

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 11, 2012

12-0114

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

PRESENT: [15] Rawlings, Medrano, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo,
Davis (*9:10 a.m.), Kadane, Allen, Koop (*9:03 a.m.), Greyson,
Margolin, Hunt (*9:16 a.m.)

ABSENT: [0]

The meeting was called to order at 9:02 a.m.

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

The invocation was given by Shaun Rabb, Pastor of the New Light Church.

Councilmember Allen led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 1:41 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, JANUARY 11, 2012

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 11, 2012

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0115

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: Shontell Johnson, 432 Hart St.
SUBJECT: Appreciation

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: J. B. Jackson Jr. Institute
SUBJECT: All the way with Elsie Faye

SPEAKER: Juanita Wallace, 1409 S. Lamar St.
REPRESENTING: Dallas Branch - NAACP
SUBJECT: Variety of things

SPEAKER: Peter Johnson, 7310 Blackwillow Ln.
REPRESENTING: Peter Johnson Institute for Non-Violence
SUBJECT: Economic boycott in South Dallas

SPEAKER: Donald Wright, 2718 Frazier St.
REPRESENTING: NAACP
SUBJECT: Chevron gas station/Quick Trip

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: Do the citizens pay for the streets in Dallas?

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0116

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

Councilmember Kadane moved to adopt the minutes.

Motion seconded by Councilmember Jasso.

Councilmember Greyson moved to defer the approval of the minutes of the December 14, 2011 City Council Meeting until later in the meeting in order to have her questions answered by the City Secretary's Office.

Councilmember Kadane withdrew his motion to adopt the minutes.

Councilmember Jasso, who seconded the motion, also withdrew her second to the motion.

By general consensus of the City Council, Mayor Rawlings stated approval of the minutes of the December 14, 2011 City Council Meeting would be suspended until later in the meeting in order to have Councilmember Greyson's questions answered by the City Secretary's Office.

Later in the meeting, approval of minutes of the December 14, 2011 City Council Meeting was presented for further discussion and consideration.

Councilmember Kadane moved to adopt the minutes of the December 14, 2011 City Council Meeting with the following corrections:

- Item 89 – Removed “Later in the meeting,” [note where] show there was no discussion before the vote
- Item 112 – correct typographic error from “heath” to “height” on the amendment
- Items 124 and 125 (considered collectively) – reflect motion seconded by Deputy Mayor Pro Tem Atkins not Councilmember Greyson

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0117

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-21, and addendum addition consent agenda items 1-8, was presented for consideration.

Deputy Mayor Pro Tem Atkins 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 Deputy Mayor Pro Tem Atkins' request.

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

Councilmember Koop moved to adopt all items on the consent agenda with the exception of consent agenda items 12 and 20 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0118

Item 2: Authorize a two-year service contract for window glass replacement services and repairs - Peruna Glass, Inc. dba Glass Doctor of North Texas, lowest responsible bidder of three - Not to exceed \$638,180 - Financing: Current Funds (\$553,180), Convention and Event Services Current Funds (\$45,000), Aviation Current Funds (\$25,000) and Stormwater Drainage Management Current Funds (\$15,000) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0119

Item 3: Authorize a three-year service contract for purchase and installation of remanufactured/rebuilt automatic transmissions - Inland Truck Parts in the amount of \$387,570, R Wilson Enterprises, a franchise of Eagle Transmission in the amount of \$280,050, VFR Limited, Inc. dba All State Transmission in the amount of \$228,137 and AAMCO Transmission in the amount of \$30,200, lowest responsible bidders of four - Total not to exceed \$925,957 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0120

Item 4: Authorize a three-year master agreement for the purchase of hydrofluosilicic acid to be used for the treatment of potable water - Pencco, Inc., lowest responsible bidder of four - Not to exceed \$2,048,288 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0121

Item 5: Authorize a three-year master agreement for vehicle exhaust extraction parts - Air Cleaning Technologies, Inc., lowest responsible bidder of three - Not to exceed \$304,855 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0122

Item 6: Authorize the purchase of a vertical mix flow pump - Pierce Pump Co. L.P., lowest responsible bidder of two - Not to exceed \$169,000 - Financing: Stormwater Drainage Management Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0123

Item 7: Authorize the purchase of one bio-solids distribution vehicle and two sewer cleaner vehicles - Texarkana Tractor Company dba Nor-Tex Tractor in the amount of \$439,629 and Rush Medium Duty Truck Center in the amount of \$230,386, lowest responsible bidders of seven - Total not to exceed \$670,015 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0124

Item 8: Authorize the purchase of time clock synchronization hardware to be installed on the City's existing radio towers utilized in the communication infrastructure for public safety and other departments in order to provide narrowbanding capabilities required by the Federal Communication Commission - Spectracom Corporation, lowest responsible bidder of two - Not to exceed \$177,250 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0125

Item 9: Authorize settlement of a claim filed by Claude Manning, Claim No. 10-00006-01-30 - Not to exceed \$8,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0126

Item 10: Authorize settlement of a claim filed by Opal Leonard, Claim No. 11-00505-01-31 - Not to exceed \$23,143 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0127

Item 11: Authorize **(1)** acceptance of a Bailment Agreement entered into by and between the City of Dallas and Boulder Electric Vehicle, Inc. on July 25, 2011, for the use and testing of three electric vehicles and the installation of three charging stations to reduce Nitrogen oxide (NOx) pollutants and other emissions; and **(2)** execution of the bailment agreement - Not to exceed \$1,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0128

Item 12: Authorize a license agreement with Electric Transportation Engineering Corporation dba ECOTality North America for the installation of three electric vehicle charging stations located at Fair Park, Dallas Love Field, and Dallas Executive Airport for the City's electric vehicles as part a grant from the U.S. Department of Energy for the collection and analysis of data for the Electric Vehicle Pilot Project through April 30, 2013 - Estimated Revenue: \$34

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

Later in the meeting, consent agenda item 12 was brought up for consideration.

Councilmember Koop moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0129

Item 13: Authorize **(1)** the acceptance of electric vehicle charging stations at various City facilities from TXU Energy Retail Energy Company, LLC (TXU); and **(2)** an Interlocal Agreement with TXU for the installation, maintenance and reimbursement of expenses associated with electric vehicle charging stations for a period of three years - Financing: This action has no cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0130

Item 14: Authorize a professional services contract with Diversified Utility Consultants, Inc. for expert consulting services and testimony in matters related to Atmos Energy Mid-Tex Division's "Dallas Annual Rate Review" filing - Not to exceed \$80,000 - Financing: Current Funds (to be fully reimbursed by Atmos Energy)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0131

Item 15: Authorize **(1)** the acceptance of the 2011 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Areas Security Initiative and the Metropolitan Medical Response System, to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2011 through February 28, 2014; and **(2)** execution of the grant agreement - Not to exceed \$9,685,972 - Financing: U.S. Department of Homeland Security Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0132

Item 16: Authorize Supplemental Agreement No. 1 to the professional services contract with Newman, Jackson, Bieberstein, Inc. for additional study, design and construction documents to upgrade the gazebo lighting, electrical requirements, and all electrical service in the plaza at Pike Park located at 2807 Harry Hines Boulevard - Not to exceed \$5,200, from \$24,995 to \$30,195 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0133

Item 17: Authorize acquisition of approximately 344,760 square feet of land from M. C. Curry and Charles Ester Curry located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$31,000 (\$27,702 plus closing costs and title expenses not to exceed \$3,298) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0134

Item 18: A resolution authorizing the conveyance of an easement containing approximately 627 square feet of land to Oncor Electric Delivery Company, LLC for the purpose of construction and maintenance of electric facilities across City-owned land located near the intersection of St. Augustine Drive and Lake June Road - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0135

Item 19: An ordinance authorizing the release and termination of a residential use only restriction and private drive conditions on abandoned portions of Odeans, Walter and Anniels Drives and various alleys located near the intersection of Colorado Boulevard and Fort Worth Avenue - Revenue: \$72,920

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28515

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0136

Item 20: Authorize Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., for the design of relief drainage systems for Mill Creek, Phase I, and Middle Peaks Branch, Phases I and II, for additional scope of work to investigate, analyze and design a tunnel extension to provide drainage relief for the State-Thomas area and for additional survey and right-of-way services for required property and easement acquisition - Not to exceed \$2,602,200, from \$11,796,600 to \$14,398,800 - Financing: 2006 Bond Funds

Deputy Mayor Pro Tem Atkins 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 Deputy Mayor Pro Tem Atkins' request.

Later in the meeting, consent agenda item 20 was brought up for consideration.

Councilmember Hunt moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0137

Item 21: Authorize an increase in the contract with Camino Construction, L.P. for additional work associated with the installation of water and wastewater mains at various locations (list attached) - Not to exceed \$293,050, from \$6,805,115 to \$7,098,165 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0138

12-0139

Item 22: 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 2012-2013 board term updated through JANUARY 11, 2012.

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.

Mayor Pro Tem Medrano moved to approve the appointments of Scott Griggs, to the Police and Fire Pension Board; Beverly Tobian, Registered Voter, to the Reinvestment Zone Nine Board (Vickery Meadow); and Kermit G. Mitchell, Underwriting Experience, to the South Dallas/Fair Park Trust Fund Board.

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

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

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

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

12-5070	ARC	AUTOMATED RED LIGHT ENFORCEMENT COMMISSION
12-5071	CDC	COMMUNITY DEVELOPMENT COMMISSION
12-5072	PFP	POLICE AND FIRE PENSION BOARD
12-5073	PLA	PERMIT LICENSE AND APPEAL BOARD
12-5074	RZ09	REINVESTMENT ZONE NINE BOARD (VICKERY MEADOW)
12-5075	SDF	SOUTH DALLAS/FAIR PARK TRUST FUND BOARD

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0140

Item 23: Consideration of appointments to the Dallas/Fort Worth International Airport Board of Directors for Places 1, 4, 6 and 9 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (List of nominees in the City Secretary's Office)

Councilmember Koop moved to postpone the item until the January 25, 2012 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0141

Item 24: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Lino Orona and Arturo Orona of approximately 7,500 square feet of land improved with a single-family dwelling located near the intersection of Jim Miller Road and Toland Street for the replacement of Fire Station No. 32 - Not to exceed \$69,987 (\$68,000 plus closing costs and title expenses not to exceed \$1,987) - Financing: 2006 Bond 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 the power of eminent domain to acquire a tract of land containing approximately 7,500 square feet of land improved with a single-family dwelling located near the intersection of Jim Miller Road and Toland Street in City of Dallas Block 5823, and more fully described in Exhibit A of the proposed written resolution for this item, for Replacement Fire Station No. 32.

Councilmember Caraway moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins.

Mayor Rawlings called the vote on Councilmember Caraway's motion to adopt the item:

Voting Yes:	[14]	Rawlings, Medrano, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo, Davis, Kadane, Koop, Greyson, Margolin, Hunt
Voting No:	[0]	
Absent when vote taken:	[1]	Allen
Absent:	[0]	

Mayor Rawlings declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0142

Item 25: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Auto Latin, Inc. of approximately 20,643 square feet of land located near the intersection of Walton Walker Boulevard and Keeneland Parkway for the Fire Station No. 50 Project - Not to exceed \$209,656 (\$207,156 plus closing costs and title expenses not to exceed \$2,500) - Financing: 2006 Bond 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 the power of eminent domain to acquire a tract of land containing approximately 20,643 square feet of land located near the intersection of Walton Walker Boulevard and Keeneland Parkway in City of Dallas Block 7665, and more fully described in Exhibit A of the proposed written resolution for this item, for the Fire Station No. 50 Project.

Councilmember Alonzo moved to defer the item until the January 25, 2012 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0143

Item 26: Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, of approximately one acre of unimproved land being that portion of Long Acre Lane extending south from Great Trinity Forest Way for the Trinity River Corridor Project Audubon Center (list attached) - Not to exceed \$86,600 (\$82,400 plus closing costs and title expenses not to exceed \$4,200) - Financing: 1998 Bond 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 the power of eminent domain to acquire, from Gary James Heathcock and others, a tract of land containing approximately one acre, being that portion of Longacre Lane extending south from Great Trinity Forest Way in City of Dallas Block 6259, Dallas County, Texas and more fully described in Exhibit A of the proposed written resolution for this item, for an entrance to the Trinity River Audubon Center, being part of the Trinity River Corridor Project Audubon Center.

Councilmember Hill moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins.

Mayor Rawlings called the vote on Councilmember Hill's motion to adopt the item:

Voting Yes:	[14]	Rawlings, Medrano, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo, Davis, Kadane, Koop, Greyson, Margolin, Hunt
Voting No:	[0]	
Absent when vote taken:	[1]	Allen
Absent:	[0]	

Mayor Rawlings declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0144

DESIGNATED PUBLIC SUBSIDY MATTERS

Lancaster Urban Village

Note: Item Nos. 27, 28 and 29
must be considered collectively.

Item 27: Authorize a New Markets Tax Credit (NMTC) transaction, between the Dallas Development Fund (DDF) and its subsidiaries, US Bank Corp (US Bank) and its subsidiaries, and Lancaster Urban Village Commercial LLC and its affiliates (Developer) for the development of the commercial portion of the Lancaster Urban Village project located at 4417 South Lancaster Road (Project) - 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 Caraway moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0145

DESIGNATED PUBLIC SUBSIDY MATTERS

Lancaster Urban Village

Note: Item Nos. 27, 28 and 29
must be considered collectively.

Item 28: Authorize an amendment to the Chapter 380 loan documents with City Wide Community Development Corporation to modify the timing at which the Borrower is released from indebtedness on the note for the corresponding loan proceeds, and such other modifications necessary to facilitate the use of the Chapter 380 Loan Proceeds and/or repayments thereof, directly or indirectly, to provide leverage sources for the NMTC transaction - 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 Caraway moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0146

DESIGNATED PUBLIC SUBSIDY MATTERS

Lancaster Urban Village

Note: Item Nos. 27, 28 and 29
must be considered collectively.

Item 29: Authorize an amendment to the development agreement for the Lancaster Urban Village Project located in the TOD TIF District, by Resolution Nos. 10-1259 and 10-1260, previously approved on May 12, 2010, to extend certain project deadlines by an additional 12 months beyond the first extension approved by the TOD TIF District Board - 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 Caraway moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0147

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 30-34, was presented for consideration.

Agenda item 30 was removed from the consent zoning docket, to be considered as an individual hearing.

~~Agenda item 30: Zoning Case Z089-185(OTH)~~ **[considered individually]**

Agenda item 31: Zoning Case Z101-339(MG)

Agenda item 32: Zoning Case Z101-357(RB)

Agenda item 33: Zoning Case Z101-383(MW)

Agenda item 34: Zoning Case Z112-119(MD)

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:

Marvin Crenshaw, 5134 Malcolm X Blvd., spoke on items 31-34.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0148

Item 30: Zoning Case Z089-185(MW)

The consent zoning docket, consisting of agenda items 30-34, was presented for consideration.

Councilmember Griggs requested that zoning consent item 30 be considered as an individual item. Mayor Rawlings stated that zoning consent item 30 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 Z089-185(MW), an application for and an ordinance granting the renewal of Specific Use Permit No. 1581 for a child-care facility on property zoned a TH-3(A) Townhouse District on the north side of Ryan Road, west of Garapan Drive

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

The following individual addressed the city council:

Marvin Crenshaw, 5134 Malcolm X Blvd.

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

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

- The child-care facility may only operate between 6:00 a.m. and 8:00 p.m., Monday through Saturday.

and pass the ordinance.

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

Assigned ORDINANCE NO. 28516

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0149

Item 31: Zoning Case Z101-339(MG)

The consent zoning docket, consisting of agenda items 30-34, was presented for consideration.

A public hearing was called on zoning case Z101-339(MG), an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the north line of Ann Arbor Avenue, between South Marsalis Avenue and Maryland Avenue

(The staff 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 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, subject to a site plan and conditions)

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

The following individual addressed the city council:

Marvin Crenshaw, 5134 Malcolm X Blvd.

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 28517 AND 28518

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0150

Item 32: Zoning Case Z101-357(RB)

The consent zoning docket, consisting of agenda items 30-34, was presented for consideration.

A public hearing was called on zoning case Z101-357(RB), an application for and an ordinance granting an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on property zoned Planned Development Subdistrict No. 29 for Single family uses with the D Liquor Control Overlay on the northwest line of Sale Street, north of Gillespie Street

(The staff and city plan commission recommended Approval, with retention of the D Liquor Control Overlay)

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

The following individual addressed the city council:

Marvin Crenshaw, 5134 Malcolm X Blvd.

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28519

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0151

Item 33: Zoning Case Z101-383(MW)

The consent zoning docket, consisting of agenda items 30-34, was presented for consideration.

A public hearing was called on zoning case Z101-383(MW), an application for and an ordinance granting the expansion of Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, on property zoned an R-7.5(A) Single Family District on the east side of Gardenview Drive, south of Dell Garden Avenue and west of South Buckner Boulevard

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

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

The following individual addressed the city council:

Marvin Crenshaw, 5134 Malcolm X Blvd.

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28520

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0152

Item 34: Zoning Case Z112-119(MD)

The consent zoning docket, consisting of agenda items 30-34, was presented for consideration.

A Landmark Commission authorized hearing to consider an Historic District Overlay on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of Leland Avenue and Southland Street an ordinance granting the Historic District Overlay

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

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

The following individual addressed the city council:

Marvin Crenshaw, 5134 Malcolm X Blvd.

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28521

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0153

Item 35: Zoning Case Z101-389(MG) - INDIVIDUAL

A public hearing was called on zoning case Z101-389(MG), an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the north line of Lake June Road between Baywood Street and Holcomb Road

(The staff recommended Approval of the D-1 Liquor Control Overlay limited to the Specific Use Permit request area only 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 and city plan commission recommended Approval of the D-1 Liquor Control Overlay limited to the Specific Use Permit request area only and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions)

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

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

Michael Coker, 2700 Swiss Ave., representing the applicant

Councilmember Hill moved to close the public hearing, and accept the recommendation of the staff and pass the ordinance.

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

Assigned ORDINANCE NOS. 28522 AND 28523

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0154

Item 36: Zoning Case Z101-249(MW) – UNDER ADVISEMENT - INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction , reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, 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 Z101-249(MW), regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-1 Mixed Use District on the west side of Knoll Trail Drive, north of Arapaho Road

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

Note: This item was considered by the City Council at a public hearing on December 14, 2011, and was taken under advisement until January 11, 2012, with the public hearing open.

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

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

Charles Williams, 15203 Knoll Trail Dr., the applicant
Todd Spickard, 3131 Turtle Creek Blvd., representing the applicant

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-0154

Page 2

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

- The Specific Use Permit expires on January 11, 2013.
- Required off-street parking must be provided on the Property. A sign must be posted at the front door telling patrons that they may not park on the lot west of the Property.
- Require 6 licensed peace officers to be provided in the parking area and 15 uniformed security guards to be provided inside between 11:00 p.m. and 2:30 a.m. (the next day), Monday through Sunday if the bar is operating.

and pass the ordinance.

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

Assigned ORDINANCE NO. 28524

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0155

THOROUGHFARE PLAN AMENDMENTS

Item 37: A public hearing to receive comments to amend the City of Dallas Thoroughfare Plan to change the dimensional classification of Beckley Avenue from IH-30 to West Main Street from a six-lane divided roadway M-6-D(A*) within 120 feet of right-of-way to a special four-lane divided roadway (SPCL 4-D) with bicycle lanes within 100 feet of right-of-way; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 28525

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0156

Item 38: A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from the Louise Kahn Elementary School 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 [El Rio Grande (Maya Foods)] on property on the north side of West Jefferson Drive, west of Hampton Road - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Mayor Pro Tem Medrano and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0157

Item 39: An appeal of the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application for an amendment to the Phase I portion of Planned Development Subdistrict No. 20 for certain GR General Retail Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east corner of Oak Lawn Avenue and Gillespie Street - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Everett Fields, 2560 Royal Ln., the developer
Al Tisdale, 2810 Welborn St.
Ronald Heilman, 3610 Gillespie St.

Councilmember Hunt moved to close the public hearing and adopt the wavier.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0158

Addendum addition 1: Authorize **(1)** an amendment to Resolution No. 11-1505, previously approved on June 8, 2011, and an application for and acceptance of an Interlocal Agreement with the Texas Department of Transportation (TxDOT), Aviation Division, to perform Rolling Dynamic Deflectometer (RDD) testing as part of the capital improvement projects at Dallas Executive Airport under TxDOT's State Block Grant Program, for TxDOT to assume responsibility for administering the FAA's Airport Improvement Program (AIP) grants at airports classified as "other than primary" airports, the capital project was amended by TxDOT on December 1, 2011 due to a change in the project scope; **(2)** a TxDOT match of 90% of project costs under the State Block Grant Program in an amount not to exceed \$430,200; **(3)** a 10% local match of the project costs in an amount not to exceed \$47,800; and **(4)** execution of the grant agreement for the period July 2011 through July 2012 - Total not to exceed \$478,000 - Financing: Aviation Capital Construction Funds (\$47,800) and Texas Department of Transportation Grant Funds (\$430,200)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0159

Addendum addition 2: Authorize a three-year service contract for temporary clerical and professional labor citywide - Romulus Group, Inc., lowest responsible bidder of thirteen - Not to exceed \$13,503,090 - Financing: Current Funds (\$10,354,171), Water Utilities Current Funds (\$2,207,940), Convention and Event Services Current Funds (\$674,331), Aviation Current Funds (\$233,198) and Stormwater Drainage Management Current Funds (\$33,450) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0160

Addendum addition 3: Authorize a three-year service contract for maintenance and support for forensic software, hardware and appliances for litigation support - SHI Government Solutions, Inc., lowest responsible bidder of two - Not to exceed \$141,637 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0161

Addendum addition 4: Authorize a three-year service contract for maintenance and support of computer desktop management software for Police - SHI Government Solutions, Inc., lowest responsible bidder of four - Not to exceed \$164,152 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0162

Addendum addition 5: Authorize a **(1)** one-year master agreement for the purchase of one hundred ninety-six pieces of fleet equipment - Sam Pack's Five Star Ford, LLC in the amount of \$4,889,820, Caldwell Country Chevrolet in the amount of \$639,551, Southwest International Trucks, Inc. in the amount of \$487,354, Reliable Chevrolet in the amount of \$300,742, Landmark Equipment, Inc. in the amount of \$118,977, Holt Texas, LTD in the amount of \$98,358, RDO Equipment in the amount of \$97,382, Bobcat of Dallas in the amount of \$74,572, Rush Truck Centers of Texas, LP in the amount of \$66,974, B&C Body Company in the amount of \$48,850, Kirby-Smith Machinery in the amount of \$25,218 and McKinney Dodge, Inc. in the amount of \$23,985, lowest responsible bidders of fifteen; and **(2)** one-year master agreement for the purchase of one hundred three pieces of fleet equipment - Dallas Dodge Chrysler Jeep in the amount of \$2,532,850 through the Houston-Galveston Area Council of Governments - Total not to exceed \$9,404,633 - Financing: Current Funds (\$3,115,600), Water Utilities Current Funds (\$2,773,624), Municipal Lease Agreement Funds (\$1,700,253), Stormwater Drainage Management Capital Construction Funds (\$916,521), 2010 Equipment Acquisition Notes (\$782,723), Aviation Current Funds (\$90,861) and U.S Department of Justice Grant Funds (\$25,051)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0163

Addendum addition 6: Authorize Supplemental Agreement No. 5 to the professional services contract with the law firm of Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C., for additional legal services necessary in the lawsuit styled City of Dallas v. Kenneth E. Albert, et al., Case No. 05-03-01297-CV, and any other proceedings relating to the subject matter of this litigation - Not to exceed \$30,000, from \$190,000 to \$220,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0164

Addendum addition 7: Authorize **(1)** the reappointment of one Administrative Law Judge (ALJ), Willie Crowder; **(2)** the appointment of Jean B. Crutchfield and Douglas J. Lapidus as Administrative Law Judges (ALJ) for the period January 1, 2012 through December 31, 2013 to hear employee appeals of terminations and demotions; and **(3)** contracts with each ALJ in the amount of \$8,000 each - Total not to exceed \$24,000 (\$12,000 to be reimbursed by the appealing employees) - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0165

Addendum addition 8: An ordinance amending Ordinance No. 28083, which abandoned portions of St. Rita, St. Gabriel, St. Sebastian, St. Matthew, St. Agnes and St. Gerard Drives, 21 utility easements, six utility/transformer pad easements, nine drainage easements, two wall maintenance easements and two wastewater easements located near the intersection of St. Rita and St. David Drives to Dallas Independent School District to extend the final replat and dedication requirements from one year to 545 days - Revenue: \$5,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28526

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0166

Addendum addition 9: A resolution designating absences by Councilmember Dwaine Caraway as being for "official city business" -
Financing: No cost consideration to the City

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

Councilmember Hill moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0167

DESIGNATED PUBLIC SUBSIDY MATTERS

Urban Mixed Use, LLC

Note: Addendum Item Nos. 10, 11 and 12 must be considered collectively.

Addendum addition 10: Authorize a conditional grant agreement with Urban Mixed Use, LLC for the purpose of constructing residential development as part of the Economic Development Plan for the JB Jackson Transit Area - Not to exceed \$500,000 - Financing: 2006 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."

Councilmember Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0168

DESIGNATED PUBLIC SUBSIDY MATTERS

Urban Mixed Use, LLC

Note: Addendum Item Nos. 10, 11 and 12 must be considered collectively.

Addendum addition 11: Authorize an amendment to the City of Dallas Public/Private Partnership Program Guidelines and Criteria, governing City incentives promoting private investment, tax base growth and job creation to include the authority to accept and administer resources from the federal government to implement the City's economic development programs, in particular, incentives supporting transit-oriented and mixed-use commercial developments within the City in accordance with Local Government Code Chapter 380.001 (b)(2) and (3) - Financing: No cost consideration to the City

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

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

Councilmember Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0169

DESIGNATED PUBLIC SUBSIDY MATTERS

Urban Mixed Use, LLC

Note: Addendum Item Nos. 10, 11 and 12 must be considered collectively.

Addendum addition 12: Authorize a 380 grant agreement, pursuant to the City of Dallas Public/Private Partnership Program, as amended, with Urban Mixed Use, LLC for the purpose of planning and preconstruction activities related to mixed-use development and offsite improvements as part of the four-phase, mixed-use development at the JB Jackson Transit Area - Not to exceed \$200,000 - Financing: HUD Community Challenge Planning Grant Funds

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

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

Councilmember Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 11, 2012

12-0170

Addendum addition 13: A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix for approximately 1.54 acres of the current 2.84 acres of land within the floodplain of Joe's Creek located at 10505 Denton Drive; Fill Permit 11-01 - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Councilmember Caraway and unanimously adopted.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 11, 2012

EXHIBIT C