

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, NOVEMBER 7, 2011

11-2942

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

PRESENT: [14] Rawlings, Jasso, Medrano, Griggs, Caraway, Hill, Alonzo, Davis (*9:12 a.m.), Atkins, Kadane, Allen, Koop, Greyson (*9:15 a.m.), Margolin

ABSENT: [1] Hunt

The meeting was called to order at 9:03 a.m.

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

The invocation was given by Pastor Gordon Dabbs of Prestoncrest Church of Christ.

Deputy Mayor Pro Tem Atkins led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 3:22 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.**

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, NOVEMBER 7, 2011

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, NOVEMBER 7, 2011

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2943

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: Carlos Marroquin, 5106 Cedar Springs Rd.
REPRESENTING: SEIU – Texas Local 5
SUBJECT: Not changing Fire Station 26

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

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
REPRESENTING: R.A.W. (Real American Women)
SUBJECT: Where is the Dallas City Charter?

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: J. B. Jackson, Jr. Institute
SUBJECT: It's not arrogance, it's called self determination

SPEAKER: Otis Fagan, 2247 Scotland Dr.
REPRESENTING: Clean Association
SUBJECT: Lead for West Dallas

SPEAKER: Sterling McCoy, 2420 RimRock Trl., **Mesquite, TX**
REPRESENTING: Clean Association
SUBJECT: Environmental Justice

SPEAKER: Robert E. Jones, 4418 Ambassador Way, **Balch Springs, TX**
REPRESENTING: Clean Association
SUBJECT: Lead

SPEAKER: Betty Culbreath, 1636 Bar Harbor Dr.
REPRESENTING: Voters
SUBJECT: Voting equality

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2944

Item 1: Approval of Minutes of the October 26, 2011 City Council Meeting

Deputy Mayor Pro Tem Atkins moved to adopt the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2945

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-54, and addendum addition consent agenda items 1-7, was presented for consideration.

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

Motion seconded by Councilmember Hill. (Davis, Greyson absent when vote taken; Hunt absent)

After discussion, Mayor Pro Tem Medrano asked Councilmember Kadane if he would accept a friendly amendment to postpone addendum addition consent agenda item 3 until the December 14, 2011 voting agenda meeting of the city council.

Councilmember Kadane accepted the friendly amendment as part of his motion.

Councilmember Hill, who seconded the original motion, also accepted Mayor Pro Tem Medrano's friendly amendment.

After further discussion, Councilmember Kadane moved to adopt the consent agenda and addendum addition consent agenda with the following change to postpone addendum addition consent agenda item 3 until the December 14, 2011 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2946

Item 2: Authorize **(1)** a three-year service contract for maintenance and support of the existing Stratus server in the amount of \$87,869; and **(2)** a three-year master agreement for the purchase of replacement Stratus servers which includes five years of maintenance on replacement servers for operation of the Computer-Aided-Dispatch System for Police, Dallas Fire-Rescue and 911 Call Center in the amount of \$396,750 - TriTech Software Systems, only bidder - Total not to exceed \$484,619 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2947

Item 3: Authorize a three-year service contract for pre-adoption dog cleaning, grooming and shearing services for Dallas Animal Services - Ronnie Meals, lowest responsible bidder of three - Not to exceed \$209,628 - Financing: Ivor O'Connor Morgan Trust Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2948

Item 4: Authorize a three-year service contract for chemical root control - Municipal Sales, Inc., lowest responsible bidder of four - Total not to exceed \$792,350 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2949

Item 5: Authorize a three-year master agreement for automotive, truck and equipment batteries - DT-DO, Inc., lowest responsible bidder of three - Not to exceed \$1,146,882 - Financing: Current Funds (\$1,101,882) and Stormwater Drainage Management Current Funds (\$45,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2950

Item 6: Authorize a three-year master agreement for chemicals and supplies to treat swimming pools, fountains and spraygrounds – Sunbelt Pools, Inc. in the amount of \$886,911 and Leslie’s Poolmart, Inc. in the amount of \$564,872, lowest responsible bidders of three - Total not to exceed \$1,451,783 - Financing: Current Funds (\$1,299,174) and Convention and Event Services Current Funds (\$152,609)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2951

Item 7: Authorize a three-year master agreement for plumbing pipe, fittings, fixtures, trim and parts - Ferguson Enterprises, Inc. in the amount of \$662,500, HD Supply Waterworks, Ltd. in the amount of \$395,609, 4 Star Hose & Supply in the amount of \$376,400, Winston Water Cooler, Ltd. in the amount of \$427,950 and Apple Specialties, Inc. in the amount of \$7,600, lowest responsible bidders of five - Total not to exceed \$1,870,059 - Financing: Current Funds (\$812,950), Convention and Event Services Current Funds (\$35,400) and Water Utilities Current Funds (\$1,021,709)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2952

Item 8: Authorize a three-year master agreement for various types of air valves and parts - Hugh M. Cunningham, Inc., in the amount of \$250,000, HD Supply Facilities Maintenance LTD in the amount of \$216,000, Municipal Valve & Equipment Co., Inc. in the amount of \$191,000 and Macaulay Controls Company in the amount of \$40,000, lowest responsible bidders of five - Total not to exceed \$697,000 - Financing: Water Utilities Current Funds (\$592,000) and Stormwater Drainage Management Current Funds (\$105,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2953

Item 9: Authorize a five-year master agreement for liquid polymer for wastewater treatment - Polydyne, Inc. in the amount of \$4,540,928 and 3F Chimica Americas in the amount of \$1,267,200, lowest responsible bidders of two - Total not to exceed \$5,808,128 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2954

Item 10: Authorize **(1)** a five-year master agreement for grounds maintenance equipment - Landmark Equipment, Inc. in the amount of \$1,634,000, Richardson Saw & Lawnmowers in the amount of \$860,400, Professional Turf Products of Texas in the amount of \$757,400, Deen Implement Co. in the amount of \$623,000, Luber Brothers in the amount of \$564,000, Longhorn, Inc. in the amount of \$400,000, Professional Polish in the amount of \$160,000, Six & Mango Equipment LLP in the amount of \$53,500, lowest responsible bidders of ten; and **(2)** a five-year master agreement for grounds maintenance equipment - John Deere Government Sales in the amount of \$1,120,000, Vermeer Equipment of Texas, Inc. in the amount of \$127,000 and Brookside Equipment Sales, Inc. in the amount of \$111,500 through Buyboard, a Texas Local Government Purchasing Cooperative and Poston Equipment Sales, Inc. in the amount of \$146,000 through the Houston-Galveston Area Council of Governments Purchasing Cooperative - Total not to exceed \$6,556,800 - Financing: Current Funds (\$3,979,300), Aviation Current Funds (\$452,000), Golf Improvement Funds (\$1,515,000) and Water Utilities Current Funds (\$610,500)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2955

Item 11: Authorize the purchase of ten replacement vehicles for Dallas Fire-Rescue - Sam Pack's Five Star Ford in the amount of \$257,591, Randall Reed's Prestige Ford in the amount of \$56,506 and Philpott Motors Ltd. in the amount of \$36,618, lowest responsible bidders of three - Total not to exceed \$350,715 - Financing: 2010 Equipment Acquisition Notes

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2956

Item 12: Authorize the purchase and installation of office walls and furniture for the renovation of the Traffic Management Center - Workplace Resource of Dallas through the U.S. Communities Government Purchasing Alliance - Not to exceed \$202,828 - Financing: TxDOT Transportation Advance Management System Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2957

Item 13: Authorize the purchase of one telescopic material handler for Water Utilities - Simba Industries, lowest responsible bidder of eight - Not to exceed \$79,896 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2958

Item 14: Authorize the purchase of one truck scale and one electric material handler for Sanitation Services - Forestry Supply Service, Inc. dba FTR Equipment in the amount of \$192,900 and Nicol Scales, LP in the amount of \$88,094, lowest responsible bidders of three - Total not to exceed \$280,994 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2959

Item 15: Authorize a five-year concession contract, with three one-year renewal options, for parking services and capital improvements at Fair Park - Ace Parking Management, Inc., most advantageous proposer of three - Estimated Annual Revenue: \$372,600 (Revenue share 58.25% of sales under \$600,000, less sales tax and credit card fees; 70% of sales over \$600,000, less sales tax and credit card fees)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2960

Item 16: Authorize settlement of the lawsuit styled Gary B. Smith v. City of Dallas, Cause No. 11-00253-I - Not to exceed \$8,762 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2961

Item 17: Authorize settlement of the lawsuit styled Darryl Houston v. City of Dallas, Cause No. 11-00998-H - Not to exceed \$18,500 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2962

Item 18: Authorize Supplemental Agreement No. 1 to the professional services contract with Helmer Engineering, Inc., for additional engineering consulting services in the review of Dallas Water Utilities Projects - Not to exceed \$50,000, from \$25,000 to \$75,000 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2963

Item 19: Authorize the annual adoption of the City's Investment Policy regarding funds under the City's control and the investment strategies for each of the funds under the City's management - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2964

Item 20: Authorize **(1)** an Interlocal Agreement with Dallas County for the provision of funding for homeless assistance services at the Homeless Assistance Center (HAC) through the City's contractor, Bridge Steps through September 30, 2012; **(2)** the receipt and deposit of monthly payments from Dallas County in the amount of \$64,572 per month for eleven months and a final payment in the amount of \$34,572 for the period October 1, 2011 through September 30, 2012, total amount not to exceed \$744,869; and **(3)** the counting of Dallas County's monthly payments toward Bridge Steps' required financial contribution for the management and operation of the Homeless Assistance Center, as provided for in the Management Services Contract, Phase II with Bridge Steps - Not to exceed \$744,869 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2965

Item 21: Authorize **(1)** acceptance of a grant from the U.S. Department of Housing and Urban Development to provide housing placement and transitional rental assistance for ex-offenders with HIV/AIDS and engage in community planning to develop an integrated HIV/AIDS housing plan covering the Dallas area for the period January 1, 2012 through December 31, 2014; **(2)** establishment of a new position funded by the grant; **(3)** establishment of appropriations in the amount of \$1,287,500; and **(4)** execution of the grant agreement - Not to exceed \$1,287,500 - Financing: Competitive Housing Opportunities for Persons with AIDS Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2966

Item 22: Authorize **(1)** preliminary adoption of Substantial Amendment No. 10 to the FY 2008-12 Consolidated Plan Budget for the Homelessness Prevention and Rapid Re-Housing Program (HPRP) funded through the American Recovery and Reinvestment Act; and **(2)** a public hearing to be held on December 14, 2011 to receive comments on the proposed use of funds - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2967

Item 23: Authorize **(1)** a public hearing to be held on December 14, 2011 to receive comments on the proposed private sale by quitclaim deed of ten unimproved properties acquired by the taxing authorities from the Sheriff's Sale to Dallas Neighborhood Alliance for Habitat, Inc. a qualified non-profit organization; and at the close of the public hearing, **(2)** consideration of approval of the sale of these properties (list attached) - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2968

Item 24: Authorize a ten-year lease agreement with Real Sol, LP for approximately 4,550 square feet of office space located at 3100 West Northwest Highway, Suite C to be used as a Women, Infants and Children Clinic for the period January 1, 2012 through December 31, 2021 - Not to exceed \$832,650 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2969

Item 25: Authorize a contract with HIS BridgeBuilders to provide education and employment to ex-offenders currently incarcerated at the Dallas County Judicial Treatment Center for the period October 1, 2011 through September 30, 2012 - Not to exceed \$110,573 - Financing: U. S. Department of Justice Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2970

Item 26: Authorize a contract with Metro Dallas Homeless Alliance to provide an electronic system to capture client-level data of individuals released from prison, jail, or juvenile residential facilities for the Second Chance Act Adult Offender Re-entry Demonstration Grant for the period October 1, 2011 through September 30, 2012 - Not to exceed \$72,131 - Financing: U. S. Department of Justice Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2971

Item 27: Authorize a contract with Metroplex Economic Development Corporation (MEDC), parent company of Texas Offenders Reentry Initiative (T.O.R.I.), to provide post-release case management and supportive services to ex-offenders currently incarcerated at the Dallas County Judicial Treatment Center for the period October 1, 2011 through September 30, 2012 - Not to exceed \$395,220 - Financing: U. S. Department of Justice Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2972

Item 28: Authorize a contract with the Urban League of Greater Dallas to provide education and employment to ex-offenders currently incarcerated at the Dallas County Judicial Treatment Center for the period October 1, 2011 through September 30, 2012 - Not to exceed \$108,000 - Financing: U. S. Department of Justice Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2973

Item 29: Authorize a contract with the Urban League of Greater Dallas to provide post-release case management and supportive services to ex-offenders currently incarcerated at the Dallas County Judicial Treatment Center for the period October 1, 2011 through September 30, 2012 - Not to exceed \$200,000 - Financing: U. S. Department of Justice Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2974

Item 30: Authorize a contract with Vogel Alcove, Inc. for the provision of child care services for homeless families for the period October 1, 2011 through September 30, 2012 - Not to exceed \$74,850 - Financing: 2011-12 Community Development Block Grant Funds (\$43,850) and Current Funds (\$31,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2975

- Item 31: Authorize **(1)** a public hearing to be held on December 14, 2011, in accordance with provisions of Senate Bill 1, enacted during the First Special Session of the 82nd Texas Legislative Session, to receive comments regarding whether certain goods-in-transit stored in public warehouses within the Dallas city limits should remain subject to taxation by the City of Dallas; and at the close of the hearing, **(2)** consideration of an ordinance amending Chapter 44 of the Dallas City Code to continue taxation by the City of Dallas of certain goods-in-transit stored in public warehouses in the Dallas city limits - Financing: This action has no cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2976

Item 32: An ordinance amending Chapter 5A of the Dallas City Code to match recent state law changes to: **(1)** provide for year-round enforcement of motor vehicle idling restrictions; and **(2)** allow a motor vehicle to idle under certain circumstances to provide air conditioning or heating in an armored vehicle - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28456

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2977

Item 33: Authorize a Funding Agreement with Dallas County for the development of a master plan for an approximate 6.5-mile section of the Northaven Trail between the Walnut Hill DART Green Line light rail station and Preston Road - Not to exceed \$50,000 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2978

Item 34: Authorize a public hearing to be held on December 14, 2011 to receive comments on the proposed use of a portion of John Carpenter Plaza totaling approximately 16,432 square feet for roadway improvements for the Cesar Chavez Boulevard and Pearl Expressway Improvement Project - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2979

Item 35: Authorize a contract with Texas Standard Construction, Ltd., lowest responsible bidder of nine, for the construction of street paving, storm drainage, landscape, and water main improvements for Congo Street from South Carroll Avenue to Bank Street - Not to exceed \$342,785 - Financing: 2008-09 Community Development Block Grant Funds (\$33,944), 2008-09 Community Development Block Grant Reprogramming Funds (\$200,000), Water Utilities Capital Construction Funds (\$5,370) and Water Utilities Capital Improvement Funds (\$103,471)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2980

Item 36: Authorize a contract with The Fain Group, Inc., lowest responsible bidder of five, for the construction of median and streetscape improvements for Cedar Springs Road from Harwood Street to the Katy Trail - Not to exceed \$2,705,021
- Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2981

Item 37: Authorize an increase in the contract with Tiseo Paving Company for the construction of additional paving and parking area improvements along or adjacent to Bexar Street from Municipal Street to the levee - Not to exceed \$180,703, from \$1,393,632 to \$1,574,335 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2982

Item 38: Authorize **(1)** the receipt and deposit of funds in the amount of \$407,353 from HNTB Corporation for a centerline light trench repair at Taxiway "C" at Dallas Love Field; **(2)** an increase in the contract with Texas Sterling Construction Company for design changes for the Taxiway "L" Extension/Reconstruction, Taxiway "D1", "C" Connectors and Holding Apron at Runway 13R, and the Taxiway "C" Reconstruction in the amount of \$1,121,539, from \$13,858,046 to \$14,979,585; and **(3)** an increase in appropriations in the amount of \$1,171,539 in the Federal Aviation Administration Airport Improvement Program Grant Fund - Not to exceed \$1,121,539 - Financing: Aviation Passenger Facility Charge Funds (\$280,582), Federal Aviation Administration Airport Improvement Program Grant Funds (\$797,062) and Aviation Capital Construction Funds (\$43,895)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2983

Item 39: Authorize acquisition from the White Rock Church of Christ, of approximately 20,017 square feet of unimproved land located near the intersection of Ferguson Road and Hibiscus Street for improved road access to the White Rock Hills Library - Not to exceed \$37,000 (\$35,000 plus closing costs and title expenses not to exceed \$2,000) - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2984

Item 40: Authorize acquisition of approximately nine acres of land from Peggy Berry Justiss, Raymond E. Berry and David Berry Justiss, Trustee of the Jesse E. Justiss Family Trust located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$171,327 (\$169,361 plus closing costs and title expenses not to exceed \$1,966) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2985

Item 41: Authorize acquisition of approximately 20 acres of land from Peggy Berry Justiss, Raymond E. Berry and David Berry Justiss, Trustee of the Jesse E. Justiss Family Trust located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$433,926 (\$430,639 plus closing costs and title expenses not to exceed \$3,287) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2986

Item 42: Authorize acquisition of a tract of land from Noah Hudson containing approximately 25,911 square feet improved with a vacant apartment building located near the intersection of Loris Lane and Ozona Street for the Cedar Crest Trail and Interurban Trail Projects - Not to exceed \$173,500 (\$170,000 plus closing costs and title expenses not to exceed \$3,500) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2987

Item 43: Authorize moving expense and rental assistance payments for Ofelia Gomez-Garcia and Celso Soto-Ortega in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 706 LaSalle Drive for future City facilities - Not to exceed \$9,920 - Financing: 2006 Bonds Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2988

Item 44: Authorize a moving and related expenses-nonresidential payment for Sleek Décor, who has been displaced as a direct result of real property acquisition of the property at 4118 South Fitzhugh Avenue, to be used in conjunction with the Fire Station No. 44 Project - Not to exceed \$118,900 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2989

Item 45: Authorize the use of conveyances as buildings on property on the south side of West Commerce Street between Pittman Street and Haslett Street, in accordance with the provisions of Section 51A-4.603 of the Dallas Development Code - C101-002 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2990

Item 46: Authorize the quitclaim of 35 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$166,315

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2991

Item 47: An ordinance abandoning a portion of a gas easement to Cityville Dallas Haskell Limited Partnership, the abutting owner, containing approximately 2,241 square feet of land located near the intersection of Belmont Avenue and Peak Street - Revenue: \$5,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28457

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2992

Item 48: An ordinance granting renewal of a private license to Greenville 2100, LTD for the use of approximately 518 square feet of land to maintain an existing masonry wall, sidewalk café, awning and landscaping in Greenville and Prospect Avenues rights-of-way located near the intersection of Greenville and Prospect Avenues - Revenue: \$2,000 annually plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28458

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2993

Item 49: An ordinance granting a private license to First Baptist Church of Dallas, Texas for the use of a total of approximately 1,080 square feet of subsurface space to install and maintain two ventable area ways for underground electrical vaults under portions of San Jacinto Place and St. Paul Street, near the intersection of St. Paul Place and St. Paul Street - Revenue: \$2,527 annually plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28459

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2994

Item 50: An ordinance abandoning a portion of Orleans Street to Central Dallas Community Development Corporation, the abutting owner, containing approximately 9,818 square feet of land located near the intersection of Orleans and Louise Streets and authorizing the quitclaim - Revenue: \$73,635 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28460

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2995

Item 51: An ordinance amending Chapter 19 of the Dallas City Code to: **(1)** define terms; **(2)** provide prohibitions, requirements, and defenses relating to the discharge of certain pollutants and hazardous substances into the stormwater drainage system; **(3)** require persons operating industrial or construction activity sites to operate pursuant to and consistent with all state and federal required permits and employ best management practices; **(4)** provide monitoring, sampling, and reporting requirements for dischargers of stormwater into the stormwater drainage system; **(5)** make certain non-substantive changes; and **(6)** provide for a penalty not to exceed \$2,000 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28461

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2996

Item 52: Authorize a thirty-year contract with the City of Lancaster to continue providing treated water for the period November 11, 2011 through November 10, 2041 - Estimated Annual Revenue: \$2,000,000

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2997

Item 53: Authorize a decrease in the contract with Archer Western Contractors, Ltd. for a net deductive change order related to the construction of new pumping facilities at the Sunset Pump Station site - Not to exceed (\$24,996), from \$22,996,067 to \$22,971,071 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2998

Item 54: Authorize an increase in the contract with Archer Western Contractors, Ltd. for additional work associated with the construction of new Booster Chlorination Facilities at five potable water pump stations in the water distribution system - Not to exceed \$171,241, from \$3,594,000 to \$3,765,241 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-2999

Item 55: 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)

There were no appointments made to boards and commissions.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3000

Item 56: Authorize approval of the City of Dallas 401(k) Retirement Savings Plan As Amended and Restated effective November 7, 2011 - Financing: No cost consideration to the City

Councilmember Margolin moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3001

Item 57: Authorize approval of the 457 Deferred Compensation Plan for City Employees of the City of Dallas As Amended and Restated effective November 7, 2011 - Financing: No cost consideration to the City

Councilmember Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3002

Item 58: Authorize approval of The City of Dallas 457 Deferred Compensation Plan for Part-Time, Seasonal, Temporary Employees and City Councilmembers As Amended and Restated effective November 7, 2011 - Financing: No cost consideration to the City

Councilmember Hill moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3003

Item 59: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Perry D. Harbour of approximately 66,463 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$45,314 (\$43,201 plus closing costs and title expenses not to exceed \$2,113) - Financing: Water Utilities Capital Improvement Funds

The acting city secretary announced the item requires a motion that the City Council of the City of Dallas adopt the item and authorize the use of power of eminent domain to acquire from Perry D. Harbour of approximately 66,463 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project.

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Koop.

After discussion, Mayor Rawlings called the vote on Deputy Mayor Pro Tem Atkins' motion to adopt the item:

Voting Yes: [13] Rawlings, Medrano, Atkins, Jasso, Griggs, Caraway, Hill,
Alonzo, Kadane, Allen, Koop, Greyson, Margolin

Voting No: [0]

Absent when vote taken: [1] Davis

Absent: [1] Hunt

Mayor Rawlings declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3004

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 60: Authorize the nomination of Mary Kay Inc. located at 1330 Regal Row and 2213 Connector Drive to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank - Financing: No cost consideration to the City

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

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

Councilmember Alonzo moved to adopt the item.

Motion seconded by Deputy Pro Tem Atkins and Councilmember Koop and unanimously adopted. (Davis absent when vote taken; Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3005

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 61-69, was presented for consideration.

Agenda items 65 and 66 were removed from the consent zoning docket, to be considered as individual hearings.

Agenda item 61: Zoning Case Z101-133(RB)

Agenda item 62: Zoning Case Z101-215(RB)

Agenda item 63: Zoning Case Z101-245(RB)

Agenda item 64: Zoning Case Z101-266(RB)

~~Agenda item 65: Zoning Case Z101-288(RB)~~ [considered individually]

~~Agenda item 66: Zoning Case Z101-325(MW)~~ [considered individually]

Agenda item 67: Zoning Case Z101-340(MG)

Agenda item 68: Zoning Case Z101-344(RB)

Agenda item 69: Zoning Case Z101-345(WE)

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:

Paul Blocker, Jr., 133 N. Riverfront Blvd., representing Southwest Jr. Academy School Board, spoke on Item 63

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 Deputy Mayor Pro Tem Atkins and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3006

Item 61: Zoning Case Z101-133(RB)

The consent zoning docket, consisting of agenda items 61-69, was presented for consideration.

A public hearing was called on zoning case Z101-133(RB), an application for and an ordinance granting the creation of a new Subarea within the Subarea A portion of Planned Development District No. 134 on property at the west corner of Grandview Avenue and Lindsley Avenue

(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.

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28462

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3007

Item 62: Zoning Case Z101-215(RB)

The consent zoning docket, consisting of agenda items 61-69, was presented for consideration.

A public hearing was called on zoning case Z101-215(RB), an application for and an ordinance granting a Specific Use Permit for a Dance hall on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest line of Cedar Springs Road, east of Reagan Street

(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. 28463

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3008

Item 63: Zoning Case Z101-245(RB)

The consent zoning docket, consisting of agenda items 61-69, was presented for consideration.

A public hearing was called on zoning case Z101-245(RB), an application for and an ordinance granting a Specific Use Permit for a Private school on property zoned an R-7.5(A) Single Family District, on the east corner of Bonnie View Road and Arrow Road

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

The following individual addressed the city council:

Paul Blocker, Jr., 133 N. Riverfront Blvd., representing Southwest Jr. Academy School Board

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. 28464

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3009

Item 64: Zoning Case Z101-266(RB)

The consent zoning docket, consisting of agenda items 61-69, was presented for consideration.

A public hearing was called on zoning case Z101-266(RB), an application for and an ordinance granting an amendment to the development plan for Planned Development District No. 103 for Church Uses on the east line of Pastor Bailey Drive, north of Camp Wisdom Road

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

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. 28465

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3010

Item 65: Zoning Case Z101-288(RB)

The consent zoning docket, consisting of agenda items 61-69, was presented for consideration.

Councilmember Greyson requested that zoning consent item 65 be considered as an individual item. Mayor Rawlings stated that zoning consent item 65 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 Z101-288(RB), an application for and an ordinance granting an amendment to Planned Development District No. 469 for a Private school, on the east line of Preston Road, southeast of the St. Louis & Southwestern Railroad

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

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

Councilmember Greyson 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. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3011

Item 66: Zoning Case Z101-325(MW)

The consent zoning docket, consisting of agenda items 61-69, was presented for consideration.

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

A public hearing was called on zoning case Z101-325(MW), an application for and an ordinance granting a Specific Use Permit for a financial institution with drive-in window and a resolution accepting an amendment to the deed restrictions on property zoned an LO-3 Limited Office District on the northeast corner of West Illinois Avenue and South Vernon Avenue

(The staff and city plan commission recommended Approval for a ten-year period, with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions and approval of the amendment to the deed restrictions)

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 hold under advisement until the December 14, 2011 voting agenda meeting of the city council.

Motion seconded by Councilmember Jasso and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3012

Item 67: Zoning Case Z101-340(MG)

The consent zoning docket, consisting of agenda items 61-69, was presented for consideration.

A public hearing was called on zoning case Z101-340(MG), an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of less than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and North Jim Miller Road

(The staff recommended 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 and city plan commission recommended 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 NO. 28466

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3013

Item 68: Zoning Case Z101-344(RB)

The consent zoning docket, consisting of agenda items 61-69, was presented for consideration.

A public hearing was called on zoning case Z101-344(RB), an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern on property within the Tract A portion of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south line of Elm Street, west of Malcolm X 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. 28467

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3014

Item 69: Zoning Case Z101-345(WE)

The consent zoning docket, consisting of agenda items 61-69, was presented for consideration.

A public hearing was called on zoning case Z101-345(WE), an application for and an ordinance granting a renewal of Specific Use Permit No.1784 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, west of Crowds Street

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28468

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3015

Item 70: Zoning Case Z101-333(CG) - UNDER ADVISEMENT - INDIVIDUAL

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)

Note: This item was considered by the City Council at a public hearing on October 26, 2011, and was taken under advisement until November 7, 2011, with the public hearing open.

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

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

Barry Knight, 5400 Renaissance Tower, representing the applicant

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

Motion seconded by Councilmember Hill and unanimously adopted. (Greyson absent when vote taken; Hunt absent)

Assigned ORDINANCE NO. 28469

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3016

Item 71: Zoning Case Z101-163(MG) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z101-163(MG), an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of less than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of the intersection of Military Parkway and Elva Avenue

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

Note: This item was considered by the City Council at a public hearing on September 28, 2011, and was taken under advisement until November 7, 2011, with the public hearing open.

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

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

Parvez Malik, no address provided, representing the applicant
Santos Pinales, 7055 Woodard Ave.
James Thomas, 7034 Woodard Ave.
Jiten Roy, no address provided, the applicant

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

Motion seconded by Mayor Pro Tem Medrano and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3017

Item 72: Zoning Case Z101-265(DC) - DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-265(DC), an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict Uses on property zoned a GR General Retail Subdistrict with a D-1 Liquor Control Overlay on a portion of the site within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property on the northwest line of Carlisle Street between Fairmont Street and Routh Street

(The staff and city plan commission recommended Approval subject to a development plan and conditions and retention of the D-1 Liquor Control Overlay)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3018

Item 73: Zoning Case Z101-336(MW) - DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-336(MW), an application for and an ordinance granting an amendment to Subdistrict 2C within Planned Development District No. 714, the West Commerce Street / Fort Worth Avenue Special Purpose District on property on the west side of Malone Drive at the terminus of Folsom Street

(The staff recommended Approval of the omission of the requirement that a single family structure must consist of eight attached units and the reduction of required parking for a photography studio; subject to conditions, but denial of the reduction of side and rear yard setbacks and city plan commission recommended Approval of the omission of the requirement that a single family structure must consist of eight attached units; the reduction of required parking for a photography studio; and the reduction of side and rear yard setbacks, subject to conditions)

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

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

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

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

Monte Anderson, 901 Fort Worth Ave., the applicant

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

Motion seconded by Councilmember Hill and Councilmember Davis and unanimously adopted. (Hunt absent)

Assigned ORDINANCE NO. 28470

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3019

Item 74: Zoning Case Z101-276(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, 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 Z101-276(WE), an application for and an ordinance granting an NO(A) Neighborhood Office District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south side of Lake June Road, west of Ladonia Place

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

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

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

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

Councilmember Hill 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. (Hunt absent)

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3020

DESIGNATED ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

Item 75: Zoning Case Z101-211(JH)

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, 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."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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

Susan Reese, 8626 Douglas, representing Madison Partner

John Hetzel, 7002 Vivian Ave.

Larry Vineyard, 2622 Commerce St., representing Madison Partner

Daniel Vaughn, 5508 Richmond Ave.

Brianna Larson, 8489 Sweetwater

Susan Kedron, 901 Main St., representing the applicant

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

Bruce Richardson, 5607 Richmond Ave.

Stacey Davis, 5605 Lewis St.

Stephen A. Melendi, 2811 McKinney Ave., representing Belmont Neighborhood Association

Phillip Kingston, 5901 Palo Pinto

Mike Northrup, 5703 Goliad Ave., representing Lower Greenville Neighborhood Association, Lowest Greenville West, Vickery Place Neighborhood Association, Hudson Heights, Belmont Neighborhood Association

Mayor Pro Tem Medrano moved to close the public hearing and adopt the recommendation of the city plan commission to deny with the denial to be without prejudice.

Motion seconded by Councilmember Greyson and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3021

SPECIAL PROVISION SIGN DISTRICT - UNDER ADVISEMENT

Item 76: 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)

Note: This item was considered by the City Council at a public hearing on October 26, 2011, and was taken under advisement until November 7, 2011, with the public hearing open.

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

Lee Cobb, 1717 Arts Plaza
Patricia Camargo, 1717 Arts Plaza
Lucilo A. Peña, 1717 Arts Plaza
Joel Austin, 2025 Sage Valley Dr., **Richardson, TX**, representing Billingsley Company

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

Craig Hall, 2828 Hood St., representing Hall Financial Group
Heath May, 915 Creekdale Dr., **Richardson, TX**, representing Hall Financial Group
Rich Sheridan, 3022 Forest Ln.
Susan Kedron, 901 Main St., representing the applicant
John Crawford, no address provided, representing Downtown Dallas, Inc.
Violetta Forsythe Lill, 622 Blair Blvd.

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

- Only one tenant identity sign or building identification sign is permitted per facade.
- Tenant identity signs must be located above the highest leasable floor.
- Tenant identity signs must be composed of individual letters only and illumination of these signs, if any, must be internal to each letter. No illuminated sign or element of a sign may turn on or off or change its brightness.
- All Tenant identity signs and building identification signs must be the same color.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

11-3021

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- The maximum effective area for an integrated sign is 50 square feet. The maximum height is 8 feet.
- All elements of an integrated sign must be consistent in materials and colors.
- Other, regulations for the signs for restaurants and retails are allowed.

Motion seconded by Deputy Mayor Pro Tem Atkins and Councilmember Margolin and unanimously adopted. (Hunt absent)

Assigned ORDINANCE NO. 28471

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3022

MISCELLANEOUS HEARINGS

Item 77: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Pavillion North Holding, Ltd. located near the intersection of Coit and Campbell Roads and adjacent street right-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Pavillion North Holding, Ltd. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

(The staff and city plan commission recommended Approval)

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

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

The following individual addressed the city council regarding the item:

Sam Johnson, no address provided, professional geoscientist

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

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

Assigned ORDINANCE NO. 28472

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3023

Addendum addition 1: Authorize a three-year service contract and policy, with two one-year renewal options, to provide basic and supplemental group term life, voluntary dependent life and accidental death and dismemberment insurance coverage - Standard Insurance Company, most advantageous proposer of six - Not to exceed \$2.00 per month per employee - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3024

Addendum addition 2: Authorize the purchase and installation of furniture for the Landfill Operations Center - Workplace Resource of Dallas through the U.S. Communities Government Purchasing Alliance - Not to exceed \$83,504 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3025

Addendum addition 3: An ordinance amending Chapter 17 of the Dallas City Code to: **(1)** allow a retrofitted or converted vehicle to be used as a mobile food preparation vehicle upon meeting certain standards and requirements; **(2)** provide standards and procedures for a variance to allow the preparation and service of raw poultry, raw seafood, and non-fast-cooked food items on a mobile food preparation vehicle; **(3)** require certified food handlers at a mobile food establishment where non-prepackaged potentially hazardous food is prepared or served; and **(4)** make certain non-substantive changes - Financing: No cost consideration to the City

During approval of the consent agenda, Mayor Pro Tem Medrano asked Councilmember Kadane if he would accept a friendly amendment to postpone addendum addition consent agenda item 3 until the December 14, 2011 voting agenda meeting of the city council.

Councilmember Kadane accepted the friendly amendment as part of his motion.

Councilmember Hill, who seconded the original motion, also accepted Mayor Pro Tem Medrano's friendly amendment. (Davis, Greyson absent when vote taken; Hunt absent)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3026

Addendum addition 4: Authorize **(1)** an application for and acceptance of a grant from The Heritage Program by Fireman's Fund for the purchase of smoke detectors for distribution to citizens; and **(2)** execution of the grant agreement - Not to exceed \$19,793
- Financing: FY12 Fireman's Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3027

Addendum addition 5: Authorize a contract with Dallas Area Rapid Transit for the purchase of 375 annual passes in support of the City's clean air initiative - Not to exceed \$154,008 - Financing: Current Funds (to be reimbursed by participating employees)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3028

Addendum addition 6: Authorize the City Manager to provide a Notice of Establishment for a Quiet Zone along the Union Pacific Railroad encompassing the Jim Miller Road, Urban Avenue and Buckner Boulevard crossings as 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

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3029

Addendum addition 7: Authorize an increase in the contract with Oscar Renda Contracting, Inc. for the removal of concrete basin walls and associated equipment at the Eastside Water Treatment Plant - \$800,000, from \$45,070,450 to \$45,870,450 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3030

Addendum addition 8: A resolution designating absences by Councilmember Angela Hunt as being for "official city business" - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Atkins moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3031

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum addition 9: Authorize (1) a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 4% low-income housing tax credit (LIHTC) allocation for Buckeye Trail Commons located at 6707 Buckeye Commons Way for the new construction of the proposed 207-unit multifamily residential development for families and seniors; and (2) the issuance of tax-exempt Multifamily Housing Mortgage Revenue Bonds Series 2011 by the Dallas Housing Authority (DHA), as Housing Options, Inc., in an amount not to exceed \$15,000,000 to finance the construction of Buckeye Trail Commons - Financing: No cost consideration to the City

(The staff 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."

Councilmember Caraway moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3032

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum addition 10: Authorize **(1)** a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 4% low-income housing tax credit (LIHTC) allocation for Buckeye Trail Commons II located at 6717 Bexar Street for the new construction of the proposed 116-unit multifamily residential development for families; and **(2)** the issuance of tax-exempt Multifamily Housing Mortgage Revenue Bonds Series 2011 by the Dallas Housing Authority (DHA), as Housing Options, Inc., in an amount not to exceed \$10,000,000 to finance the construction of Buckeye Trail Commons II - Financing: No cost consideration to the City

(The staff 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."

Councilmember Caraway moved to adopt the item

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3033

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum addition 11: Authorize **(1)** a public hearing to be held on December 14, 2011 to receive comments on the proposed City of Dallas submission of an application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant (CDBG) Section 108 Guarantee Loan Program loan in an amount not to exceed \$4,800,000 for eligible activities, which may include acquisition, demolition of existing buildings, sitework and public improvements, relocation assistance, loan interest reserve and financing costs related to public offering to aid Chicory Court IX, LP, in the development of Champion Homes at Copperridge multi-family residential project for mixed-income families located at 5522 Maple Avenue including construction of 252 apartment units with 153 units deed restricted for 15 years for persons with incomes at 80% or less of Area Median Family Income as established by HUD; and at the close of the public hearing, **(2)** consideration of submission of an application to HUD for a CDBG Section 108 Guarantee Loan Program loan to aid Chicory Court IX, LP, in an amount not to exceed \$4,800,000 - 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."

The following individual addressed the city council on the item:

Melissa Rene Adami, 6006 Burgundy Ave., representing Odyssey Residential Holdings, LP

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11-3033
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Mayor Pro Tem Medrano moved to adopt the item

Motion seconded by Deputy Mayor Pro Tem Atkins and Councilmember Hill and unanimously adopted. (Hunt absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

NOVEMBER 7, 2011

11-3034

MISCELLANEOUS HEARINGS

Addendum addition 12: A public hearing to receive comments regarding an application for and a resolution granting a variance to the alcohol spacing requirements from the St. Mark's School of Texas required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a general merchandise or food store greater than 30,000 square feet on property on the southeast corner of Preston Road and Royal Lane - Financing: No cost consideration to the City

Councilmember Margolin moved to close the public hearing and adopt the resolution.

Motion seconded by Deputy Mayor Pro Tem Atkins and Councilmember Caraway unanimously adopted. (Hunt absent)

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, NOVEMBER 7, 2011

EXHIBIT C