCE NO. 28362

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2439

Item 74: Zoning Case Z090-123(RB) - INDIVIDUAL

A public hearing was called on zoning case Z090-123(RB), an application for and an ordinance granting a Planned Development District for certain Industrial Uses and the termination of Specific Use Permit No. 1709 for a Metal salvage facility use and Specific Use Permit No. 1734 for a Metal salvage facility use on property zoned Planned Development District No. 406, the Ledbetter/Eagle Ford Special Purpose District, and an IR Industrial Research District in an area generally bounded by Ruder Street, Progressive Drive and Chippewa Drive with consideration being given to and an ordinance granting a Specific Use Permit for a Metal salvage facility use

(The staff and city plan commission recommended Approval of a Planned Development District, subject to conditions; approval of a Specific Use Permit for a Metal salvage facility for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions; and approval of the termination of Specific Use Permit No. 1709 and Specific Use Permit No. 1734 (Note: Both SUPs have expired and do not need an ordinance to terminate)

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

Councilmember Alonzo moved to continue the public hearing and hold under advisement until the September 28, 2011 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2440

Item 75: Zoning Case Z101-268(MG) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z101-228(MG), 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 less than 3,500 square feet on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay on the east line of North Buckner Boulevard, north of Chenault Street

(The staff recommended Approval for a two-year period with eligibility for automatic renewals 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 August 10, 2011, and was taken under advisement until September 14, 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:

Dallas Cothrum, 900 Jackson St., representing Race Trac Petroleum, Inc.

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

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

Assigned ORDINANCE NO. 28363

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2441

Item 76: Zoning Case Z078-218(OTH) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z078-218(OTH), an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CR Community Retail District on the northwest corner of Northwest Highway and Midway Road

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

Note: This item was considered by the City Council at a public hearing on August 13, 2008, and was taken under advisement indefinitely, 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:

Dave Green, 416 Fountain Park Dr., **Eules, TX**, representing the applicant

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

- The maximum height for the cell tower is 78 feet

and pass the ordinance.

Motion seconded by Councilmember Hill and unanimously adopted.

Assigned ORDINANCE NO. 28364

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2442

Item 77: Zoning Case Z101-201(MW) - DESIGNATED ZONING CASES – INDIVIDUAL

A public hearing was called on zoning case Z101-201(MW), an application for and an ordinance granting an amendment to Planned Development District No. 799 in an area bounded by Lovers Lane, Amesbury Drive, Milton Street and Matilda Street to the west

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

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

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 City Secretary Rios 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:

Roger Albright, 3301 Elm St., representing Lincoln Property
Kim McCormick, 2000 McKinney, representing Lincoln Property

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

Dallas Cothrum, 900 Jackson St., representing Jonathan Perlman
Elaine T. Laroa, 5082 Matilda, representing Birchbrook II Condominiums Homeowner Association

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2442

Page 2

Councilmember Hunt moved to close the public hearing, adopt the recommendation of the city plan commission with the ordinance to come back on a later city council voting agenda with the following changes:

1. Dumpsters in Subarea 1 must be south of the main structure and must be screened with materials consistent with the main structure.
2. Office is not allowed as a main use in Subarea II, but medical, evaluation, assessment, treatment, and rehabilitation clinic exclusively for use of residents is an allowed use in Subarea II with a parking ratio of 1:333.
3. The number of street trees required along Milton, Amesbury, and Lovers in one per 25 feet.
4. In Subarea II, setback from Milton is 20 feet.
5. Facades facing rights-of-way must be 80 percent masonry excluding windows, trim, and doors.
6. Stucco is not considered a masonry material for facades.
7. Detached signs may not be illuminated between midnight and 6:00 a.m. and may not move, flash, rotate, or change illumination more than once an hour or have a luminance of more than 200 foot-lamberts.
8. The first 15 feet of depth of structures with facades facing Lovers Lane must be habitable space.
9. In Subarea II,
 - (A) a maximum of two rows of parking is allowed between a structure façade and Matilda;
 - (B) a maximum of one row of parking is allowed between a structure façade and Lovers; and
 - (C) a maximum of one row of parking is allowed between a structure façade and Milton.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2442

Page 3

10. In Subarea III,

(A) no parking is allowed between a structure façade and Amesbury;

(B) no parking is allowed between a structure façade and Milton; and

(C) no parking is allowed between a structure façade and Lovers for a minimum of 80 percent of the frontage on Lovers. Parking is only permitted adjacent to Subarea II.

11. In Subarea III,

Facades facing Lovers must have an appearance of 3 stories.

Motion seconded by Deputy Mayor Pro Tem Atkins and Councilmember Kadane and unanimously adopted. (Rawlings abstain; Davis absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2443

Item 78: Zoning Case Z090-252(RB) - DESIGNATED ZONING CASES – INDIVIDUAL

A public hearing was called on zoning case Z090-252(RB), an application for and an ordinance granting a CR Community Retail District on property zoned an R-7.5(A) Single Family District and a resolution accepting deed restrictions volunteered by the applicant on property on the north line of Military Parkway, between Prairie Creek Road and Kingsford Avenue

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

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

Fay Matthews-Bridges, 3502 Ridge Crossing Dr.
Melanie Martin, 3208 Cypress Ave.

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

Audra Buckley, 2814 Main St., representing Martin Saldivar

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

Motion seconded by Mayor Pro Tem Medrano and Councilmember Jasso.

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

Mayor Rawlings declared the motion adopted on a divided vote, with Councilmember Greyson voting "No." (Caraway, Koop absent when vote taken)

Assigned ORDINANCE NO. 28365

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2444

Item 79: Zoning Case Z101-255(MW) - DESIGNATED ZONING CASES – INDIVIDUAL

A public hearing was called on zoning case Z101-255(MW), an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment and a commercial amusement (inside) use limited to a Class A dance hall on property within Planned Development District No. 619 for Mixed Uses on the south side of Main Street, east of Field Street

(The staff recommended Denial and city plan commission recommended Approval for a one-year period, subject to a site 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 City Secretary Rios 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:

Kevin Henry, 1321 Commerce St., representing The Adolphus Hotel

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

Kevin Richardson, 1400 Main St., representing the applicant

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

- No outside speakers and live music is permitted
- Security must be provided after 10 p.m. not 5 p.m.

and pass the ordinance.

Motion seconded by Councilmember Jasso and Councilmember Margolin.

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

Mayor Rawlings declared the motion adopted on a divided vote, with Councilmember Greyson voting "No." (Caraway, Koop absent when vote taken)

Assigned ORDINANCE NO. 28366

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2445

Item 80: Zoning Case Z101-211(JH) - DESIGNATED ZONING CASES – INDIVIDUAL

A public hearing was called on zoning case Z101-211(JH), an application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a bowling alley on property zoned Planned Development District No. 842 for CR Community Retail District uses, on property bounded by Greenville Avenue, Lewis Street, Hope Street, and La Vista Court

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

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2446

DEVELOPMENT CODE AMENDMENTS - CONSENT

Item 81: A public hearing to receive comments regarding consideration of amendments to Chapter 51A, the Dallas Development Code, to amend Section 51A-4.702; amending requirements for development plans and conceptual plans for planned development districts and procedures for minor amendments to development plans and landscape plans and an ordinance granting the amendments

(The staff and city plan commission recommended Approval)

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 and pass the ordinance.

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

Assigned ORDINANCE NO. 28367

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2447

BENEFIT ASSESSMENT HEARINGS

Item 82: A benefit assessment hearing to receive comments on street paving, storm drainage, water and wastewater main improvements for Street Group 06-453, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a construction contract with Tiseo Paving Company, lowest responsible bidder of seven (list attached) - Not to exceed \$987,054 - Financing: 2006 Bond Funds (\$776,802), Water Utilities Capital Improvement Funds (\$202,270) and Water Utilities Capital Construction Funds (\$7,982)

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 28368

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2448

BENEFIT ASSESSMENT HEARINGS

Item 83: A benefit assessment hearing to receive comments on street paving, storm drainage, water and wastewater main improvements for Street Group 06-454, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a construction contract with McMahon Contracting, L.P., lowest responsible bidder of eight (list attached) - Not to exceed \$1,152,203 - Financing: 2006 Bond Funds (\$1,081,156), Water Utilities Capital Improvement Funds (\$64,642) and Water Utilities Capital Construction Funds (\$6,405)

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 Koop and unanimously adopted. (Caraway absent when vote taken)

Assigned ORDINANCE NO. 28369

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2449

Item 84: A public hearing to receive comments regarding a proposal for and an ordinance changing the name of Impala Lane between Skillman Street on the northwest and Quality Lane on the southeast, to Theater Way - NC101-001 - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Lisa Schreiker Goss, 5938 Skillman St., representing Dallas Children's Theater
Dallas Cothrum, 900 Jackson St., representing the applicant

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

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

Assigned ORDINANCE NO. 28370

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2450

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

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2451

Addendum addition 2: Authorize a three-year Interlocal Agreement with the Town of Addison to provide the Town of Addison with two-way radio service and radio system airtime for the period September 9, 2011 through September 8, 2014 - Revenue: \$17,784

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2452

Addendum addition 3: Authorize an Amended and Restated Contract with the Dallas Convention & Visitors Bureau (DCVB) for convention facility promotion, advertising and tourism development services to: **(1)** amend the second renewal term of five-years with a two-year contract from October 1, 2011, through September 30, 2013, at \$11,000,000 annually for a total of \$22,000,000 and three automatic one-year renewal periods subject to annual appropriation; **(2)** document DCVB's specific contractual commitments for Dallas Convention Center improvements, marketing and the promotion of the City of Dallas as a location for motion pictures, television and other related creative media; and **(3)** the receipt and deposit of funds from the Dallas Convention & Visitors Bureau in the amount of \$500,000 annually in the Convention & Event Services Current Fund - Not to exceed \$22,000,000 - Financing: Convention and Event Services Current Funds (payment based on 32.6% of the City's 7% hotel occupancy tax receipts)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2453

Addendum addition 4: Ordinances amending Ordinance No. 28016 (FY 2010-11 Operating Budget Appropriation Ordinance) and Ordinance No. 28017 (FY 2010-11 Capital Budget Appropriation Ordinance) to make certain adjustments to fund appropriations for FY 2010-11 for the capital improvement program and for maintenance and operation of various departments and activities and to authorize the City Manager to implement those adjustments - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NOS. 28371 AND 28372

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2454

Addendum addition 5: An ordinance amending Ordinance No. 28244, which abandoned a portion of an alley near the intersection of Mentor Avenue and Denley Drive to Sapphire Road Development, LLC by altering the preamble; adding a new Section for the waiver of certain provisions of the Dallas Development Code; amending Sections 1, 2, 3, 16 and 17; removing Sections 9, 10, 11, 12, 13, and 14; and renumbering all said Sections accordingly - Revenue: \$5,400 plus the ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28373

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2455

Addendum addition 6: An ordinance abandoning portions of three water and sanitary sewer easements, two sanitary sewer easements and two water main easements to Cedar Crest Retail Investors, Ltd., the abutting owner, containing a total of approximately 27,865 square feet of land, located near the intersection of Bonnie View Road and Illinois Avenue - Revenue: \$7,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28374

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2456

Addendum addition 7: An ordinance granting a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the east line of South Hampton Road, northwest of Marvin D. Love Freeway - Z101-213 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NOS. 28375 AND 28376

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2457

Addendum addition 8: Authorize **(1)** execution of a Cooperating Technical Partners (CTP) Agreement with the Federal Emergency Management Agency (FEMA) for FY 2011-12 to provide a 75% cost share for updating certain flood studies in the City of Dallas; **(2)** the receipt and deposit of funds in an amount not to exceed \$665,000 from FEMA; **(3)** establish appropriations in the amount of \$665,000 in the FEMA Cooperating Technical Partnership Funds; and **(4)** Supplemental Agreement No. 1 to the contract with Halff Associates, Inc. in the amount of \$886,500, from \$900,000 to \$1,786,500, for updating certain flood studies in accordance with the Cooperating Technical Partners (CTP) Agreement with the FEMA for FY 2011-12 - Total not to exceed \$886,500 - Financing: Stormwater Drainage Management Funds (\$221,500) and FEMA Cooperating Technical Partnership Funds (\$665,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2458

Addendum addition 9: A resolution amending Section 9 of the City Council Rules of Procedure to establish the Arts, Culture, and Libraries Committee as a standing committee of the City Council - Financing: No cost consideration to the City

Councilmember Margolin moved to adopt the item.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2459

Addendum addition 10: A resolution to amend the 2011 City Calendar to: **(1)** add the City Council Retreat scheduled for October 20-21, 2011; and **(2)** reflect the City Council's updated committees and their meeting dates - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2460

Addendum addition 11: A resolution to amend the 2011 City Calendar to cancel the City Council Briefing Meeting scheduled on September 21, 2011 - Financing: No cost consideration to the City

Councilmember Hill moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2461

Addendum addition 12: Zoning Case Z101-260(JH)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

Councilmember Hunt requested that addendum addition zoning consent agenda item 12 be considered as an individual item. Mayor Rawlings stated that addendum addition zoning consent agenda item 12 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

A public hearing was called on zoning case Z101-260(JH), an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the northeast corner of Greenville Avenue and Prospect Avenue

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

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

Bruce Richardson, 5607 Richmond Ave., representing Coalition of Lowest Greenville Neighborhood Association

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

Roger Albright, 3301 Elm St., representing Rush
Jonathan Hetzel, 7002 Vivian Ave., representing Madison Partners

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

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

Assigned ORDINANCE NO. 28377

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2462

Addendum addition 13: Zoning Case Z101-311(MW)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

Councilmember Hunt requested that addendum addition zoning consent agenda item 13 be considered as an individual item. Mayor Rawlings stated that addendum addition zoning consent agenda item 13 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

A public hearing was called on zoning case Z101-311(MW), an application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a billiard hall on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the east side of Greenville Avenue, south of Oram Street

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

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

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

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

Assigned ORDINANCE NO. 28378

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2463

Addendum addition 14: Zoning Case Z101-312(MW)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

Councilmember Hunt requested that addendum addition zoning consent agenda item 14 be considered as an individual item. Mayor Rawlings stated that addendum addition zoning consent agenda item 14 be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

A public hearing was called on zoning case Z101-312(MW), an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the east side of Greenville Avenue, north of Prospect Avenue

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

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

Bruce Richardson, 5607 Richmond Ave., representing Coalition of Lowest Greenville Neighborhood Association

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

Roger Albright, 3301 Elm St., representing the applicant
Marty Carter, 2114 Greenville Ave., the applicant

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2464

Addendum addition 15: Zoning Case Z101-318(MW)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

Mayor Pro Tem Medrano requested that addendum addition zoning consent agenda item 15 be considered as an individual item. Mayor Rawlings stated that addendum addition zoning consent agenda item 15 be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Medrano's request.

A public hearing was called on zoning case Z101-318(MW), an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the north side of Alta Avenue, west of Greenville Avenue

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

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

Mayor Pro Tem Medrano moved to close the public hearing, adopt the recommendation of the city plan commission and pass the ordinance.

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

Assigned ORDINANCE NO. 28379

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2465

Addendum addition 16: Zoning Case Z101-323(RB)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

Mayor Pro Tem Medrano requested that addendum addition zoning consent agenda item 16 be considered as an individual item. Mayor Rawlings stated that addendum addition zoning consent agenda item 16 be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Medrano's request.

A public hearing was called on zoning case Z101-323(RB), an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant with drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses, on the southwest corner of Greenville Avenue and Alta Avenue

(The staff recommended Approval for the period ending September 30, 2013, subject to a site plan and conditions and city plan commission recommended Approval for the period ending September 30, 2013, 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:

Suzan Kedron, 901 Main St., representing Taco Cabana
Bruce Richardson, 5607 Richmond Ave., representing Coalition of Lowest Greenville
Neighborhood Association

Mayor Pro Tem Medrano moved to close the public hearing, adopt the recommendation of the city plan commission and pass the ordinance.

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

Assigned ORDINANCE NO. 28380

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 14, 2011

11-2466

Addendum addition 17: Zoning Case Z101-326(RB)

The consent zoning docket, consisting of agenda items 63-72 and addendum items 12-17, was presented for consideration.

Mayor Pro Tem Medrano requested that addendum addition zoning consent agenda item 17 be considered as an individual item. Mayor Rawlings stated that addendum addition zoning consent agenda item 17 be considered as an individual item later in the meeting, there being no objection voiced to Mayor Pro Tem Medrano's request.

A public hearing was called on zoning case Z101-326(RB), an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to a restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the west line of Greenville Avenue, south of Sears Street

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

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

Bruce Richardson, 5607 Richmond Ave., representing Coalition of Lowest Greenville Neighborhood Association

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

Samuel Mandell, III, 8646 Daytonia Ave., the applicant
Stephen G. Schwartz, 9162 Clearlake, representing Greenville Ave. Pizza Co.
Jonathan Hetzel, 7002 Vivian Ave., representing Madison Partners

Mayor Pro Tem Medrano moved to close the public hearing, adopt the recommendation of the city plan commission with the following change:

- Approval of the Specific Use Permit for a two-year period, subject to a site plan and conditions.

and pass the ordinance.

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

Assigned ORDINANCE NO. 28381

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 14, 2011

EXHIBIT C