

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 23, 2012

12-1364

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

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

ABSENT: [0]

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

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

The invocation was given by Creston Whitaker from the Dallas Fire Department.

Lorena Mata, DISD student, led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 2:19 p.m.

Mayor

ATTEST:

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, MAY 23, 2012

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 23, 2012

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1365

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: Verlon Harmon, 7929 Woodstone Ln. (handouts provided)
REPRESENTING: Neighbors and Volunteer Patrol
SUBJECT: Budget needs - Alleys

SPEAKER: Mellen West, 7027 E. Grand Ave. (handouts provided)
SUBJECT: Fracking ordinance

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Antonio Everett, 7220 Westmoreland Rd. (handouts provided)
REPRESENTING: Neighborhood Assistance Corporation of America
SUBJECT: June 2012 Event

SPEAKER: Cameron E. Williams, Sr., 700 E. Ash Ln. (handouts provided)
REPRESENTING: Dallas Disabled/Homeless War Veterans Organization
SUBJECT: Presenting organization to Council

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
REPRESENTING: God
SUBJECT: “?”

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: EPA Super Fund/KKK/Trinity River

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
REPRESENTING: RAW
SUBJECT: \$26B for blacks?/RSR Lead Plant

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

SPEAKER: Richard P. Sheridan, 3022 Forest Ln.
REPRESENTING: West Dallas Residents
SUBJECT: RSR lead poisoning settlement

SPEAKER: Bruce Davenport, 4717 Columbia Ave.
SUBJECT: Treatment by police officers

SPEAKER: Robert Ceccarelli, 5302 Harry Hines Blvd.
SUBJECT: DISD/dysfunctional members

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1366

Item 1: Approval of Minutes of the May 9, 2012 City Council Meeting

Councilmember Kadane moved to adopt the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1367

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-38, and addendum addition consent agenda items 1-9, was presented for consideration.

Deputy Mayor Pro Tem Atkins requested that addendum addition consent agenda item 8 be considered as an individual item. Mayor Rawlings stated that addendum addition consent agenda item 8 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Atkins' request.

Councilmember Kadane moved to adopt all items on the consent agenda with the exception of addendum addition consent agenda item 8 which would be considered later in the meeting.

Motion seconded by Councilmember Koop and unanimously adopted. (Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1368

Item 2: Authorize **(1)** a three-year extension of the Parking Services Concession Contract with APA Parking Services, L.P. for the period September 1, 2014 through August 31, 2017; **(2)** modifications to the contract with APA Parking Services, L.P. related to the provision of a new premium valet service, including an increase in the contractual percentage rental rate paid to the City of Dallas from 90.25% to 91.25%; and **(3)** an increase in the Dallas Love Field valet parking rate from \$17 per day to \$21 per day - Estimated Revenue: \$990,000

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1369

Item 3: Authorize a four-year service contract for inspections and preventative maintenance for all central utility plant equipment at Love Field Airport - The Brandt Companies, LLC, most advantageous proposer of four - Not to exceed \$199,466 - Financing: Aviation Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1370

Item 4: Authorize an acquisition contract for the purchase and installation of a theatrical dimming/architectural lighting control system for the Majestic Theatre - A V Pro, Inc., lowest responsible bidder of four - Not to exceed \$179,759 - Financing: Majestic Theatre Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1371

Item 5: Authorize the purchase of four multi-tasking snow removal vehicles and one deicer system for Aviation to support flights at Love Field - Southwest International Trucks, Inc. in the amount of \$1,593,608 and Wausau Equipment Company, Inc. in the amount of \$54,636, lowest responsible bidders of two - Total not to exceed \$1,648,244 - Financing: Aviation Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1372

Item 6: Authorize the purchase of six roll-off dewatering containers for Water Utilities - East Texas Mack Sales, LLC. dba B&C Body Company, lowest responsible bidder of four - Not to exceed \$76,170 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1373

Item 7: Authorize a two-year master agreement for lumber, plywood, sheetrock and building materials - Big D Lumber Company in the amount of \$635,999, Craddock Lumber Co. in the amount of \$517,650 and Comade, Inc. in the amount of \$58,456, lowest responsible bidders of five - Total not to exceed \$1,212,105 - Financing: Current Funds (\$1,011,890), Water Utilities Current Funds (\$163,410) and Stormwater Drainage Management Current Funds (\$36,805)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1374

Item 8: Authorize a three-year master agreement for paint and sundries to be used for maintaining various City facilities and equipment - The Sherwin Williams Company in the amount of \$168,823, Glidden Professional Paint Center in the amount of \$155,975, Kwal Howells, Inc. in the amount of \$151,732, PPG Architectural Finishes in the amount of \$140,081, Pioneer Manufacturing Company, Inc. in the amount of \$114,132, Kelly Moore Paint Company, Inc. in the amount of \$65,357 and Motion Industries, Inc. in the amount of \$15,397, lowest responsible bidders of seven - Total not to exceed \$811,497 - Financing: Current Funds (\$450,170), 2011-12 Community Development Block Grant Funds (\$129,046), Water Utilities Current Funds (\$95,117), Convention and Event Services Current Funds (\$62,164), Aviation Current Funds (\$40,000) and Stormwater Drainage Management Current Funds (\$35,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1375

Item 9: Authorize a three-year master agreement for computer desktop software, network management products, design and presentation software - SHI Government Solutions, Inc. through the Department of Information Resources, State of Texas Cooperative contract - Not to exceed \$2,400,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1376

Item 10: Authorize settlement of the lawsuit styled Stephanie Masciocchi v. City of Dallas, Cause No. cc-11-00737-A - Not to exceed \$40,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1377

Item 11: Authorize settlement and payment of a judgment in the lawsuit styled Bonifacio Fonseca and Salvador Acosta v. City of Dallas, Cause No. CC-09-09713-C - Not to exceed \$72,742 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1378

Item 12: Authorize **(1)** a public hearing to be held on June 13, 2012 to receive comments concerning the creation of a Tourism Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Dallas area, for the purpose of increasing hotel activities within the City of Dallas, to be funded by a special assessment on hotel room-nights sold at Dallas hotels with 100 or more rooms; and at the close of the hearing, **(2)** a resolution approving the creation of the District for five years and approval of the District's Service Plan for 2012-2016 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1379

Item 13: Authorize, subject to the approval of the creation of the Tourism PID: **(1)** approval of the Tourism Public Improvement District Service Plan for 2012; **(2)** a public hearing to be held on June 13, 2012 to receive comments concerning the annual assessment rate for the Tourism Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of increasing hotel activities within the City of Dallas, to be funded by a special assessment on hotel room-nights sold at Dallas hotels with 100 or more rooms; and at the close of the hearing, **(3)** consideration of an ordinance establishing classifications for the apportionment of costs and the methods of assessing special benefits for the services and improvements to property in the District, approving and adopting the 2012 assessment roll on file with the City Secretary; closing the hearing and levying assessments for the cost of certain services and improvements to be provided in the District during 2012; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2012 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1380

Item 14: Authorize **(1)** a public hearing to be held on June 13, 2012 to receive comments concerning the renewal of the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Uptown area, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(2)** a resolution approving creation of the District for seven years and approval of the District's Service Plan for 2013-2019 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1381

Item 15: Authorize **(1)** a public hearing to be held on June 13, 2012 to receive comments concerning the renewal of the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the South Side area, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the hearing, **(2)** a resolution approving creation of the District for seven years and approval of the District's Service Plan for 2013-2019 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1382

Item 16: Authorize a modification to the Business Incentive Program Statement to increase the grant amount from \$20,000 to \$25,000 per business and allow for all Community Development Block Grant eligible neighborhood serving businesses to apply for the grant where at least fifty-one percent of the residents residing in the residential area are low to moderate income (Area Benefit) - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1383

Item 17: An ordinance authorizing rates to be charged by Atmos Energy Corp. Mid-Tex Division (Atmos) pursuant to its January 13, 2012 Dallas Annual Rate Review (DARR) filing - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28653

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1384

Item 18: Authorize a contract for interior renovation and expansion at Samuell-Grand Recreation Center located at 6200 East Grand Avenue - J.C. Commercial, Inc., best value proposer of nine - Not to exceed \$2,150,777 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1385

Item 19: Authorize **(1)** a contract for traffic signals at the intersection of Garland Road and Whittier Avenue and the intersection of Garland Road and the entrance of The Rory Meyers Children's Adventure Garden; this work is associated with parking and The Rory Meyers Children's Adventure Garden at the Dallas Arboretum located at 8525 Garland Road; and **(2)** assignment of the management of the contract to the Dallas Arboretum and Botanical Society - Durable Specialties, Inc., lowest responsible bidder of four - Not to exceed \$191,800 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1386

Item 20: Authorize an increase in the contract with Speed Fab-Crete Corporation for furniture, fixtures and equipment, video monitoring system, millwork replacement and other miscellaneous items at Jaycee/Zaragoza Recreation Center located at 3114 Clymer Street - Not to exceed \$103,466, from \$1,072,979 to \$1,176,445 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1387

**Automated School Bus Stop Arm
Enforcement Program**

Note: Item Nos. 21 and 22
must be considered collectively.

Item 21: An ordinance amending Chapter 28 of the Dallas City Code to: **(1)** create a civil offense and a civil penalty for unlawfully passing a stopped school bus with its stop arm extended and red lights flashing; **(2)** provide certain defenses and presumptions; and **(3)** provide for photographic enforcement and administrative adjudication of school bus stop arm violations - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28654

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1388

**Automated School Bus Stop Arm
Enforcement Program**

Note: Item Nos. 21 and 22
must be considered collectively.

Item 22: Authorize (1) an Interlocal Agreement with Dallas County Schools to administer and enforce the Automated School Bus Stop Arm Enforcement Program; and (2) an Interlocal Agreement with Dallas County Schools to administer the School Crossing Guard Program - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1389

Item 23: Authorize an increase in the contract with Tiseo Paving Company for additional water and wastewater main improvements and other miscellaneous items needed for construction of Street Group 06-453 consisting of Kimsey Drive from Maple Avenue to Dead End and St. Mary Avenue from Terry Street to Garland Avenue - Not to exceed \$54,055, from \$987,054 to \$1,041,109 - Financing: 2003 Bond Funds (\$10,735), Water Utilities Capital Construction Funds (\$10,555) and Water Utilities Capital Improvement Funds (\$32,765)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1390

Item 24: Authorize Supplemental Agreement No. 5 to the professional services contract with Michael Baker, Jr., Inc. to modify the design contract for the Spring Avenue Redevelopment Project - Not to exceed \$34,805, from \$640,421 to \$675,226 - Financing: 2006-07 Community Development Block Grant Reprogramming No. 2 Funds (\$30,285) and Water Utilities Capital Improvement Funds (\$4,520)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1391

Item 25: Authorize the deposit of a Special Commissioners' Award in City of Dallas vs. Estate of Tom B. Jackson II, et al, pending in the County Court at Law No. 4, for acquisition from Tom B. Jackson II of approximately 7,848 square feet of land enclosed with a chain link fence located near the intersection of Fitzhugh Avenue and Lagow Street for the Fire Station No. 44 Replacement Project - Not to exceed \$39,500 (\$37,700 plus closing costs and title expenses not to exceed \$1,800) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1392

Item 26: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 1,528 square feet from Eugene Dunston located near the intersection of Harry Hines Boulevard and Burbank Street for the Burbank Street Improvements Project - Not to exceed \$24,002 (\$21,002 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1393

Item 27: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 2,690 square feet from Eugene Dunston located near the intersection of Harry Hines Boulevard and Burbank Street for the Burbank Street Improvements Project - Not to exceed \$48,020 (\$45,020 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1394

Item 28: An ordinance abandoning a portion of a sanitary sewer easement to William A. Anderson, the abutting owner, containing approximately 96 square feet of land located near the intersection of Club Hill Drive and Club Hill Court - Revenue: \$5,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28655

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1395

Item 29: An ordinance closing a portion of Jamison Drive near the intersection of Jamison Drive and Northwest Highway and providing for the dedication of approximately 4,968 square feet of land needed for a new cul-de-sac -
Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28656

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1396

Item 30: An ordinance amending Ordinance No. 26764, which closed a portion of Fielder Court located near the intersection of Denton Drive and Fielder Court, to extend the dedication requirement of needed right-of-way from 120 days to five years -
Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28657

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1397

Item 31: An ordinance amending Ordinance No. 26904, which closed a portion of Pacific Avenue located near the intersection of Parry and Pacific Avenues, to extend the deadline from 120 days to 180 days to receive approval from Dallas Area Rapid Transit - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28658

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1398

Item 32: An ordinance amending Ordinance No. 26905, which closed a portion of Peabody Avenue located near the intersection of Trunk and Peabody Avenues, to extend the deadline from 120 days to 180 days to receive approval from Dallas Area Rapid Transit and to extend the dedication requirement of needed right-of-way from 120 days to five years - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28659

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1399

Item 33: An ordinance amending Ordinance No. 26906, which closed a portion of Tuskegee Street located near the intersection of Trunk Avenue and Tuskegee Street, to extend the deadline from 120 days to 180 days to receive approval from Dallas Area Rapid Transit and to extend the dedication requirement of needed right-of-way from 120 days to five years - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28660

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1400

Item 34: An ordinance amending Ordinance No. 26907, which closed portions of Carpenter Avenue and Reed Lane located near the intersection of Reed Lane and Scyene Road, to extend the deadline from 120 days to 180 days to receive approval from Dallas Area Rapid Transit and to extend the dedication requirement of needed right-of-way from 120 days to five years - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28661

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1401

Item 35: Authorize a contract for the construction of electrical improvements at the Dallas section of the Central Wastewater Treatment Plant - Archer Western Construction, LLC, lowest responsible bidder of four - Not to exceed \$10,698,250 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1402

Item 36: Authorize Supplemental Agreement No. 1 to the professional services contract with Gupta & Associates, Inc. for construction administration and start-up services associated with electrical improvements at the Dallas section of the Central Wastewater Treatment Plant - Not to exceed \$488,926, from \$930,078 to \$1,419,004 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1403

Item 37: Authorize Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. for additional engineering services related to a water transmission main from the Eastside Water Treatment Plant to the City of Hutchins west corporate limits - Not to exceed \$1,967,534, from \$9,057,797 to \$11,025,331 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1404

Item 38: Authorize Supplemental Agreement No. 3 to the professional services contract with AECOM Technical Services, Inc. f/k/a AECOM USA Group, Inc. to provide additional engineering services for the design of a water transmission main from the City of Hutchins west corporate limits to the Sorcey Pump Station - Not to exceed \$2,083,985, from \$10,009,120 to \$12,093,105 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1405

Item 39: 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 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 May 23, 2012.

The city secretary noted the report indicated nominees for chair cleared for city council action met all qualifications for service.

Mayor Pro Tem Medrano moved to appoint Jack "John" Wierzenski, Chair, to the Reinvestment Zone 4 Board (Cedars Area); Robert L. Good, Chair, to the Reinvestment Zone 5 Board (City Center) and Reinvestment Zone 11 Board (Downtown Connection); Herbert Goodman, Chair, to the Reinvestment Zone 7 Board (Sports Arena); and John W. Miller, Chair, to the Reinvestment Zone 12 Board (Deep Ellum).

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

In accordance with Dallas City Code, Chapter 12-A, Article VI, Section 12A-19 (f) (1)(G)(ii), the city secretary announced the name of the board and commission member that had not turned in his financial disclosure report.

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

12-5189 BOARD OFFICERS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1406

Item 40: Authorize **(1)** preliminary adoption of the FY 2012-13 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$25,942,114 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$15,755,740; **(b)** HOME Investment Partnerships Program in the amount of \$4,750,686; **(c)** Housing Opportunities for Persons with AIDS in the amount of \$4,060,375; and **(d)** Emergency Solutions Grant in the amount of \$1,375,313; **(2)** preliminary adoption of the FY 2011-12 Reprogramming Budget in the amount of \$1,335,137; and **(3)** a public hearing to be held on June 13, 2012 to receive comments on the proposed use of funds - Financing: No cost consideration to the City

Councilmember Davis moved to adopt the item with amendments to Item (1)(a), Column F of Attachment A, as follows:

- Reduce both Line #5 for the Clinical Dental Care Program by \$14,060 and Line #13 for the Training and Employment for Adults with Disabilities Program by \$3,515, for a total reduction of \$17,575, and
- Increase Line #4 for the Arts Education Program by \$17,575

Motion seconded by Councilmember Hill.

Deputy Mayor Pro Tem Atkins asked Councilmember Davis if she would accept a friendly amendment to her motion to adopt the item and amend Item (1)(a), Column F of Attachment A, as follows:

- Increase Line #4 for the Arts Education Program by \$14,060 and
- Leave Line #13 \$3,515 as funded for the Training and Employment for Adults with Disabilities Program

Councilmember Davis accepted Deputy Mayor Pro Tem Atkins friendly amendment as part of her motion.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-1406

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Following discussion of the proposed amendments, Mayor Rawlings stated the item would be postponed for further discussion in the afternoon to allow staff to provide clarification on the item.

In the interim other agenda items were considered after which Mayor Rawlings recessed the city council meeting at 10:17 a.m.

Mayor Rawlings reconvened the city council meeting at 1:10 p.m. and stated that staff clarification on the item had been provided.

Councilmember Davis withdrew her original motion as amended by Deputy Mayor Pro Tem Atkins' friendly amendment.

Councilmember Hill, who seconded the original motion and accepted Deputy Mayor Pro Tem Atkins' friendly amendment, also withdrew her second.

Councilmember Davis moved to approve the item and hold over funding of Item (1)(a), Column F of Attachment A, Line #4, Arts Education Program, for two weeks to work on finding additional funding.

Motion seconded by Councilmember Griggs.

Deputy Mayor Pro Tem Atkins made a substitute motion to adopt the item as presented and bring forth any amendments in two weeks [June 13, 2012].

Motion seconded by Councilmember Jasso.

At the request of Councilmember Jasso, with consensus by the City Council, the following individuals addressed the city council regarding the item:

Omar Narvaez, 9309 Lynbrook Dr., representing the Community Development Commission

Michael P. LoVuolo, 616 Cristler Ave., representing the Community Development Commission

Mayor Rawlings called the vote on Deputy Mayor Pro Tem Atkins' substitute motion to adopt the item as presented and bring forth any amendments in two weeks [June 13, 2012].

Mayor Rawlings declared the substitute motion unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1407

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 41-44, was presented for consideration.

Agenda item 41 was removed from the consent zoning docket, to be considered as an individual hearing.

~~Agenda item 41: Zoning Case Z112-150(MW)~~ **[considered individually]**

Agenda item 42: Zoning Case Z112-186(JH)

Agenda item 43: Zoning Case Z112-203(RB)

Agenda item 44: Zoning Case Z112-199(JH)

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

Councilmember Hunt 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 Kadane and unanimously adopted. (Caraway, Alonzo absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1408

Item 41: Zoning Case Z112-150(MW)

The consent zoning docket, consisting of agenda items 41-44, was presented for consideration.

Councilmember Greyson requested that zoning consent item 41 be considered as an individual item. Mayor Rawlings stated that zoning consent item 41 would be considered as an individual item later in the meeting there being no objection voiced to Councilmember Greyson's request.

A public hearing was called on zoning case Z112-150(MW), regarding an application for and an ordinance granting an amendment to Tract I of Planned Development District No. 375 on the west side of North Central Expressway between Lemmon Avenue and Blackburn Street

(The staff and city plan commission recommended Approval, subject to a conceptual 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:

Neal Sleeper, 3324 Blackburn, applicant

Councilmember Hunt 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 unanimously adopted. (Caraway, Alonzo absent when vote taken)

Assigned ORDINANCE NO. 28662

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1409

Item 42: Zoning Case Z112-186(JH)

The consent zoning docket, consisting of agenda items 41-44, was presented for consideration.

A public hearing was called on zoning case Z112-186(JH), regarding an application for and an ordinance granting an IR Industrial Research District on property zoned an A(A) Agricultural District, southwest of Irving Boulevard, northwest of Pump Plant B Road

(The staff and city plan commission recommended Approval)

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28663

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1410

Item 43: Zoning Case Z112-203(RB)

The consent zoning docket, consisting of agenda items 41-44, was presented for consideration.

A public hearing was called on zoning case Z112-203(RB), regarding an application for and an ordinance granting an amendment to Phase 1a and 1b portion of Planned Development District No. 121 for TH-4 Townhouse District Uses and GR General Retail District Uses on the southwest corner of Walnut Hill Lane and North Central Expressway

(The staff and city plan commission recommended Approval, subject to a Phase 1a and 1b development plan and conditions)

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28664

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1411

Item 44: Zoning Case Z112-199(JH)

The consent zoning docket, consisting of agenda items 41-44, was presented for consideration.

A public hearing was called on zoning case Z112-199(JH), regarding an application for and an ordinance granting a Planned Development District for a community center and R-7.5(A) Single Family District uses on property zoned an R-7.5(A) Single Family District on the southeast corner of Gaston Avenue and Loving Avenue

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28665

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1412

Item 45: Zoning Case Z112-176(RB) - INDIVIDUAL

A public hearing was called on zoning case Z112-176(RB), regarding an application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned an MF-2(A) Multifamily District, on the south corner of Wilhurt Avenue and Kolloch Drive

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

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

Councilmember Hill 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 unanimously adopted. (Caraway, Alonzo absent when vote taken)

Assigned ORDINANCE NO. 28666

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1413

Item 46: Zoning Case Z101-363(WE) – DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-363(WE), regarding an application for an ordinance granting an amendment to Planned Development District No. 766 for a CR Community Retail District on the northwest corner of Northwest Highway and Hillcrest Road

(The staff recommended Denial and city plan commission recommended Approval, subject to a development plan, landscape 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", 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:

Dallas Cothrum, 900 Jackson St., representing the applicant

Councilmember Margolin moved to close the public hearing, accept the recommendation of the city plan commission for approval with the following change:

- The parking reduction for providing pedestrian amenities is limited to five percent

and pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Atkins and Councilmember Kadane and unanimously adopted. (Caraway, Alonzo absent when vote taken)

Assigned ORDINANCE NO. 28667

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1414

Item 47: Zoning Case Z112-168(RB) – DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z112-168(RB), regarding an application for and an ordinance granting a Planned Development District for a Truck stop and certain MC-1 Multiple Commercial District Uses on property zoned an MC-1 Multiple Commercial District on the northwest corner of Loop 12 and West Davis Street

(The staff and city plan commission recommended Approval, subject to a development 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", 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 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 Councilmember Hill and unanimously adopted. (Caraway absent when vote taken)

Assigned ORDINANCE NO. 28668

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1415

Item 48: Zoning Case Z112-185(JH) – DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z112-185(JH), regarding an application for and an ordinance granting an MU-2 Mixed Use District on property zoned an IR Industrial Research District on the northeast corner of Research Row and Wadley Lane

(The staff and city plan commission recommended Approval)

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

Mayor Pro Tem Medrano moved to close the public hearing and deny without prejudice.

Motion seconded by Deputy Mayor Pro Tem Atkins and Councilmember Kadane and unanimously adopted. (Caraway, Alonzo absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1416

Item 49: Zoning Case Z112-157(OTH) – DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z112-157(OTH), regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1609 for a potentially incompatible industrial (outside) use, limited to concrete and asphalt crushing, on property zoned an IM Industrial Manufacturing District, located on the west side of Spangler Road, north of Manana Drive

(The staff and city plan commission recommended Approval)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1417

DEVELOPMENT CODE AMENDMENTS - CONSENT

Item 50: A public hearing to receive comments regarding consideration of amendments to Section 51A-7.703 of the Development Code to include the ability to request a special exception to the regulations in Section 51A-7.305(d) regarding window signs and an ordinance granting the amendments

(The staff and city plan commission recommended Approval)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1418

MISCELLANEOUS HEARINGS

Item 51: A public hearing to receive comments on authorizing a public hearing to determine proper zoning on property zoned Planned Development District No. 316, the Jefferson Area Special Purpose District, including Specific Use Permit Numbers 1065, 1155, 1383, 1584 and 1789, and a portion of Specific Use Permit No. 1553 on property generally bounded by an alley between Tenth Street and Sunset Street on the north, Beckley Avenue on the east, an alley between Page Avenue and Twelfth Street on the south, and an alley between Polk Street and Willomet Avenue on the west, with consideration given to appropriate zoning for the area including use, development standards, parking, landscape, sign, and other appropriate regulations - Financing: No cost consideration to the City (via Mayor Pro Tem Medrano, and Councilmembers Alonzo, Griggs, Jasso and Koop)

The following individual addressed the city council regarding the item:

Eric Steele, 614 Kirkwood Dr., representing Texas Theatre (Aviation Cinemax)

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

Motion seconded by Councilmember Kadane and unanimously adopted. (Caraway, Alonzo absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1419

MISCELLANEOUS HEARINGS

Item 52: A public hearing to receive comments on the proposed FY 2012-13 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Josephine Orozco, 2415 S. Tyler St., representing the Senior Affairs Commission
(handouts provided)

Councilmember Kadane moved to close the public hearing.

Motion seconded by Councilmember Jasso and unanimously adopted. (Caraway, Alonzo absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1420

Item 53: A public hearing to receive comments on a proposed municipal setting designation (MSD) to prohibit the use of groundwater as potable water beneath property owned by Terrapark IV, L.P. located near the intersection of Ross Avenue and Harwood Street and adjacent street rights-of-way, authorize issuance of an MSD ordinance, and support the issuance of an MSD certificate to Terrapark IV, L.P. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

(The staff recommended Approval)

The city secretary read the following statement into the record:

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

The following individuals addressed the city council regarding the item:

Brad Jackson, 2507 Morningstar Ln., representing Terrapark IV, LP, professional geoscientist

Scott Deatherage, 6718 Avalon Ave., representing Terrapark IV, LP

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

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

Assigned ORDINANCE NO. 28669

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1421

Item 54: A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain City-sponsored youth programs in compliance with State law, and, at the close of the hearing, approval of an ordinance to readopt Chapter 12 of the Dallas City Code - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Mayor Pro Tem Medrano moved to close the public hearing and pass the ordinance.

Motion seconded by Councilmember Kadane and unanimously adopted. (Caraway, Alonzo absent when vote taken)

Assigned ORDINANCE NO. 28670

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1422

Item 55: A public hearing to receive comments regarding an amendment to Chapter 51A, "Dallas Development Code", Section 51A-5.102, of the Dallas City Code to adopt the Kaufman County maps which become effective on July 3, 2012, as a requirement of the Federal Emergency Management Agency - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Kadane moved to close the public hearing.

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

Assigned ORDINANCE NO. 28671

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1423

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Sports Arena TIF District

Note: Item Nos. ~~55~~ 56 and 57
must be considered collectively.

Item 56: A public hearing to receive comments on amendments to Tax Increment Financing Reinvestment Zone Number Seven (Sports Arena TIF District) and the Project and Reinvestment Zone Financing Plans for the Sports Arena TIF District to: **(1)** add two new sub-districts within the Sports Arena TIF District: **(a)** Riverfront Gateway Sub-district and **(b)** West Dallas Sub-district; **(2)** increase the geographical area of the Sports Arena TIF District to add approximately: **(a)** 4.5 acres to the Victory Sub-district (generally the original Sports Arena TIF District boundary); **(b)** 33 acres in the Riverfront Gateway Sub-district; and **(c)** 89.2 acres in the West Dallas Sub-district; **(3)** extend the termination date of the Sports Arena TIF District for a 10 year period from the City Council established termination date of December 31, 2018, to December 31, 2028, for the Victory Sub-district and establish a termination date for the Riverfront Gateway and West Dallas Sub-districts of December 31, 2042; **(4)** decrease the percentage of tax increment contributed by the City of Dallas during the extended term of the TIF District and establish other taxing jurisdictions participation percentages; **(5)** increase the Sports Arena TIF District budget from \$25,498,568 NPV (approximately \$46,961,785 total dollars) to \$94,409,005 NPV (approximately \$273,599,175 total dollars), an increase of \$68,910,437 NPV (approximately \$226,637,390 total dollars); **(6)** create an Economic Development TIF Grant Program within the District and adopt program guidelines; and **(7)** make corresponding modifications to the Sports Arena TIF District map, budget and Project and Reinvestment Zone Financing Plans - Financing: No cost consideration to the City

Corrected on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-1423

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

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

The following individual addressed the city council regarding the item:

William Hopkins, 2011 Leath St.

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

Motion seconded by Mayor Pro Tem Medrano and Councilmember Kadane and unanimously adopted. (Caraway, Alonzo absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1424

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Sports Arena TIF District

Note: Item Nos. ~~55~~ 56 and 57
must be considered collectively.

Item 57: An ordinance amending Ordinance No. 23688, previously approved on October 28, 1998, and Ordinance No. 24002, previously approved on August 25, 1999, to reflect these amendments - Financing: No cost consideration to the City

Corrected on the addendum to the agenda.

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

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

The following individual addressed the city council regarding the item:

William Hopkins, 2011 Leath St.

Deputy Mayor Pro Tem Atkins moved to close the public hearing and pass the ordinance.

Motion seconded by Mayor Pro Tem Medrano and Councilmember Kadane and unanimously adopted. (Caraway, Alonzo absent when vote taken)

Assigned ORDINANCE NO. 28672

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1425

Addendum addition 1: A resolution authorizing **(1)** the issuance, sale, and delivery of Love Field Airport Modernization Corporation (“LFAMC” or “Issuer”) special facilities revenue bonds, Series 2012, guaranteed by Southwest Airlines Co. (“Southwest”); **(2)** the LFAMC to enter into a first amendment to the special facilities agreement, a first supplemental trust indenture, and a bond purchase agreement; **(3)** the City Manager to enter into a first amendment to the special facilities agreement and a first amendment to the revenue credit agreement; and **(4)** other actions by the LFAMC and the City Manager deemed necessary in connection with the foregoing - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1426

Addendum addition 2: Authorize settlement of the lawsuit styled Andrew Collins v. Paul Bauer, et al., Civil Action No. 3:11-cv-0877-B - Not to exceed \$500,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1427

Addendum addition 3: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Walker Bright P.C., for additional legal services necessary to represent the City in the lawsuit styled Andrew Collins v. Paul Bauer et al., Civil Action No. 3:11-cv-0877-B - Not to exceed \$5,000, from \$25,000 to \$30,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1428

Addendum addition 4: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Brown & Hofmeister, L.L.P., for additional legal services necessary to represent the City in the lawsuit styled Andrew Collins v. Paul Bauer et al., Civil Action No. 3:11-cv-0877-B - Not to exceed \$7,500, from \$25,000 to \$32,500 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1429

Addendum addition 5: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Joe C. Tooley, Attorneys and Counselors, for additional legal services necessary to represent the City in the lawsuit styled Andrew Collins v. Paul Bauer et al., Civil Action No. 3:11-cv-0877-B - Not to exceed \$15,000, from \$25,000 to \$40,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1430

Addendum addition 6: Authorize an increase in the contract with Rogers-O'Brien Construction Company, Ltd. for **(1)** additions and changes to include: additional excavation and grading; removal of additional type 2 landfill waste, common fill; enhanced root-zone soil mix for 10 soccer fields; hydromulching; redesigned irrigation system; additional bus parking; driveway, retaining wall foundation, and electrical system modifications; new front entry sign; and other miscellaneous items; and **(2)** partial credits to include: modifications to four soccer fields including reduction of lighting, sod, turf and soil mix; deletion of pavilion C and associated parking at Elm Fork Athletic Complex located at 2100 Walnut Hill Lane - Not to exceed \$1,891,847, from \$16,374,440 to \$18,266,287 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1431

Addendum addition 7: Authorize Supplemental Agreement No. 12 to the design-build contract for Phase II of the contract with Heery International, Inc. to establish the Guaranteed Maximum Price No. 12 for plumbing and lighting improvements at the Cotton Bowl Stadium in Fair Park located at 3750 Midway Plaza - Not to exceed \$830,034, from \$57,690,723 to \$58,520,757- Financing: Fair Park Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1432

Addendum addition 8: Authorize **(1)** an amendment to the Interlocal Agreement with the North Central Texas Council of Governments to provide traffic engineering services to update traffic signal timings and provide funding for traffic signal equipment at 11 locations (list attached); **(2)** an increase in appropriations in the amount of \$215,100, from \$38,800 to \$253,900 in the North Central Texas Council of Governments Grant Fund; **(3)** an additional local match in the amount of \$11,640 for the City's portion of the project; and **(4)** acceptance of funds from Methodist Health System for their portion of the local match in the amount of \$27,940 - Total not to exceed \$215,100 - Financing: North Central Texas Council of Governments Grant Funds (\$175,520), Current Funds (\$11,640) and Private Funds (\$27,940)

Deputy Mayor Pro Tem Atkins requested that addendum addition consent agenda item 8 be considered as an individual item. Mayor Rawlings stated that addendum addition consent agenda item 8 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 addendum addition consent agenda item 8 was brought up for consideration.

Deputy Mayor Pro Tem Atkins asked City Secretary Rios to read into the record the letter received from Honorable Marcus E. Knight, Chairman of the Board, Methodist Charlton Medical Center:

Dear Deputy Mayor Pro Tem Atkins:

The Best Southwest Partnership is seeking the support of the City of Dallas to urge the Parkland Board of Managers to build and maintain a much needed Parkland Community Oriented Primary Care (COPC) facility in close proximity to Methodist Charlton Medical Center.

We are aware of at least two Parkland Health System sponsored studies regarding the community needs for COPCs. Both of those studies clearly identified Southeast Dallas County as a high priority for these facilities. Providing these facilities is a primary responsibility of our Dallas County Hospital. Currently there are a number of COPCs throughout Dallas County and new facilities are being built in Irving and Grand Prairie. It is now time to support the needs of the Southern Dallas tax payers and build in Southern Dallas County.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-1432

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[Letter from Honorable Marcus E. Knight, Chairman of the Board, Methodist Charlton Medical Center continued]

Parkland is the only hospital in Dallas County that receives Dallas County ad-valorem tax dollars to support the care of our local residents who lack the ability to pay. Records show that Parkland received approximately \$39M this last year from Dallas County tax payers.

Below are some facts that support the need for a COPC in our area;

- *Methodist Charlton experiences approximately 73,000 ER visits per year*
- *89.1% of those visits are Dallas County Residents*
- *41% of the total visits are uninsured patients and that number is growing at 2 to 3% per year*
- *22% to 25% of these patients are non-emergent patients in need of greater access to primary care*
- *Currently out-of-network for the Parkland Medicaid health plan (termed by Parkland in 2011).*

Methodist Charlton has invested over \$150 million dollars within the last 3 years to improve facilities, grow clinical services (most recently adding open-heart surgery) and continued recruitment of physician at the rate of approximately 4 per year. Not only will a COPC in Southern Dallas County provide much needed health care services for the residents but, it will allow Methodist Charlton to become efficient in the overall operation of their emergency department.

Requests and negotiations for this much needed facility began over 5 years ago. Please assist by encouraging our Parkland Board of Managers and our Dallas County Commissioner's Court to build this much needed facility. The Dallas County and City of Dallas residents and tax payers deserve no less.

*Sincerely,
Honorable Marcus E. Knight
Chairman of the Board
Best Southwest Partnership*

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
12-1432
Page 3

The following individual addressed the city council on the item:

Dan Eddy, representing Methodist Charlton Medical Center

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1433

Addendum addition 9: An ordinance abandoning an alley to Behringer Harvard Fairmount Project Owner, LP, the abutting owner, containing approximately 6,750 square feet of land located near the intersection of Fairmount Avenue and Throckmorton Street and authorizing the quitclaim - Revenue: \$100,238 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28673

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1434

Addendum addition 10: A resolution designating absences by Councilmember Jerry Allen and Councilmember Ann Margolin as being for "official city business" - Financing: No cost consideration to the City

Councilmember Koop moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 23, 2012

12-1435

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum addition 11: Authorize a forgivable loan to Defenders of Freedom for the development of affordable housing for veterans to be located at 8714 and 8718 Diceman Drive - Not to exceed \$200,000 - Financing: 2010-11 HOME Investment Partnership Program 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", 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 Kadane moved to adopt the item.

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 23, 2012

EXHIBIT C