

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 26, 2011

11-2812

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

PRESENT: [12] Rawlings, Jasso, Medrano, Griggs, Caraway, Hill, Alonzo, Davis, Atkins, Koop (*9:07 a.m.), Margolin, Hunt (*9:31 a.m.)

ABSENT: [3] Allen (**Absent on city business), Kadane (**Absent on city business), Greyson (***Absent)

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 Mayor Rawlings.

Councilmember Alonzo 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 2:18 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**

G:\2011MIN\cc102611M.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 26, 2011

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 26, 2011

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2813

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: Robert E Jones, 4415 Ambassador Way, **Balch Springs, TX**
REPRESENTING: Clean Association
SUBJECT: Lead Smelter

SPEAKER: Sterling McCoy, 2420 Rimrock Trl., **Mesquite, TX**
REPRESENTING: Clean Association
SUBJECT: Concerns of Otis Fagan

SPEAKER: Robert Doss, 3521 Colonial Ave.
SUBJECT: Jobs for homeless

SPEAKER: Jennifer Fulbright, 2010 Postal Way
REPRESENTING: American Postal Workers Union
SUBJECT: Closing of main post office and several others

SPEAKER: Charles Tillman, 2010 Postal Way
REPRESENTING: American Postal Workers Union
SUBJECT: Closing of main post office and several others

At the request of Mayor Rawlings and general consensus of the city council, the speaker rules were suspended to allow the following individual to speak (Kadane, Allen absent on city business; Greyson absent):

SPEAKER: Carlton Williams, 2010 Postal Way
REPRESENTING: American Postal Workers Union
SUBJECT: Closing of main post office and several others

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Bill Ray Thomas, 1822 Young St.
SUBJECT: Store inside the bridge

SPEAKER: Patricia Kirby, 1512 Yellowbird Ct., **Desoto, TX**
REPRESENTING: Clean Association
SUBJECT: Lead smelter

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Richard Sheridan, 3022 Forest Ln.
REPRESENTING: Homeless
SUBJECT: Occupy Dallas and the homeless

SPEAKER: Yared Wonde, 2010 Postal Way
REPRESENTING: American Postal Workers Union
SUBJECT: Closing of the main post office and several others

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
REPRESENTING: GOD
SUBJECT: Assaulted on 12/8/2010

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2814

Item 1: Approval of Minutes of the October 10, 2011 City Council Meeting

Councilmember Caraway moved to adopt the minutes.

Motion seconded by Councilmember Hill and unanimously adopted. (Kadane, Allen absent on city business; Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2815

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-39, and addendum addition consent agenda items 1-5, was presented for consideration.

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

Deputy Mayor Pro Tem Atkins moved to adopt all items on the consent agenda with the exception of consent agenda item 20 which would be considered later in the meeting.

Motion seconded by Mayor Pro Tem Medrano and unanimously adopted. (Kadane, Allen absent on city business; Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2816

Item 2: Authorize **(1)** an application for and acceptance of a grant from the Federal Aviation Administration for the federal share of the eligible environmental improvement project - Voluntary Airport Low Emission, at Dallas Love Field in an amount not to exceed \$1,978,179; and **(2)** the establishment of appropriations in an amount not to exceed \$1,978,179 in the Federal Aviation Administration Airport Improvement Program (Voluntary Airport Low Emission) Grant Fund - Not to exceed \$1,978,179 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2817

Item 3: Authorize a three-year service contract for Microsoft Premier Support Services - Microsoft Corporation through the State of Texas Department of Information Resources - Not to exceed \$194,522 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2818

Item 4: Authorize a five-year and three-month extension of the lease agreement with Commonwealth Industrial LLC for approximately 9,747 square feet of office, showroom and warehouse space in the Commonwealth Center building located at 3131 Irving Blvd, Suite 605, to be used by the Sales and Auction section of the Office of Business Development and Procurement Services Department for conducting the City's surplus auctions and the operation of a retail storefront to sell marketable property for the period November 1, 2011 through January 31, 2017 - Not to exceed \$255,859 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2819

Item 5: Authorize a two-year master agreement for mobile concrete - Ashley Concrete, LLC in the amount of \$4,749,618, Southern Star Concrete, Inc. in the amount of \$4,509,590, and Custom Crete/Custom Stone in the amount of \$520,275, lowest responsible bidders of four - Total not to exceed \$9,779,483 - Financing: Current Funds (\$5,774,325), Water Utilities Current Funds (\$2,886,208) and Stormwater Drainage Management Current Funds (\$1,118,950)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2820

Item 6: Authorize a three-year master agreement for the purchase of bill stock paper and envelopes - 4Gen Business Forms, LLC. in the amount of \$328,878 and Forms World, Inc. in the amount of \$122,304, lowest responsible bidders of five - Total not to exceed \$451,182 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2821

Item 7: Authorize a three-year master agreement for tires and tubes - Southern Tire Mart, LLC in the amount of \$4,230,459, Wingfoot Commercial Tire Systems, LLC in the amount of \$2,145,920, Blagg Tire & Service in the amount of \$1,315,472 and Wade International Corp. dba Wallace W. Wade Specialty Tires in the amount of \$186,549, lowest responsible bidders of four - Total not to exceed \$7,878,400 - Financing: Current Funds (\$7,828,400) and Confiscated Monies Funds (\$50,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2822

Item 8: Authorize a three-year master agreement for fire hoses for Dallas Fire-Rescue - Casco Industries, Inc. in the amount of \$318,225 and Municipal Emergency Services, Inc. in the amount of \$188,053, lowest responsible bidders of four - Total not to exceed \$506,278 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2823

Item 9: Authorize a three-year master agreement for the purchase of pumps and parts - ITT Water & Wastewater USA Flygt Products in the amount of \$1,215,900, Pierce Pump Co. L.P. in the amount of \$844,400, Master Pumps & Equipment in the amount of \$779,700, ACCA Pumps, Inc. in the amount of \$502,500, Austin Pump & Supply Company in the amount of \$158,800, HD Supply Facilities Maintenance LTD in the amount of \$119,900, Godwin Pumps of America Inc. in the amount of \$116,000, RSC Equipment Rental in the amount of \$30,000, and Macaulay Controls Co. in the amount of \$20,000, lowest responsible bidders of nine - Total not to exceed \$3,787,200 - Financing: Current Funds (\$135,000), Water Utilities Current Funds (\$3,432,200) and Stormwater Drainage Management Current Funds (\$220,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2824

Item 10: Authorize a three-year master agreement for the purchase of school flasher programmable time switches and cabinets - Consolidated Traffic Controls, Inc., lowest responsible bidder of three - Not to exceed \$315,900 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2825

Item 11: Authorize a three-year master agreement for Zarn roll cart replacement parts - Ameri-Kart Waste Handling, lowest responsible bidder of two - Not to exceed \$253,650 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2826

Item 12: Authorize Supplemental Agreement No. 1 to increase the service contract with IESI TX Corporation for citywide recycling drop-off collection services - Not to exceed \$255,685, from \$1,022,740 to \$1,278,425 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2827

Item 13: Authorize settlement of a claim filed by Ke' Borschea Rusk, Claim No. 10-00011-01-30 - Not to exceed \$10,720 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2828

Item 14: Authorize Supplemental Agreement No. 5 to the professional services contract with the law firm of Webb & Webb for additional legal services in connection with related matters involving representation of the City of Dallas on water rights pending before the Texas Commission on Environmental Quality and for legal services related to other water rights matters - Not to exceed \$300,000, from \$1,400,000 to \$1,700,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2829

Item 15: Authorize an Interlocal Agreement with Dallas County Health and Human Services to provide the professional services of its Health Authority to the City for the period October 1, 2011 through September 30, 2013 - Not to exceed \$20,000 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2830

Item 16: Authorize a twelve-month contract with Legal Aid of NorthWest Texas, Inc. to provide legal aid to the homeless for emergency shelter services for the period October 1, 2011 through September 30, 2012 - Not to exceed \$55,057 - Financing: 2011-12 Emergency Shelter Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2831

Item 17: Authorize a contract with Dental Health Programs, Inc. dba Community Dental Care, Inc. for the continuation of dental health services to low/moderate income seniors over age 60 for the period October 1, 2011 through September 30, 2012 - Not to exceed \$100,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2832

Item 18: Authorize contracts with cultural organizations for the provision of services to the City through Cultural Services Contracts Program (list attached) - Not to exceed \$3,222,009 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2833

Item 19: Authorize the acquisition, jointly with the City of Fort Worth, from the State of Texas of a tract of land containing approximately 34,547 square feet located adjacent to the south side of the State Highway 114 right-of-way for the benefit and use of the Dallas/Fort Worth International Airport (“Airport”) - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2834

Item 20: Authorize a contract for a pavilion replacement and site furnishings at Westmoreland Park located at 3600 West Illinois Avenue - Brenco Industrial Services, LLC, best value proposer of five - Not to exceed \$180,800 - Financing: 2006 Bond Funds

Councilmember Griggs requested that consent agenda item 20 be considered as an individual item. Mayor Rawlings stated that consent agenda item 20 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 20 was brought up for consideration.

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.

Mayor Pro Tem Medrano moved to adopt the item.

Motion seconded by Councilmember Caraway and unanimously adopted. (Griggs abstain; Kadane, Allen absent on city business; Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2835

Item 21: Authorize continuation of cooperative working agreements with the Dallas County District Attorney's Office in the amount of \$12,500, from \$14,000 to \$26,500; Tarrant County District Attorney's Office in the amount of \$10,000, from \$11,500 to \$21,500; Potter County District Attorney's Office in the amount of \$12,000, from \$5,000 to \$17,000; Collin County Sheriff's Office in the amount of \$10,000, from \$7,500 to \$17,500; Taylor County Sheriff's Office in the amount of \$24,500; Lubbock Police Department in the amount of \$16,000, from \$5,000, to \$21,000; Arlington Police Department in the amount of \$10,000, from \$10,000 to \$20,000; Garland Police Department in the amount of \$10,000, from \$7,000 to \$17,000; Longview Police Department in the amount of \$18,000, from \$13,500 to \$31,500; Fox Valley/Internet Crimes Training and Technical Assistance Program in the amount of \$0, from \$56,780 to \$56,780 (a zero dollar increase); and Dallas Children's Advocacy Center in the amount of \$18,000, from \$13,500 to \$31,500; for the period April 1, 2011 through July 31, 2012 through the 2010 Internet Crimes Against Children Continuation Grant supplement - Total not to exceed \$141,000, from \$143,780 to \$284,780 - Financing: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2836

Item 22: Authorize acceptance of the City of Dallas Reserve Battalion Radio Project Grant from the Office of the Governor, Criminal Justice Division for the period September 1, 2011 through March 31, 2012 - Not to exceed \$80,000 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2837

Item 23: Authorize **(1)** acceptance of the Dallas Police Department Victim Services/11 grant from the U.S. Department of Justice through the Office of the Governor, Criminal Justice Division in the amount of \$52,381 to adequately respond to victims of violent crime with needed aid for the period September 1, 2011 through August 31, 2012; **(2)** a local match in the amount of \$15,909; and **(3)** execution of the grant agreement - Total not to exceed \$68,290 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds (\$52,381) and Current Funds (\$15,909)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2838

Item 24: Authorize **(1)** an application for and acceptance of the Sexual Assault/Stalking Law Enforcement Training grant from the Office of the Governor, Criminal Justice Division to provide specialized training to detectives, patrol officers and advocates who respond to and investigate sexual assault and stalking offenses in the amount of \$26,500, for the period September 1, 2011 through August 31, 2012; **(2)** a local match in the amount of \$14,525; and **(3)** execution of the grant agreement - Total not to exceed \$41,025 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds (\$26,500) and Current Funds (\$14,525)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2839

Item 25: Authorize **(1)** an application for and acceptance of the Crime Reduction Program Grant from the Office of the Governor, Criminal Justice Division to provide additional resources to the 10-70-20 Crime Reduction Program for the period September 1, 2011 through August 31, 2012; and **(2)** execution of the grant agreement - Not to exceed \$60,204 - Financing: Office of the Governor, Criminal Justice Division Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2840

Item 26: Authorize **(1)** an application for and acceptance of the City of Dallas - NIBIN Program from the Office of the Governor, Criminal Justice Division, to provide aid in finding crime linkages and provide additional resources to the National Integrated Ballistic Information Network Program for the period September 1, 2011 through August 31, 2012; **(2)** an In-kind contribution in the amount of \$27,666; and **(3)** execution of the grant agreement - Not to exceed \$91,666 - Financing: Office of the Governor, Criminal Justice Division Grant Funds (\$64,000) and In-Kind Contributions (\$27,666)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2841

Item 27: Authorize **(1)** an application for and acceptance of the 2010 Internet Crimes Against Children Continuation Grant supplement from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, for response to the sexual abuse and exploitation of children facilitated by the use of computer technology related to the investigation of Internet-facilitated child exploitation, for the period April 1, 2011 through July 31, 2012; and **(2)** execution of the grant agreement - Not to exceed \$433,106, from \$390,921 to \$824,027 - Financing: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2842

Item 28: Authorize **(1)** an application for and acceptance of the Comprehensive Selective Traffic Enforcement Program grant from the U.S. Department of Transportation pass through in the amount of \$999,996 for overtime reimbursement for the period October 1, 2011 through September 30, 2012; **(2)** a city contribution of pension and Federal Insurance Contributions Act in the amount of \$282,031; **(3)** an In-Kind contribution in the amount of \$790,574; and **(4)** execution of the grant agreement - Total not to exceed \$2,072,601 - Financing: Texas Department of Transportation Grant Funds (\$999,996), In-Kind Contributions (\$790,574) and Current Funds (\$282,031)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2843

Bexar Street Phase II

Note: Item Nos. 29, 30 and 31
must be considered collectively.

Item 29: Authorize a service agreement with ONCOR Electric Delivery for relocation of the existing overhead electric distribution lines from the parkway along Bexar Street between Budd Street and Municipal Street - Not to exceed \$486,893 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2844

Bexar Street Phase II

Note: Item Nos. 29, 30 and 31
must be considered collectively.

Item 30: Authorize a service agreement with AT&T Texas for relocation of the existing overhead telecommunication lines from the parkway along Bexar Street between Budd Street and Municipal Street - Not to exceed \$171,537 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2845

Bexar Street Phase II

Note: Item Nos. 29, 30 and 31
must be considered collectively.

Item 31: Authorize a service agreement with Time Warner Cable for relocation of the existing overhead telecommunication lines from the parkway along Bexar Street between Budd Street and Municipal Street - Not to exceed \$122,130 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2846

**Quiet Zone Along
Union Pacific Rail Line Corridor**

Note: Item Nos. 32 and 33
must be considered collectively.

Item 32: A resolution authorizing (1) an agreement with the Union Pacific Railroad Company for the elimination of an at-grade railroad crossing located at Urban Avenue at its intersection with the Union Pacific Railroad Tracks; (2) the receipt and deposit of funds in the amount of \$10,000 from the Union Pacific Railroad Company; and (3) establishment of appropriations in the amount of \$10,000 - Not to \$10,000 - Financing: Private Funds

Corrected on the addendum to the agenda.

The following individuals addressed the council regarding the item:

Gay Pirie, 6647 Prairie Flower Trl.
Darlene Reynolds, 5716 Hillcroft St., representing Buckner Terrace Homeowners
Michael Gibson, 5827 Winding Woods Trl.
Eleuterio Arrona, 7203 Lovett Ave.
Harry Hooper, 2856 Lacompte Dr.

Councilmember Caraway moved to adopt the item.

Motion seconded by Councilmember Davis and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2847

**Quiet Zone Along
Union Pacific Rail Line Corridor**

Note: Item Nos. 32 and 33
must be considered collectively.

Item 33: A public hearing to receive comments on the establishment of a Quiet Zone along the Union Pacific Rail Line Corridor; and at the close of the public hearing, adopt an ordinance for the ~~An ordinance adopting~~ closure of Urban Avenue at its intersection with the Union Pacific Railroad Tracks, a Supplemental Safety Measure required by the Federal Railroad Administration (FRA) Final Train Horn Rule 49 CFR Parts 222 and 229, with the intent to establish a Quiet Zone - Financing: No cost consideration to the City

Corrected on the addendum to the agenda.

The following individuals addressed the council regarding the item:

Gay Pirie, 6647 Prairie Flower Trl.
Darlene Reynolds, 5716 Hillcroft St., representing Buckner Terrace Homeowners
Michael Gibson, 5827 Winding Woods Trl.
Eleuterio Arrona, 7203 Lovett Ave.
Harry Hooper, 2856 Lacompte Dr.

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

Motion seconded by Councilmember Davis and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

Assigned ORDINANCE NO. 28442

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2848

Item 34: An ordinance abandoning portions of Barry Avenue and an alley to Dallas Independent School District, the abutting owner, containing a total of approximately 17,654 square feet of land located near the intersection of Grand and Barry Avenues, authorizing the quitclaim and providing for the dedication of approximately 1,809 square feet of land needed for street right-of-way - Revenue: \$61,571 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28443

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2849

Item 35: Authorize acquisition from TFO Realty, LLC of an unimproved tract of land containing approximately 35,144 square feet located at the intersection of Maple-Routh Connection and Woodall Rogers Freeway for the State Thomas at Woodall Rogers Drainage Relief Project - Not to exceed \$3,363,680 (\$3,338,680 plus closing costs and title expenses not to exceed \$25,000) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2850

Item 36: Authorize personal services contracts with **(1)** Larry Beasley with Beasley and Associates, Planning Inc. to serve as the Urban Design Special Advisor for the Dallas CityDesign Center for the period October 1, 2011 through September 30, 2012 in an amount not to exceed \$83,400; and **(2)** Brent Brown with buildingcommunity Workshop to serve as Studio Director for the Dallas City Design Studio for the period October 1, 2011 through September 30, 2012 in an amount not to exceed \$85,000 - Total not to exceed \$168,400 - Financing: Current Funds (portion of City's required match)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2851

Item 37: Authorize a contract with Jeske Construction Company, lowest responsible bidder of four, for the construction of the Elam Creek Channel Improvements, Phase II, from Seco Boulevard to Umphress Park - Not to exceed \$4,300,093 - Financing: 2006 Bond Funds (\$3,907,003), Wastewater Capital Improvement Funds (\$376,735), Wastewater Capital Construction Funds (\$12,540) and Water Utilities Capital Improvement Funds (\$3,814)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2852

Item 38: Authorize continuation of the contract with the United States Geological Survey for operation of stream flow and water quality gauging stations in the Trinity River basin, a lake evaporation station on Lake Lewisville, a pharmaceutical and personal care products water quality study and a Zebra Mussel sampling and study on each of the reservoirs in Dallas water supply system from October 26, 2011 through September 30, 2012 - Not to exceed \$453,028 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2853

Item 39: Authorize Amendment No. 1 to terminate the Advance Funding Agreement, previously approved on December 12, 2007, by Resolution No. 07-3732, with the State of Texas, acting through the Texas Department of Transportation, for water and wastewater main relocations and adjustments in Northwest Highway (Loop 12) from 0.1 mile west of Midway Road to U.S. Highway 75 (North Central Expressway) - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2854

11-2855

Item 40: 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 26, 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 appointment of Johnny L. Clark to the Civil Service Board.

Motion seconded by Mayor Pro Tem Medrano and unanimously adopted. (Kadane, Allen absent on city business; Greyson absent)

Councilmember Hill 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 Mayor Pro Tem Medrano and unanimously adopted. (Kadane, Allen absent on city business; Greyson absent)

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

11-5242	BOA	BOARD OF ADJUSTMENT
11-5243	CDC	COMMUNITY DEVELOPMENT COMMISSION
11-5244	CSB	CIVIL SERVICE BOARD
11-5245	MLK	MARTIN LUTHER KING JR COMMUNITY CENTER BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2856

Item 41: An ordinance amending Section 6-4 of Chapter 6 of the Dallas City Code to amend the standards for approval of applications for variances from the spacing requirements for alcohol permits - Financing: No cost consideration to the City

The following individuals addressed the city council on the item:

Pam Conley, 901 N. Madison Ave.
Stephen Butt, 646 S. Main Ave., **San Antonio, TX**, representing HEB Stores

Councilmember Jasso moved to suspend Section 6.3 of the City Council Rules of Procedures to allow the following individuals to address the city council on the item.

Motion seconded by Mayor Pro Tem Medrano and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

Joseph McElroy, 404 E. 6th St.
Richard Patten, 8912 Meadowknoll Dr.
Christine Erdeljac, 5626 Preston Oaks Rd.
Bob Stimson, 707 Tenna Loma Ct.

Councilmember Jasso moved to adopt the item.

Motion seconded by Councilmember Hunt.

Mayor Rawlings asked Councilmember Jasso if she would accept a friendly amendment to her motion to require two seconds made by different councilmembers to approve this type of variance.

Councilmember Jasso accepted the friendly amendment as part of her motion to require two seconds made by different councilmembers to approve this type of variance.

Councilmember Hunt, who seconded the original motion, also accepted Mayor Rawlings friendly amendment.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-2856

Page 2

Mayor Rawlings called the vote on Councilmember Jasso's original motion to pass the ordinance amending Chapter 6 of the Dallas City Code to include his friendly amendment to require two seconds made by different councilmembers to approve this type of variance.

Mayor Rawlings declared the motion as modified by the friendly amendment adopted on a divided vote, with Councilmember Hunt voting "No." (Kadane, Allen absent on city business; Greyson absent)

Assigned ORDINANCE NO. 28444

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2857

Item 42: A resolution authorizing **(1)** an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG), detailing project roles and responsibilities for a Sustainable Development Grant Program grant in the amount of \$125,000 in RTC local funds to be administered by NCTCOG, for the Downtown Building Blocks Study; **(2)** acceptance of private funds from the Central Dallas Community Development Corporation (Central Dallas CDC) to the City of Dallas in the amount of \$31,250; **(3)** transfer of funds from the City of Dallas to NCTCOG in the amount of \$31,250 serving as a local match; and **(4)** return of any unused local match fund balance from the NCTCOG through the City of Dallas to the Central Dallas CDC - Not to exceed \$31,250 - Financing: Private Funds

Councilmember Hill moved to adopt the item.

Motion seconded by Mayor Pro Tem Medrano and unanimously adopted. (Kadane, Allen absent on city business; Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2858

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 43: Authorize an economic development grant with JS & JH Enterprises Inc. related to the development of a retail building located at 3502 Simpson Stuart Road in southern Dallas - Not to exceed \$100,000 - Financing: Public/Private Partnership Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", 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 Caraway and Councilmember Hill and unanimously adopted. (Davis absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2859

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 44-51, was presented for consideration.

Agenda items 45, 48 and 51 were removed from the consent zoning docket, to be considered as individual hearings.

- Agenda item 44: Zoning Case Z101-193(MW)
- ~~Agenda item 45: Zoning Case Z101-240(WE) [considered individually]~~
- Agenda item 46: Zoning Case Z101-242(OTH)
- Agenda item 47: Zoning Case Z101-267(MW)
- ~~Agenda item 48: Zoning Case Z101-300(WE) [considered individually]~~
- Agenda item 49: Zoning Case Z101-309(MG)
- Agenda item 50: Zoning Case Z101-315(RB)
- ~~Agenda item 51: Zoning Case Z101-333(CG) [considered individually]~~

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:

Robert Wright, 1150 N. Winnetka, representing Charlie Howard, Inc., spoke on Item 50

Mayor Pro Tem Medrano moved to close the public hearings, accept the recommendations of the city plan commission on the consent zoning cases and pass the ordinances with a change to zoning consent agenda item 50 as follows:

- Grant a five-year specific use permit with no automatic renewals.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2860

Item 44: Zoning Case Z101-193(MW)

The consent zoning docket, consisting of agenda items 44-51, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1711 for a vehicle or engine repair or maintenance use on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 on the northeast side of C.F. Hawn Freeway, south of Lake June Road

(The staff and city plan commission recommended Approval for a two-year period, 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. 28445

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2861

Item 45: Zoning Case Z101-240(WE)

The consent zoning docket, consisting of agenda items 44-51, 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.

Councilmember Griggs requested that zoning consent item 45 be considered as an individual item. Mayor Rawlings stated that zoning consent item 45 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griggs' request.

A public hearing was called on zoning case Z101-240(WE), an application for and an ordinance granting an IM Industrial Manufacturing District and an ordinance granting a Specific Use Permit for a convenience store with drive-through on property zoned an LI Light Industrial District on the southwest corner of South Westmoreland Road and Banning Street

(The staff and city plan commission recommended Approval of an IM Industrial Manufacturing District and approval of a Specific Use Permit for a two-year time period, subject to a site plan and conditions)

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

Councilmember Griggs moved to close the public hearing and deny approval of the application.

Motion seconded by Councilmember Jasso and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

G:\2011MIN\cc102611M.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2862

Item 46: Zoning Case Z101-242(OTH)

The consent zoning docket, consisting of agenda items 44-51, was presented for consideration.

A public hearing was called on zoning case Z101-242(OTH), 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 south side of Elm Street, east of Good Latimer Expressway

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28446

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2863

Item 47: Zoning Case Z101-267(MW)

The consent zoning docket, consisting of agenda items 44-51, was presented for consideration.

A public hearing was called on zoning case Z101-267(MW), an application for and an ordinance granting a Specific Use Permit to allow the sale or service of alcoholic beverages in conjunction with a commercial amusement (inside) on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the southwest corner of East R.L. Thornton Freeway and South Buckner Boulevard

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28447

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2864

Item 48: Zoning Case Z101-300(WE)

The consent zoning docket, consisting of agenda items 44-51, was presented for consideration.

Councilmember Hunt requested that zoning consent item 48 be considered as an individual item. Mayor Rawlings stated that zoning consent item 48 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 Z101-300(WE), an application for and an ordinance granting an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and a resolution accepting deed restrictions volunteered by the applicant on property zoned a P Parking Subdistrict within Planned Development District No. 193, on the southeast line of South Versailles Avenue, northeast of Lemmon Avenue

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

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

Appearing in favor of the city plan commission recommendation:

Kirk Williams, 17318 Club Hill Dr., representing the applicant

Councilmember Hunt moved to close the public hearing, adopt the request for an LC Light Commercial Subdistrict within Planned Development District No. 193 and accept the deed restrictions with the following change volunteered by the applicant:

- That commercial parking lot be added to the deed restrictions as a permitted main use.

Motion seconded by Councilmember Koop and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

Assigned ORDINANCE NO. 28448

G:\2011MIN\cc102611M.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2865

Item 49: Zoning Case Z101-309(MG)

The consent zoning docket, consisting of agenda items 44-51, was presented for consideration.

A public hearing was called on zoning case Z101-309(MG), an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned Subdistrict 6 within Planned Development District No. 830 with a D District Overlay on the northwest corner of North Hampton Road and West Jefferson Boulevard

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 28449 AND 28450

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2866

Item 50: Zoning Case Z101-315(RB)

The consent zoning docket, consisting of agenda items 44-51, was presented for consideration.

A public hearing was called on zoning case Z101-315(RB), an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1787 for a Class A Dance Hall on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property on the west corner of Wycliff Avenue and Brown Street

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

The following individual addressed the city council regarding the item:

Robert Wright, 1150 N. Winnetka Ave., representing Charlie Howard, Inc

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 adopt the item with the following change:

- Five year specific use permit with no automatic renewals.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28451

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2867

Item 51: Zoning Case Z101-333(CG)

The consent zoning docket, consisting of agenda items 44-51, was presented for consideration.

Deputy Mayor Pro Tem Atkins requested that zoning consent item 51 be considered as an individual item. Mayor Rawlings stated that zoning consent item 51 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 Z101-333(CG), an application for and an ordinance granting an R-7.5(A) Single Family District on property zoned a CR Community Retail District on the south side of Walnut Hill Lane, west of Audelia Road

(The staff and city plan commission recommended Approval)

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

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

Barry Knight, 5400 Renaissance Tower, representing the owner

Deputy Mayor Pro Tem Atkins 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 Caraway and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2868

Item 52: Zoning Case Z101-295(RB) - INDIVIDUAL

A public hearing was called on zoning case Z101-395(RB), an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the west line of Greenville Avenue, north of Alta Street

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

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

Philip Kingston, 5901 Palo Pinto Ave., representing Lower Greenville Neighborhood Association

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

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

Motion seconded by Councilmember Hunt and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

Assigned ORDINANCE NO. 28452

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2869

Item 53: Zoning Case Z101-330(CG) - INDIVIDUAL

A public hearing was called on zoning case Z101-330(CG), an application for and an ordinance granting the renewal of Specific Use Permit No. 1460 for a Class A Dance Hall on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west side of Travis Street, north of Armstrong Avenue

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

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

Councilmember Hunt 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. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

Assigned ORDINANCE NO. 28453

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2870

Item 54: Zoning Case Z101-343(WE) – INDIVIDUAL

A public hearing was called on zoning case Z101-343(WE), an application for and an ordinance granting an amendment to the conditions to Planned Development Subdistrict No. 86 for O-2 Office Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, in the area bounded by Carlisle Street, Cedar Springs Road, Vine Street and Cole Avenue

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

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

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

Tommy Mann, (address not provided), representing 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 unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

Assigned ORDINANCE NO. 28454

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2871

Item 55: Zoning Case Z101-319(DC) - DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-319(DC), an application for and an ordinance granting a WMU-8 Walkable Urban Mixed Use 8 District on property zoned a GO(A) General Office District, on the northeast corner of North Central Expressway (US-75) and North Carroll Avenue

(The staff and city plan commission recommended Approval)

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:

Karl Crawley, 900 Jackson St., representing Hanover (purchaser)

Mayor Pro Tem Medrano moved to continue the public hearing and hold under advisement until the December 14, 2011 voting agenda meeting of the city council.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2872

Item 56: Zoning Case Z101-211(JH) - DESIGNATED ZONING CASES - INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, 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 Z101-211(JH), an application for a Specific Use Permit for a late-hours establishment limited to a commercial amusement (inside) for a bowling alley on property zoned Planned Development District No. 842 for CR Community Retail District uses, on property bounded by Greenville Avenue, Lewis Street, Hope Street, and La Vista Court

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

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

Motion seconded by Councilmember Alonso and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

G:\2011MIN\cc102611M.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2873

Item 57: Zoning Case Z101-211(WE) - DESIGNATED ZONING CASES - INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, 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 Z101-211(WE), an application for and an ordinance granting a Specific Use Permit for gas drilling and production on property zoned an IR Industrial Research District on the south side of Jefferson Boulevard, east of Hardy Road adjacent to the water canal in the westernmost quadrant of the Hensley Field Airport and Naval Base

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

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 Griggs moved to continue the public hearing and postpone the item for 30 days after the city council votes on amendments to gas drilling ordinances.

Motion seconded by Councilmember Hunt and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

G:\2011MIN\cc102611M.doc

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2874

SPECIAL PROVISION SIGN DISTRICT

Item 58: A public hearing to receive comments regarding an application for an ordinance granting the creation of a new subdistrict within the Arts District Special Provision Sign District, Section 51A-1200 of the Dallas City Code, generally bounded by Flora Street, Leonard Street, Ross Avenue, and Crocket Street

(The staff recommended Denial and city plan commission recommended Approval)

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

Motion seconded by Councilmember Jasso and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2875

Item 59: A public hearing to receive comments on the proposed City of Dallas FY 2011-12 Urban Land Bank Demonstration Program Plan; and at the close of the public hearing, consideration of approval of the City of Dallas FY 2011-12 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City

Councilmember Griggs moved to close the public hearing and adopt the item.

Motion seconded by Councilmember Koop and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2876

Item 60: A public hearing to receive comments on Substantial Amendment No. 10 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program (NSP1); and at the end of the public hearing; authorize **(1)** final adoption of Substantial Amendment No. 10 to the FY 2008-09 Consolidated Plan for the Neighborhood Stabilization Program (NSP1); **(2)** the receipt and deposit of program income in the amount of \$1,200,000 in the Neighborhood Stabilization Program Fund; and **(3)** an increase in appropriations in the amount of \$1,200,000 to be used for similar eligible activities - Not to exceed \$1,200,000 - Financing: 2008-09 Neighborhood Stabilization Program Grant Funds

Mayor Pro Tem Medrano moved to close the public hearing and adopt the item.

Motion seconded by Councilmember Jasso and unanimously adopted. (Hill absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

Closed Session [**11-2877; NOT HELD**]

6ES

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

- Regulatory and other legal issues related to gas drilling

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2878

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

Co-Financial Advisory Services

Addendum addition 1: Authorize a five-year service contract for financial advisory services - FirstSouthwest Company, most advantageous proposer of four - Not to exceed \$60,000 annually - Financing: Co-financial advisory fees to be paid from bond proceeds and Water Utilities Current Funds, contingent upon completion of each bond sale; fees for advisory services not related to bond issuance to be paid from Current Funds in an amount not to exceed \$300,000 (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2879

Co-Financial Advisory Services

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

Addendum addition 2: Authorize a five-year service contract for financial advisory services - Estrada Hinojosa & Company, Inc., most advantageous proposer of four - Not to exceed \$40,000 annually - Financing: Co-financial advisory fees to be paid from bond proceeds and Water Utilities Current Funds, contingent upon completion of each bond sale; fees for advisory services not related to bond issuance to be paid from Current Funds in an amount not to exceed \$200,000 (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2880

Addendum addition 3: Authorize settlement of retaliation claims in the lawsuit styled United States of America and The State of Texas ex rel., Doug Moore v. City of Dallas and Southwest General Services of Dallas, LLC., Civil Action No. 3:09-CV-1452-O-BH - Not to exceed \$299,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2882

Addendum addition 5: An ordinance amending Ordinance No. 28062, as amended by Ordinance No. 28171, which abandoned portions of a water main easement, a drainage easement, three storm sewer easements, Redfield Street, Lofland Street, Tex-Oak Avenue, a street easement and an alley located near the intersection of Harry Hines Boulevard and Lofland Street, to Dallas County Hospital District d/b/a Parkland Health and Hospital System, to extend the final replat and dedication requirements from 360 days to 540 days - Revenue: \$5,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28455

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 26, 2011

11-2883

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum addition 6: Authorize the City Manager to purchase deed restrictions from Central Dallas Community Development Corporation, or its wholly owned subsidiary, to ensure affordable, permanent supportive housing units on the 1531 Malcolm X Boulevard property through December 31, 2027 - Not to exceed \$500,000 - Financing: 2005 Bond Funds

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

Mayor Pro Tem Medrano moved to adopt the item.

Motion seconded by Councilmember Hill and Councilmember Davis and unanimously adopted. (Caraway absent when vote taken; Kadane, Allen absent on city business; Greyson absent)

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 26, 2011

EXHIBIT C