

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 28, 2011

11-2508

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

PRESENT: [15] Rawlings, Jasso, Medrano, Griggs, Caraway, Hill, Alonzo, Davis,
Atkins, Kadane, Allen, Koop, Greyson (*9:08 a.m.), Margolin, Hunt

ABSENT: [0]

The meeting was called to order at 9:06 a.m.

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

The invocation was given by Rabbi Shawn Zell of the Tiferet Israel Congregation.

Councilmember Koop 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 2:35 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 28, 2011

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 28, 2011

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2509

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: Alan Propper, 4845 Swiss Ave.
SUBJECT: Dallas Animal Services/averting a disaster

SPEAKER: Barbara Barbee, 303 N. Barnett Ave.
REPRESENTING: Beverly Hills Neighborhood Assoc.
SUBJECT: Not changing Fire Station 26

SPEAKER: Anna Hill, 4819 Silver Ave.
SUBJECT: Removal of a truck ladder (DFR)

SPEAKER: Greg Nieberding, 350 N. Ervay St.
SUBJECT: Waste, parking and construction in Downtown

SPEAKER: Ray Edwards, 3207 Kiesthill Dr.
SUBJECT: Budget; public safety issue

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Eddie Propes, 2639 Exeter Ave.
REPRESENTING: Land controlled by owners around fair park
SUBJECT: Special event parking license

SPEAKER: Troy C'Debaca, 9603 Kings Link Cir., **Rowlett, TX**
REPRESENTING: Dallas Fire Department
SUBJECT: City Council budget cuts for Fire Dept.

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
SUBJECT: Assault on 12/8/10

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

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

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: J. B. Jackson, Jr. Institute
SUBJECT: Honesty is the best policy

SPEAKER: Richard Sherdian, 3022 Forest Ln.
REPRESENTING: Citizens
SUBJECT: Dallas redistricting war

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Media, KKK and the DPD

SPEAKER: Bill Betzen, 6717 Cliffwood Dr.
REPRESENTING: Citizens
SUBJECT: Redistricting

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
REPRESENTING: R.A.W.
SUBJECT: The queen mother Moore of Harlem, NY

SPEAKER: Trina Triche, 1818 Corsicana St.
SUBJECT: Corruption in government

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2510

Item 1: Approval of Minutes of the September 14, 2011 City Council Meeting

Councilmember Caraway moved to adopt the minutes with to the following change:

Item 81, a consent zoning docket item, was considered and approved as an individual item.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2511

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-51, and addendum addition consent agenda items 1-7, was presented for consideration.

Acting City Secretary Rios requested that consent agenda item 41 be considered as an individual item to allow citizens to speak. Mayor Rawlings stated that consent agenda item 41 would be considered as an individual item later in the meeting there being no objection voiced to Acting City Secretary Rios' request.

Councilmember Griggs requested that consent agenda item 38 be considered as an individual item. Mayor Rawlings stated that consent agenda item 38 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griggs' request.

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

Councilmember Koop requested that consent agenda items 36 and 37 be considered as individual items. Mayor Rawlings stated that consent agenda items 36 and 37 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Koop's request.

Councilmember Greyson requested that consent agenda items 22, 23 and 35 be considered as individual items. Mayor Rawlings stated that consent agenda items 22, 23, and 35 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Councilmember Margolin requested that addendum addition consent agenda item 4 be considered as an individual item. Mayor Rawlings stated that addendum addition consent agenda item 4 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Councilmember Kadane moved to adopt all items on the consent agenda with the exception of consent agenda items 14, 22, 23, 35, 36, 37, 38, 41 and addendum addition consent agenda item 4 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2512

Item 2: Authorize a service contract for refurbishment services for the elevated water storage tank located at 7211 Frankford Road - Blastco Texas, Inc., most advantageous proposer of four - Not to exceed \$652,700 - Financing: Water Utilities Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2513

Item 3: Authorize a three-year service contract for repair of hydraulic cylinders, pumps and valves - Herco Equipment, Inc. in the amount of \$279,778 and Hydraulic Power Services, Inc. in the amount of \$51,890, lowest responsible bidders of three - Total not to exceed \$331,668 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2514

Item 4: Authorize the second one-year renewal option of the service contract with HealthTexas Provider Network dba MedProvider for medical examinations and fitness assessments for Dallas Fire-Rescue firefighters - Not to exceed \$782,977 - Financing: U.S. Department of Homeland Security Assistance to Firefighters Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2515

Item 5: Authorize **(1)** the purchase of 70 handheld meter reading computers in the amount of \$312,334; and **(2)** a five-year service contract for maintenance and support for the 70 handheld meter reading computers and the existing Multiple Vendor Reading System software application in the amount of \$237,583 - Itron, Inc., lowest responsible bidder of two - Total not to exceed \$549,917 - Financing: Water Utilities Capital Construction Funds (\$312,334) and Water Utilities Current Funds (\$237,583) subject to annual appropriations

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2516

Item 6: Authorize a three-year master agreement for emergency vehicle pump parts for Dallas Fire-Rescue - E-One, Inc., lowest responsible bidder of four - Not to exceed \$84,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2517

Item 7: Authorize an increase in the service contract with Verizon Wireless for commercial wireless communication services and equipment in the Dallas Metropolitan Statistical Area through the Department of Information Resources, State of Texas Cooperative contract - Not to exceed \$1,128,000, from \$6,362,000 to \$7,490,000 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2518

Item 8: Authorize the first renewal option to the service contract and software subscription agreement with Emergidata, Inc. for hardware maintenance and a specialized electronic patient care reporting system for Dallas Fire-Rescue from October 1, 2011 through September 30, 2012 - Not to exceed \$430,832, from \$444,000 to \$874,832 - Financing: Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2519

Item 9: Authorize Supplemental Agreement No. 4 to increase the service contract with SunGard Availability Services, LLP to provide alternate disaster recovery site equipment and services for mainframe, open systems and work stations for the period October 1, 2011 through December 31, 2011 - Not to exceed \$55,623, from \$1,421,522 to \$1,477,145 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2520

Item 10: Authorize settlement of the lawsuit styled Adrian Mosley v. City of Dallas, Cause No. 11-04122-M - Not to exceed \$10,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2521

Item 11: Authorize settlement of a claim filed by Southwestern Bell Telephone Company d/b/a AT&T Texas, Claim No. 09-00001-01-50 - Not to exceed \$13,361 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2522

Item 12: Authorize settlement of a claim filed by EAN Holdings LLC, Claim No. 11-00014-01-50 - Not to exceed \$16,925 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2523

Item 13: Authorize settlement of the lawsuit styled Charlene Lewis, Individually and as Next Friend of Catherine Lewis v. City of Dallas, Cause No. 10-09355-J - Not to exceed \$28,758 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2524

Item 14: 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 Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P - Not to exceed \$325,000, from \$25,000 to \$350,000 - Financing: Current Funds

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

Later in the meeting, consent agenda item 14 was brought up for consideration.

Councilmember Caraway moved to postpone the item until the October 10, 2011 voting agenda meeting of the city council.

Motion seconded by Councilmember Alonzo and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2525

Item 15: Authorize revisions to the City of Dallas Financial Management Performance Criteria to revise fund balance classifications to comply with new accounting standards and clarify certain criteria - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2526

Item 16: Authorize a three-year Interlocal Agreement with Dallas County to provide Dallas County with two-way radio service, equipment, antenna space, microwave service and radio system airtime for the period October 1, 2011 through September 30, 2014 - Revenue: \$304,580

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2527

Item 17: Authorize a twelve-month contract, with one twelve-month renewal option, with Health Services of North Texas, Inc. to provide scattered site housing assistance for persons with HIV/AIDS for the period October 1, 2011 through September 30, 2012 - Not to exceed \$481,500 - 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 28, 2011

11-2528

Item 18: Authorize a twelve-month contract, with one twelve-month renewal option, with Legacy Counseling Center, Inc. to provide facility based housing assistance for persons with HIV/AIDS for the period October 1, 2011 through September 30, 2012 - Not to exceed \$265,000 - 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 28, 2011

11-2529

Item 19: Authorize a twelve-month contract, with one twelve-month renewal option, with My Second Chance, Inc. to provide facility based housing assistance for persons with HIV/AIDS for the period October 1, 2011 through September 30, 2012 - Not to exceed \$160,000 - 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 28, 2011

11-2530

Item 20: Authorize a twelve-month contract, with one twelve-month renewal option, with PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas to provide facility based housing assistance for persons with HIV/AIDS for the period October 1, 2011 through September 30, 2012 - Not to exceed \$1,058,800 - Financing: 2011-12 Housing Opportunities for Persons with AIDS Grant Funds (\$914,605) and 2010-11 Housing Opportunities for Persons with AIDS Grant Funds (\$144,195)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2531

Item 21: Authorize a contract with the Department of State Health Services for the continuation of the Special Supplemental Nutrition Program for the Women, Infants, and Children Program for the period October 1, 2011 through March 31, 2012 - Not to exceed \$7,332,423 - Financing: Department of State Health Services Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2532

Item 22: Authorize **(1)** the sale of one vacant lot located at 3333 Parvia Avenue from the Dallas Housing Acquisition and Development Corporation to Martin Ruiz; and **(2)** execution of a release of lien for any non-tax liens that may have been filed by the City - Financing: No cost consideration to the City

Councilmember Greyson requested that consent agenda item 22 be considered as an individual item. Mayor Rawlings stated that consent agenda item 22 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 22 was brought up for consideration.

Councilmember Greyson moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2533

Item 23: Authorize **(1)** the sale of one vacant lot located at 4017 Hammerly Drive from the Dallas Housing Acquisition and Development Corporation to Maria Estela Aguilar; and **(2)** execution of a release of lien for any non-tax liens that may have been filed by the City - Financing: No cost consideration to the City

Councilmember Greyson requested that consent agenda item 23 be considered as an individual item. Mayor Rawlings stated that consent agenda item 23 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 23 was brought up for consideration.

Councilmember Greyson moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2534

Item 24: A resolution to: **(1)** authorize amendments to the affordable housing deed restrictions and reverter rights retained in two Deeds Without Warranty (as modified) as to five tracts of land conveyed by said deeds pursuant to Resolution No. 06-1999, previously approved on August 9, 2006, which authorized conveyance of properties to East Dallas Community Organization, Inc. (EDCO) for the development of affordable housing, to clarify the definition of moderate income households (as distinguishable from low income households) as including individuals or families whose incomes are 140% or less of the area median family income; and **(2)** clarify that the deed restrictions and reverter rights to be retained pursuant to Resolution No. 06-1999, as to the one original subject tract of land still owned by the City of Dallas, shall incorporate the clarified definition of moderate income households (as distinguishable from low income households) to include individuals or families whose incomes are 140% or less of the area median family income (list attached) - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2535

Item 25: Authorize **(1)** ratification of a payment for professional services with Finish Well Companies dba Global Bridgebuilders, formerly Diversity Management Strategies, LLC, in the amount of \$151,580; and **(2)** Supplemental Agreement No. 3 to the professional services contract with Finish Well Companies dba Global Bridgebuilders, formerly Diversity Management Strategies, LLC, for the continuing assessment and development of training programs to enhance workforce diversity and employee productivity, in the amount of \$178,300 - Total not to exceed \$329,880, from \$615,360 to \$945,240 - Financing: Water Utilities Current Funds (\$95,800), Aviation Current Funds (\$40,000) and Current Funds (\$194,080) (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2536

Item 26: An ordinance authorizing a revenue neutral modification to Atmos Energy Corp., Mid-Tex Division's Rider GCR - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28382

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2537

Item 27: Authorize **(1)** the acceptance of a grant from the U.S. Department of Housing and Urban Development (HUD) for the Fair Housing Assistance Program to process, investigate and conciliate housing discrimination complaints, administrative costs and HUD required staff training for the period October 1, 2011 through September 30, 2012; and **(2)** the execution of any and all documents related to the grant - Not to exceed \$343,013 - Financing: U.S. Department of Housing and Urban Development, Fair Housing Assistance Program Comprehensive Funding Approach Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2538

Item 28: Authorize approval of the 2011-2012 Dallas/Fort Worth International Airport Board Annual Budget - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2539

Item 29: Approval of an ordinance amending the Forty-Seventh Supplemental Concurrent Bond Ordinance authorizing Dallas/Fort Worth International Airport Joint Revenue Refunding Bonds, Series 2011C, Series 2011D, Series 2011E, Series 2011F, Series 2011G and Series 2011H - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28383

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2540

Item 30: Authorize a contract for erosion control and a structural bank stabilization wall in Cedar Creek at the Dallas Zoo located at 650 South R.L. Thornton Freeway - Austin Filter Systems, Inc., best value proposer of five - Not to exceed \$739,546 - Financing: 2005 Certificates of Obligation

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2541

Item 31: Authorize a professional services contract with Colligan Golf Design for schematic design through construction administration services for design of golf course renovation, irrigation system and levee maintenance at L.B. Houston Golf Course located at 11223 Luna Road - Not to exceed \$286,000 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2542

Item 32: Authorize an increase in the contract with Phoenix I Restoration and Construction, Ltd. for installation of four interpretive story sign panels at Cedar Crest Golf Course located at 1800 Southerland Avenue; Tenison Park Golf Course located at 3501 Samuell Boulevard; Stevens Park Golf Course located at 1005 North Montclair Avenue; and Samuell-Grand Tennis Center located at 6200 East Grand Avenue - Not to exceed \$33,396, from \$318,000 to \$351,396 - Financing: 2006 Bond Funds (\$8,349) and Golf Improvement Funds (\$25,047)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2543

Item 33: Authorize Supplemental Agreement No. 1 to the professional services contract with DAL-TECH Engineering, Inc. for additional topographic and metes and bounds surveying for a new trail and additional design for realignment of the Five Mile Creek Trail to the northeast side of Five Mile Creek located from Kiest Park to Briar Gate Park - Not to exceed \$52,751, from \$106,035 to \$158,786 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2544

Item 34: Authorize **(1)** a Project Supplemental Agreement to the Master Interlocal Agreement with Dallas County for the paving and drainage improvements on Denton Drive from Webb Chapel Extension to the north City Limits and Harry Hines Boulevard from Manana Drive to north of Royal Lane; and **(2)** payment to Dallas County for the City's share of design and construction cost - Not to exceed \$1,500,000 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2545

Item 35: Authorize **(1)** an Interlocal Agreement with the North Central Texas Council of Governments to provide traffic engineering services to update traffic signal timings and signal progression at 97 locations (list attached); **(2)** a local match in an amount not to exceed \$84,723; **(3)** to establish appropriations in an amount not to exceed \$38,800 in the North Central Texas Council of Governments Grant Fund; and **(4)** reimbursement of engineering services provided by the City related to implementation of the project - Total not to exceed \$84,723 - Financing: Current Funds (\$45,923) and North Central Texas Council of Governments Grant Funds (\$38,800)

Councilmember Greyson requested that consent agenda item 35 be considered as an individual item. Mayor Rawlings stated that consent agenda item 35 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 35 was brought up for consideration.

Councilmember Greyson moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2546

Item 36: Authorize a contract with CPS Civil, LLC, lowest responsible bidder of four, for the construction of sidewalk amenities and streetscape improvements for Commerce Street from Field Street to Ervay Street - Not to exceed \$658,806 - Financing: 2006 Bond Funds (\$639,906) and Water Utilities Capital Construction Funds (\$18,900)

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

Later in the meeting, consent agenda item 36 was brought up for consideration.

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

Councilmember Margolin moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (Koop abstain; Medrano, Davis absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2547

Item 37: Authorize a contract with McMahon Contracting, L.P., lowest responsible bidder of nine, for the construction of street paving, storm drainage, water and wastewater main improvements for Irving Boulevard (north service road) from Mockingbird Lane to Woodall Street - Not to exceed \$1,390,726 - Financing: 2006 Bond Funds (\$771,982), Water Utilities Capital Construction Funds (\$22,600) and Water Utilities Capital Improvement Funds (\$596,144)

Councilmember Koop requested that consent agenda item 37 be considered as an individual item. Mayor Rawlings stated that consent agenda item 37 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Koop's request.

Later in the meeting, consent agenda item 37 was brought up for consideration.

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

Councilmember Margolin moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (Koop abstain; Medrano, Davis absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2548

Item 38: Authorize a contract with Tiseo Paving Company, lowest responsible bidder of four, for the construction of street paving, storm drainage, streetscape, traffic signal upgrades, water and wastewater main improvements for Cesar Chavez Boulevard (Central Expressway) from Commerce Street to Live Oak Street and Pearl Expressway from Commerce Street to Live Oak Street - Not to exceed \$12,473,920 - Financing: 2006 Bond Funds (\$9,460,375), Water Utilities Capital Construction Funds (\$95,245) and Water Utilities Capital Improvement Funds (\$2,918,300)

Councilmember Griggs requested that consent agenda item 38 be considered as an individual item. Mayor Rawlings stated that consent agenda item 38 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griggs' request.

Later in the meeting, consent agenda item 38 was brought up for consideration.

Councilmember Hunt moved to adopt the item.

Motion seconded by Councilmember Hill.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2549

Item 39: Authorize **(1)** a professional services contract with HNTB Corporation for the design and construction administration of the Perimeter Road Reconstruction and Extension Project at Dallas Love Field in the amount of \$1,332,425; and **(2)** an increase in appropriations in the amount of \$1,395,000 in the Federal Aviation Administration Airport Improvement Program Grant Fund - Not to exceed \$1,332,425 - Financing: Aviation Capital Construction Funds (\$744,635) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$587,790)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2550

Item 40: Authorize **(1)** Supplemental Agreement No. 1 to the professional services contract with Atkins North America, Inc. (formerly PBS&J) to provide additional engineering design services to realign taxiways and in-pavement runway guard lights for Runway 13L-31R along the length of Taxiway M for the Taxiway "M" Reconstruction and Extension Project at Dallas Love Field in the amount of \$187,500, from \$988,736 to \$1,176,236; and **(2)** an increase in appropriations in the amount of \$195,000 in the Aviation Capital Construction Fund for testing, city administration and other owner's expenses - Not to exceed \$187,500 - Financing: Aviation Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2551

Item 41: Authorize **(1)** Supplemental Agreement No. 1 to increase the Local Project Advance Funding Agreement with the Texas Department of Transportation by an additional \$2,500,000 due to higher than anticipated construction cost for the Sylvan Avenue Bridge over the Trinity River from Gallagher Street to Irving Boulevard; and **(2)** payment to the Texas Department of Transportation for the City's share of additional construction cost - Total not to exceed \$500,000 - Financing: 2006 Bond Funds

Acting City Secretary Rios requested that consent agenda item 41 be considered as an individual item to allow citizens to speak. Mayor Rawlings stated that consent agenda item 41 would be considered as an individual item later in the meeting there being no objection voiced to Acting City Secretary Rios' request.

Later in the meeting agenda item 41 was brought up for consideration.

When called, there were no individuals forthcoming to speak on the item.

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Alonzo and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2552

Item 42: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 3,286 square feet from Jorge Garcia located near the intersection of Burbank Street and Huron Drive for the Burbank Street Improvement Project - Not to exceed \$45,512 (\$43,012 plus closing costs and title expenses not to exceed \$2,500) - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2553

Item 43: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately five acres of land from Alan T. Cooperman located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$454,871 (\$450,000 plus closing costs and title expenses not to exceed \$4,871) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2554

Item 44: A resolution authorizing the sale of approximately 78,552 square feet of City-owned land located in Collin County near the intersection of State Highway 78 and State Highway 205 to the Texas Department of Transportation - Revenue: \$18,852

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2555

Item 45: A resolution authorizing the sale of approximately 4,490 square feet of City-owned land located near the intersection of Sylvan Avenue and Interstate Highway 30 to the Texas Department of Transportation - Revenue: \$67,350

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2556

Item 46: Authorize the execution of Quitclaim Deeds for 29 properties that were acquired by the taxing entities (the City of Dallas; the State of Texas; the County of Dallas; and Dallas Independent School District) from a Sheriff's Sale to the highest bidders (list attached) - Revenue: \$176,081

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2557

Item 47: 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 use greater than 3,500 square feet on property zoned Subdistrict 1 within Planned Development District No. 366 with a D Liquor Control Overlay on the northwest corner of South Buckner Boulevard and Cordell Drive - Z101-146 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NOS. 28384 AND 28385

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2558

Item 48: Authorize a contract for the construction of culvert improvements on Coombs Creek at Irwindell Boulevard and culvert improvements on Rugged Branch at Elmwood Boulevard - Texas Standard Construction, Ltd., lowest responsible bidder of five - Not to exceed \$241,103 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2559

Item 49: Authorize an increase to the contract with DCI Contracting, Inc. for additional gabion retaining walls, excavation fill and additional tree removal due to changed site conditions for the construction of erosion control improvements on Alice Creek from Charlemagne Street to 750 feet north - Not to exceed \$134,535, from \$656,030 to \$790,565 - Financing: 1995 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2560

Item 50: Authorize a contract for the construction of the Phase I/II effluent filter modifications at the Southside Wastewater Treatment Plant - Gracon Construction, Inc., lowest responsible bidder of five - Not to exceed \$3,343,000 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2561

Item 51: Authorize an increase in the contract with Archer Western Construction, LLC for the rehabilitation of wastewater gates located at the East, Rochester, and Central Wastewater Treatment Plant levees in order to comply with the Federal Emergency Management Agency National Flood Insurance Program - Not to exceed \$156,871, from \$2,228,000 to \$2,384,871 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2562

11-2563

Item 52: 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 28, 2011.

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

Councilmember Hill moved to approve the appointments of Deborah D. Hicks, General Public, and Roberto Canas Jr., County Official, to the Animal Shelter Commission; Roslyn A. Thibodeaux Goodall, Professional Expertise, and Henry K. Song, Interested Citizen, to the Cultural Affairs Commission; Sidney J. Miller, to the Civil Service Board; Albert Silva, Citizen at Large, and Paul Ridley, Licensed Architect, to the Landmark Commission; Michael Barrett, Registered Voter, to the Reinvestment Zone Four Board (Cedars Area); Jacob N. Pollack, Registered Voter, to the Reinvestment Zone Ten Board (Southwestern Medical); J.B. Jones, Deborah Carpenter and Joe D. Jasso, Registered Voters, to the Reinvestment Zone Fifteen Board (Fort Worth Avenue); and John Johnson, 55 years of age, to the Senior Affairs Commission.

Motion seconded by Mayor Pro Tem Medrano and unanimously adopted.

Councilmember Hill moved to appoint a nominee 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 Mayor Pro Tem Medrano and unanimously adopted.

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

11-5206	ASC	ANIMAL SHELTER COMMISSION
11-5207	CAC	CULTURAL AFFAIRS COMMISSION
11-5208	CDC	COMMUNITY DEVELOPMENT COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2562

11-2563

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

11-5209	CPC	CITY PLAN AND ZONING COMMISSION
11-5210	CPR	DALLAS CITIZENS POLICE REVIEW BOARD
11-5211	CSB	CIVIL SERVICE BOARD
11-5212	CSX	CIVIL SERVICE BOARD ADJUNCT MEMBERS
11-5213	JNC	JUDICIAL NOMINATING COMMISSION
11-5214	LMC	LANDMARK COMMISSION
11-5215	MLB	MUNICIPAL LIBRARY BOARD
11-5216	MLK	MARTIN LUTHER KING JR COMMUNITY CENTER BOARD
11-5217	PAR	PARK AND RECREATION BOARD
11-5218	RZ04	REINVESTMENT ZONE FOUR BOARD (CEDARS AREA)
11-5219	RZ10	REINVESTMENT ZONE TEN BOARD (SOUTHWESTERN MEDICAL)
11-5220	RZ15	REINVESTMENT ZONE FIFTEEN BOARD (FORT WORTH AVENUE)
11-5221	SAC	SENIOR AFFAIRS COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2564

Item 53: 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

Councilmember Koop moved to pass the ordinance with the following amendments:

- Proposed residential projects in Phase I must reduce water usage by 20 percent. This may be accomplished by:
 - using 20 percent less water than the water use baseline calculated for the building's interior water fixture use as required by the Dallas Plumbing Code; or
 - using the water efficiency requirements of Green Built Texas, LEED for homes or the International Green Construction Code.

Motion seconded by Councilmember Margolin and unanimously adopted.

Assigned ORDINANCE NO. 28386

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2565

Item 54: An ordinance amending Chapter 52, "Administrative Procedures for the Construction Code," and Chapter 58, "Dallas Existing Building Code," of the Dallas City Code, as amended; amending the powers and duties of the building inspection advisory, examining, and appeals board in Chapter 52; amending the referenced codes and standards and general definitions, and the accessibility, existing vertical openings, fire protection/fire safety, and change of occupancy requirements of Chapter 58; providing a penalty not to exceed \$2,000; providing a saving clause; and providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Atkins moved to pass the ordinance.

Motion seconded by Mayor Pro Tem Medrano and unanimously adopted.

Assigned ORDINANCE NO. 28387

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2566

Item 55: An ordinance amending Chapter 56, "Dallas Electrical Code," of the Dallas City Code, as amended; adopting with certain changes the 2011 Edition of the National Electrical Code of the National Fire Protection Association, Inc.; regulating the construction, enlargement, alteration, repair, use, and maintenance of electrical work in the city; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

Mayor Pro Tem Medrano moved to pass the ordinance.

Motion seconded by Councilmember Koop and unanimously adopted.

Assigned ORDINANCE NO. 28388

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

DESIGNATED PUBLIC SUBSIDY MATTERS

11-2567

- Item 56: Authorize a twelve-month service contract, with two additional twelve-month renewal options, each subject to funding availability with the eight Business Assistance Center (BAC) contractors to provide technical assistance, incubator space and other support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: **(1)** Greater Dallas Hispanic Chamber of Commerce located at 4622 Maple Avenue, Suite 207 in an amount not to exceed \$80,000; **(2)** South Dallas Fair Park Inncity Community Development Corporation located at 4907 Spring Avenue in an amount not to exceed \$80,000; **(3)** Greater Dallas Hispanic Chamber of Commerce located at 2060 Singleton Boulevard, Suite 102 in an amount not to exceed \$80,000; **(4)** Greater Dallas Hispanic Chamber of Commerce located at 400 South Zang Boulevard, Suite 240 in an amount not to exceed \$80,000; **(5)** Business Assistance Center, Inc. located at 1201 West Camp Wisdom Road, Suite 224 in an amount not to exceed \$80,000; **(6)** Greater Dallas Asian American Chamber of Commerce / Multi-Ethnic Education and Economic Development Center located at 11171 Harry Hines Boulevard, Suite 115 in an amount not to exceed \$80,000; **(7)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association located at 2210 West Illinois Avenue in an amount not to exceed \$80,000; and **(8)** Greater Dallas Indo American Chamber of Commerce located at 2750 West Northwest Highway, Suite 200 in an amount not exceed \$80,000 - Total not to exceed \$640,000 - Financing: 2011-12 Community Development Block Grant Funds

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

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2568

DESIGNATED PUBLIC SUBSIDY MATTERS

Skillman Corridor TIF District

Note: Item Nos. 57 and 58
must be considered collectively.

Item 57: Authorize (1) a development agreement with Richardson Independent School District (RISD) to provide reimbursement pursuant to the Interlocal Agreement between the City and RISD for the design, engineering, professional services and construction of stadium facility improvements for the Lake Highlands High School located at 9449 Church Road; and (2) the Skillman Corridor TIF District Board of Directors to dedicate up to \$5,000,000 from future Skillman Corridor TIF District revenues in accordance with the development agreement - Not to exceed \$5,000,000 - Financing: Skillman Corridor TIF District Funds

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

Motion seconded by Councilmember Kadane and Councilmember Koop and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2569

DESIGNATED PUBLIC SUBSIDY MATTERS

Skillman Corridor TIF District

Note: Item Nos. 57 and 58
must be considered collectively.

Item 58: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Fourteen (Skillman Corridor TIF District) to reimburse RISD up to \$5,000,000 for certain TIF-eligible project costs related to stadium facility improvements for the Lake Highlands High School located at 9449 Church Road in the Skillman Corridor TIF District - Financing: No cost consideration to the City

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

Motion seconded by Councilmember Kadane and Councilmember Koop and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

DESIGNATED PUBLIC SUBSIDY MATTERS

11-2570

Downtown Connection TIF District

Note: Item Nos. 59 and 60
must be considered collectively.

Item 59: Authorize **(1)** a development agreement with 1401 Elm Street Holdings, LLC, to dedicate future TIF revenues for eligible project costs related to environmental remediation and demolition, façade restoration, street and utility improvements and an Economic Development TIF Grant to provide funding for the redevelopment of 1401 Elm Street located in Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District); and **(2)** the Downtown Connection TIF District Board of Directors to dedicate an amount not to exceed \$30,000,000 from future Downtown Connection TIF District revenues, a portion in the form of a TIF Economic Development Grant, in accordance with the development agreement - Not to exceed \$30,000,000 - Financing: Downtown Connection TIF District Funds

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2571

DESIGNATED PUBLIC SUBSIDY MATTERS

Downtown Connection TIF District

Note: Item Nos. 59 and 60
must be considered collectively.

Item 60: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse 1401 Elm Street Holdings, LLC up to \$30,000,000, for TIF-eligible project costs pursuant to the development agreement with 1401 Elm Street Holdings, LLC - Financing: No cost consideration to the City

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2572

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 61: Authorize (1) the second of two twelve-month renewal options to the service contract with Enterprise Community Partners, Inc., a non-profit corporation, in the amount of \$2,782,473 for the implementation of the Mortgage Assistance Program (MAP) for the period October 1, 2010 through September 30, 2011; and (2) an amendment to the MAP Program for FY 2011-12 - Not to exceed \$2,782,473 - Financing: 2011-12 Community Development Grant Funds (\$1,342,473) and 2011-12 HOME Investment Partnership Program Grant Funds (\$1,440,000)

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

Motions seconded by Mayor Pro Tem Medrano and Councilmember Kadane.

After discussion, Councilmember Hill withdrew her motion to adopt the item to allow Councilmember Davis to amend the item.

Mayor Pro Tem Medrano and Councilmember Kadane, who seconded the motion, also withdrew their second to the motion.

Councilmember Davis moved to adopt the item with the following amendment:

- Change the implementation period and contract period for the Mortgage Assistance Program (MAP) for the period of October 1, 2010 through September 30, 2011 as stated in section 2 of the resolution to read October 1, 2011 through September 30, 2012 because Federal funds are appropriated for the FY 2011-2012.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2573

Item 62: Authorize **(1)** preliminary adoption of Substantial Amendment No. 10 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program (NSP1) to receipt and deposit program income in the amount of \$1,200,000; **(2)** increase established appropriations from \$2,200,000 to \$3,400,000 to be used for similar eligible activities; and **(3)** a public hearing to be held on October 26, 2011 to receive comments on Substantial Amendment No. 10 to the FY 2008-09 Consolidated Plan for the NSP1 - Total not to exceed \$1,200,000 - Financing: Neighborhood Stabilization Program Income Funds

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

Motion seconded by Councilmember Hill and Councilmember Margolin and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2574

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 63-74, was presented for consideration.

Agenda items 63, 67, 68, 71 and 73 were removed from the consent zoning docket, to be considered as individual hearings.

~~Agenda item 63: Zoning Case Z101-163(MG) [considered individually]~~

Agenda item 64: Zoning Case Z101-184(WE)

Agenda item 65: Zoning Case Z101-185(RB)

Agenda item 66: Zoning Case Z101-252(RB)

~~Agenda item 67: Zoning Case Z101-253(MG) [considered individually]~~

~~Agenda item 68: Zoning Case Z101-274(MG) [considered individually]~~

Agenda item 69: Zoning Case Z101-284(OTH)

Agenda item 70: Zoning Case Z101-293(MG)

~~Agenda item 71: Zoning Case Z101-297(MW) [considered individually]~~

Agenda item 72: Zoning Case Z101-298(MW)

~~Agenda item 73: Zoning Case Z101-304(MG) [considered individually]~~

Agenda item 74: Zoning Case Z101-285(MW)

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

The following individual addressed the city council:

Trina Triche, 1818 Corsicana St.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2575

Item 63: Zoning Case Z101-163(MG)

The consent zoning docket, consisting of agenda items 63-74, was presented for consideration.

Councilmember Davis 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 Davis' request.

A public hearing was called on zoning case Z101-163(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 a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of the intersection of Military Parkway and Elva Avenue

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

The following individual addressed the city council:

Trina Triche, 1818 Corsicana St.

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

Gabriel Soto, 5442 Richmond Ave.

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

Parvez Malik, representing Business Zoom
Santos Pinales, Jr., 7055 Woodard Ave.
Elder James Thomas, Sr., 8019 Everglade
Carmen Velasquez, 7009 Woodard Ave.
Jiten Roy, 3526 Bobtown
Joel Hobbs, 7038 Fairdale

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2575

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Councilmember Davis moved to continue the public hearing and hold under advisement until the November 7, 2011 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2576

Item 64: Zoning Case Z101-184(WE)

The consent zoning docket, consisting of agenda items 63-74, was presented for consideration.

A public hearing was called on zoning case Z101-184(WE), an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the southwest corner of Lake June Road and North Prairie Creek Road

(The staff recommended Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions and city plan commission recommended Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions)

The following individual addressed the city council:

Trina Triche, 1818 Corsicana St.

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. 28389 AND 28390

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2577

Item 65: Zoning Case Z101-185(RB)

The consent zoning docket, consisting of agenda items 63-74, was presented for consideration.

A public hearing was called on zoning case Z101-185(RB), an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-1 Limited Office District with the D Liquor Control Overlay on the northeast line of Webb Chapel Road, south of Larga Drive

(The staff and city plan commission recommended Approval, subject to deed restrictions volunteered by the applicant, with retention of the D Liquor Control Overlay)

The following individual addressed the city council:

Trina Triche, 1818 Corsicana St.

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. 28391

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2578

Item 66: Zoning Case Z101-252(RB)

The consent zoning docket, consisting of agenda items 63-74, was presented for consideration.

A public hearing was called on zoning case Z101-252(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 east line of East Lake Highlands Road, south of Northwest Highway

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

The following individual addressed the city council:

Trina Triche, 1818 Corsicana St.

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. 28392

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2579

Item 67: Zoning Case Z101-253(MG)

The consent zoning docket, consisting of agenda items 63-74, 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 Z101-253(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 of less than 3,500 square feet on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay in the southeast quadrant of Lake June Road and Templecliff Drive

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

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

Juan Steele, 9829 Walnut St.

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

Trina Triche, 1818 Corsicana St.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2579

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

Motion seconded by Councilmember Kadane and unanimously adopted.

Assigned ORDINANCE NO. 28393

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2580

Item 68: Zoning Case Z101-274(MG)

The consent zoning docket, consisting of agenda items 63-74, was presented for consideration.

Councilmember Kadane requested that zoning consent item 68 be considered as an individual item. Mayor Rawlings stated that zoning consent item 68 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Kadane's request.

A public hearing was called on zoning case Z101-274(MG), an application for and an ordinance granting for a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of less than 3,500 square feet on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the north line of East Ledbetter Drive, east of South R.L. Thornton Freeway

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

William Cothrum, 900 Jackson St., representing the applicant

Councilmember Caraway moved to close the public hearing, amend for an automatic three year renewal and pass the ordinance.

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

Later in the meeting, Councilmember Caraway moved to reconsider to do a little clean up to the item 68.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2580

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Councilmember Caraway moved to close the public hearing, adopt the Specific Use Permit for a three-year period with a three-year automatic renewal and pass the ordinance.

Motion seconded by Councilmember Hunt and unanimously adopted.

Assigned ORDINANCE NOS. 28394 AND 28395

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2581

Item 69: Zoning Case Z101-284(OTH)

The consent zoning docket, consisting of agenda items 63-74, was presented for consideration.

A public hearing was called on zoning case Z101-284(OTH), an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned an MF-2(A) Multifamily District, on the north side of Clydedale Drive, east of Geraldine Drive

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

The following individual addressed the city council:

Trina Triche, 1818 Corsicana St.

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. 28396

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2582

Item 70: Zoning Case Z101-293(MG)

The consent zoning docket, consisting of agenda items 63-74, was presented for consideration.

A public hearing was called on zoning case Z101-293(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 of less than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of South Belt Line Road and Seagoville Road

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

The following individual addressed the city council:

Trina Triche, 1818 Corsicana St.

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. 28397

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2583

Item 71: Zoning Case Z101-297(MW)

The consent zoning docket, consisting of agenda items 63-74, was presented for consideration.

Councilmember Davis requested that zoning consent item 71 be considered as an individual item. Mayor Rawlings stated that zoning consent item 71 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

A public hearing was called on zoning case Z101-297(MW), an application for and an ordinance an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, and a resolution accepting the termination of the deed restrictions on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595 on the southwest corner of Baldwin Street and Jamaica Street

(The staff and city plan commission recommended Approval of an R-5(A) Single Family Subdistrict within Planned Development District No. 595 and approval of the termination of deed restrictions)

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

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

Bill Hall, 5935 Belmont, representing Dallas Area Habitat for Humanity

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.

Assigned ORDINANCE NO. 28398

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2584

Item 72: Zoning Case Z101-298(MW)

The consent zoning docket, consisting of agenda items 63-74, was presented for consideration.

A public hearing was called on zoning case Z101-298(MW), an application for and an ordinance granting the termination of Specific Use Permit No. 917 for a childcare facility on property zoned an IM Industrial Manufacturing District on the east side of Pipestone Road, north the Dallas Fort Worth Turnpike

(The staff and city plan commission recommended Approval)

The following individual addressed the city council:

Trina Triche, 1818 Corsicana St.

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. 28399

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2585

Item 73: Zoning Case Z101-304(MG)

The consent zoning docket, consisting of agenda items 63-74, was presented for consideration.

Mayor Pro Tem Medrano requested that zoning consent item 73 be considered as an individual item. Mayor Rawlings stated that zoning consent item 73 would 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 Z101-304(MG), an application for and an ordinance granting a Specific Use Permit for a local utility limited to a flood control pump station on property zoned an R-5(A) Single Family District and an A(A) Agriculture District on the south line of Canada Drive between Bataan Street and Topeka Avenue

(The staff and city plan commission recommended Approval for a permanent period, subject to a site/landscape plan and conditions)

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

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

Councilmember Alonzo 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. (Medrano abstain)

Assigned ORDINANCE NO. 28400

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2586

Item 74: Zoning Case Z101-285(MW)

The consent zoning docket, consisting of agenda items 63-74, was presented for consideration.

A public hearing was called on zoning case Z101-285(MW), an application for and an ordinance granting a Specific Use Permit for a government installation other than listed for a youth residential facility and treatment center on property zoned an IM Industrial Manufacturing District on the northwest corner of Denton Drive and Lombardy Lane

(The staff and city plan commission recommended Approval for permanent time period, subject to a site plan and conditions)

The following individual addressed the city council:

Trina Triche, 1818 Corsicana St.

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. 28401

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2587

Item 75: Zoning Case Z101-299(RB) - INDIVIDUAL

A public hearing was called on zoning case Z101-299(RB), an application for an IM Industrial Manufacturing District with deed restrictions volunteered by the applicant to prohibit certain uses on property zoned an IR Industrial Research District on the west line of Goodnight Lane, south of Manana Drive

(The staff and city plan commission recommended Denial)

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

Peter Kavanagh, 1620 Handley, applicant

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

Councilmember Alonzo moved to close the public hearing, approve the applicant's request with the ordinance and deed restrictions volunteered by the applicant to return on a future agenda.

Motion seconded by Councilmember Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2588

Item 76: Zoning Case Z101-301(RB) - INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, 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 Z101-301(RB), an application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern ~~a Restaurant without drive in or drive through service~~ on property zoned Planned Development District No. 842 for CR Community Retail District Uses located on the west line of Greenville Avenue, north of Alta Street

(The staff and city plan commission recommended Denial)

Corrected on the addendum to the agenda.

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

Audra Buckley, 2814 Main St., representing the applicant

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

Phillip Kingston, 5901 Palo Pinto, representing Lower Greenville Neighborhood Association

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2589

Item 77: Zoning Case Z101-314(RB) - INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, 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 Z101-314(RB), an application for a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern ~~a Restaurant without drive in or drive through service~~ on property zoned Planned Development District No. 842 for CR Community Retail District Uses located on the west line of Greenville Avenue, south of Sears Street

(The staff and city plan commission recommended Denial)

Corrected on the addendum to the agenda.

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

T. Craig Sheils, 1701 N. Collins Blvd., **Richardson, TX**, representing the applicant

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

Phillip Kingston, 5901 Palo Pinto, representing Lower Greenville Neighborhood Association

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

Motion seconded by Councilmember Hunt and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2590

Item 78: Zoning Case Z101-112(RB) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z101-112(RB), an application for an LO-1 Limited Office District on property zoned an MF-2(A) Multifamily District on property on the south line of Woodmeadow Parkway, east of Ferguson Road and an ordinance granting an NO(A) Neighborhood Office District

(The staff and city plan commission recommended Approval of an NO(A) Neighborhood Office District in lieu of the requested LO-1 Limited Office District)

Note: This item was considered by the City Council at a public hearing on August 10, 2011, and was taken under advisement until September 28, 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:

Charles T. Dixon, 10210 Casa View

Councilmember Kadane 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.

Assigned ORDINANCE NO. 28402

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2591

Item 79: Zoning Case Z101-290(MG) - UNDER ADVISEMENT - INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, 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)

Note: This item was considered by the City Council at a public hearing on September 14, 2011, and was taken under advisement until September 28, 2011, with the public hearing open.

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

Councilmember Alonzo moved to close the public hearing, adopt the recommendation of the city plan commission to approve the Specific Use Permit No. 1758 for a recycling collection center and pass the ordinance.

Motion seconded by Councilmember Davis and unanimously adopted.

Assigned ORDINANCE NO. 28403

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2592

Item 80: Zoning Case Z090-123(RB) - UNDER ADVISEMENT - 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)

Note: This item was considered by the City Council at a public hearing on September 14, 2011, and was taken under advisement until September 28, 2011, with the public hearing open.

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

Councilmember Alonzo moved to close the public hearing, adopt the recommendation of the city plan commission to approve Planned Development District No. 846 and Specific Use Permit No. 1810 for a metal salvage facility and pass the ordinance.

Motion seconded by Councilmember Hill and unanimously adopted.

Assigned ORDINANCE NOS. 28404 AND 28405

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2593

Item 81: Zoning Case Z101-272(WE) - DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-272(WE), an application for and an ordinance granting the creation of a new Subarea within Planned Development District No. 27 for Office uses on the west side of Insurance Lane between Knox Street and Hester Avenue

(The staff recommended Denial and city plan commission recommended Approval subject to 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."

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

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

Dan Bearrd, 5121 McKinney, the applicant

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

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

Assigned ORDINANCE NO. 28406

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2594

DESIGNATED ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

Item 82: Zoning Case Z089-163(MD)

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

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

Note: This item was considered by the City Council at public hearings on June 22 and August 24, 2011, and was taken under advisement until September 28, 2011, with the public hearing open.

Councilmember Griggs announced he had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Griggs 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."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2594

Page 2

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

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

Bryon Adinoff, 1910 Marydale Dr., representing Stevens Park Conservation District
Committee

Nancy Roper Willson, 1940 Old Orchard Dr.

John Cox, 1033 N. Plymouth, representing North Plymouth Road Homeowners

William Neisel, 1155 N. Plymouth

Riley Willson, 1940 Old Orchard Dr.

Tim Strawderman, 2019 Old Orchard

Councilmember Jasso moved to close the public hearing, adopt the recommendation of the city plan commission for approving Conservation District No. 20 with the following changes:

- For all subareas, a work review form is not required for painting.
- Add a Subarea B for Plymouth Road, as shown on Exhibit D, with development standards, architectural styles, and review form regulations as provided in the alternate ordinance attached to this motion and handed out the city council with the following two changes:
 - Except for painting, in all subareas, a work review form is required for work not requiring a building permit.
 - In Subarea B, if the accessory structure is 26 feet in height or less, measured at the highest point of the structure, no minimum side or rear yard setbacks required.

And, adopt the city plan commission's recommended conceptual plan with revisions that reflect the conservation principles for Subarea B and pass the ordinance.

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

Assigned ORDINANCE NO. 28407

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2595

Item 83: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by Old Parkland Unit A-F, LLC; South Tollway 3920, LP; South Tollway Properties, LP; North Maple, LLC; and 4011 Maple, LLC located near the intersection of Maple and Oak Lawn Avenues and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to CIT Acquisition Corp. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

(The staff recommended Approval.)

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

The Acting City Secretary read the following statement into the record:

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

The following individual addressed the city council regarding the item:

David Whitten, 750 N. St. Paul, representing the applicant

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

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (Medrano abstain)

Assigned ORDINANCE NO. 28408

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2596

Item 84: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Taylor Farms Texas, Inc. located near the intersection of Good Latimer Expressway and Clarence Street and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Taylor Farms Texas, Inc. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

(The staff recommended Approval.)

The Acting City Secretary read the following statement into the record:

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

The following individual addressed the city council regarding the item:

David Whitten, 750 N. St. Paul, representing the applicant

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

Motion seconded by Councilmember Caraway and unanimously adopted.

Assigned ORDINANCE NO. 28409

(Note: Kenneth S. Tramm, professional geoscientist, was present but did not speak before the city council.)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2597

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Dallas Downtown Improvement District

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

Item 85: A public hearing to receive comments regarding the 2011 annual assessment rate for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 86: 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 Dallas Downtown Improvement 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 - Not to exceed \$578,576 - Financing: Current 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."

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 and pass the ordinance.

Motion seconded by Councilmember Davis and Councilmember Margolin and unanimously adopted.

Assigned ORDINANCE NO. 28410

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2598

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Deep Ellum Public Improvement District

Note: Item Nos. 87 and 88
must be considered collectively.

Item 87: A public hearing to receive comments regarding the 2011 annual assessment rate for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Deep Ellum Public Improvement District for the purpose of providing supplemental services and improvements, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 88: 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 Deep Ellum Public Improvement District (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

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."

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 and pass the ordinance.

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

Assigned ORDINANCE NO. 28411

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2599

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Knox Street Public Improvement District

Note: Item Nos. 89 and 90
must be considered collectively.

Item 89: A public hearing to receive comments regarding the annual assessment rate for the Knox Street Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 90: 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

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."

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

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

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

Assigned ORDINANCE NO. 28412

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2600

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Lake Highlands Public Improvement District

Note: Item Nos. 90 and 91
must be considered collectively.

Item 91: A public hearing to receive comments regarding the 2011 annual assessment rate for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 92: 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

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."

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

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

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

Assigned ORDINANCE NO. 28413

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2601

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Oak Lawn-Hi-Line Public Improvement District Note: Item Nos. 93 and 94
must be considered collectively.

Item 93: A public hearing to receive comments regarding the annual assessment rate for the Oak Lawn-Hi Line Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 94: 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

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."

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 and pass the ordinance.

Motion seconded by Councilmember Hill and Councilmember Hunt and unanimously adopted.

Assigned ORDINANCE NO. 28414

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2602

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Prestonwood Public Improvement District

Note: Item Nos. 95 and 96
must be considered collectively.

Item 95: A public hearing to receive comments regarding the annual assessment rate for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 96: 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

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."

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

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

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

Assigned ORDINANCE NO. 28415

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2603

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

South Side Public Improvement District

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

- Item 97: A public hearing to receive comments regarding the annual assessment rate for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City
- Item 98: 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 South Side Public Improvement District (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

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."

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 and pass the ordinance.

Motion seconded by Councilmember Kadane and Councilmember Greyson and unanimously adopted.

Assigned ORDINANCE NO. 28416

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2604

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Uptown Public Improvement District

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

Item 99: A public hearing to receive comments concerning the 2011 annual assessment rate for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 100: 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 Uptown Public Improvement 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

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."

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

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

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

Assigned ORDINANCE NO. 28417

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2605

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Vickery Meadow Public Improvement District **Note:** Item Nos. 101 and 102 must be considered collectively.

Item 101: A public hearing to receive comments concerning the 2011 annual assessment rate for the Vickery Meadow Public Improvement District (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 services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 102: 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 Vickery Meadow Public Improvement 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

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."

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

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

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

Assigned ORDINANCE NO. 28418

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2606

Addendum addition 1: Authorize a three-year service contract for a total compensation study - Milliman, Inc., most advantageous proposer of seven - Not to exceed \$168,850 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2607

Addendum addition 2: Authorize **(1)** an acquisition contract for the purchase of ReCapp property condition assessment software perpetual license in the amount of \$80,000; and **(2)** a three-year service contract, with two one-year renewal options, for maintenance and support of the ReCapp property condition assessment software in the amount of \$79,200 - Physical Planning Technologies, Ltd., a division of Altus Group US, Inc., Sole Source - Total not to exceed \$159,200 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2608

Addendum addition 3: Authorize **(1)** an acquisition contract for the purchase and implementation of Human Resource Service Center software in the amount of \$152,669; and **(2)** a five-year service contract for maintenance and support in the amount of \$599,925 - Lawson Software Americas, Inc., Sole Source - Total not to exceed \$752,594 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2609

Addendum addition 4: Authorize **(1)** the purchase of hardware and software to upgrade the 9-1-1, 3-1-1, and Water Customer Service Call Center telephone system infrastructure in the amount of \$917,871; and **(2)** a five-year service contract for maintenance of the 9-1-1 system in the amount of \$4,333,528 - SBC Global Services, Inc. dba AT&T Global Services, most advantageous proposer of two - Total not to exceed \$5,251,399 - Financing: Current Funds (subject to annual appropriations)

Councilmember Margolin requested that addendum addition consent agenda item 4 be considered as an individual item. Mayor Rawlings stated that addendum addition consent agenda item 4 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

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

Councilmember Kadane moved to adopt the item.

Motion seconded by Councilmember Allen.

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

Mayor Rawlings declared the motion adopted on a divided vote, with Councilmember Griggs and Councilmember Margolin voting "No."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2610

Addendum addition 5: Authorize the City Auditor's 2011-2012 Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2611

Addendum addition 6: Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2011 through September 30, 2012 - Not to exceed \$7,851,819 - Financing: Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2612

Addendum addition 7: An ordinance granting an amendment to Planned Development District No. 799 in an area bounded by Lovers Lane to the north, Amesbury Drive to the east, Milton Street to the south and Matilda Street to the west - Z101-201 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28419

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2613

Fiscal Year 2011-12 Budget Items

Addendum addition 8: Final reading and adoption of 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

The following individual addressed the city council regarding the item:

David Whiteman, 5723 Haverhill Ln., **Frisco, TX**, representing Dallas Fire Dept.

Councilmember Koop moved to pass the ordinances.

Motion seconded by Deputy Mayor Pro Tem Atkins.

Deputy Mayor Pro Tem Atkins requested a record vote on the item.

After discussion, Mayor Rawlings called the vote on Councilmember Koop's motion:

Voting Yes: [15] Rawlings, Medrano, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo,
Davis, Kadane, Allen, Koop, Greyson, Margolin, Hunt

Voting No: [0]

Mayor Rawlings declared the motion adopted.

Assigned ORDINANCE NOS. 28420 AND 28421

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2614

Fiscal Year 2011-12 Budget Items

Addendum addition 9: An ordinance setting the tax rate at \$0.7970 per \$100 valuation and levying ad valorem taxes for the City of Dallas, Texas for FY 2011-12 - Financing: No cost consideration to the City

Councilmember Caraway moved to pass the ordinance.

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

Assigned ORDINANCE NO. 28422

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2615

Fiscal Year 2011-12 Budget Items

Addendum addition 10: An ordinance amending Chapters 13 and 27 of the Dallas City Code to: **(1)** adjust the convenience charge for certain payments of fines, penalties, court costs, and other fees assessed by the municipal court when paid through the internet or through an interactive voice response telephone system; and **(2)** adjust registration fees for multi-tenant properties - Estimated Revenue: \$887,776

Deputy Mayor Pro Tem Atkins moved to pass the ordinance.

Motion seconded by Councilmember Koop and unanimously adopted. (Allen absent when vote taken)

Assigned ORDINANCE NO. 28423

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2616

Fiscal Year 2011-12 Budget Items

Addendum addition 11: An ordinance amending Chapters 2, 19, 28, 29A, 30, 34, 36, 39, 42A, 43, and 51A of the Dallas City Code to restructure and establish various City departments for the delivery of various City services and the performance of various City functions effective October 1, 2011 - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Atkins moved to pass the ordinance.

Motion seconded by Councilmember Koop and unanimously adopted. (Allen absent when vote taken)

Assigned ORDINANCE NO. 28424

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2617

Addendum addition 12: Authorize **(1)** approval of the proposed plan design changes effective January 1, 2012 which reflects a change in Pharmacy Benefits Management from Prescription Solutions to Caremark; **(2)** adoption of the Flexible Benefits Plan (Section 125); and **(3)** approval of the proposed health coverage contribution and premium rates - Total cost based on the number of employee/retiree participants in the plan - Financing: Employee Benefits Current Funds (subject to appropriations)

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Koop and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2618

Addendum addition 13: Authorize **(1)** position changes; **(2)** approval of revised salary schedules for Fiscal Year 2011-12; **(3)** the City to be closed two days for budgetary reasons; **(4)** eliminate four Mandatory City Leave days for civilian employees; **(5)** eliminate two Mandatory City Leave days for Police and Fire uniform executive staff and Park Ranger; and, **(6)** eliminate Mandatory City Leave days for Police and Fire uniform staff according to the Meet and Confer Agreement

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Koop and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2619

Addendum addition 14: An ordinance amending Chapter 34, "Personnel Rules," of the Dallas City Code to: **(1)** revise lump sum sick leave payout for employees impacted by a reduction in force; **(2)** revise employee rules of conduct to comply with new state law that allows employees to have firearms and ammunition in their locked vehicles on city property; and **(3)** provide employees the right to receive a letter prior to a demotion -
Financing: No cost consideration to the City

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Koop and unanimously adopted.

Assigned ORDINANCE NO. 28425

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2620

Addendum addition 15: An ordinance amending Chapter 49 of the Dallas City Code to establish and adjust certain rates, charges and fees relating to water and wastewater services for Dallas and customer cities, effective October 1, 2011 (fee list attached) -
Estimated Revenue: \$25,772,495

Councilmember Hill moved to pass the ordinance.

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

Assigned ORDINANCE NO. 28426

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2621

Resource Flow Control

Note: Addendum Item Nos. 16 and 17 must be considered collectively.

Addendum addition 16: An ordinance amending Chapters 2 and 18 of the Dallas City Code to: **(1)** require that all dry and wet solid waste generated, found, or collected in the city of Dallas be disposed of at a transfer station or landfill site owned or operated by the city, with certain defenses; **(2)** reduce disposal of service charges at the Northwest (Bachman) transfer station; **(3)** provide audit and retention requirements relating to the collection and disposal of service records of solid waste franchisees; **(4)** clarify that the city's solid waste collection and disposal system is a utility; and **(5)** make certain non-substantive changes - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Stephen Nash, 3700 Simpson-Stuart Rd., representing Mt. Tabor Baptist Church
George Gitschel, 2101 Cedar Springs Rd., representing Organic Energy Corporation
David Margulies, 6210 Campbell Rd., President of Margulies Communication Group
Charles Rose, 4015 Silverhill Dr., representing Southeast Dallas Neighborhood Association
Alan King, 14800 Landmark Blvd., **Addison, TX**, representing Berkshire Property Advisory

Mayor Rawlings called a recess of the city council meeting at 11:02 a.m.

Mayor Rawlings reconvened the city council meeting after the recess at 11:08 a.m.

Deputy Mayor Pro Tem Atkins moved to pass the ordinance.

Motion seconded by Councilmember Allen and Councilmember Koop.

After discussion, Councilmember Kadane moved to substitute Deputy Mayor Pro Tem Atkins motion for the ordinance amending Chapters 2 and 18 of the Dallas City Code Resource Flow Control be delayed and that the city council establish a task force including community leaders, industry experts, elected officials and city staff to explore all options for maximizing resource recovery and efficiency at the McCommas Bluff Landfill.

Motion seconded by Councilmember Griggs and Councilmember Margolin.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2621

Page 2

Councilmember Davis moved to have the city council meet in executive session to have legal questions answered.

Motion seconded by Councilmember Caraway.

Mayor Rawlings requested the city council, by a show of hands, indicate whether to accept the motion by Councilmember Davis to meet in executive session to have legal questions answered.

By a show of hands, Councilmember Davis' motion to meet in executive session to have legal questions answered failed.

Later in the meeting, Councilmember Alonzo asked Councilmember Kadane if he would accept a friendly amendment to amend a portion of his motion to include a time limit of 90 days for the task force to complete its study and bring back to the city council for consideration.

Motion died due to lack of a second.

Councilmember Kadane amended his substitute motion to incorporate a report coming back within 90 days.

Councilmember Griggs and Councilmember Margolin who seconded Councilmember Kadane's substitute motion accepted the amendment.

Motion seconded by Councilmember Jasso and Councilmember Margolin.

After discussion, Mayor Rawlings called the vote on Councilmember Kadane's substitute motion as amended for the ordinance amending Chapters 2 and 18 of the Dallas City Code Resource Flow Control to be delayed and that the city council establish a task force including community leaders, industry experts, elected officials and city staff to explore all options for maximizing resource recovery and efficiency at the McCommas Bluff Landfill and report back to the city council with a preliminary report no later than 90 days.

Voting Yes: [7] Jasso, Griggs, Hill, Alonzo, Kadane, Greyson, Margolin

Voting No: [8] Rawlings, Medrano Atkins, Caraway, Davis, Allen, Koop, Hunt

Mayor Rawlings declared the motion failed.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2621

Page 3

After further discussion, Mayor Rawlings called the vote on Deputy Mayor Pro Tem Atkins' original motion to pass the ordinance.

Voting Yes: [9] Rawlings, Medrano Atkins, Caraway, Alonzo, Davis, Allen, Koop, Hunt

Voting No: [6] Jasso, Griggs, Hill, Kadane, Greyson, Margolin

Mayor Rawlings declared the motion passed.

Assigned ORDINANCE NO. 28427

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 28, 2011

11-2622

Resource Flow Control

Note: Addendum Item Nos. 16 and 17 must be considered collectively.

Addendum addition 17: Authorize **(1)** the establishment of the Southeast Oak Cliff Investment Fund to support economic development in the southeast Oak Cliff community; **(2)** the receipt and deposit of funds generated from Resource Flow Control be deposited into the Southeast Oak Cliff Investment Fund in an amount not to exceed \$1,000,000 annually; and **(3)** the City Manager to work with Southeast Oak Cliff community representatives to establish operating parameters for the Southeast Oak Cliff Investment Fund - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Stephen Nash, 3700 Simpson-Stuart Rd., representing Mt. Tabor Baptist Church
George Gitschel, 2101 Cedar Springs Rd., representing Organic Energy Corporation
David Margulies, 6210 Campbell Rd., President of Margulies Communication Group
Charles Rose, 4015 Silverhill Dr., representing Southeast Dallas Neighborhood Association
Alan King, 14800 Landmark Blvd., **Addison, TX**, representing Berkshire Property Advisory

Mayor Rawlings called a recess of the city council meeting at 11:02 a.m.

Mayor Rawlings reconvened the city council meeting after the recess at 11:08 a.m.

Deputy Mayor Pro Tem Atkins moved to pass the ordinance.

Motion seconded by Councilmember Allen and Councilmember Koop.

After discussion, Councilmember Kadane moved to substitute Deputy Mayor Pro Tem Atkins motion for the ordinance amending Chapters 2 and 18 of the Dallas City Code Resource Flow Control be delayed and that the city council establish a task force including community leaders, industry experts, elected officials and city staff to explore all options for maximizing resource recovery and efficiency at the McCommas Bluff Landfill.

Motion seconded by Councilmember Griggs and Councilmember Margolin.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2622

Page 2

Councilmember Davis moved to have the city council meet in executive session to have legal questions answered.

Motion seconded by Councilmember Caraway.

Mayor Rawlings requested the city council, by a show of hands, indicate whether to accept the motion by Councilmember Davis to meet in executive session to have legal questions answered.

By a show of hands, Councilmember Davis' motion to meet in executive session to have legal questions answered failed.

Later in the meeting, Councilmember Alonzo asked Councilmember Kadane if he would accept a friendly amendment to amend a portion of his motion to include a time limit of 90 days for the task force to complete its study and bring back to the city council for consideration.

Motion died due to lack of a second.

Councilmember Kadane amended his substitute motion to incorporate a report coming back within 90 days.

Councilmember Griggs and Councilmember Margolin who seconded Councilmember Kadane's substitute motion accepted the amendment.

Motion seconded by Councilmember Jasso and Councilmember Margolin.

After discussion, Mayor Rawlings called the vote on Councilmember Kadane's substitute motion as amended for the ordinance amending Chapters 2 and 18 of the Dallas City Code Resource Flow Control to be delayed and that the city council establish a task force including community leaders, industry experts, elected officials and city staff to explore all options for maximizing resource recovery and efficiency at the McCommas Bluff Landfill and report back to the city council with a preliminary report no later than 90 days.

Voting Yes: [7] Jasso, Griggs, Hill, Alonzo, Kadane, Greyson, Margolin

Voting No: [8] Rawlings, Medrano Atkins, Caraway, Davis, Allen, Koop, Hunt

Mayor Rawlings declared the motion failed.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2622

Page 3

After further discussion, Mayor Rawlings called the vote on Deputy Mayor Pro Tem Atkins' original motion to pass the ordinance.

Voting Yes: [9] Rawlings, Medrano Atkins, Caraway, Alonzo, Davis, Allen, Koop, Hunt

Voting No: [6] Jasso, Griggs, Hill, Kadane, Greyson, Margolin

Mayor Rawlings declared the motion passed.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 28, 2011

EXHIBIT C