

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, AUGUST 22, 2012

12-2070

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

PRESENT: [15] Rawlings (*9:21 a.m.), Medrano, Atkins, Jasso, Griggs, Caraway (*9:20 a.m.), Hill, Alonzo, Davis (*9:28 a.m.), Kadane, Allen, Koop, Greyson (*9:17 a.m.), Margolin, Hunt (*9:17 a.m.)

ABSENT: [0]

The meeting was called to order at 9:06 a.m.

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

The invocation was given by Isaac Jackson, Youth Minister at the Potter's House Non-Denominational Church.

Nicholas Benjamin Stephens, Boys Scout Troop 707, led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 3:59 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**

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, AUGUST 22, 2012

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, AUGUST 22, 2012

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2071

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: Ann Saucer, 6538 Lange Cir.
SUBJECT: The library funding

SPEAKER: Susan Pollard, 5829 Reiger Ave.
REPRESENTING: Texas Honeybee Guild
SUBJECT: West Nile Virus

SPEAKER: Janet Reynolds, 8918 San Leandro Dr.
REPRESENTING: Citizens Coalition for Nontoxic Abatement of West Nile Virus
SUBJECT: West Nile Virus

SPEAKER: Marsha Webb, 8118 Garland Rd.
SUBJECT: Aerial spraying

SPEAKER: Scott Lim, 969 S. Lamar St.
REPRESENTING: Scott Discount Liquor
SUBJECT: Parking lot

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Leslie Hamilton, 2910 Sunset Point Ln., Carrollton, TX
SUBJECT: Aerial spraying

SPEAKER: Sterling McCoy, 2420 Rimrock Trl., Mesquite, TX
REPRESENTING: RSR Lead
SUBJECT: Why haven't we done the court order?

OPEN MICROPHONE – END OF MEETING:

(Continued)

SPEAKER: Robert E. Jones, 3211 Hickory Tree Rd., Balch Springs, TX
SUBJECT: Pertaining to lead

SPEAKER: Lawrence Boyd, 508 Heard St., McKinney, TX
SUBJECT: West Nile Virus

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
REPRESENTING: God
SUBJECT: God rules, not Lucifer

SPEAKER: Richard P. Sheridan, 3022 Forest Ln., (handout provided)
SUBJECT: Marijuana/Hemp Oil/God's medicine?!

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: No precinct in District 4

SPEAKER: Otis Fagan, 2247 Scotland Dr.
REPRESENTING: Clean for Environmental Justice
SUBJECT: Unpaid public health program

SPEAKER: LaKolya London, 1716 Chattanooga Pl.
REPRESENTING: The people
SUBJECT: Corporate people – apartments/DPD

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
REPRESENTING: Real American Women
SUBJECT: Is Dallas under any Egyptian plague?

SPEAKER: LaKesha Johnson, 1716 Chattanooga Pl.
REPRESENTING: Rosemont @ Arlington Park
SUBJECT: Electrical problems

SPEAKER: Marie Tedei, Private
REPRESENTING: Organic Garden Center/CFA Farm
SUBJECT: Aerial spraying

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2072

Item 1: Approval of Minutes of the August 8, 2012 City Council Meeting

Deputy Mayor Pro Tem Atkins moved to adopt the minutes.

Motion seconded by Councilmember Kadane and unanimously adopted. (Rawlings, Caraway, Davis, Greyson, Hunt absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2073

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-43 and addendum addition consent agenda items 1-7, was presented for consideration.

The city secretary requested that consent agenda item 32 be considered as an individual item to allow citizens to speak. Mayor Rawlings stated that consent agenda item 32 would be considered as an individual item later in the meeting, there being no objection voiced to the city secretary's request.

Deputy Mayor Pro Tem Atkins requested that addendum addition consent agenda item 4 be considered as an individual item. Mayor Rawlings stated that addendum addition consent agenda item 4 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Atkins' request.

Councilmember Griggs requested that consent agenda item 32 be considered as an individual item. Mayor Rawlings stated that consent agenda item 32 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griggs' request.

Councilmember Margolin requested that consent agenda item 32 and addendum addition consent agenda item 1 be considered as individual items. Mayor Rawlings stated that consent agenda item 32 and addendum addition consent agenda item 1 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Deputy Mayor Pro Tem Atkins moved to adopt all items on the consent agenda with the exception of consent agenda item 32 and addendum addition consent agenda items 1 and 4, which would be considered later in the meeting.

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

Note: The city secretary announced for the record, addendum addition consent agenda item 5 pertained to District 5 and addendum addition consent agenda item 6 pertained to District 2.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2074

Item 2: Authorize a third amendment to the lease agreement with Frontiers of Flight Museum to convey insurance funds for damage sustained to the leased premises in the August 2011 hail storm at Dallas Love Field - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2075

Item 3: Authorize a six-year contract, with two three-year renewal options, and to design, build and manage a carrier neutral cellular antenna and wireless fidelity (Wi-Fi) system at Love Field - Concourse Communications Group, LLC, most advantageous proposer of seven - Estimated Annual Revenue: \$200,000 for years one and two and \$250,000 for years three through six (minimum annual guarantee)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2076

Item 4: Authorize **(1)** a five-year service contract to provide enhancements to the citywide performance measurement software - Alpha Enterprise Technologies, LLC in the amount of \$220,800; and **(2)** a five-year service contract for maintenance and support for the performance measurement software - Actuate Corporation in the amount of \$353,553, lowest responsible bidders of two - Total not to exceed \$574,353 - Financing: Current Funds (\$353,553) and Water Utilities Current Funds (\$220,800) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2077

Item 5: Authorize a four-year service contract, with two one-year renewal options, for commercial wireless communication services and equipment for public safety and other City departments - Cellco Partnership dba Verizon Wireless and its Related Entities through the Department of Information Resources, State of Texas Cooperative contract, most advantageous proposer of four - Not to exceed \$9,953,000 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2078

Item 6: Authorize a four-year service contract for the renewal of maintenance and support for the data storage network system - ViON Corporation through the General Services Administration - Not to exceed \$1,174,054 - Financing: Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2079

Item 7: Authorize an acquisition contract for the purchase and installation of surveillance camera and paging/intercom systems for the Animal Shelter - Acquient Security Consulting, Inc., most advantageous proposer of three - Not to exceed \$80,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2080

Item 8: Authorize the purchase of bunker gear for Fire-Rescue - Casco Industries, Inc. through the Texas Association of School Boards (BuyBoard) - Not to exceed \$1,364,880 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2081

Item 9: Authorize settlement of a claim filed by Andrea Isom, Claim No. 12470137 -
Not to exceed \$17,136 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2082

Item 10: Authorize settlement of the lawsuit styled Monica Herrera, individually and as next friend of James Herrera II and Celeste Herrera, minor children v. Stephen M. Cleary and the City of Dallas, Cause No. DC-11-03513-G - Not to exceed \$37,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2083

Item 11: Authorize settlement of the lawsuit styled Tony Castleberg v. City of Dallas, Cause No. 3:09-CV-1354-M - Not to exceed \$40,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2084

Item 12: A resolution reappointing Craig Daniel Kinton, CPA as City Auditor for a two-year term, effective September 6, 2012 - Not to exceed \$185,337 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2085

- Item 13: Authorize **(1)** the second of four twelve-month renewal options to the contract with the Southern Dallas Development Corporation to administer the Community Development Block Grant (CDBG) Business Revolving Loan Program, for the purpose of serving and making loans to area businesses creating and/or retaining jobs for low-to-moderate income persons, in accordance with Department of Housing and Urban Development (HUD) regulations; and **(2)** any unexpended balances of program income from prior contract years be rolled over to continue the Business Revolving Loan Program
- Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2086

Item 14: Authorize payment to the Dallas County Community College District in the amount of \$86,600 and the University of Texas Southwestern Medical Center at Dallas in the amount of \$141,130 for mandatory Emergency Medical Services training of emergency medical technicians (EMT) basic level and paramedics advanced level for the period October 1, 2012 through September 30, 2013 - Total not to exceed \$227,730 - Financing: Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2087

Item 15: Authorize a contract renewal with The University of Texas Southwestern Medical Center at Dallas for in-service training, re-training, and evaluation of City of Dallas paramedic and emergency medical technician-basic personnel for the period September 1, 2012 through August 31, 2013 - Not to exceed \$324,045 - Financing: Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2088

Item 16: Authorize a contract renewal with The University of Texas Southwestern Medical Center at Dallas for the required medical direction services for the period October 1, 2012 through September 30, 2013 - Not to exceed \$152,472 - Financing: Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2089

Item 17: Authorize **(1)** a contract renewal for a twelve-month period with Parkland Memorial Hospital for Biomedical On-Line Supervision; and **(2)** Interlocal Agreements with participating local governmental entities - Not to exceed \$1,064,967 - Financing: Current Funds (subject to annual appropriations) (\$494,909 to be received from participating cities)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2090

Item 18: Authorize an Interlocal Cooperation Contract for the Urban Land Bank Demonstration Program with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District to facilitate the Dallas Housing Acquisition and Development Corporation's (Land Bank) acquisition of unimproved tax foreclosed properties for sale to qualified developers for the development of affordable housing - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2091

Item 19: Authorize an Interlocal Agreement with the Dallas/Fort Worth International Airport Board and the cities of Coppell and Fort Worth to share certain revenue amounts with Dallas and Fort Worth in exchange for the encouragement of further development and growth of the airport property that falls within the geographic boundaries of the City of Coppell - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2092

Item 20: Authorize **(1)** the rejection of proposals received for Phase I of a 12-foot-wide hike and bike trail for the Trinity Strand Trail from Stemmons Freeway to Medical District Drive; and **(2)** a contract for Phase I and Phase II of a 12-foot-wide hike and bike trail for the Trinity Strand Trail, from Farrington Street to Oak Lawn Avenue and Stemmons Freeway - RoeschCo Construction, Inc., lowest responsible bidder of five - Not to exceed \$5,426,114 - Financing: North Central Texas Council of Governments Grant Funds (\$4,340,891), 2003 Bond Funds (\$129,851) and 2006 Bond Funds (\$955,372)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2093

Item 21: Authorize a professional services contract with Salcedo Group, Inc. for schematic design through construction administration services for a new parking lot with connecting walkways, lighting, park furnishings, landscaping and entrance sign at Sargent Park located at 2825 Sargent Road - Not to exceed \$53,711 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2094

Item 22: Authorize an increase in the contract with RoeschCo Construction, Inc. for a new parking lot and trail head located at Freda Stern Drive, with other miscellaneous credits at Northaven Trail located from Valleydale Drive to Preston Road - Not to exceed \$374,278, from \$1,624,544 to \$1,998,822 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2095

Item 23: Authorize an increase in the contract with Speed Fab-Crete Corporation for additional painting, security cameras, new interior doors and frames, new marquee sign, new card reader system and other miscellaneous changes at Kidd Springs Recreation Center located at 700 West Canty Street - Not to exceed \$139,672, from \$1,344,488 to \$1,484,160 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2096

Item 24: Authorize Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. for the development of four alternative concepts for the Dallas Zoo Wetlands Project located at 650 South R.L. Thornton Freeway - Not to exceed \$51,625, from \$456,480 to \$508,105 - Financing: Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2097

Item 25: Authorize **(1)** the acceptance of the Commercial Auto Theft Interdiction Squad/20 grant from the Texas Automobile Burglary & Theft Prevention Authority in the amount of \$678,760 to provide a specialized proactive automobile theft program, for the period September 1, 2012 through August 31, 2013; **(2)** a local match in the amount of \$142,313; **(3)** an In-Kind Contribution in the amount of \$532,215; and **(4)** execution of the grant agreement - Total not to exceed \$1,353,288 - Financing: Texas Automobile Burglary & Theft Prevention Authority Grant Funds (\$678,760), In-Kind Contributions (\$532,215) and Current Funds (\$142,313) (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2098

Item 26: Authorize adoption of the 2012 Schedule "A" Prevailing Wage Rates for public building construction for the City of Dallas as the minimum acceptable on "public works" projects - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2099

Item 27: Authorize adoption of the 2012 Schedule "B" Prevailing Wage Rates for public engineering (Highway/Heavy) construction for the City of Dallas as the minimum acceptable on "public works" projects - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2100

Item 28: Authorize an increase in the contract with McMahon Contracting, L.P. to address additional concrete paving and water main replacement for Street Reconstruction Group 06-616 (list attached) - Not to exceed \$51,923, from \$2,666,406 to \$2,718,329 - Financing: 2003 Bond Funds (\$19,214), 2006 Bond Funds (\$25,309) and Water Utilities Capital Improvement Funds (\$7,400)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2101

Item 29: Authorize Supplemental Agreement No. 1 to the eleven year loan agreement with All American Investment Group, LLC in the amount of \$5,303,061 to decrease the remaining term interest rate from 4.05% to 1.89%, resulting in a savings of \$55,145, from \$6,733,000 to an amount not to exceed \$6,677,855 for energy conservation related projects at Dallas Love Field - Not to exceed (\$55,145) - Financing: Aviation Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2102

Item 30: Authorize Supplemental Agreement No. 1 to the ten-year term loan agreement with All American Investment Group, LLC in the amount of \$15,955,356 to decrease the remaining term interest rate from 4.176% to 1.89%, paid in quarterly payments of \$501,088, resulting in a savings of \$263,807, from \$19,705,684 to an amount not to exceed \$19,441,878 for energy conservation related projects at Dallas Convention Center and Union Station - Not to exceed (\$263,807) - Financing: Convention and Event Services Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2103

Item 31: Authorize Supplemental Agreement No. 4 to the professional services contract with TranSystems Corporation for the addition of paving, drainage, streetscape and water and wastewater main improvements on Crowdus Street between Elm Street and Indiana Boulevard and Indiana Boulevard from July Alley to Malcolm X Boulevard for the Deep Ellum Streetscape Project - Not to exceed \$129,990, from \$1,154,500 to \$1,284,490 - Financing: Deep Ellum TIF District Funds (\$107,170) and Water Utilities Capital Improvement Funds (\$22,820)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2104

Item 32: Authorize acceptance of the City's Local Solid Waste Management Plan -
Financing: No cost consideration to the City

The city secretary requested that consent agenda item 32 be considered as an individual item to allow citizens to speak. Mayor Rawlings stated that consent agenda item 32 would be considered as an individual item later in the meeting, there being no objection voiced to the city secretary's request.

Councilmember Griggs and Councilmember Margolin requested that consent agenda item 32 be considered as an individual item. Mayor Rawlings stated that consent agenda item 32 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griggs' and Councilmember Margolin's request.

Later in the meeting, consent agenda item 32 was brought up for consideration.

The following individuals addressed the city council regarding the item:

Robin Schneider, 3303 Lee Pkwy., representing Texas Campaign for the
Environment (handout provided)
Angela Briles, 1500 Jackson St.
Kathy Carlton, 4230 LBJ Fwy., representing Apartment Association of Greater
Dallas
Barney Corey, 400 S. Zang Blvd., representing Organic Energy Corporation
Brian Hux, 2601 Lakehill Ln., Carrollton, TX, representing Texas Campaign for
the Environment
Beau McDermott, 4608 Carr St., The Colony, TX
Tracey Evers, 2114 Larkspur Dr., Carrollton, TX, representing Greater Dallas
Restaurant Association

Councilmember Koop moved to approve the local solid waste plan with the following changes:

1. Remove the timelines in the plan for implementation of various solid waste initiatives.
2. Staff shall develop a two-year timeline for specific initiatives and communications plan which includes significant stakeholder input.

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

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2105

Item 33: Authorize acquisition from Whitlow Missionary Baptist Church of approximately 4,707 square feet of land located near the intersection of Thedford and Victoria Avenues for the K. B. Polk Park Expansion Project - Not to exceed \$37,500 (\$35,000 plus closing costs and title expenses not to exceed \$2,500) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2106

Item 34: Authorize moving expense and replacement housing payments for Roberto Avila and Enedelia Avila in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 801 LaSalle Drive for future City facilities - Not to exceed \$30,900 - Financing: 2006 Bonds Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2107

Item 35: Authorize the quitclaim of 78 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$668,540

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2108

Item 36: An ordinance granting a CS Commercial Service District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the southeast corner Marine Way and Stillwell Boulevard - Z090-239 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28742

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2109

Item 37: An ordinance abandoning portions of a sanitary sewer easement and a storm sewer easement to TRG-Braes Brook, L.P., the abutting owner, containing a total of approximately 3,913 square feet of land located near the intersection of Wycliff and Congress Streets - Revenue: \$5,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28743

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2110

Item 38: An ordinance abandoning three utility easements, three drainage easements and a drainage and utility easement to AMD Apartments Limited Partnership, the abutting owner, containing a total of approximately 14,166 square feet of land located near the intersection of Stutz Road and Forest Park - Revenue: \$7,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28744

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2111

Item 39: Authorize a twenty-four-month contract with the Department of State Health Services to provide on-line computer services for the City's Bureau of Vital Statistics program to obtain certified copies of birth certificates at a cost of \$1.83 for each birth certificate printed for the period September 1, 2012 through August 31, 2014 - Not to exceed \$25,000 annually for a total not to exceed \$50,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2112

Item 40: Authorize a contract for the construction of chlorine scrubber, lime, ferric, and laboratory improvements at the Bachman Water Treatment Plant - Archer Western Construction, LLC, lowest responsible bidder of four - Not to exceed \$9,364,900 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2113

Item 41: Authorize a contract for the construction of major maintenance and rehabilitation improvements at the Southside Wastewater Treatment Plant - AUI Contractors, LLC, lowest responsible bidder of three - Not to exceed \$7,971,400 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2114

Item 42: Authorize a contract for the installation of water and wastewater mains at 45 locations (list attached) - Ark Contracting Services, LLC, lowest responsible bidder of six - Not to exceed \$12,432,047 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2115

Item 43: Authorize a five-year contract, with two five-year renewal options, with GUSH, Inc., to provide untreated water service from Lake Fork for habitat management, irrigation of crops and for use in maintaining aesthetic impoundment levels on GUSH, Inc.'s, grounds located in Rains County from August 1, 2012 through July 31, 2027 - Estimated Annual Revenue: \$30,747

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2116

Item 44: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

There were no appointments made to boards and commissions.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2117

Item 45: Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, from Access 1st Capital Bank of an unimproved tract of land containing approximately 1 acre located at the intersection of Apple Street and San Jacinto Street for the Mill Creek Drainage Relief System Project - Not to exceed \$676,000 (\$670,000 plus closing costs and title expenses not to exceed \$6,000) - Financing: 2006 Bond Funds

The city secretary announced the item requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain, if necessary, to acquire, from *Access 1st Capital Bank*, a tract of land containing approximately one acre of land located at the intersection of Apple Street and San Jacinto Street in City of Dallas Block 5/642, Dallas County, Texas, and more fully described in Exhibit A of the proposed written resolution for this item, for the construction, installation, use, and maintenance of a storm drainage intake structure and connecting lines for the transmission of storm drainage, and a construction staging area for the intake structure and connecting lines, together with such appurtenant facilities as may be necessary.

Councilmember Hunt moved to adopt item.

Motion seconded by Deputy Mayor Pro Tem Atkins.

Mayor Pro Tem Medrano called the vote on Councilmember Hunt's motion to adopt the item:

Voting Yes: [14] Rawlings, Medrano, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo, Kadane, Allen, Koop, Greyson, Margolin, Hunt

Voting No: [0]

Absent when vote taken: [1] Davis

Absent: [0]

The city secretary declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2118

Item 46: Authorize a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Firebird Restaurant Group, LLC to offset development costs associated with its new headquarters at 2414 North Akard Street, and new restaurants at 2422 North Akard Street and 1611 McKinney Avenue, Dallas, Texas - Not to exceed \$250,000 - Financing: Public/Private Partnership Funds

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2119

Item 47: Authorize an amendment to the development agreement with Ricchi Dallas Investments, LLC, for the redevelopment of 1600 Pacific Avenue, previously approved on October 26, 2010 by Resolution Nos. 10-2767 and 10-2768, to extend the completion date of Stage 3 of the project from December 31, 2012 to December 31, 2013 - Financing: No cost consideration to the City

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2120

Design District TIF District

Note: Item Nos. 48 and 49
must be considered collectively.

Item 48: Authorize **(1)** a development agreement with Friends of the Trinity Strand Trail to dedicate future TIF revenues for the design and engineering of the Trinity Strand Trail Soft Surface Trail Design Project in Tax Increment Financing Reinvestment Zone Number Eight (Design District TIF District); and **(2)** the Design District TIF District Board of Directors to dedicate up to \$400,000 from Design District TIF District revenues in accordance with the development agreement - Not to exceed \$400,000 - Financing: Design District TIF District 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."

Mayor Pro Tem Medrano moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2121

Design District TIF District

Note: Item Nos. 48 and 49
must be considered collectively.

Item 49: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Eight (Design District TIF District) to reimburse Friends of the Trinity Strand Trail up to \$400,000 for certain TIF-eligible project costs related to the Trinity Strand Trail Soft Surface Trail Design Project in the Design District TIF District - Financing: No cost consideration to the City

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

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

Mayor Pro Tem Medrano moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2122

Design District TIF District

Note: Item Nos. 50 and 51
must be considered collectively.

Item 50: Authorize **(1)** a development agreement with Texas Security Bank to dedicate TIF revenues for the design and construction of public improvements related to the Turtle Creek Median Project in Tax Increment Financing Reinvestment Zone Number Eight (Design District TIF District); and **(2)** the Design District TIF District Board of Directors to dedicate up to \$116,356 from Design District TIF District revenues in accordance with the development agreement - Not to exceed \$116,356 - Financing: Design District TIF District 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."

Mayor Pro Tem Medrano moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2123

Design District TIF District

Note: Item Nos. 50 and 51
must be considered collectively.

Item 51: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Eight (Design District TIF District) to reimburse Texas Security Bank up to \$116,356 for certain TIF-eligible project costs related to the Turtle Creek Median Project in the Design District TIF District - Financing: No cost consideration to the City

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

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

Mayor Pro Tem Medrano moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2124

**Downtown Connection TIF District
- PetroCorrigan Project**

Note: Item Nos. 52 and 53
must be considered collectively.

Item 52: Authorize (1) a development agreement with PetroCorrigan Towers, LP, to dedicate future TIF revenues for reimbursement of eligible project costs related to environmental remediation and demolition, façade restoration, public infrastructure improvements for the redevelopment of the Tower Petroleum (1907 Elm Street) and Corrigan Tower (1900 Pacific Avenue) buildings located in Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District), and (2) the Downtown Connection TIF District Board of Directors to dedicate an amount not to exceed \$10,300,000 from future Downtown Connection TIF District revenues, in accordance with the development agreement - Not to exceed \$10,300,000 - Financing: Downtown Connection TIF District 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 Hunt moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2125

Downtown Connection TIF District
- PetroCorrigan Project

Note: Item Nos. 52 and 53
must be considered collectively.

Item 53: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse PetroCorrigan Towers, LP, up to \$10,300,000, for TIF-eligible project costs pursuant to the development agreement with PetroCorrigan Towers, LP - Financing: No cost consideration to the City

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2126

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

Agenda items 56, 57, 58, 62, 65, 67, 69 and 71 were removed from the consent zoning docket, to be considered as individual items.

Agenda item 54: Zoning Case Z101-349(MW)
Agenda item 55: Zoning Case Z101-388(OTH)
~~Agenda item 56: Zoning Case Z101-390(RB)~~ [considered individually]
~~Agenda item 57: Zoning Case Z101-391(RB)~~ [considered individually]
~~Agenda item 58: Zoning Case Z101-392(RB)~~ [considered individually]
Agenda item 59: Zoning Case Z101-394(OTH)
Agenda item 60: Zoning Case Z112-145(WE) [Deleted on the Addendum]
Agenda item 61: Zoning Case Z112-206(JH)
~~Agenda item 62: Zoning Case Z112-208(WE)~~ [Designated Zoning]
Agenda item 63: Zoning Case Z112-219(WE)
Agenda item 64: Zoning Case Z112-239(WE)
~~Agenda item 65: Zoning Case Z112-240(JH)~~ [considered individually]
Agenda item 66: Zoning Case Z112-241(MW)
~~Agenda item 67: Zoning Case Z112-242(WE)~~ [considered individually]
Agenda item 68: Zoning Case Z112-244(WE)
~~Agenda item 69: Zoning Case Z112-245(JH)~~ [considered individually]
Agenda item 70: Zoning Case Z112-246(MW)
~~Agenda item 71: Zoning Case Z112-249(MW)~~ [considered individually]
Agenda item 72: Zoning Case Z112-250(JH)
Agenda item 73: Zoning Case Z112-254(JH)
Agenda item 74: Zoning Case Z112-255(MW)

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

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

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

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2127

Item 54: Zoning Case Z101-349(MW)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

A public hearing was called on zoning case Z101-349(MW), comments regarding an application for and an ordinance granting the creation of a new subdistrict within Subdistrict 3 (Garden District) of Planned Development District No. 830, the Davis Street Special Purpose District, with a D Liquor Control Overlay on a portion on the south side of West 10th Street between North Madison Avenue and North Bishop Avenue

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

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. 28745

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2128

Item 55: Zoning Case Z101-388(OTH)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

A public hearing was called on zoning case Z101-388(OTH), regarding an application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned an R-7.5(A) Single Family District on the northwest corner of South Marsalis Avenue and East Woodin Boulevard

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28746

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2129

Item 56: Zoning Case Z101-390(RB)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

Councilmember Alonzo requested that zoning consent item 56 be considered as an individual item. Mayor Rawlings stated that zoning consent item 56 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Alonzo's request.

A public hearing was called on zoning case Z101-390(RB), regarding an application for and an ordinance granting an IM Industrial Manufacturing District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the northwest corner of Goodnight Lane and Merrell Road

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

At Councilmember Alonzo's inquiry, Assistant City Attorney Warren Ernst stated consent zoning cases items 56, 57 and 58 could be considered collectively if all members of the City Council were voting the same. City Secretary Rios subsequently read zoning cases items 56, 57 and 58 into the record.

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

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

Michael R. Coker, 2700 Swiss Ave., representing the applicant

Councilmember Alonzo moved to close the public hearing, adopt the zoning change request with revised deed restrictions to remove the prohibition on vehicle storage lots and pass the ordinance.

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

Assigned ORDINANCE NO. 28747

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2130

Item 57: Zoning Case Z101-391(RB)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

Councilmember Alonzo requested that zoning consent item 57 be considered as an individual item. Mayor Rawlings stated that zoning consent item 57 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Alonzo's request.

A public hearing was called on zoning case Z101-391(RB), regarding an application for and an ordinance granting an IM Industrial Manufacturing District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the north line of Crown Road, west of Newberry Street and on the west line of Newberry Street, north of Crown Road

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

At Councilmember Alonzo's inquiry, Assistant City Attorney Warren Ernst stated consent zoning cases items 56, 57 and 58 could be considered collectively if all members of the City Council were voting the same. City Secretary Rios subsequently read zoning cases items 56, 57 and 58 into the record.

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

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

Michael R. Coker, 2700 Swiss Ave., representing the applicant

Councilmember Alonzo moved to close the public hearing, adopt the zoning change request with revised deed restrictions to remove the prohibition on vehicle storage lots and pass the ordinance.

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

Assigned ORDINANCE NO. 28748

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2131

Item 58: Zoning Case Z101-392(RB)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

Councilmember Alonzo requested that zoning consent item 58 be considered as an individual item. Mayor Rawlings stated that zoning consent item 58 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Alonzo's request.

A public hearing was called on zoning case Z101-392(RB), regarding an application for and an ordinance granting an IM Industrial Manufacturing District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District on the south line of Merrell Road, east of Goodnight Lane, and the north line of Southwell Road, east of Goodnight Lane

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

At Councilmember Alonzo's inquiry, Assistant City Attorney Warren Ernst stated consent zoning cases items 56, 57 and 58 could be considered collectively if all members of the City Council were voting the same. City Secretary Rios subsequently read zoning cases items 56, 57 and 58 into the record.

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

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

Michael R. Coker, 2700 Swiss Ave., representing the applicant

Councilmember Alonzo moved to close the public hearing, adopt the zoning change request with revised deed restrictions to remove the prohibition on vehicle storage lots and pass the ordinance.

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

Assigned ORDINANCE NO. 28749

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2132

Item 59: Zoning Case Z101-394(OTH)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

A public hearing was called on zoning case Z101-394(OTH), regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1505 for a private school on property zoned Tract F within Planned Development District No. 173 on the north line of Frankford Road, east of Hillcrest Road

(The staff and city plan commission recommended Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan, a revised landscape 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. 28750

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2133

Item 60: Zoning Case Z112-145(WE)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

A public hearing was called on zoning case Z112-145(WE), regarding an application for and an ordinance granting the creation of a new Subarea within Tract 1 of Planned Development District No. 314, the Preston Center Special Purpose District, on the southwest corner of Douglas Avenue and Northwest Highway

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

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2134

Item 61: Zoning Case Z112-206(JH)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

A public hearing was called on zoning case Z112-206(JH), regarding an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern and commercial amusement (inside) for a dance hall use on property zoned Planned Development District No. 269 Tract A on the southwest corner of Elm Street and North Crowdus Street

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28751

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2135

DESIGNATED ZONING CASES - INDIVIDUAL

Item 62: Zoning Case Z112-208(WE)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration. At the time of the consent zoning docket, the city secretary announced for the record that this item should have been listed as a Designated Zoning Case due to different recommendations from staff and city plan commission and requires two seconds.

A public hearing was called on zoning case Z112-208(WE), regarding an application for and an ordinance granting an NO(A) Neighborhood Office District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the northeast corner St. Augustine Road and Cushing Drive

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

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

Deputy Mayor Pro Tem Atkins 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 Koop and unanimously adopted. (Caraway, Davis, Allen, Hunt absent when vote taken)

Assigned ORDINANCE NO. 28752

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2136

Item 63: Zoning Case Z112-219(WE)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

A public hearing was called on zoning case Z112-219(WE), 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 greater than 3,500 square feet on property within Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D Liquor Control Overlay on the southeast corner of South Buckner Boulevard and Norvell Drive

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 28753 AND 28754

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2137

Item 64: Zoning Case Z112-239(WE)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

A public hearing was called on zoning case Z112-239(WE), 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 of 3,500 square feet or less on property zoned a CR-D Community Retail with a D Liquor Control Overlay on the southeast corner of North Masters Drive and Tokowa Drive

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 28755 AND 28756

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2138

Item 65: Zoning Case Z112-240(JH)

The consent zoning docket, consisting of agenda items 54-74, 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 a 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 Z112-240(JH), regarding an application for and an ordinance granting an R-10(A) Single Family District and a resolution accepting deed restrictions volunteered by the applicant on property zoned Planned Development District No. 57 on the east side of Lakemont Drive, south of Cortez Drive

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

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

Councilmember Margolin moved to continue the public hearing and hold under advisement until the September 12, 2012 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2139

Item 66: Zoning Case Z112-241(MW)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

A public hearing was called on zoning case Z112-241(MW), regarding an application for and an ordinance granting a renewal of Specific Use No. 1484 for a commercial amusement (inside) limited to a Class A dance hall on property zoned Planned Development District No. 784, the Trinity River Corridor Special Purpose District, on the northwest corner of South Riverfront Boulevard and Dearborn Street

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28757

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2140

Item 67: Zoning Case Z112-242(WE)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

Councilmember Griggs requested that zoning consent item 67 be considered as an individual item. Mayor Rawlings stated that zoning consent item 67 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griggs' request.

A public hearing was called on zoning case Z112-242(WE), regarding an application for and an ordinance granting an amendment to Tract 14 of Planned Development District No. 508 for CH Clustered Housing, MF-2(A) Multifamily, LO-1 Limited Office, MU-1 Mixed Use District uses on the east line of Kingbridge Street, south of Kingbridge Holystone Connection

(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.

Councilmember Griggs moved to close the public hearing, accept the recommendation of the city plan commission with the acceptance of the applicant's amended site plan which includes the addition of gate and small traffic circle and pass the ordinance.

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

Assigned ORDINANCE NO. 28758

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2141

Item 68: Zoning Case Z112-244(WE)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

A public hearing was called on zoning case Z112-244(WE), regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1062 for a restaurant without drive-in or drive through service on property within Tract 1 of Planned Development District No. 314, the Preston Center Special Purpose District, on the south line of Northwest Highway, between the Dallas North Tollway and Douglas Avenue

(The staff and city plan commission recommended Approval, subject to a landscape 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. 28759

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2142

Item 69: Zoning Case Z112-245(JH)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

Councilmember Hill requested that zoning consent item 69 be considered as an individual item. Mayor Rawlings stated that zoning consent item 69 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Hill's request.

A public hearing was called on zoning case Z112-245(JH), 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 greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the north side of Lake June Road, west of Masters Road

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

Councilmember Hill moved to close the public hearing and remand to the city plan commission for proper notice.

Councilmember Hill clarified that due to a notification error, the public hearing was not required to be held.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2143

Item 70: Zoning Case Z112-246(MW)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

A public hearing was called on zoning case Z112-246(MW), regarding an application for and an ordinance granting a renewal of Specific Use Permit No. 1887 for an alcoholic beverage establishment limited to a bar, lounge, or tavern and a commercial amusement (inside) limited to a Class A dance hall on property within Planned Development District No. 619 for Mixed Uses on the south side of Main Street, east of Field Street

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28760

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2144

Item 71: Zoning Case Z112-249(MW)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

Councilmember Greyson requested that zoning consent item 71 be considered as an individual item. Mayor Rawlings stated that zoning consent item 71 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 Z112-249(MW), regarding an application for and an ordinance granting the creation of a subdistrict within Planned Development District No. 765 on the east side of Preston Road, south of Mapleshade Lane

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

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

Councilmember Greyson moved to close the public hearing, follow the city plan commission's recommendation for approval with the following changes to reflect reducing the effective area of the monument sign in Subarea A from approximately 96 square feet to approximately 57 square feet or 5 feet 10 ½ inches by 9 feet 7 inches; providing:

- a revised development plan for Subarea A;
- a revised landscape plan for Subarea A; and
- a revised monument sign plan for Subarea A.

and pass the ordinance.

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

Assigned ORDINANCE NO. 28761

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2145

Item 72: Zoning Case Z112-250(JH)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

A public hearing was called on zoning case Z112-250(JH), regarding an application for and an ordinance granting a Specific Use Permit for a bar, lounge, or tavern on property zoned Planned Development District No. 269 Tract A on the north side of Main Street, east of North Malcolm X Boulevard

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28762

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2146

Item 73: Zoning Case Z112-254(JH)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

A public hearing was called on zoning case Z112-254(JH), regarding an application for and an ordinance granting a Subdistrict 1C within Planned Development District No. 621 on property zoned a Subdistrict 1 within Planned Development District No. 621 on the south side of Inspiration Drive, northeast of Slocum Street

(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. 28763

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2147

Item 74: Zoning Case Z112-255(MW)

The consent zoning docket, consisting of agenda items 54-74, was presented for consideration.

A public hearing was called on zoning case Z112-255(MW), regarding an application for and an ordinance granting a Specific Use Permit for a community service center on property zoned Planned Development District No. 808 on the northwest corner of Gaston Avenue and East Grand Avenue

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28764

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2148

Item 75: Zoning Case Z112-220(CG) INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require a 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 Z112-220(CG), regarding an application for and an ordinance granting a Neighborhood Stabilization Overlay (NSO) on property zoned an R-5(A) Single Family District generally bounded by Canada Drive, Gulden Lane, Toronto Street, and Sylvan Avenue

(The staff and city plan commission recommended Approval)

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

Mayor Pro Tem Medrano and Councilmember Alonzo announced they had a conflict of interest and would abstain from voting or participating in any discussion. Mayor Pro Tem Medrano and Councilmember Alonzo left the city council chamber.

Councilmember Greyson moved to continue the public hearing and hold under advisement until the September 12, 2012 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2149

DESIGNATED ZONING CASES - INDIVIDUAL

Item 76: Zoning Case Z112-228(JH)

A public hearing was called on zoning case Z112-228(JH)), regarding an application for and an ordinance granting a WR-5 Walkable Urban Residential District on property zoned an MU-2 Mixed Use District on the east corner of Maple Avenue and Bomar Avenue

(The staff and city plan commission recommended Approval)

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", 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, accept the recommendation of the city plan commission and pass the ordinance.

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

Assigned ORDINANCE NO. 28765

A public hearing to receive comments regarding an application for and an ordinance granting a WR-5 Walkable Urban Residential District on property zoned an MU-2 Mixed Use District on the east corner of Maple Avenue and Bomar Avenue

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2150

FLOODPLAIN APPLICATIONS

Item 77: A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix for approximately 0.2119 acre of the current 0.4384 acres of land located at 8715 Wingate Drive, within the floodplain of Bachman Branch, Fill Permit 12-01 - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2151

FLOODPLAIN APPLICATIONS

Item 78: A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix for approximately 0.06 acre of the current 0.96 acres of land located at 6353 Kalani Place, within the floodplain of White Rock Creek, Fill Permit 12-02 - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2152

MISCELLANEOUS HEARINGS

Item 79: A public hearing to receive comments on the proposed sale of one unimproved property acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, Inc., a qualified non-profit organization; and at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim one unimproved property (list attached) to Dallas Neighborhood Alliance for Habitat, Inc., under the HB110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any ~~(list attached)~~ - Revenue: \$1,120

Corrected on the addendum to the agenda.

No one addressed the city council regarding the item.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2153

MISCELLANEOUS HEARINGS

Item 80: 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 individuals addressed the city council regarding the item:

Barbara Barbee, 303 N. Barnett Ave., representing Beverly Hills Neighborhood Association/Friends of Oak Cliff Parks

Ed Palmer, 6020 Tremont St., representing Municipal Library Board

Paul Hoffman, 1420 W. Mockingbird Ln., representing Community Dental Care

Councilmember Kadane moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2154

Addendum addition 1: Authorize a three-year consultant contract for the assessment of the City's current ethics guidelines and the development of an ethics training program - Navigant Consulting, Inc., most advantageous proposer of eight - Not to exceed \$434,495 - Financing: Current Funds (subject to annual appropriations)

Councilmember Margolin requested that addendum addition consent agenda item 1 be considered as an individual item. Mayor Rawlings stated that addendum addition consent agenda item 1 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

Later in the meeting, addendum addition consent agenda item 1 was brought up for consideration.

Councilmember Allen moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2155

Addendum addition 2: Authorize the preparation of plans for issuance of General Obligation Refunding Bonds, Series 2012 in an amount not to exceed \$260,000,000 - Financing: This action has no cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2156

Addendum addition 3: A resolution authorizing the creation of a Graffiti Arts Project and a Graffiti Abatement & Prevention Program (GAPP) as a volunteer program to address and eliminate graffiti on public and private property within the City -
Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2157

Addendum addition 4: Authorize Supplemental Agreement No. 1 to the professional services contract with Kimley-Horn and Associates, Inc. for additional design of water and wastewater mains along Bonnie View Road from Langdon Road to north of Wintergreen Road, paving and drainage improvements for Cleveland Road from Bonnie View Road to Union Pacific Railroad, and modifications to the regional detention basin for Bonnie View Road from Langdon Road to the Hutchins city limits - Not to exceed \$712,369, from \$1,706,515 to \$2,418,884 - Financing: 1998 Bond Funds (\$408,000) and 2006 Bond Funds (\$304,369)

Deputy Mayor Pro Tem Atkins requested that addendum addition consent agenda item 4 be considered as an individual item. Mayor Rawlings stated that addendum addition consent agenda item 4 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 4 was brought up for consideration.

Deputy Mayor Pro Tem Atkins moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2158

Addendum addition 5: An ordinance abandoning two fire lane easements and a fire lane and utility easement to Debusk Foundation, the abutting owner, containing a total of approximately 33,082 square feet of land located near the intersection of Lancaster Road and Ledbetter Drive - Revenue: \$5,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28766

Note: At the time the consent agenda was considered, the city secretary announced for the record the item pertained to District 5.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2159

Addendum addition 6: An ordinance abandoning a portion of an alley and two fire lane easements to JLB Bencap, L.P., the abutting owner, containing a total of approximately 14,105 square feet of land located near the intersections of Garrett and Capitol Avenues and Bennett and Capitol Avenues, authorizing the quitclaim and providing for the dedication of approximately 2,936 square feet of land needed for street right-of-way - Revenue: \$116,555 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28767

Note: At the time the consent agenda was considered, the city secretary announced for the record the item pertained to District 2.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2160

Addendum addition 7: Authorize Supplemental Agreement No. 1 to the Relocation Agreement with Atmos Energy Corporation to increase the agreement for the relocation of a portion of an existing 24-inch natural gas pipeline for the Baker Pump Station Project - Not to exceed \$458,692, from \$561,412 to \$1,020,104 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2161

Addendum addition 8: An ordinance **(1)** appointing 11 full-time municipal judges and 17 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2014; **(2)** designating an administrative municipal judge for the City of Dallas municipal court of record for a two-year term ending May 31, 2014; and **(3)** establishing the annual salary for the full-time and associate municipal judges and the administrative municipal judge - Financing: This action has no cost consideration to the City

Councilmember Hunt moved to adopt the item and pass the ordinance as recommended by the Ad Hoc Legislative Committee on Judicial Appointments.

Motion seconded by Councilmember Jasso.

Councilmember Hill moved a substitute motion to adopt the item and pass the ordinance with an amendment to the individuals to be appointed as full-time municipal judges. An amended list of judges was distributed to the city council for their consideration.

Councilmember Hill further moved for a procedural motion on the methodology for appointment of the full-time judges as an overlap of recommended appointments exists on 5 names: Jay Robinson, Daniel Solis, Michael Acuna, Preston Robinson and Julie Clancy. The list also overlaps on the designation of the Administrative Judge, Daniel Solis. Therefore, she suggests the appointments proceed with a vote on appointing the 5 individuals earlier noted as well as Administrative Judge, with the remaining 6 full-time positions be open for discussion. The procedural motion relates only to full-time municipal judges, not part-time.

Mayor Rawlings presented the procedural motion to the city council for consideration by a show of hands.

Following a show of hands, Mayor Rawlings stated Councilmember Hill's procedural motion failed.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-2161

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Councilmember Hill reiterated her substitute motion to adopt the item and pass the ordinance with an amendment to the individuals to be appointed as full-time municipal judges follows:

Jay E. Robinson
Carrie L. Chavez
Michael Acuna
C. Victor Lander
Cheryl D. Williams
Daniel F. Solis (**Administrative Judge**)

Monica M. Purdy
Ruth Catherine Logan
Preston W. Robinson, Jr.
Timoteo F. Gonzalez
Julie Clancy

Motion seconded by Councilmember Caraway.

Deputy Mayor Pro Tem Atkins requested the city council meet in executive session to confer with the City Attorney. By consensus, the city council concurred with the request.

Mayor Rawlings called a recess of the city council meeting at 11:15 a.m. as authorized by Section 551.071, Consultations with Attorney, of the Texas Open Meeting Act to confer with the City Attorney regarding legal issues appointing municipal judges.

Mayor Rawlings reconvened the city council meeting after the executive session at 11:20 a.m. No other matters were discussed during the executive session.

Additional discussion followed regarding the appointment process and proposed appointees.

Mayor Rawlings called a recess of the city council meeting at 11:56 a.m. as authorized by Section 551.074 of the Texas Open Meeting Act, Personnel matter involving the appointment, employment and evaluation of proposed full-time and associated municipal judges.

Mayor Rawlings reconvened the city council meeting after the executive session at 1:59 p.m. No other matters were discussed during the executive session.

City Secretary Rios announced for the record that only Part 1 and Part 2 of the item would be amended, as Part 3 of the item remains as presented (no amendment to salaries).

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-2161

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Mayor Rawlings called the vote on Councilmember Hill's substitute motion to adopt the substitute list as read earlier into the record:

Voting Yes: [6] Medrano, Atkins, Caraway, Hill, Alonzo, Davis
Voting No: [9] Rawlings, Jasso, Griggs, Kadane, Allen, Koop, Greyson,
Margolin, Hunt
Absent when vote taken: [0]
Absent: [0]

The city secretary declared the motion failed.

Deputy Mayor Pro Tem Atkins moved a substitute motion to adopt the item and pass the ordinance with an amendment to include C. Victor Lander and Cheryl D. Williams in lieu of William Marble and Tony Martin for full-time municipal judges.

Motion seconded by Councilmember Caraway.

Councilmember Alonzo inquired of Deputy Mayor Pro Tem Atkins if he would accept a friendly amendment to include Timoteo F. Gonzalez to the list in lieu of Shereen El Domeiri.

Following discussion, Deputy Mayor Pro Tem Atkins accepted the friendly amendment as part of his motion.

Councilmember Caraway, who seconded Deputy Mayor Pro Tem Atkins substitute motion, also accepted Councilmember Alonzo's friendly amendment as part of his second.

Mayor Rawlings clarified for the record the substitute list of full-time municipal judges resulting from the substitute motion as amended by Deputy Mayor Pro Tem Atkins:

Michael Acuna	Cheryl D. Williams
Paula M. Rosales Aldana	Jay E. Robinson
Julie Clancy	Preston W. Robinson, Jr.
Timoteo F. Gonzalez	Daniel L. Ryan
Kathryn Hoang	Daniel Solis (Administrative Judge)
C. Victor Lander	

Mayor Rawlings called the vote on Deputy Mayor Pro Tem Atkins' substitute motion and acceptance of the friendly amendment proposed by Councilmember Alonzo:

Voting Yes: [7] Rawlings, Medrano, Atkins, Caraway, Hill, Alonzo,
Davis
Voting No: [8] Jasso, Griggs, Kadane, Allen, Koop, Greyson, Margolin,
Hunt
Absent when vote taken: [0]
Absent: [0]

The city secretary declared the motion failed.

At the request of Mayor Rawlings, Councilmember Hunt reiterated her original motion to clarify the list of appointees to be considered, with no changes to the part-time associate judges or salaries presented:

Michael Acuna	Jay E. Robinson
Paula M. Rosales Aldana	Preston W. Robinson, Jr.
Julie Clancy	Daniel L. Ryan
Shereen El Domeiri	Daniel Solis (Administrative Judge)
Kathryn Hoang	Tony Martin
William Marple	

Councilmember Kadane inquired of Councilmember Hunt if she would accept a friendly amendment to include C. Victor Lander in lieu of Tony Martin.

Councilmember Hunt regrettably did not accept the friendly amendment as part of her motion as it was representative of the recommendation by the Ad Hoc Legislative Committee.

Councilmember Kadane moved a substitute motion to adopt the item and pass the ordinance with an amendment to include C. Victor Lander in lieu of Tony Martin as a full-time municipal judge.

Motion seconded by Mayor Rawlings.

Councilmember Hunt called the vote on the item.

Councilmember Alonzo inquired of Councilmember Kadane if he would accept a friendly amendment to include Timoteo F. Gonzalez to the list.

Councilmember Kadane did not accept the friendly amendment as part of his motion.

Councilmember Hunt called for point of order.

Mayor Rawlings called the vote on Councilmember Kadane's friendly amendment to adopt the substitute list as follows, with no changes to the part-time associate judges or salaries presented:

Michael Acuna	Paula M. Rosales Aldana
Julie Clancy	Shereen El Domeiri
Kathryn Hoang	William Marple
C. Victor Lander	Jay E. Robinson
Preston W. Robinson, Jr.	Daniel L. Ryan
Daniel Solis (Administrative Judge)	

Voting Yes:	[8]	Rawlings, Medrano, Atkins, Caraway, Hill, Alonzo, Davis, Kadane
Voting No:	[7]	Jasso, Griggs, Allen, Koop, Greyson, Margolin, Hunt
Absent when vote taken:	[0]	
Absent:	[0]	

The city secretary declared the motion adopted.

Assigned ORDINANCE NO. 28741

Note: During the voting process for the substitute motion presented by Councilmember Kadane and seconded by Mayor Rawlings, discussion continued on the substitute full-time judge to be appointed. However, under Robert's Rules of Order, a formal amendment by Councilmember Kadane to his original substitute motion was not presented to the City Council; therefore, Councilmember Kadane's original substitute motion stood as presented and seconded by Mayor Rawlings.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 22, 2012

12-2162

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum addition 9: Authorize a housing development loan in the amount of \$554,659 to Neighborhood Builders Community Development Corporation (NBCDC), a certified nonprofit organization, for the development of five affordable single family homes to be located between 8502 - 8645 Bearden Lane - Not to exceed \$554,659 - 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."

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

Councilmember Hill moved to adopt the item.

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, AUGUST 22, 2012

EXHIBIT C