

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, FEBRUARY 8, 2012

12-0450

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

PRESENT: [14] Rawlings, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo, Davis, Kadane, Allen, Koop, Greyson (\*9:07 a.m.), Margolin, Hunt (\*9:20 a.m.)

ABSENT: [1] Medrano (\*\*absent on city business)

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 Todd Atkins, Pastor of Salem Institutional Baptist Church.

Councilmember Margolin 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 1:55 p.m.

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Mayor

ATTEST:

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Acting City Secretary

The meeting agenda is attached to the minutes of this meeting as EXHIBIT A.

The actions taken on each matter considered by the city council are attached to the minutes of this meeting as EXHIBIT B.

Ordinances, resolutions, reports and other records pertaining to matters considered by the city council, are filed with the City Secretary as official public records and comprise EXHIBIT C to the minutes of this meeting.

\* **Indicates arrival time after meeting called to order**

\*\* **Absent on city business**

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, FEBRUARY 8, 2012

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, FEBRUARY 8, 2012

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0451

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: Cece Cox, 2701 Reagan St.  
REPRESENTING: LGBT Community  
SUBJECT: Declined to sign pledge in support of marriage equality

SPEAKER: Patti Fink, 324 Easton Rd.  
REPRESENTING: LGBT Community  
SUBJECT: Declined to sign pledge in support of marriage equality

SPEAKER: Daniel Cates, 4601 Amesbury Dr.  
REPRESENTING: LGBT Community  
SUBJECT: Declined to sign pledge in support of marriage equality

SPEAKER: Dennis Coleman, 9209 Vinewood Dr.  
REPRESENTING: LGBT Community  
SUBJECT: Declined to sign pledge in support of marriage equality

SPEAKER: Omar Narvayez, 9309 Lynnbrook Dr.  
REPRESENTING: LGBT Community  
SUBJECT: Declined to sign pledge in support of marriage equality

**OPEN MICROPHONE – END OF MEETING:**

SPEAKER: Derrick Brown, 4558 W. Kiest Blvd.  
SUBJECT: Safety

SPEAKER: Richard Hill, 1125 Pemberton Hill Rd.  
REPRESENTING: Pemberton Hill Neighborhood Association  
SUBJECT: Texas Horse Park

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

SPEAKER: LaKolya London, 1716 Chattanooga Pl.  
SUBJECT: Education

SPEAKER: William Hopkins, 2011 Leath St.  
SUBJECT: DISD, KKK & Southwest Police Station

SPEAKER: Robert Ceccarelli, 5302 Harry Hines Blvd.  
SUBJECT: Education & homelessness

SPEAKER: LaKesha Johnson, 1716 Chattanooga Pl.  
SUBJECT: Closing of Arlington Park

SPEAKER: Richard Sheridan, 3022 Forest Ln.  
SUBJECT: The horse park & the Trinity River Project

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0452

Item 1: Approval of Minutes of the January 25, 2012 City Council Meeting

Councilmember Kadane moved to adopt the minutes.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0453

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-24, and addendum addition consent agenda items 1-4, was presented for consideration.

The Acting City Secretary requested that addendum addition consent agenda item 2 be considered as an individual item to allow citizens to speak. Mayor Rawlings stated that addendum addition consent agenda item 2 would be considered as an individual item later in the meeting there being no objection voiced to the Acting City Secretary's request.

Councilmember Hill requested that addendum addition consent agenda item 2 be considered as an individual item. Mayor Rawlings stated that addendum addition consent agenda item 2 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill's request.

Councilmember Davis requested that consent agenda item 19 be considered as an individual item. Mayor Rawlings stated that consent agenda item 19 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

Councilmember Hunt requested that addendum addition consent agenda item 2 be considered as an individual item. Mayor Rawlings stated that addendum addition consent agenda item 2 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hunt's request.

Deputy Mayor Pro Tem Atkins moved to adopt all items on the consent agenda with the exception of consent agenda item 19 and addendum addition consent agenda item 2 which would be considered later in the meeting.

Motion seconded by Councilmember Koop unanimously adopted. (Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0454

Item 2: Authorize a three-year service contract for service, parts and equipment for all heating, ventilation and air conditioning Trane equipment - Trane U.S., Inc., through The Cooperative Purchasing Network - Not to exceed \$11,392,695 - Financing: Current Funds (\$4,767,693), 2006 Bond Funds (\$2,508,755), Water Utilities Current Funds (\$2,080,002), Aviation Current Funds (\$1,380,000), U. S. Department of Energy Grant Funds (\$446,245) and Convention and Event Services Current Funds (\$210,000) (subject to annual appropriations)

Adopted as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0455

Item 3: Authorize a five-year master agreement for traffic barricades and warning lights - DYNA Engineering LTD in the amount of \$431,405 and BKW Environmental in the amount of \$12,390, lowest responsible bidders of two - Total not to exceed \$443,795 - Financing: Current Funds (\$15,170) and Water Utilities Current Funds (\$428,625)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0456

Item 4: Authorize an increase in the FY 2010-11 Emergency Shelter Grant Fund - Not to exceed \$71,857, from \$769,069 to \$840,926 - Financing: 2010-11 Emergency Shelter Grants Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0457

Item 5: Authorize **(1)** an extension through September 30, 2012 for Community Development Block Grant (CDBG) funded projects which have not met the twelve-month obligation or twenty-four-month expenditure requirement; **(2)** preliminary adoption of Substantial Amendment No. 12 to the FY 2008-12 Consolidated Plan to reallocate and extend \$150,000 of prior year CDBG funds to continue service at the West Dallas Community Court and revise the MLK Business Facade/Revitalization Program funded in the amount of \$92,522 to expand the allowable service area and change the program name to Fair Park Area Business Facade/Revitalization Program; and **(3)** a public hearing to be held on March 28, 2012 to receive comments on Substantial Amendment No. 12 to the FY 2008-12 Consolidated Plan - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0458

Item 6: Authorize a contract for playground replacements at Holcomb Park located at 1044-1114 Holcomb Road and J.P. Hawn Park located at 2600 St. Augustine Road - Primestar Construction Corporation, lowest responsible bidder of six - Not to exceed \$245,247 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0459

Item 7: Authorize **(1)** a professional services contract with Halff Associates, Inc. for planning, conceptual design and engineering consulting services for the development of a master plan for the Southern White Rock Creek Trail in the amount of \$174,960; **(2)** the receipt and deposit of funds in the amount of \$100,000 from The Trinity Trust Foundation in the Capital Gifts, Donation and Development Fund; and **(3)** the establishment of appropriations in the amount of \$100,000 in the Capital Gifts, Donation and Development Fund - Not to exceed \$174,960 - Financing: 2003 Bond Funds (\$74,960) and Capital Gifts, Donation and Development Funds (\$100,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0460

Item 8: Authorize Supplemental Agreement No. 4 to the design-build contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, to establish the Guaranteed Maximum Price No. 4 to design and construct an animal protection screen fence along Marsalis Street bridge, additional parking, and enhancements to the Donga Habitat/Holding for the African Savanna Exhibit at the Dallas Zoo located at 650 South R.L. Thornton Freeway - Not to exceed \$1,053,072, from \$27,113,000 to \$28,166,072 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0461

Item 9: Authorize a Landscape Maintenance Agreement with the Texas Department of Transportation for the City to maintain bridge crossing related landscape improvements along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within Texas Department of Transportation right-of-way - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0462

Item 10: Authorize a Landscape Maintenance Agreement with the Texas Department of Transportation for the City to maintain landscape improvements along US 175 at Lake June Road, US 175 at Loop 12, IH 20 at St. Augustine Road, and Loop 12 between Military Parkway and Nelson Drive within Texas Department of Transportation right-of-way - Financing: No cost consideration to the City

Adopted as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0463

Item 11: Authorize **(1)** Extension Option No. 1 to the service contract for median maintenance and mowing of Texas Department of Transportation rights-of-way within the corporate boundaries of Dallas in an amount not to exceed \$2,181,263; and **(2)** an increase in the service contract for median maintenance and mowing of Texas Department of Transportation rights-of-way within the corporate boundaries of Dallas in an amount not to exceed \$545,315, from \$2,181,263 to \$2,726,578 - BIO Landscape & Maintenance, Inc. - Total not to exceed \$2,726,578 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0464

Item 12: Authorize a contract with Lee Lewis Construction, Inc., lowest responsible bidder of two, for the construction of interior improvements to Lobby A and A/B prefunction areas at the Dallas Convention Center - Not to exceed \$1,263,000 - Financing: 2009 Convention Center Revenue Bonds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0465

Item 13: Authorize an increase in the construction services contract with Ratcliff Constructors, LP for modifications to the 2014 Main Street Municipal Building Annex Renovation - Not to exceed \$380,989, from \$8,859,334 to \$9,240,323 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0466

Item 14: Authorize **(1)** a Project Supplemental Agreement to the Master Agreement with Dallas County for the final design, right-of-way acquisition, and construction of paving and drainage improvements on Walnut Hill Lane from Malibu Drive to Elm Fork Athletic Complex; and **(2)** additional payment to Dallas County for the City's share of final design, right-of-way acquisition, and construction costs - Not to exceed \$3,175,206 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0467

Item 15: Authorize Supplemental Agreement No. 1 to the professional services contract with Neel-Schaffer, Inc. to provide additional engineering design services for the expanded North Zang Boulevard at West Davis Street Median Enhancement Project and additional survey services for Herbert Street from Toronto Street to Canada Street as part of Pedestrian Group 06-3013 - Not to exceed \$81,110, from \$150,945 to \$232,055 - Financing: 2010-11 Community Development Block Grant Reprogramming Funds (\$78,010) and 2008-09 Community Development Block Grant Funds (\$3,100)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0468

Item 16: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 21,347 square feet improved with a single-family dwelling from Milton Lloyd Hill and Audrey Janette Hill located near the intersection of Interstate Highway 20 and Ravenview Road for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$152,500 (\$150,000 plus closing costs and title expenses not to exceed \$2,500) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0469

Item 17: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 78,633 square feet from Edward Handlin and Lafaye Handlin located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$192,000 (\$187,221 plus closing costs and title expenses not to exceed \$4,779) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0470

Item 18: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 147,775 square feet from Billie Bob Klein and William Robert Klein located near the intersection of Interstate Highway 20 and C. F. Hawn Freeway for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$509,000 (\$504,000 plus closing costs and title expenses not to exceed \$5,000) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0471

Item 19: Authorize the quitclaim of 57 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$458,093

Councilmember Davis requested that consent agenda item 19 be considered as an individual item. Mayor Rawlings stated that consent agenda item 19 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

Later in the meeting, consent agenda item 19 was brought up for consideration.

Councilmember Davis moved to adopt the item with the exception of the properties within District 7, with those properties to be postponed until the February 22, 2012 voting agenda meeting of the city council.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0472

Item 20: Authorize a Relocation Agreement with Atmos Energy Corporation to relocate a portion of an existing 24-inch natural gas pipeline due to a conflict with the proposed expansion of the Baker Pump Station - Not to exceed \$561,412 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0473

Item 21: Authorize a construction contract with MACVAL Associates, LLC, lowest responsible bidder of eight, for the construction of a replacement storm drain and sanitary sewer system at 5522 Vanderbilt Avenue as agreed in the settlement of a lawsuit styled David Jones and Veronica Jones v. City of Dallas, Cause No. 06-12363-F - Not to exceed \$152,610 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0474

Item 22: Authorize a resolution extending Stage 1 of the Drought Contingency Plan for 120 days from February 10, 2012 through June 8, 2012 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0475

Item 23: Authorize a thirty-year contract with the Town of Addison to continue providing treated water for the period January 6, 2012 through January 5, 2042 - Estimated Annual Revenue: \$3,000,000

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0476

Item 24: Authorize a thirty-year contract with the City of Grand Prairie to continue providing treated water for the period January 6, 2012 through January 5, 2042 - Estimated Annual Revenue: \$9,000,000

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0477

12-0478

Item 25: 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 February 8, 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.

Councilmember Alonzo moved to approve the appointments of Roberto Canas, County Official, and Mary Spencer, Animal Welfare Representative, to the Animal Shelter Commission; Robert Agnich, to the Board of Adjustment Alternate Members; John Paul Batiste, Cultural Institution Management, to the Cultural Affairs Commission; Eric Anderson, to the Housing Finance Corporation Board; William Lyle Burgin, Real Estate Developer with experience in redevelopment of commercial historic properties, to the Landmark Commission; Kenneth Steinhart, Registered Voter, to the Reinvestment Zone Two Board (CityPlace Area); Dawn Gulley, Registered Voter, to the Reinvestment Zone Three Board (Oak Cliff Gateway); Laura Zane Aveton, Registered Voter, to the Reinvestment Zone Six Board (Farmers Market) and Reinvestment Zone Twelve Board (Deep Ellum); Curtis Parker and Richard Jay Annand, Registered Voters, to the Reinvestment Zone Seven Board (Sports Arena); Raymond Salinas, Registered Voter, to the Reinvestment Zone Fifteen Board (Fort Worth Avenue); and Gustavo E. Gonzales, 55+ years of age, to the Senior Affairs Commission.

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

Councilmember Alonzo 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 Councilmember Hill and unanimously adopted. (Atkins, Caraway, Davis absent when vote taken; Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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Councilmember Koop moved to appoint Mary Poss, Chair, to the Reinvestment Zone Nineteen Board (Cypress Waters); Mattia James Flabiano, Vice Chair, to the Landmark Commission, and Elizabeth Frizell, Vice Chair, to the Judicial Nominating Commission.

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

Two nominees were submitted for Vice-Chair to the Animal Shelter Commission. Therefore, the city council was provided a ballot and subsequently cast their votes for Rebecca Poling or Johnnie England as Vice-Chair to the Animal Shelter Commission. In order to allow the city secretary's office to calculate the results of the balloting, the item was held for action later in the meeting.

Later in the meeting, the acting city secretary provided Mayor Rawlings the results of the balloting for Vice-Chair of the Animal Shelter Commission and announced the balloting results were that Johnnie England received 9 votes and Rebecca Poling received 4 votes.

Councilmember Jasso moved to appoint Johnnie England as Vice-Chair to the Animal Shelter Commission.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (Medrano absent on city business)

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

<b>12-5106</b>	<b>ASC</b>	<b>ANIMAL SHELTER COMMISSION</b>
<b>12-5107</b>	<b>BOA</b>	<b>BOARD OF ADJUSTMENT</b>
<b>12-5108</b>	<b>BOX</b>	<b>BOARD OF ADJUSTMENT ALTERNATE MEMBERS</b>
<b>12-5109</b>	<b>CAC</b>	<b>CULTURAL AFFAIRS COMMISSION</b>
<b>12-5110</b>	<b>CDC</b>	<b>COMMUNITY DEVELOPMENT COMMISSION</b>
<b>12-5111</b>	<b>CPC</b>	<b>CITY PLAN AND ZONING COMMISSION</b>
<b>12-5112</b>	<b>CPR</b>	<b>DALLAS CITIZENS POLICE REVIEW BOARD</b>
<b>12-5113</b>	<b>CSX</b>	<b>CIVIL SERVICE BOARD ADJUNCT MEMBERS</b>
<b>12-5114</b>	<b>HFC</b>	<b>HOUSING FINANCE CORPORATION BOARD</b>
<b>12-5115</b>	<b>LMC</b>	<b>LANDMARK COMMISSION</b>
<b>12-5116</b>	<b>PAR</b>	<b>PARK AND RECREATION BOARD</b>
<b>12-5117</b>	<b>RZ02</b>	<b>REINVESTMENT ZONE TWO BOARD (CITYPLACE AREA)</b>

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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<b>12-5118</b>	<b>RZ03</b>	<b>REINVESTMENT ZONE THREE BOARD (OAK CLIFF GATEWAY)</b>
<b>12-5119</b>	<b>RZ06</b>	<b>REINVESTMENT ZONE SIX BOARD (FARMERS MARKET)</b>
<b>12-5120</b>	<b>RZ07</b>	<b>REINVESTMENT ZONE SEVEN BOARD (SPORTS ARENA)</b>
<b>12-5121</b>	<b>RZ12</b>	<b>REINVESTMENT ZONE TWELVE BOARD (DEEP ELLUM)</b>
<b>12-5122</b>	<b>RZ15</b>	<b>REINVESTMENT ZONE FIFTEEN BOARD (FORT WORTH AVENUE)</b>
<b>12-5123</b>	<b>SAC</b>	<b>SENIOR AFFAIRS COMMISSION</b>
<b>12-5124</b>		<b>BOARD OFFICERS</b>

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0479

Item 26: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Carl D. Milligan of a tract of land containing approximately 2,743 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - Not to exceed \$4,300 (\$2,835 plus closing costs and title expenses not to exceed \$1,465) - Financing: Water Utilities Capital Construction 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 2,743 square feet located in Kaufman County, and more fully described in Exhibit A of the proposed written resolution for this item, for the Lake Tawakoni 144-inch Pipeline Project.

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Margolin.

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

Voting Yes:	[12]	Rawlings, Atkins, Jasso, Caraway, Hill, Alonzo, Kadane, Allen, Koop, Greyson, Margolin, Hunt
Voting No:	[0]	
Absent when vote taken:	[2]	Griggs, Davis
Absent:	[1]	Medrano (absent on city business)

Mayor Rawlings declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0480

Item 27: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Main Capital Partners, L.P. of a tract of land containing approximately nine acres located in Dallas County for the Lake Tawakoni 144-inch Pipeline - Not to exceed \$11,000 (\$9,217 plus closing costs and title expenses not to exceed \$1,783) - Financing: Water Utilities Capital Construction 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 nine acres of land located in Dallas County, and more fully described in Exhibit A of the proposed written resolution for this item, for the Lake Tawakoni 144-inch Pipeline Project.

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Koop.

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

Voting Yes: [12] Rawlings, Atkins, Jasso, Caraway, Hill, Alonzo, Kadane, Allen, Koop, Greyson, Margolin, Hunt  
Voting No: [0]  
Absent when vote taken: [2] Griggs, Davis  
Absent: [1] Medrano (absent on city business)

Mayor Rawlings declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0481

Item 28: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Thomas, LP of approximately 188 square feet of land improved with brick pavers and landscaping located near the intersection of Thomas Avenue and Hall Street for the State-Thomas TIF Infrastructure Improvements Project - Not to exceed \$12,850 (\$11,650 plus closing costs and title expenses not to exceed \$1,200) - 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 188 square feet located near the intersection of Thomas Avenue and Hall Street in City of Dallas Block T/587, and more fully described in Exhibit A of the proposed written resolution for this item, for the State-Thomas TIF Infrastructure Improvements Project.

Councilmember Hunt moved to adopt the item.

Motion seconded by Councilmember Jasso.

Following Councilmember Kadane's inquiry that the wording for the motion read by Acting City Secretary Rios should indicate the city council authorized the use of the power of eminent domain only "if it becomes necessary," staff clarified that while an agreement had been reached regarding this matter, the wording could be incorporated. Acting City Secretary Rios subsequently clarified for the record that eminent domain would be used only "if it became necessary" and incorporated that wording into the reading and motion required of the city council.

Mayor Rawlings called the vote on Councilmember Hunt's motion to adopt the item with Councilmember Kadane's friendly amendment to correct the wording to "the eminent domain will be exercise only if it becomes necessary."

Voting Yes:	[12]	Rawlings, Atkins, Jasso, Caraway, Hill, Alonzo, Kadane, Allen, Koop, Greyson, Margolin, Hunt
Voting No:	[0]	
Absent when vote taken:	[2]	Griggs, Davis
Absent:	[1]	Medrano (absent on city business)

Mayor Rawlings declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0482

Item 29: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Purvis T. Welch and Robbie Lee Hale of a tract of land containing approximately 301,937 square feet located near the intersection of Interstate Highway 20 and Garden Grove Road for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$231,000 (\$225,599 plus closing costs and title expenses not to exceed \$5,401) - 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 the power of eminent domain, if it becomes necessary, to acquire a tract of land containing approximately 301,937 square feet of land located near the intersection of Interstate Highway 20 and Garden Grove Road in City of Dallas Block 8829, and more fully described in Exhibit A of the proposed written resolution for this item, for the Southwest 120 and 96 inch Water Transmission Pipeline Project.

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by. Councilmember Koop.

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

Voting Yes:	[11]	Rawlings, Atkins, Jasso, Caraway, Hill, Alonzo, Kadane, Allen, Koop, Greyson, Margolin
Voting No:	[0]	
Absent when vote taken:	[3]	Griggs, Davis, Hunt
Absent:	[1]	Medrano (absent on city business)

Mayor Rawlings declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0483

Item 30: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from George F. Lucas Irrevocable Trust of a tract of land containing approximately 159,295 square feet located near the intersection of Interstate Highway 20 and Beltline Road for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$826,000 (\$821,000 plus closing costs and title expenses not to exceed \$5,000) - 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 the power of eminent domain, if it becomes necessary, to acquire a tract of land containing approximately 159,295 square feet of land located near the intersection of Interstate Highway 20 and Beltline Road in City of Dallas Block 8835, and more fully described in Exhibit A of the proposed written resolution for this item, for the Southwest 120 and 96 inch Water Transmission Pipeline Project.

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Jasso.

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

Voting Yes:	[11]	Rawlings, Atkins, Jasso, Caraway, Hill, Alonzo, Kadane, Allen, Koop, Greyson, Margolin
Voting No:	[1]	Davis
Absent when vote taken:	[2]	Griggs, Hunt
Absent:	[1]	Medrano (absent on city business)

Mayor Rawlings declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0484

- Item 31: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from 635-I20 JV of three tracts of land containing a total of approximately 495,023 square feet located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$932,479 (\$922,479 plus closing costs and title expenses not to exceed \$10,000) - 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 the power of eminent domain, if it becomes necessary, to acquire a tract of land containing approximately 495,023 square feet of land located in Dallas County, and more fully described in Exhibit A of the proposed written resolution for this item, for the Southwest 120 and 96 inch Water Transmission Pipeline Project.

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Jasso.

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

Voting Yes:	[12]	Rawlings, Atkins, Jasso, Caraway, Hill, Alonzo, Kadane, Allen, Koop, Greyson, Margolin, Hunt
Voting No:	[1]	Davis
Absent when vote taken:	[1]	Griggs
Absent:	[1]	Medrano (absent on city business)

Mayor Rawlings declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0485

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 32: Authorize an economic development grant agreement pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Business Development Grant Program with Corinth I-35 & Ledbetter, LLC related to the development of a shopping center located at 4900 South R L Thornton Freeway (I-35) in southern Dallas - Not to exceed \$2,000,000 - 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 Caraway moved to adopt the item.

Motion seconded by Councilmember Hill and Councilmember Kadane and unanimously adopted. (Atkins, Griggs absent when vote taken; Medrano absent on city business)



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0486

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 33: Authorize a loan to Notre Dame Place, Inc. for the development of unimproved property located at 800 South Madison Avenue into affordable housing for seniors - Not to exceed \$318,000 - Financing: 2010-11 HOME Investment Partnership Program 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 Jasso moved to adopt the item.

Motion seconded by Councilmember Davis and Councilmember Kadane and unanimously adopted. (Atkins, Griggs absent when vote taken; Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0487

DESIGNATED PUBLIC SUBSIDY MATTERS

- Item 34: Authorize an amendment to Resolution No. 11-1759, previously approved on June 22, 2011, to increase the loan amount by \$100,000 on an existing Chapter 380 economic development forgivable loan with Sapphire Road Development, LLC for the acquisition of improved and unimproved properties, located along the Lancaster Corridor Neighborhood Investment Program Area, including associated closing costs, relocation, environmental remediation, demolition, and/or predevelopment costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment as part of the Economic Development Plan for the area - Not to exceed \$100,000, from \$4,300,000 to \$4,400,000 - 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 Hill moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and Councilmember Kadane and unanimously adopted. (Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0488

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 35-39, was presented for consideration.

Agenda items 36 and 37 were removed from the consent zoning docket, to be considered as individual hearings.

Agenda item 35: Zoning Case Z112-112(MW)

~~Agenda item 36: Zoning Case Z112-118(WE)~~ **[considered individually]**

~~Agenda item 37: Zoning Case Z112-122(RB)~~ **[considered individually]**

Agenda item 38: Zoning Case Z112-129(MW)

Agenda item 39: Zoning Case Z112-130(RB)

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

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

Motion seconded by Councilmember Jasso and unanimously adopted. (Caraway, Hunt absent when vote taken; Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0489

Item 35: Zoning Case Z112-112(MW)

The consent zoning docket, consisting of agenda items 35-39, was presented for consideration.

A public hearing was called on zoning case Z112-112(MW), regarding 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 at the southwest corner of Bruton Road and Masters Drive

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

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 28539

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0490

Item 36: Zoning Case Z112-118(WE)

The consent zoning docket, consisting of agenda items 35-39, was presented for consideration.

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, 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 Z112-118(WE), regarding an application for and an ordinance granting an NS(A) Neighborhood Service District on property zoned an R-7.5(A) Single Family District on the north side of Lake June Road, west of St. Augustine Road

(The staff and city plan commission recommended Approval)

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

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

Soccer Martinez, 9501 Lake June Rd., the applicant

Councilmember Hill moved to continue the public hearing and hold under advisement until the February 22, 2012 voting agenda meeting of the city council.

Motion seconded by Councilmember Margolin and unanimously adopted. (Caraway absent when vote taken; Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0491

Item 37: Zoning Case Z112-122(RB)

The consent zoning docket, consisting of agenda items 35-39, was presented for consideration.

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

A public hearing was called on zoning case Z112-122(RB), regarding an application for and an ordinance granting the renewal of and an amendment to Specific Use Permit No. 1682 for an Alcoholic beverage establishment for a Private club-bar on property zoned a CR Community Retail District at the southeast corner of Midway Road and Frankford Road

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

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

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

Jim Beer, 17923 Meadowchase Way, the applicant

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

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (Caraway absent when vote taken; Medrano absent on city business)

Assigned ORDINANCE NO. 28540

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0492

Item 38: Zoning Case Z112-129(MW)

The consent zoning docket, consisting of agenda items 35-39, was presented for consideration.

A public hearing was called on zoning case Z112-129(MW), regarding an application for and an ordinance granting an RR Regional Retail District on property zoned an IR Industrial Research District on the west side of South Walton Walker Boulevard, north of West Ledbetter Drive

(The staff and city plan commission recommended Approval)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 28541

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0493

Item 39: Zoning Case Z112-130(RB)

The consent zoning docket, consisting of agenda items 35-39, was presented for consideration.

A public hearing was called on zoning case Z112-130(RB), regarding an application for and an ordinance granting a CR Community Retail District on property zoned an LI Light Industrial District on the west corner of IH 635 and Royal Lane

(The staff and city plan commission recommended Approval)

Approved as part of the consent zoning docket.

Assigned ORDINANCE NO. 28542



OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0494

Item 40: Zoning Case Z101-355(RB) – UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z101-355(RB), regarding an application for and an ordinance granting a Specific Use Permit for a bail bonds office on property within the Mixmaster Riverfront Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, at the west corner of Riverfront Boulevard and Bessemer Street

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

Note: This item was considered by the City Council at a public hearing on January 25, 2012, and was taken under advisement until February 8, 2012, with the public hearing open.

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

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

Motion seconded by Councilmember Jasso and unanimously adopted. (Medrano absent on city business)

Assigned ORDINANCE NO. 28543

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0495

Item 41: Zoning Case Z101-359(MG) – UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z101-359(MG), regarding an application for and an ordinance granting the amendment to and renewal of Specific Use Permit No. 1653 for an outside industrial potentially incompatible use on property zoned an IM Industrial Manufacturing District with deed restrictions, on the north side of Mañana Street, west of Newkirk Street

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

Note: This item was considered by the City Council at a public hearing on January 25, 2012, and was taken under advisement until February 8, 2012, with the public hearing open.

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

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

Motion seconded by Councilmember Jasso and unanimously adopted. (Davis absent when vote taken; Medrano absent on city business)

Assigned ORDINANCE NO. 28544

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0496

Item 42: Zoning Case Z101-387(RB) – UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z101-387(RB), regarding an application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned an D(A) Duplex District, on the northwest corner of Webb Chapel Road and Park Lane

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

Note: This item was considered by the City Council at a public hearing on January 25, 2012, and was taken under advisement until February 8, 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:

Michael Coker, 2700 Swiss Ave., representing the applicant

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

Motion seconded by Councilmember Jasso and unanimously adopted. (Medrano absent on city business)

Assigned ORDINANCE NO. 28545

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0497

Item 43: Zoning Case Z101-325(MW) – UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z101-325(MW), regarding 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)

Note: This item was considered by the City Council at a public hearings on November 7 and December 14, 2011, and was taken under advisement until February 8, 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:

Tonia A. Rachel, 2803 Roxboro Rd., Euless, TX, representing Comerica Bank

Councilmember Griggs moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinances.

Motion seconded by Councilmember Jasso and unanimously adopted. (Medrano absent on city business)

Assigned ORDINANCE NO. 28546

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0498

Item 44: Zoning Case Z101-331(RB) – DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-331(RB), an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 366, the Buckner Boulevard Special Purpose District, on property zoned a TH-3(A) Townhouse District, an R-7.5(A) Single Family District, and a portion of the Subarea 1 of Planned Development District No. 366 with the D Liquor Control Overlay in the northwest quadrant of Buckner Boulevard and Blossom Lane

(The staff recommended Denial and city plan commission recommended Approval, subject to a development plan and applicant's 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:

Carl Raines, 1445 Waterside Dr., Chairman of Southeast Chamber of Commerce

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

Motion seconded by Deputy Mayor Pro Tem Atkins and Councilmember Alonzo and unanimously adopted. (Medrano absent on city business)

Assigned ORDINANCE NO. 28547

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0499

Item 45: Zoning Case Z101-332(RB) – DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-332(RB), regarding 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 within the Subarea 1 portion of Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D Liquor Control Overlay, on the west line of Buckner Boulevard, between Bearden Lane and Blossom Lane

(The staff recommended Denial and city plan commission recommended Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a ten-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and 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 or in favor of the city plan commission's recommendation.

Councilmember Caraway moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinances.

Motion seconded by Deputy Mayor Pro Tem Atkins and Councilmember Alonzo and unanimously adopted. (Medrano absent on city business)

Assigned ORDINANCE NOS. 28548 AND 28549

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0500

Addendum addition 1: Authorize the execution of a credit agreement in connection with the City of Dallas, Texas Waterworks and Sewer System Commercial Paper Notes, Series D for three years, with two one-year renewal options - State Street Bank and Trust Company and California State Teachers' Retirement System (CalSTRS), most advantageous proposers of four - Principal amount not to exceed \$300,000,000 - Total program cost not to exceed \$4,008,096 - Financing: Water Utilities Current Funds (\$274,500 upfront closing costs plus annual fees of \$1,244,532 for a total three-year cost of \$3,733,596) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0501

Addendum addition 2: Authorize **(1)** establishment of a non-profit corporation, the City of Dallas Education Finance Corporation for the purpose of financing or refinancing of educational facilities and/or housing facilities incidental to education facilities; **(2)** approval of the Corporation's certificate of formation and bylaws; **(3)** appointment of the Corporation's initial Board of Directors; **(4)** the Mayor to execute and deliver a certificate approving the bonds to be issued for the benefit of Uplift Education, a Texas non-profit corporation, and the facilities to be financed with the proceeds of the bonds for the purpose of satisfying the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended; and **(5)** the City Manager to file the Corporation's certificate of formation with the Secretary of State - Financing: No cost consideration to the City

The Acting City Secretary requested that addendum addition consent agenda item 2 be considered as an individual item to allow citizens to speak. Mayor Rawlings stated that addendum addition consent agenda item 2 would be considered as an individual item later in the meeting there being no objection voiced to the Acting City Secretary's request.

Councilmember Hill and Councilmember Hunt requested that addendum addition consent agenda item 2 be considered as an individual item. Mayor Rawlings stated that addendum addition consent agenda item 2 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill and Councilmember Hunt's request.

Later in the meeting, addendum addition consent agenda item 2 was brought up for consideration.

The following individuals addressed the city council regarding the item:

Holsey Hickman, 603 Green Cove Ln.  
Robert D. Jones, 1715 Chattanooga Pl.  
Eric Williamson, 3507 Bryan St., representing Bryan Place Neighborhood Association  
Shirley Daniels, 720 Botany Bay Dr.  
Marion Barnett, 3912 Morning Frost Trl., representing Justice Speakers Texas  
Juanita Wallace, 1409 S. Lamar  
Rena Honea, 3122 W. Jefferson Blvd., (handouts provided)

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-0501

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The following individuals addressed the city council regarding the item: (continued)

George Rangel, 334 Centre St.  
Chris Williams, 2815 Burger Ave.  
DeMarcus Offord, 2815 Burger Ave.

Councilmember Margolin moved to adopt the item with the following changes to the Agenda Information Sheet, Resolution and related supporting documents (Exhibit A and B):

- 1) Throughout all documents, change the name of the non-profit corporation to “North Texas Educational Finance Corporation” from “City of Dallas Education Finance Corporation.”
- 2) To amend the resolution to include the following: “The City’s expenses related to administrative, legal and financial fees shall be reimbursed by Uplift Education.”
- 3) To amend Exhibit A to include the following: “The Corporation may not issue bonds, notes or other obligations without receiving the prior approval of the City Council.”

Motion seconded by Councilmember Koop.

Councilmember Hill moved to substitute Councilmember Margolin’s motion and postpone the item not less than 45 days, that the full city council be briefed on the item and the item then be placed back on a voting agenda.

Motion seconded by Councilmember Davis.

After discussion, Councilmember Kadane moved to substitute Councilmember Hill’s motion and postpone the item for two weeks, the full city council be briefed at the February 15, 2012 briefing meeting of the city council and the item be placed back on the February 22, 2012 voting agenda meeting of the city council.

Motion seconded by Councilmember Koop.

Councilmember Caraway requested a record vote on all motions.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-0501

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Mayor Rawlings called the vote on Councilmember Kadane's substitute motion to postpone the item for two weeks, the full city council be briefed at the February 15, 2012 briefing meeting of the city council and the item be placed back on the February 22, 2012 voting agenda meeting of the city council.

Voting Yes: [11] Rawlings, Atkins, Griggs, Caraway, Alonzo, Kadane,  
Allen, Koop, Greyson, Margolin, Hunt  
Voting No: [3] Jasso, Hill, Davis  
Absent when vote taken: [0]  
Absent: [1] Medrano (Absent on city business)

Mayor Rawlings declared the motion adopted.

**Note: The original motion made by Councilmember Margolin and the substitute motion made by Councilmember Hill were not considered as Councilmember Kadane's substitute motion passed.**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0502

Addendum addition 3: Authorize Supplemental Agreement No. 2 to the professional services contract with Freese and Nichols, Inc. for construction administration services and additional design services to include engineering, irrigation pond, parking lot modifications, irrigation system, landscaping and other miscellaneous items at Elm Fork Athletic Complex located at 2100 Walnut Hill Lane - Not to exceed \$186,828, from \$1,925,844 to \$2,112,672 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0503

Addendum addition 4: Authorize transfer of railroad crossing closure credits for crossing 414823N, located on Oak Downs Avenue, and crossing 414822G, located on Walters Lane, within the North Central Texas Council of Governments' Regional Railroad Crossing Bank from the City of Dallas to Collin County for the purpose of establishing a new railroad crossing on Collin County's Outer Loop Segment 1 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0504

Addendum addition 5:           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 Kadane moved to adopt the item.

Motion seconded by Councilmember Jasso and unanimously adopted. (Caraway abstain; Griggs, Margolin absent when vote taken; Medrano absent on city business)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0505

Addendum addition 6: An ordinance waiving the disqualification of John E. Johnson, a re-nominee to the Landmark Commission, under Section 8-1.4(a)(4) of the Dallas City Code, which states that an appointee to a board must not be an adversary party to a pending litigation or a claim against the City - Financing: No cost consideration to the City

Councilmember Kadane moved to pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (Griggs, Margolin absent when vote taken; Medrano absent on city business)

Assigned ORDINANCE NO. 28550

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 8, 2012

12-0506

Addendum addition 7: Authorize a contract with Estrada Concrete Company, LLC, lowest responsible bidder of eight, for the reconstruction of alley paving, storm drainage, water and wastewater main improvements for Alley Reconstruction Group 06-2027A (list attached) - Not to exceed \$626,672 - Financing: 2006 Bond Funds (\$466,285), Water Utilities Capital Improvement Funds (\$145,647) and Water Utilities Capital Construction Funds (\$14,740)

Councilmember Caraway moved to adopt the item.

Motion seconded by Councilmember Koop and unanimously adopted. (Griggs absent when vote taken; Medrano absent on city business)

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, FEBRUARY 8, 2012

EXHIBIT C