

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 10, 2011

11-2710

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

PRESENT: [13] Rawlings, Jasso, Medrano, Griggs, Caraway, Hill (*9:08 a.m.),
Alonzo, Davis (*9:10 a.m.), Atkins, Kadane, Koop, Greyson (*9:15
a.m.), Margolin,

ABSENT: [2] ** Allen (Absent on city business)
***Hunt (Absent on city business subject to city council approval)

The meeting was called to order at 9:07 a.m.

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

The invocation was given by Mayor Rawlings.

Mayor Pro Tem Medrano 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 1:35 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**

** **Absent on city business**

*** **Absent on city business subject to city council approval**

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 10, 2011

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 10, 2011

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2711

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: D. D. Pierce, 10956 Audelia
REPRESENTING: Dallas Fire Fighters Assoc.
SUBJECT: Pink T-Shirt Initiative & Susan G. Koman

SPEAKER: Charles Lingerfelt, 1608 Vail Meadow Ln.
REPRESENTING: North Texas Freedom Rally
SUBJECT: Fairness in the redistricting process

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

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: The Governor and City of Dallas

SPEAKER: Richard Sherdian, 3022 Forest Ln.
REPRESENTING: Minority Community
SUBJECT: Dallas redistricting war of 2011

SPEAKER: Trina Triche, 1818 Corsicana St.
SUBJECT: Government corruption, all agenda items

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2712

Item 1: Approval of Minutes of the September 24, 2011 Special Called Meeting, the September 28, 2011 City Council Meeting, and the October 5, 2011 City Council Briefing Meeting

Corrected on the addendum to the agenda.

Councilmember Kadane moved to adopt the minutes.

Motion seconded by Mayor Pro Tem Medrano and unanimously adopted. (Caraway absent when vote taken; Allen absent on city business; Hunt absent on city business subject to city council approval)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2713

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-34, and addendum addition consent agenda items 1-3, was presented for consideration.

Councilmember Kadane moved to adopt all items on the consent agenda and addendum addition consent agenda.

Motion seconded by Councilmember Koop and unanimously adopted. (Caraway absent when vote taken; Allen absent on city business; Hunt absent on city business subject to city council approval)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2714

Item 2: Authorize a five-year service contract for Help Desk support services - CompuCom Systems, most advantageous proposer of nine - Not to exceed \$8,769,728 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2715

Item 3: Authorize a three-year master agreement for the purchase of hot mix asphalt and cold patch materials - Austin Asphalt, L.P. in the amount of \$6,142,438, Unique Paving Materials in the amount of \$1,412,740, APAC-Texas, Inc. in the amount of \$407,330 and International Roadway Research in the amount of \$2,103, lowest responsible bidders of six - Total not to exceed \$7,964,611 - Financing: Current Funds (\$6,903,226) and Water Utilities Current Funds (\$1,061,385)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2716

Item 4: Authorize Supplemental Agreement No. 1 to increase the professional services contract with Grant Thornton LLP for audit services of the City's financial operations and grant activities for fiscal year ending September 30, 2010 through September 30, 2012 - Not to exceed \$473,900, from \$2,606,890 to \$3,080,790 - Financing: Current Funds (\$429,000) (subject to annual appropriations) and Vickery Meadows TIF District Funds (\$44,900)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2717

Item 5: Authorize payment of annual software maintenance in support of the CityLaw Law Office Management System, a performance-based tracking system from Cycom Data Systems, Inc., for the period November 1, 2011 through October 31, 2012 - Not to exceed \$54,329 - Financing: Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2718

Item 6: Authorize a professional services contract with Exam Works, Inc. to provide the City of Dallas with independent review services to assist in evaluating medical and health related claims for accuracy and legitimacy - Not to exceed \$50,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2719

Item 7: Authorize changes to the Board of Directors of the Dallas Convention Center Hotel Development Corporation and Love Field Airport Modernization Corporation - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2720

Item 8: Authorize payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to the Airports Council International - North America in the amount of \$55,000, Dallas Regional Mobility Coalition in the amount of \$37,500, National Association of Clean Water Agencies in the amount of \$28,250, National League of Cities in the amount of \$34,607, North Central Texas Regional Certification Agency in the amount of \$36,180, North Central Texas Council of Governments in the amount of \$120,053, North Texas Commission in the amount of \$54,096, Regional Public Works Program in the amount of \$40,955, Regional Storm Water Management Program of North Central Texas in the amount of \$32,999, The Steering Committee of Cities Served by Oncor in the amount of \$132,000, Texas Coalition of Cities For Utility Issues in the amount of \$53,000, Texas Municipal League in the amount of \$48,293, United States Conference of Mayors in the amount of \$40,235, Water Environment Research Foundation in the amount of \$78,552, and Water Research Foundation in the amount of \$224,060 - Total not to exceed \$1,015,780 - Financing: Current Funds (\$555,964), Stormwater Drainage Management Current Funds (\$73,954), Aviation Current Funds (\$55,000) and Water Utilities Current Funds (\$330,862)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2721

Item 9: Authorize a personal services contract with Jesse Romero for state legislative services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$15,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2722

Item 10: Authorize a personal services contract with Kwame Walker for state legislative services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$45,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2723

Item 11: Authorize a personal services contract with Randy C. Cain for state legislative services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$75,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2724

Item 12: Authorize a professional services contract with HillCo Partners, LLC for state legislative information and related services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$75,000 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2725

Trinity River Corridor Project
Legislative Services

Note: Item Nos. 13 and 14
must be considered collectively.

Item 13: Authorize a personal services contract with Hector Alcalde for legislative services regarding the Trinity River Corridor Project for the period October 1, 2011 through September 30, 2012 - Not to exceed \$73,800 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2726

Trinity River Corridor Project
Legislative Services

Note: Item Nos. 13 and 14
must be considered collectively.

Item 14: Authorize a personal services contract with Paul Schlesinger for legislative services regarding the Trinity River Corridor Project for the period October 1, 2011 through September 30, 2012 - Not to exceed \$43,650 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2727

Item 15: Authorize a professional services contract with CapitalEdge Strategies, LLC to provide federal legislative services to the City for the period October 1, 2011 through September 30, 2012 - Not to exceed \$160,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2728

Item 16: Authorize a contract for construction of a loop trail at Elmwood Parkway from Elmwood Parkway to Illinois Avenue - RoeschCo Construction, Inc., best value proposer of ten - Not to exceed \$443,000 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2729

Item 17: Authorize a contract for a pedestrian bridge replacement, fencing, and an 8-foot-wide loop trail at Tommie M. Allen Park located at 7071 Bonnie View Road - Northstar Construction, Inc., best value proposer of five - Not to exceed \$414,200 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2730

Item 18: Authorize **(1)** a contract for construction of surface parking lots and a vehicular connector at the Dallas Arboretum located at 8525 Garland Road with Turner Construction Company; and **(2)** assign management of the contract to the Dallas Arboretum and Botanical Society - Turner Construction Company, best value proposer of six - Not to exceed \$3,511,642 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2731

Item 19: Authorize an increase in the contract with Speed Fab-Crete Corporation for exterior painting of the gym, and cleaning and repairing the HVAC units at Ridgewood/Belcher Recreation Center located at 6818 Fisher Road - Not to exceed \$38,150, from \$616,859 to \$655,009 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2732

Item 20: Authorize Supplemental Agreement No. 1 to the professional services contract with BA Group, LLC dba Armstrong Berger for architectural, engineering, and landscape design services for an addition of a service building at Robert E. Lee Park located at 3400 Turtle Creek Boulevard - Not to exceed \$11,615, from \$26,625 to \$38,240 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2733

Item 21: Authorize Supplemental Agreement No. 1 to the professional services contract with McCarthy Architecture, Inc. for additional services to include code research, accessibility assessment and civil surveying of the pavilion project for submission of a separate building permit at Stevens Park Golf Course Clubhouse located at 1005 North Montclair Avenue - Not to exceed \$14,750, from \$12,450 to \$27,200 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2734

Item 22: Authorize **(1)** the Dallas Police Department to receive funds in the amount of \$594,000 from various federal and state law enforcement agencies to be used for overtime for investigative services (list attached); **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$171,963; and **(3)** execution of the grant agreements - Total not to exceed \$765,963 - Financing: Current Funds (\$594,000 to be reimbursed by various federal and state law enforcement agencies)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2735

Item 23: Authorize an Interlocal Agreement with the City of Plano for a demonstration project to determine condition on several Plano city streets using Dallas' pavement management system process and equipment - Revenue \$6,405

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2736

Item 24: Authorize a service agreement with ONCOR Electric Delivery for installation and connection of twenty-seven historical style street light standards on Greenville Avenue from Alta Avenue to Bell Avenue - Not to exceed \$44,682 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2737

Item 25: Authorize a contract with Austin Filter Systems, Inc., lowest responsible bidder of seven, for the construction of erosion control improvements for five projects (list attached) - Not to exceed \$965,529 - Financing: 2006 Bond Funds (\$855,571) and Water Utilities Capital Improvement Funds (\$109,958)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2738

Item 26: Authorize contracts for the purchase and installation of furniture for the new White Rock Hills Branch Library located at 9150 Ferguson Road - WRG, LLC dba Workplace Resource Group in the amount of \$98,820 and Putsi, Inc. dba Cultural Surroundings in the amount of \$59,879 - Total not to exceed \$158,699 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2739

Item 27: Authorize an increase in the construction contract with Lee Lewis Construction, Inc. for waterproofing, structural, mechanical, electrical, plumbing, and interior finish changes to the construction of the Upper Level D Meeting Rooms at the Dallas Convention Center - Not to exceed \$355,453, from \$13,760,383 to \$14,115,836 - Financing: 2009 Convention Center Revenue Bonds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2740

Item 28: Authorize **(1)** an increase in the construction contract with J.C. Commercial, Inc. for the Snow and Ice Removal Facility at Dallas Love Field and to extend the contract for additional work related to environmental, life and safety issues for this facility in the amount of \$329,672, from \$3,577,277 to \$3,906,949; and **(2)** an increase in appropriations in the amount of \$345,672 in the Aviation Capital Construction Fund for construction, testing, commissioning and other contract administration costs - Not to exceed \$329,672 - Financing: Aviation Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2741

Item 29: Authorize Supplemental Agreement No. 2 to the professional services contract with Metropolitan Infrastructure, PLLC for additional design and survey services for wastewater main relocation and hydraulic analysis for culvert design for Street Petition Group II (list attached) - Not to exceed \$36,145, from \$527,700 to \$563,845 - Financing: 2006 Bond Funds (\$27,805) and Water Utilities Capital Improvement Funds (\$8,340)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2742

Item 30: Authorize Supplemental Agreement No. 4 to the professional services contract with Burgess & Niple, Inc. for the engineering design of subsurface utilities to accommodate a new bridge over the Able Sump, traffic signal improvements, and lighting to improve pedestrian safety for Cadiz Street from Riverfront Boulevard to South Lamar Street - Not to exceed \$39,091, from \$358,313 to \$397,404 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2743

Item 31: Authorize Supplemental Agreement No. 4 to the professional services contract with Michael Baker, Jr., Inc. for additional engineering design and survey services necessary for the realignment of Troy Street in Phase II of the Spring Avenue Redevelopment Project - Not to exceed \$31,172, from \$609,249 to \$640,421 - Financing: 2006-07 Community Development Block Grant Reprogramming No. 2 Funds (\$26,568) and Water Utilities Capital Improvement Funds (\$4,604)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2744

Item 32: Authorize a contract for the construction of major maintenance at the Elm Fork Water Treatment Plant - Eagle Contracting, LP, lowest responsible bidder of four - Not to exceed \$15,195,000 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2745

Item 33: Authorize a professional services contract with Carollo Engineers, Inc. to provide engineering services associated with solids handling improvements at the Central Wastewater Treatment Plant and the Southside Wastewater Treatment Plant - Not to exceed \$1,173,802 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2746

Item 34: Authorize an increase in the contract with Archer Western Contractors, Ltd. for additional construction services required for the Dewatering Facility at the Southside Wastewater Treatment Plant - Not to exceed \$421,367, from \$39,129,700 to \$39,551,067 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2747

11-2748

Item 35: 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 OCTOBER 10, 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 Kadane moved to approve the appointments of W. Lee Carter III, Interested Citizen, to the Cultural Affairs Commission; Jack (John) Wierzenski, Registered Voter, to the Reinvestment Zone Four Board (Cedars Area); Robert L. Giesler and Michon Fulgham, Registered Voters, to the Reinvestment Zone Nine Board (Vickery Meadows); Jack (John) Wierzenski, Registered Voter, to the Reinvestment Zone Seventeen Board (TOD); Curtis Parker, Registered Voter, to the Reinvestment Zone Eighteen Board (Maple/Mockingbird); Josh Womack, Community Development, and Nathen McEown, Business Development, to the South Dallas/Fair Park Trust Fund Board.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (Caraway absent when vote taken; Allen absent on city business; Hunt absent on city business subject to council approval)

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

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (Caraway absent when vote taken; Allen absent on city business; Hunt absent on city business subject to city council approval)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2747

11-2748

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

11-5226	CAC	CULTURAL AFFAIRS COMMISSION
11-5227	CDC	COMMUNITY DEVELOPMENT COMMISSION
11-5228	CPR	DALLAS CITIZENS POLICE REVIEW BOARD
11-5229	JNC	JUDICIAL NOMINATING COMMISSION
11-5230	MLB	MUNICIPAL LIBRARY BOARD
11-5231	PAR	PARK AND RECREATION BOARD
11-5232	RZ04	REINVESTMENT ZONE FOUR BOARD (CEDARS AREA)
11-5233	RZ09	REINVESTMENT ZONE NINE BOARD (VICKERY MEADOW)
11-5234	RZ17	REINVESTMENT ZONE SEVENTEEN BOARD (TOD)
11-5235	RZ18	REINVESTMENT ZONE EIGHTEEN BOARD (MAPLE/MOCKINGBIRD)
11-5236	SDF	SOUTH DALLAS/FAIR PARK TRUST FUND BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2749

Item 36: 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 Kadane moved to adopt the item.

Motion seconded by Councilmember Greyson.

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

Mayor Rawlings declared the motion adopted on a divided vote, with Councilmember Caraway and Councilmember Davis voting "No." (Allen absent on city business; Hunt absent on city business subject to city council approval)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2750

DESIGNATED PUBLIC SUBSIDY MATTERS

Home Depot Amendment

Note: Item Nos. 37, 38 and 39
must be considered collectively.

Item 37: Authorize an amendment to the City of Dallas Public/Private Partnership Program Guidelines and Criteria, pursuant to the Property Redevelopment and Tax Abatement Act (V.T.C.A., Tax Code, Chapter 312), governing tax abatement agreements and other City incentives intended to promote private investment, tax base growth and job creation to include the authority to administer and to accept resources from other political subdivisions of the state to administer our economic development program in accordance with the Local Government Code Chapter 380.001(b)(2) and (3) - 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."

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Hill and Councilmember Kadane and unanimously adopted. (Caraway absent when vote taken; Allen absent on city business; Hunt absent on city business subject to city council approval)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2751

DESIGNATED PUBLIC SUBSIDY MATTERS

Home Depot Amendment

Note: Item Nos. 37, 38 and 39
must be considered collectively.

Item 38: Authorize an amendment to the development agreement with PR Crow I-20 II, LP and Home Depot pursuant to Resolution No. 11-1190, previously approved on April 27, 2011, to: **(1)** increase the grant from \$2,475,000 to \$3,775,000 to reflect the County's contribution to the project and allow the receipt and disbursement of funds pursuant to Public Private Program Guidelines and Criteria from Dallas County; and **(2)** extend the completion date from March 31, 2012 to August 31, 2012 - 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."

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Hill and Councilmember Kadane and unanimously adopted. (Caraway absent when vote taken; Allen absent on city business; Hunt absent on city business subject to city council approval)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2752

DESIGNATED PUBLIC SUBSIDY MATTERS

Home Depot Amendment

Note: Item Nos. 37, 38 and 39
must be considered collectively.

Item 39: Authorize an amendment to Resolution No. 11-1192, previously approved on April 27, 2011, to: **(1)** authorize the installation and procurement of a traffic signal at the intersection of Kestrel and Danieldale Road; and **(2)** rescind the authority to install and procure a traffic signal at the intersection of Polk and Danieldale Road - 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."

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Hill and Councilmember Kadane and unanimously adopted. (Caraway absent when vote taken; Allen absent on city business; Hunt absent on city business subject to city council approval)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2753

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 40-50, was presented for consideration.

Agenda items 40, 47 and 49 were removed from the consent zoning docket, to be considered as individual hearings.

- ~~Agenda item 40: Zoning Case Z101-269(WE) [considered individually]~~
- Agenda item 41: Zoning Case Z101-287(MG)
- Agenda item 42: Zoning Case Z101-296(MW)
- Agenda item 43: Zoning Case Z101-306(MW)
- Agenda item 44: Zoning Case Z101-307(WE)
- Agenda item 45: Zoning Case Z101-310(WE)
- Agenda item 46: Zoning Case Z101-313(MW)
- ~~Agenda item 47: Zoning Case Z101-317(MG) [considered individually]~~
- Agenda item 48: Zoning Case Z101-320(MG)
- ~~Agenda item 49: Zoning Case Z101-322(CH) [considered individually]~~
- Agenda item 50: Zoning Case Z101-327(WE)

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

Deputy Mayor Pro Tem Atkins moved to close the public hearings, accept the recommendations of the city plan commission on the consent zoning cases and pass the ordinances.

Motion seconded by Councilmember Caraway and unanimously adopted. (Allen absent on city business; Hunt absent on city business subject to city council approval)

Later in the meeting, Councilmember Koop moved to reconsider the previous vote on the consent zoning docket to allow zoning consent agenda item 49 could be considered as an individual item.

Motion seconded by Mayor Pro Tem Medrano. (Allen absent on city business; Hunt absent on city business subject to city council approval)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2753

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After further discussion, Mayor Rawlings called the vote on Councilmember Koop's motion to reconsider the zoning consent agenda to allow zoning consent agenda item 49 could be considered as an individual item.

Mayor Rawlings declared the motion to reconsider the consent zoning docket adopted, and that zoning consent agenda item 49 would be presented to the city council for reconsideration later in the meeting. (Allen absent on city business; Hunt absent on city business subject to city council approval)

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 Margolin and unanimously adopted. (Allen absent on city business; Hunt absent on city business subject to city council approval)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2754

Item 40: Zoning Case Z101-269(WE)

The consent zoning docket, consisting of agenda items 40-50, was presented for consideration.

Councilmember Hunt requested that zoning consent item 40 be considered as an individual item. Mayor Rawlings stated that zoning consent item 40 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

A public hearing was called on zoning case Z101-269(WE), an application for and an ordinance granting the creation of a new Subdistrict within Planned Development District No. 619 for mixed uses on the northeast corner of Elm Street and North Griffin Street

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

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

Councilmember Greyson moved to close the public hearing, follow the city plan commission's recommendation of approval with the following changes:

- Landscaping in Subdistrict J must comply with the following requirements in addition to the existing Planned Development District No. 619 landscaping requirements:
 - A minimum of one large shrub or small tree must be planted for each 30 feet of frontage on Elm Street and on Griffin Street.
 - The planting area requirements for containers must meet the minimum planting area requirements for planting areas located above underground buildings or structures for large shrubs or small trees in Section 51A-10.104(b)(1).

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11-2754

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- The director may approve an alternative landscape plan only if compliance with these requirements is not possible, the inability to comply is not self-created, and the alternative landscape plan is in keeping with the intent of these requirements. An alternative landscape plan may reduce the size of planters and landscape materials if the number of trees or shrubs are not reduced.

- A private license is granted for landscaping in the parkway.

and pass the ordinance.

Motion seconded by Councilmember Kadane and unanimously adopted. (Allen absent on city business; Hunt absent on city business subject to city council approval)

Assigned ORDINANCE NO. 28428

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2755

Item 41: Zoning Case Z101-287(WE)

The consent zoning docket, consisting of agenda items 40-50, was presented for consideration.

A public hearing was called on zoning case Z101-287(MG), an application for and an ordinance granting a Specific Use Permit for a Bar, lounge, or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest line of Exposition Avenue, west of Parry Avenue

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28429

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2756

Item 42: Zoning Case Z101-296(MW)

The consent zoning docket, consisting of agenda items 40-50, was presented for consideration.

A public hearing was called on zoning case Z101-296(MW), 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 and city plan commission recommended Approval, revised development plan and conditions)

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28430

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2757

Item 43: Zoning Case Z101-306(MW)

The consent zoning docket, consisting of agenda items 40-50, was presented for consideration.

A public hearing was called on zoning case Z101-306(MW), an application for and an ordinance granting a Specific Permit for the sale and service of alcoholic beverages in conjunction with a restaurant with a drive-through or drive-in on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south side of East R.L. Thornton Freeway (I-30), west of Buckner Boulevard

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28431

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2758

Item 44: Zoning Case Z101-307(WE)

The consent zoning docket, consisting of agenda items 40-50, was presented for consideration.

A public hearing was called on zoning case Z101-307(WE), an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store use of greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the northwest corner of Walnut Hill Lane and Marsh Lane

(The staff and city plan commission recommended 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)

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. 28432 AND 28433

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2759

Item 45: Zoning Case Z101-310(WE)

The consent zoning docket, consisting of agenda items 40-50, was presented for consideration.

A public hearing was called on zoning case Z101-310(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 use of greater than 3,500 square feet on property zoned a RR-D Regional Retail District with a D Liquor Control Overlay on the southeast corner of Samuell Boulevard and North Jim Miller 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 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 or in favor of the city plan commission's recommendation.

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 28434 AND 28435

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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11-2760

Item 46: Zoning Case Z101-313(MW)

The consent zoning docket, consisting of agenda items 40-50, was presented for consideration.

A public hearing was called on zoning case Z101-313(MW), an application for and an ordinance granting the renewal of Specific Use Permit No. 1761 for a handicapped group dwelling unit on property zoned an R-7.5(A) Single Family District on the north side of Kirkley Street, west of Teague Drive

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28436

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2761

Item 47: Zoning Case Z101-317(MG)

The consent zoning docket, consisting of agenda items 40-50, was presented for consideration.

Deputy Mayor Pro Tem Atkins requested that zoning consent item 47 be considered as an individual item. Mayor Rawlings stated that zoning consent item 47 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Atkins' request.

A public hearing was called on zoning case Z101-317(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 greater than 3,500 square feet on property zoned a CS-D-1 Commercial Service District with a D-1 Liquor Control Overlay on the southeast corner of C.F. Hawn Freeway (U.S. 175) and South Belt Line Road

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

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

Deputy Mayor Pro Tem Atkins moved to close the public hearing, follow the city plan commission's recommendation of approval with the following change:

“The Specific Use Permit expires in two years but is eligible for automatic renewal for additional five-year periods.”

and pass the ordinance.

Motion seconded by Councilmember Hill and unanimously adopted. (Allen absent on city business; Hunt absent on city business subject to city council approval)

Assigned ORDINANCE NO. 28437

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2762

Item 48: Zoning Case Z101-320(MG)

The consent zoning docket, consisting of agenda items 40-50, was presented for consideration.

A public hearing was called on zoning case Z101-320(MG), an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-through or drive-in on property zoned a CS Commercial Service District with a D-1 District Overlay on the south line of South Belt Line Road, east of Kleberg Road

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28438

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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11-2763

Item 49: Zoning Case Z101-322(CH)

The consent zoning docket, consisting of agenda items 40-50, was presented for consideration.

Councilmember Greyson requested that zoning consent item 49 be considered as an individual item. Mayor Rawlings stated that zoning consent item 49 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

A public hearing was called on zoning case Z101-322(CH), an application for and an ordinance granting the renewal of Specific Use Permit No. 1454 for a detached non-premise sign (billboard) use on property zoned an MU-1(SAH) Mixed Use District on the northeast corner of Interstate 635 (LBJ Freeway) and Meandering Way

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

Adopted as part of the consent zoning docket.

Later in the meeting, Councilmember Koop moved to reconsider the previous vote on the consent zoning docket to allow zoning consent agenda item 49 could be considered as an individual item.

Motion seconded by Mayor Pro Tem Medrano.

After further discussion, Mayor Rawlings called the vote on Councilmember Koop's motion to reconsider the zoning consent agenda to allow zoning consent agenda item 49 could be considered as an individual item.

Mayor Rawlings declared the motion to reconsider the consent zoning docket adopted, and that zoning consent agenda item 49 was before the city council for reconsideration. (Allen absent on city business; Hunt absent on city business subject to city council approval)

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The following individual addressed the city council:

William Hopkins, 2011 Leath St.

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

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

Dallas Cothrum, 900 Jackson St., representing the applicant

Councilmember Koop moved to close the public hearing, follow the city plan commission's recommendation of approval with the following change:

- Granting the renewal of Specific Use Permit No. 1454 for an eight-year period

and pass the ordinance.

Motion seconded by Councilmember Caraway.

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

Mayor Rawlings declared the motion adopted on a divided vote, with Councilmember Greyson voting "No." (Allen absent on city business; Hunt absent on city business subject to city council approval)

Assigned ORDINANCE NO. 28439

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2764

Item 50: Zoning Case Z101-327(WE)

The consent zoning docket, consisting of agenda items 40-50, was presented for consideration.

A public hearing was called on zoning case Z101-327(WE), an application for and an ordinance granting an LI Light Industrial District on property zoned a CS Commercial Service District on the west line of Brockbank Drive, between Bynum Avenue and Lombardy Lane

(The staff and city plan commission recommended Approval)

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28440

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

Closed Session [**11-2765; HELD**]

6ES

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

- Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O
- Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P
- Lavell Fairbanks v. Travis French et al., Cause No. 10-02144

At 9:27 a.m., Mayor Rawlings announced the closed session of the city council authorized by Chapter 551, "OPEN MEETING," of the (Texas Open Meetings Act) to discuss the following matters:

The following items were made a part of the closed session under Attorney Briefings (Sec. 551.071 T.O.M.A.):

Item 36: 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

Addendum 4: Authorize Supplemental Agreement No. 1 to the professional services contract with Cathy E. Bennett & Associates, Inc. for additional consulting services in the lawsuit styled Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O - Not to exceed \$75,000, from \$25,000 to \$100,000 - Financing: Current Funds

Mayor Rawlings reconvened the city council meeting after the closed session at 1:03 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2766

**Greenville Avenue from Alta Avenue
to Bell Avenue**

Note: Addendum Item Nos. 1 and 2
must be considered collectively.

Addendum addition 1: Authorize a service agreement with ONCOR Electric
Delivery for relocation of the existing overhead electric
distribution lines from the parkway along Greenville Avenue
from Alta Avenue to Bell Avenue - Not to exceed \$100,000 -
Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2767

**Greenville Avenue from Alta Avenue
to Bell Avenue**

Note: Addendum Item Nos. 1 and 2
must be considered collectively.

Addendum addition 2: Authorize a service agreement with Time Warner Cable for relocation of the existing overhead telecommunication lines from the parkway along Greenville Avenue from Alta Avenue to Bell Avenue - Not to exceed \$187,751 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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11-2768

Addendum addition 3: An ordinance amending Ordinance No. 28037, which abandoned a portion of Denley Drive and street easements located near the intersection of Ann Arbor and Denley Drive, to City Wide Community Development Corporation and The Urban League of Greater Dallas and North Central Texas, Inc., the abutting owners, to extend the final replat requirement from one year to 545 days and change the dedication from fee simple to dedication by easement thereby increasing the abandonment fee from \$5,400 to \$10,825 - Revenue: \$5,425 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28441

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 10, 2011

11-2769

Addendum addition 4: Authorize Supplemental Agreement No. 1 to the professional services contract with Cathy E. Bennett & Associates, Inc. for additional consulting services in the lawsuit styled Doug Moore v. City of Dallas et al., Civil Action No. 3:09-CV-1452-O - Not to exceed \$75,000, from \$25,000 to \$100,000 - Financing: Current Funds

At the request of the City Attorney addendum addition item 4 was not be considered nor read into the record.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 10, 2011

EXHIBIT C

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS