

“CORRECTED”
MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 26, 2012

12-2340

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

PRESENT: [11] Rawlings, Atkins, Jasso, Griggs (*9:11 a.m.), Caraway, Hill, Alonzo, Davis, Kadane, Koop, Greyson (*9:13 a.m.)

ABSENT: [4] **Medrano, **Allen (Absent on city business), Margolin, Hunt (Absent)

The meeting was called to order at 9:08 a.m.

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

The invocation was given by Father Christopher Constantinides, Holy Trinity Greek Orthodox Church.

Mayor Rawlings 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 3:35 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**

** **Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 26, 2012

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 26, 2012

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2341

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: Dustin Doan, 2140 Medical District Dr.
SUBJECT: Drug/Alcohol Strike Program

SPEAKER: Tom Gibbons, 5029 Live Oak St.
SUBJECT: Police negligence after a crime

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

SPEAKER: Willie Peoples, 520 W. Page Ave.
SUBJECT: Public Health Program

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
REPRESENTING: God
SUBJECT: We are living in revelation, watch!

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: DPD/911/KKK/FBI

SPEAKER: Robert Ceccarelli, 2218 Norwood Ave.
SUBJECT: Education

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: Malcolm X Community Council
SUBJECT: Cease the time

SPEAKER: Trina Triche, 1818 Corsicana St.
SUBJECT: Government corruption

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

SPEAKER: LaKolya London, 1753 Mockingbird Ln.
REPRESENTING: Arlington Park
SUBJECT: Educating children/DPD/Fair Housing

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
REPRESENTING: Real American Women
SUBJECT: Genocide African Americans in West Dallas

SPEAKER: Roy Williams, 5881 Preston View Blvd.
REPRESENTING: 40 Acres and a Mule
SUBJECT: Police shooting

SPEAKER: Richard P. Sheridan, 3022 Forest Ln. (handout provided)
REPRESENTING: West Dallas
SUBJECT: West Dallas epidemic study now!

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2342

Item 1: Approval of Minutes of the September 12, 2012 City Council Meeting

Deputy Mayor Pro Tem Atkins moved to adopt the minutes.

Motion seconded by Councilmember Kadane and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2343

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-42 and addendum addition consent agenda items 1-9, was presented for consideration.

Earlier in the meeting, prior to the consideration of the consent agenda, the city secretary requested the following speaker be allowed to speak on agenda items 10, 11, 12, 13, 14, 39, 42 and addendum addition consent agenda item 4. Mayor Rawlings stated the speaker would be allowed to speak on consent agenda items 10, 11, 12, 13, 14, 39, 42 and addendum addition consent agenda item 4 there being no objection voiced to the city secretary's request. The following individual spoke on the noted agenda items:

Trina Triche, 1818 Corsicana St.

Deputy Mayor Pro Tem Atkins requested that consent agenda item 41 be considered as an individual item. Mayor Rawlings stated that consent agenda item 41 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 items 32 and 41 be considered as individual items. Mayor Rawlings stated that consent agenda items 32 and 41 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Griggs' request.

Councilmember Davis requested that consent agenda item 34 be considered as an individual item. Mayor Rawlings stated that consent agenda item 34 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

Deputy Mayor Pro Tem Atkins moved to adopt all items on the consent agenda with the exception of consent agenda items 32, 34 and 41, which would be considered later in the meeting.

Motion seconded by Councilmember Jasso and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2344

Item 2: Authorize a three-year service contract for pump overhaul and repair services - Anytime Pump Service Company dba CIE in the amount of \$1,982,978 and Allen's Electric Motor Services, Inc. in the amount of \$668,188, lowest responsible bidders of five - Total not to exceed \$2,651,166 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2345

Item 3: Authorize a seven-year service contract for rental and maintenance of vehicle wash systems at the fleet service centers - ProTech Service Co. LLC in the amount of \$1,322,588 and Grant Sales, Inc. in the amount of \$740,200, most advantageous proposers of two - Total not to exceed \$2,062,788 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2346

Item 4: Authorize the purchase of five trench shoring shields - Efficiency Production, Inc., lowest responsible bidder of two - Not to exceed \$133,366 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2347

Item 5: Authorize the purchase of five skid-steer loaders, four tar melters and one MK 1 broom for Street Services - Clark Equipment Company dba Bobcat Company in the amount of \$244,944, Crafcot Texas, Inc. in the amount of \$189,096 and R.B. Everett & Company in the amount of \$121,584 through the Texas Association of School Boards (BuyBoard) - Total not to exceed \$555,624 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2348

Item 6: Authorize the purchase of one floor scrubber for Convention and Event Services - Tennant Sales and Service Company through the General Services Administration - Not to exceed \$126,218 - Financing: Convention and Event Services Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2349

Item 7: Authorize a three-year master agreement for the purchase of cast iron fittings - Morrison Supply Company in the amount of \$200,000, Municipal Water Works Supply L.P. in the amount of \$200,000 and Fortiline, Inc. in the amount of \$100,000, lowest responsible bidders of four - Total not to exceed \$500,000 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2350

Item 8: Authorize the City Auditor's Fiscal Year 2013 Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2351

Item 9: An ordinance authorizing **(1)** the issuance and sale of City of Dallas, Texas, General Obligation Refunding Bonds, Series 2012, in an aggregate principal amount not to exceed \$260,000,000; **(2)** establishing parameters regarding the sale of the Bonds; and **(3)** execution of the Bond Purchase Agreement, and all matters related thereto - Not to exceed \$579,055 - Financing: 2012 General Obligation Refunding Bonds

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28796

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2352

- Item 10: Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2012 through September 30, 2013 - Not to exceed \$8,228,943 - Financing: Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2353

Item 11: Authorize **(1)** the creation of a non-profit corporation to be named Dallas Entrepreneur Network (the “Corporation”) to carry out programs to promote entrepreneurial activities and small business development in the City of Dallas; **(2)** approval of the Corporation’s certificate of formation, and bylaws; **(3)** approval of the Corporation’s initial board of directors; **(4)** the City Manager to file the Corporation’s certificate of formation with the Secretary of the State of Texas; and **(5)** disbursement of up to \$635,000 related to SourceLink operations; acceptance and deposit of any and all funds received from outside sources; and the additional transfers and reimbursements for costs associated with SourceLink program - Not to exceed \$635,000 - Financing: Source Link Initiative Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2354

Item 12: Authorize a First Amendment to the City of Dallas Regional Center (CDRC) Management Contract between the City and Civitas Capital Management, LLC, a Texas limited liability company, previously approved on June 24, 2009, by Resolution No. 09-1689, which authorized the management of the EB-5 Program - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2355

**Routh Street Underpass Sustainable
Development Infrastructure Project**

Note: Item Nos. 13 and 14
must be considered collectively.

Item 13: Authorize **(1)** an agreement with the North Central Texas Council of Governments and the State of Texas to obtain funding to reimburse a private developer, Routh Street Underpass, LLC, for the costs of design and construction of the Routh Street Underpass Sustainable Development Infrastructure Project in an amount not to exceed \$1,001,910; and **(2)** the receipt and deposit of funds in the amount of \$1,001,910 from the North Central Texas Council of Governments - Not to exceed \$1,001,910 - Financing: North Central Texas Council of Governments Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2356

**Routh Street Underpass Sustainable
Development Infrastructure Project**

Note: Item Nos. 13 and 14
must be considered collectively.

Item 14: Authorize **(1)** a Development Agreement with Routh Street Underpass, LLC, for reimbursement of the costs of design and construction of the Routh Street Underpass Sustainable Development Infrastructure Project; and **(2)** the establishment of appropriations in the amount of \$1,001,910 in the Routh Street Underpass COG SD Fund - Not to exceed \$1,001,910 - Financing: North Central Texas Council of Governments Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2357

Lake Highlands TOD Multimodal Connectivity Sustainable Development Infrastructure Project **Note:** Item Nos. 15, 16 and 17 must be considered collectively.

Item 15: Authorize (1) an agreement with the North Central Texas Council of Governments and the State of Texas to obtain funding to reimburse Dallas County, for the costs of design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project in an amount not to exceed \$2,774,222; and (2) the receipt and deposit of funds in the amount of \$2,774,222 from the North Central Texas Council of Governments - Not to exceed \$2,774,222 - Financing: North Central Texas Council of Governments Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2358

Lake Highlands TOD Multimodal Connectivity Sustainable Development Infrastructure Project **Note:** Item Nos. 15, 16 and 17 must be considered collectively.

Item 16: Authorize **(1)** a Development Agreement with PC LH Land Partners, LP, in support of the design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project; and **(2)** the receipt and deposit of funds in the amount of \$346,778 from PC LH Land Partners, LP in the Lake Highlands TOD Multimodal Connectivity Project Fund - Not to exceed \$346,778 - Financing: Private Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2359

Lake Highlands TOD Multimodal Connectivity Sustainable Development Infrastructure Project **Note:** Item Nos. 15, 16 and 17 must be considered collectively.

Item 17: Authorize **(1)** a Project Specific Agreement with Dallas County for reimbursement of the costs of design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project; **(2)** the establishment of appropriations in the amount of \$2,774,222 in the Lake Highlands TOD Multimodal Connectivity Project Fund; and **(3)** the establishment of appropriations in the amount of \$346,778 in the Lake Highlands TOD Multimodal Connectivity Project Fund - Not to exceed \$3,121,000 - Financing: North Central Texas Council of Governments Grant Funds (\$2,774,222) and Private Funds (\$346,778) (to be advanced by PC LH Land Partners, LP for reimbursement to Dallas County for eligible Project costs)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2360

**The Collective Sustainable Development
Infrastructure Project**

Note: Item Nos. 18 and 19
must be considered collectively.

Item 18: Authorize (1) an agreement with the North Central Texas Council of Governments and the State of Texas to obtain funding to reimburse a private developer, The Park at Kessler, LP for the costs of construction of the Collective Sustainable Development Infrastructure Project in an amount not to exceed \$1,986,250; and (2) the receipt and deposit of funds in the amount of \$1,986,250 from the North Central Texas Council of Governments - Not to exceed \$1,986,250 - Financing: North Central Texas Council of Governments Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2361

**The Collective Sustainable Development
Infrastructure Project**

Note: Item Nos. 18 and 19
must be considered collectively.

Item 19: Authorize **(1)** a Development Agreement with The Park at Kessler, LP for reimbursement of the costs of construction of the Collective Sustainable Development Infrastructure Project; and **(2)** the establishment of appropriations in the amount of \$1,986,250 in the Collective COG SDI Project Fund - Not to exceed \$1,986,250 - Financing: North Central Texas Council of Governments Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2362

Item 20: Authorize the first renewal option for eight Business Assistance Centers (BACs) for a twelve-month service contract to provide technical assistance, incubator space and other eligible support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: **(1)** Greater Dallas Hispanic Chamber of Commerce (BAC#1) located at 4622 Maple Avenue in an amount not to exceed \$80,000; **(2)** Innerscity Community Development Corporation (BAC#2) located at 4907 Spring Avenue in an amount not to exceed \$80,000; **(3)** Greater Dallas Hispanic Chamber of Commerce (BAC#3) located at 2060 Singleton Boulevard in an amount not to exceed \$80,000; **(4)** Greater Dallas Hispanic Chamber of Commerce (BAC#4) located at 400 South Zang Boulevard in an amount not to exceed \$80,000; **(5)** Business Assistance Center, Inc. (BAC#5) located at 1201 West Camp Wisdom Road in an amount not to exceed \$80,000; **(6)** Greater Dallas Asian American Chamber of Commerce/Multi-Ethnic Education and Economic Development Center (BAC#6) located at 7610 North Stemmons Freeway in an amount not to exceed \$80,000; **(7)** Organization of Hispanic Contractors DBA Regional Hispanic Contractors Association (BAC#7) located at 2210 West Illinois Avenue in an amount not to exceed \$80,000; and **(8)** Greater Dallas Indo American Chamber of Commerce (BAC#8) located at 2750 West Northwest Highway in an amount not to exceed \$80,000 - Total not to exceed \$640,000 - Financing: 2012-13 Community Development Block Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2363

Item 21: Authorize **(1)** the acceptance of a grant from the U.S. Department of Housing and Urban Development (HUD) for the Fair Housing Assistance Program to process, investigate and conciliate housing discrimination complaints, administrative costs and HUD required staff training for the period October 1, 2012 through September 30, 2013; and **(2)** the execution of any and all documents related to the grant - Not to exceed \$361,943 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2364

Item 22: Authorize **(1)** the acceptance of a grant from the U.S. Department of Homeland Security under the 2011 Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants for smoke alarm campaign program for the period August 9, 2012 through August 8, 2013; and **(2)** execution of the grant agreement - Not to exceed \$68,000 - Financing: U.S. Department of Homeland Security Assistance to Firefighters Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2365

Item 23: Authorize contracts with child care providers for the City Child Care Services for the period October 1, 2012 through September 30, 2013 (list attached) - Not to exceed \$67,755 - Financing: 2012-13 Community Development Block Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2366

Item 24: Authorize a contract with the Department of State Health Services for the continuation of the Special Supplemental Nutrition Program for Women, Infants, and Children for the period October 1, 2012 through March 31, 2013 - Not to exceed \$7,252,189 - Financing: Department of State Health Services Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2367

Item 25: Authorize Supplemental Agreement No. 1 to exercise the first of two one-year renewal options of the professional services contract with Buck Consultants, LLC, for benefits consulting and actuarial services extending the term through September 30, 2013 - Not to exceed \$250,000, from \$1,000,000 to \$1,250,000 - Financing: Employee Benefits Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2368

Item 26: Authorize the rejection of bids received for construction of a loop trail and park improvements at Cherrywood Park located at 5400 Cedar Springs Road -
Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2369

Item 27: Authorize payment to Dallas County Schools from monies collected in the Child Safety Fund to be used in accordance with the Interlocal Agreement with Dallas County Schools to administer the school crossing guard program on behalf of the City approved by Resolution No. 12-1388, previously approved on May 23, 2012 for the period May 23, 2012 through June 24, 2042 in an amount not to exceed 90% of the annual amount of the monies collected in the Child Safety Fund - Not to exceed \$978,261 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2370

Item 28: Authorize renewal of the Interlocal Agreement with Dallas County, through Southwestern Institute of Forensic Sciences at Dallas, for the provision of forensic, drug, toxicological, environmental, and physical evidence analysis, and other similar medical/forensic analytical services for the period October 1, 2012 through September 30, 2013 - Not to exceed \$3,800,000 - Financing: Confiscated Monies Funds (\$2,000,000) and Current Funds (\$1,800,000) (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2371

Item 29: Authorize **(1)** the application for and acceptance of the 2012/2013 Tobacco Enforcement Grant through the Texas School Safety Center at Texas State University - San Marcos in the amount of \$62,400 for the purpose of reducing youth access to tobacco products, and to ensure compliance with the Health and Safety Code, Chapter 161 for the period September 1, 2012 through August 31, 2013; and **(2)** execution of the grant agreement - Not to exceed \$62,400 - Financing: Texas Comptroller's Tobacco Compliance Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2372

Item 30: Authorize **(1)** an Advance Funding Agreement with the Texas Department of Transportation for the design, right-of-way acquisition, and construction of improvements on Riverfront Boulevard from Cadiz Street to Continental Avenue; **(2)** the receipt and deposit of Regional Toll Revenue funds from the Texas Department of Transportation in an amount not to exceed \$29,127,713; and **(3)** the establishment of appropriations in the amount of \$29,127,713 in the Regional Toll Revenue Fund - Not to exceed \$29,127,713 - Financing: Regional Toll Revenue Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2373

Item 31: Authorize a contract with Jeske Construction Company, lowest responsible bidder of eight, for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Street Reconstruction Group 13 on Pueblo Street from Sylvan Avenue to Bataan Street and Forsythe Drive from Gaylen Drive to Komalty Drive - Not to exceed \$1,018,818 - Financing: 2006 Bond Funds (\$696,228), Water Utilities Capital Construction Funds (\$21,285) and Water Utilities Capital Improvement Funds (\$301,305)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2374

Item 32: Authorize a contract with Mario Sinacola and Sons Excavating, Inc., lowest responsible bidder of ten, for the construction of street paving, storm drainage and water and wastewater main improvements for the Merrifield Road Extension - Not to exceed \$1,519,173 - Financing: 1998 Bond Funds (\$338,840) and 2006 Bond Funds (\$1,180,333)

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.

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

Councilmember Griggs moved to defer the item for 30 days.

Motion seconded by Councilmember Greyson.

Deputy Mayor Pro Tem Atkins asked Councilmember Griggs if he would accept a friendly amendment to defer the item for two weeks (October 10, 2012) instead of 30 days.

Councilmember Griggs accepted the friendly amendment to his motion to defer the item for two weeks.

Councilmember Greyson, who seconded the motion the original motion, also accepted the friendly amendment.

After discussion, Mayor Rawlings called the vote on Councilmember Griggs' motion as modified by the friendly amendment

Mayor Rawlings declared the motion as modified by the friendly amendment and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2375

Item 33: Authorize an increase in the contract with Texas Standard Construction, Ltd. for the construction of additional paving, storm drainage and water and wastewater main improvements to extend the original paving and main replacement limits for Street Reconstruction Group 06-622 on Fordham Road from Bonnie View Road to Hale Boulevard - Not to exceed \$428,109, from \$3,527,405 to \$3,955,514 - Financing: 2006 Bond Funds (\$195,122), Water Utilities Capital Construction Funds (\$4,160) and Water Utilities Capital Improvement Funds (\$228,827)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2376

Item 34: Authorize Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. for design of gateway improvements, bridge overlook, parking lot and trailhead connector for Cedar Crest Bridge - Not to exceed \$124,840, from \$549,945 to \$674,785 - Financing: 1998 Bond Funds

Councilmember Davis requested that consent agenda item 34 be considered as an individual item. Mayor Rawlings stated that consent agenda item 34 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

Later in the meeting, consent agenda item 34 was brought up for consideration.

Councilmember Davis moved to adopt the item.

Motion seconded by Councilmember Caraway and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2377

Item 35: Authorize a third amendment to the lease agreement with Continental Electronics Corporation to extend the lease for an additional five-year period for the continued use of approximately 28,000 square feet of warehouse and office space and 127 secured parking spaces located at 8231 and 8239 Hoyle Avenue near its intersection with Buckner Boulevard for the period October 1, 2012 through September 30, 2017 - Total not to exceed \$552,900 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2378

Item 36: An ordinance granting a Specific Use Permit for a convenience store with drive-through on property zoned a CR Community Retail District on the south side of West Clarendon Drive, west of Hampton Road - Z112-191 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28797

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2379

Item 37: An ordinance abandoning a sanitary sewer main easement, two water and sanitary sewer main easements, two water main easements and two floodway and utility easements to PC Village Apartments Dallas, L.P., the abutting owner, containing a total of approximately 161,940 square feet of land located near the intersection of Northwest Highway and Skillman Street - Revenue: \$7,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28798

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2380

Item 38: Authorize the deposit of a Special Commissioners' Award in the lawsuit styled, City of Dallas vs. Wes Ratcliff, et al. Cause No. cc-11-05622-b, for acquisition from Wes Ratcliff, of an unimproved tract of land containing approximately 7175 square feet located on Comal Street at its intersection with Cliff Street for the Dallas Floodway Project - Not to exceed \$30,800 (\$28,700 plus closing costs and title expenses not to exceed \$2,100) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2381

Item 39: Authorize an increase to the existing construction contract with BAR Constructors, Inc. for additional modifications to the proposed outfall, outfall pipe and air vent system, fire alarm system, and other miscellaneous items necessary for the construction of the Levee Drainage System - Pavaho Sump - Not to exceed \$229,320, from \$26,622,652 to \$26,851,972 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2382

Item 40: Authorize continuation of the contract with the United States Geological Survey for operation of stream flow and water quality gauging stations in the Trinity River basin, a lake evaporation station on Lake Lewisville, a pharmaceutical and personal care products water quality study and a Zebra Mussel sampling and study on each of the reservoirs in the Dallas water supply system from October 1, 2012 through September 30, 2013 - Not to exceed \$512,028 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2383

Item 41: Authorize (1) a professional services contract with HDR Engineering, Inc. to prepare the City's Long Range Water Supply Plan Study to the Year 2070 and beyond, in the amount of \$3,890,000; and (2) the acceptance of a grant from the United States Bureau of Reclamation in the amount of \$198,000 to evaluate additional reuse opportunities to the Dallas downtown and surrounding areas - Not to exceed \$3,890,000 - Financing: Water Utilities Capital Construction Funds (\$198,000 to be reimbursed by the Recycled Water Feasibility Study Grant Funds)

Deputy Mayor Pro Tem Atkins and Councilmember Griggs requested that consent agenda item 41 be considered as an individual item. Mayor Rawlings stated that consent agenda item 41 would be considered as an individual item later in the meeting, there being no objection voiced to Deputy Mayor Pro Tem Atkins and Councilmember Griggs' request.

Later in the meeting, consent agenda item 41 was brought up for consideration.

Deputy Mayor Pro Tem Atkins moved to adopt the item.

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

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2384

Item 42: Authorize Supplemental Agreement No. 4 to the professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the East Side Water Treatment Plant and the Bachman Water Treatment Plant - Not to exceed \$3,961,527, from \$12,936,546 to \$16,898,073 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2385

Item 43: 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 board and commission appointments for the 2011-2013 board term updated through SEPTEMBER 26, 2012.

The city secretary noted the report indicated nominees and re-nominees for individual appointments cleared for city council action met all qualifications for service.

Councilmember Hill moved to appoint Max Wells, Chair, to the Park and Recreation Board.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

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

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

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

**12-5249 PAR PARK AND RECREATION BOARD
12-5250 BOARD OFFICERS**

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2386

Item 44: An ordinance amending Section 6-4 of Chapter 6 of the Dallas City Code to amend the standards for approval of applications for variances from the spacing requirements for alcohol permits - Financing: No cost consideration to the City

The following individual addressed the city council regarding the item:

Myron Dornic, 5026 Maple Springs Blvd., representing Central Market Stores

Councilmember Alonzo moved to adopt the item with the following changes:

- Delete the requirement that applicants with a wine and beer retailer permit should also have a food and beverage certificate.
- Add a requirement that a restaurant have a food and beverage certificate.

and pass the ordinance.

Motion seconded by Councilmember Caraway and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

Assigned ORDINANCE NO. 28799

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2387

Item 45: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from AP-Prescott Twin Sixties GP, LLC of approximately 1,796 square feet of land located near the intersection of Twin Sixties Drive and North Central Expressway for the Katy Trail Phase VI Project - Not to exceed \$122,500 (\$120,000 plus closing costs and title expenses not to exceed \$2,500) - 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 *AP-Prescott Twin Sixties, LP* a tract of land containing approximately 1,796 square feet of land located at 6060 North Central Expressway near the intersection of East Mockingbird Lane and North Central Expressway in City of Dallas Block 1/5185, Dallas County, Texas, and more fully described in Exhibit A of the proposed written resolution for this item, for a hike and bike trail.

Councilmember Greyson moved to adopt item.

Motion seconded by Deputy Mayor Pro Tem Atkins.

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

Voting Yes: [11] Rawlings, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo, Davis, Kadane, Koop, Greyson
Voting No: [0]
Absent when vote taken: [0]
Absent: [4] **Medrano, **Allen, Margolin, Hunt

The city secretary declared the motion adopted.

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2388

Item 46: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Premier Place of Dallas, L.P. of approximately 3,798 square feet of land located near the intersection of Twin Sixties Drive and North Central Expressway for the Katy Trail Phase VI Project - Not to exceed \$268,000 (\$265,000 plus closing costs and title expenses not to exceed \$3,000) - 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 *Premier Place of Dallas, LP* a tract of land containing approximately 3,798 square feet of land located at 5910 North Central Expressway near the intersection of Twin Sixties Drive and North Central Expressway in City of Dallas Block 1/5185, Dallas County, Texas, and more fully described in Exhibit A of the proposed written resolution for this item, for a hike and bike trail.

Councilmember Greyson moved to adopt item.

Motion seconded by Deputy Mayor Pro Tem Atkins.

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

Voting Yes: [11] Rawlings, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo, Davis, Kadane, Koop, Greyson
Voting No: [0]
Absent when vote taken: [0]
Absent: [4] **Medrano, **Allen, Margolin, Hunt

The city secretary declared the motion adopted.

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2389

Item 47: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Behringer Harvard Mockingbird Commons, LLC of approximately 1,418 square feet of land located near the intersection of Mockingbird Lane and North Central Expressway for the Katy Trail Phase VI Project - Not to exceed \$132,500 (\$130,000 plus closing costs and title expenses not to exceed \$2,500) - 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 *Behringer Harvard Mockingbird Commons, LP* a tract of land containing approximately 1,418 square feet of land located at 5656 North Central Expressway near the intersection of East Mockingbird Lane and North Central Expressway in City of Dallas Block 2939, Dallas County, Texas, and more fully described in Exhibit A of the proposed written resolution for this item, for a hike and bike trail.

Councilmember Greyson moved to adopt item.

Motion seconded by Deputy Mayor Pro Tem Atkins.

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

Voting Yes: [11] Rawlings, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo,
Davis, Kadane, Koop, Greyson
Voting No: [0]
Absent when vote taken: [0]
Absent: [4] **Medrano, **Allen, Margolin, Hunt

The city secretary declared the motion adopted.

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2390

Item 48: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from American Fund US Investment GP LLC of approximately 3,392 square feet of land located near the intersection of Mockingbird Lane and North Central Expressway for the Katy Trail Phase VI Project - Not to exceed \$642,500 (\$636,000 plus closing costs and title expenses not to exceed \$6,500) - 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 *American Fund Investment, LP* a tract of land containing approximately 3,392 square feet of land located at 5307 Mockingbird Lane near the intersection of East Mockingbird Lane and North Central Expressway in City of Dallas Block 1/5185, Dallas County, Texas, and more fully described in Exhibit A of the proposed written resolution for this item, for a hike and bike trail.

Councilmember Greyson moved to adopt item.

Motion seconded by Deputy Mayor Pro Tem Atkins.

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

Voting Yes: [11] Rawlings, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo,
Davis, Kadane, Koop, Greyson
Voting No: [0]
Absent when vote taken: [0]
Absent: [4] **Medrano, **Allen, Margolin, Hunt

The city secretary declared the motion adopted.

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2391

Item 49: Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, from C.E. Burdine of an unimproved tract of land and a temporary construction easement containing a total of approximately 1031 square feet located near the intersection of North Beckley Avenue and West Commerce Street for the Beckley Avenue Improvement Project - Not to exceed \$5,664 (\$3,664 plus closing costs and title expenses not to exceed \$2,000) - Financing: 1998 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 *C.E. Burdine* a tract of land containing approximately 1,031 square feet, located near the intersection of North Beckley Avenue and West Commerce Street in City of Dallas Block 6809, Dallas County, Texas, and more fully described in Exhibit A of the proposed written resolution for this item, for the realignment of North Beckley Avenue, together with such appurtenant facilities as may be necessary.”

Councilmember Alonzo moved to adopt item.

Motion seconded by Deputy Mayor Pro Tem Atkins.

Mayor Rawlings called the vote on Councilmember Alonzo’s motion to adopt the item:

Voting Yes: [11] Rawlings, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo,
Davis, Kadane, Koop, Greyson
Voting No: [0]
Absent when vote taken: [0]
Absent: [4] **Medrano, **Allen, Margolin, Hunt

The city secretary declared the motion adopted.

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2392

Item 50: Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, from Hinckley, Inc., Hinckley Cold Storage, Inc. and Hinckley Family Trust of an unimproved tract of land containing approximately 1.5 acres located at the intersection of Hill Avenue and IH 30 for the Mill Creek Drainage Relief System Project - Not to exceed \$490,000 (\$485,000 plus closing costs and title expenses not to exceed \$5,000) - 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 *Hinckley, Inc., Hinckley Cold Storage, Inc. and Hinckley Family Trust* a tract of land containing approximately 1.5 acres located at the intersection of Hill Avenue and IH 30 in City of Dallas Block 2/808, 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, together with such appurtenant facilities as may be necessary.

Councilmember Hill moved to adopt item.

Motion seconded by Councilmember Alonzo.

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

Voting Yes:	[11]	Rawlings, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo, Davis, Kadane, Koop, Greyson
Voting No:	[0]	
Absent when vote taken:	[0]	
Absent:	[4]	**Medrano, **Allen, Margolin, Hunt

The city secretary declared the motion adopted.

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2393

**Dickerson Street - McCallum Boulevard
to Frankford Road**

Note: Item Nos. 51 and 52
must be considered collectively.

Item 51: Authorize a contract with Tiseo Paving Company, lowest responsible bidder of eight, for the construction of street paving, storm drainage, landscape, water and wastewater main improvements for Dickerson Street from McCallum Boulevard to Frankford Road - Not to exceed \$3,394,986 - Financing: 2006 Bond Funds (\$2,176,124), Water Utilities Capital Construction Funds (\$59,605) and Water Utilities Capital Improvement Funds (\$1,159,257)

The following individual spoke on the item at the beginning of the meeting:

Trina Triche, 1818 Corsicana St.

Councilmember Greyson moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted.
(**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2394

**Dickerson Street - McCallum Boulevard
to Frankford Road**

Note: Item Nos. 51 and 52
must be considered collectively.

Item 52: Authorize a License Agreement with Dallas Area Rapid Transit for the realignment and reconstruction of the railroad crossing on Dickerson Street from McCallum Boulevard to Frankford Road - Financing: No cost consideration to the City

The following individual spoke on the item at the beginning of the meeting:

Trina Triche, 1818 Corsicana St.

Councilmember Greyson moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted.
(**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2395

DESIGNATED PUBLIC SUBSIDY MATTERS

L'Oréal Distribution Center

Note: Item Nos. 53, 54, 55 & 56 must be considered collectively.

Item 53: Authorize a real property tax abatement agreement with Ridge South Dallas I, LLC for the purpose of granting a ten-year abatement of 90 percent of the taxes on the added value to the real property near Telephone Road and Dallas Avenue for a commercial warehouse distribution facility in accordance with the City's Public/Private partnership Program - Revenue: First year revenue estimated at \$10,361; ten-year revenue estimated at \$103,610 (Estimated revenue forgone for a ten-year new real property abatement estimated at \$932,490)

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."

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Caraway and Councilmember Davis and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2396

DESIGNATED PUBLIC SUBSIDY MATTERS

L'Oréal Distribution Center

Note: Item Nos. 53, 54, 55 & 56
must be considered collectively.

Item 54: Authorize a Chapter 380 economic development grant agreement with L'Oréal USA S/D, Inc. to provide support of a new commercial warehouse distribution facility near Telephone Road and Dallas Avenue in accordance with the City's Public/Private Partnership Program - Not to exceed \$1,800,000 - 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."

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Caraway and Councilmember Davis and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2397

DESIGNATED PUBLIC SUBSIDY MATTERS

L'Oréal Distribution Center

Note: Item Nos. 53, 54, 55 & 56
must be considered collectively.

Item 55: Authorize an infrastructure cost participation agreement with Ridge South Dallas I, LLC for necessary public infrastructure and other land development costs for property near Telephone Road and Dallas Avenue - Not to exceed \$2,000,000 - Financing: 2006 Bond Funds

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

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Caraway and Councilmember Davis and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2398

DESIGNATED PUBLIC SUBSIDY MATTERS

L'Oréal Distribution Center

Note: Item Nos. 53, 54, 55 & 56 must be considered collectively.

Item 56: Authorize an application to the Office of the Governor Economic Development and Tourism through the Economic Development Bank nominating L'Oréal USA S/D, Inc. located near Telephone Road and Lancaster Avenue in Dallas to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) - 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."

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Caraway and Councilmember Davis and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2399

DESIGNATED PUBLIC SUBSIDY MATTERS

Patriot Tower

Note: Item Nos. 57 and 58
must be considered collectively.

Item 57: Authorize a 90 percent real property tax abatement agreement for 10 years with Encore Office, LLC located on 2.7 acres within Reinvestment Zone Number Five at 350 North Saint Paul Street in Dallas pursuant to the City's Public/Private Partnership Program - Revenue: First year revenue estimated at \$31,880; ten-year revenue estimated at \$318,800 (Estimated revenue foregone for ten-year real property tax abatement estimated at \$2,869,200)

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 Greyson moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and Councilmember Griggs and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2400

DESIGNATED PUBLIC SUBSIDY MATTERS

Patriot Tower

Note: Item Nos. 57 and 58
must be considered collectively.

Item 58: Authorize a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Encore Office, LLC. in an amount up to \$2,000,000 associated with the acquisition of and improvements to Patriot Tower located at 350 North Saint Paul Street in Dallas - Not to exceed \$2,000,000 - 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 Greyson moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and Councilmember Griggs and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2401

DESIGNATED PUBLIC SUBSIDY MATTERS

Davis Garden TIF District

Note: Item Nos. 59 and 60
must be considered collectively.

Item 59: Authorize (1) a development agreement with Davis Street Market, LP to dedicate future TIF revenues for eligible project costs related to environmental remediation, affordable housing, infrastructure and public right-of-way improvements located at 701 and 715 West Davis Street in Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District); and (2) the Davis Garden TIF District Board of Directors to dedicate up to \$4,000,000 from future Davis Garden TIF District revenues in accordance with the development agreement - Not to exceed \$4,000,000 - Financing: Davis Garden 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 Alonzo moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and Councilmember Kadane and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2402

DESIGNATED PUBLIC SUBSIDY MATTERS

Davis Garden TIF District

Note: Item Nos. 59 and 60
must be considered collectively.

Item 60: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to reimburse Davis Street Market, LP up to \$4,000,000 for certain TIF-eligible project costs related to environmental remediation, affordable housing, infrastructure and public right-of-way improvements at 701 and 715 West Davis Street in the Davis Garden 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."

Councilmember Alonzo moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and Councilmember Kadane and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2403

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 61: Authorize (1) an amendment to the Mortgage Assistance Program (MAP) for FY 2012-13 to: (a) change categories of assistance to include existing homes and Community Housing Development Organizations and (b) authorize the City Manager, or a designee, to review portfolio loans for appropriate affordability compliance and release those loans that have met those compliance requirements; and (2) an extension of the FY 2011-12 MAP contract with Enterprise Community Partners through December 31, 2012 - 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 Hill moved to adopt the item.

Motion seconded by Councilmember Jasso and Councilmember Griggs and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2404

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 62-63 was presented for consideration.

Agenda item 62: Zoning Case Z090-208(OTH)

Agenda item 63: Zoning Case Z112-245(JH)

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

The following individuals addressed the city council:

Alfred Record, 2426 W. Ledbetter Dr., representing American Best Transportation Inc., spoke in opposition to agenda item 62

Marvin Crenshaw, 5134 Malcolm X Blvd., spoke on agenda item 62.

Richard Sheridan, 3022 Forest Ln., representing School, Children and Teachers of DISD, spoke in opposition to agenda item 62

Jonathan Vinson, 6342 Vickery Blvd., representing Focus Learning Academy, spoke on agenda item 62

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

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2405

Item 62: Zoning Case Z090-208(OTH)

The consent zoning docket, consisting of agenda items 62-63 was presented for consideration.

A public hearing was called on zoning case Z090-208(OTH), regarding an application for and an ordinance granting an amendment to and an expansion of Specific Use Permit No. 1522 for an open-enrollment charter school on property zoned an RR Regional Retail District on the south side of West Ledbetter Drive, west of Hampton 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 site plan, traffic management plan and conditions)

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

Alfred Record, 2426 W. Ledbetter Dr., representing American Best Transportation Inc.

Richard Sheridan, 3022 Forest Ln., representing School Children and Teachers of DISD

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

The following individuals addressed the city council on the item:

Marvin Crenshaw, 5134 Malcolm X Blvd.

Jonathan Vinson, 6342 Vickery Blvd., representing Focus Learning Academy

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28800

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2406

Item 63: Zoning Case Z112-245(JH)

The consent zoning docket, consisting of agenda items 62-63 was presented for consideration.

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 use 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 for a two-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 NOS. 28801 AND 28802

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2407

Item 64: Zoning Case Z112-275(MW) - INDIVIDUAL

A public hearing was called on zoning case Z112-275(MW), regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1771 for a vehicle display, sales and service use on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 on the north side of C.F. Hawn Freeway, west of Jim Miller Road

(The staff recommended Approval for a three-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 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.

Councilmember Hill moved to continue the public hearing and hold under advisement until the October 24, 2012 voting agenda meeting of the city council.

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

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2408

Item 65: Zoning Case Z112-259(WE) - UNDER ADVISEMENT - INDIVIDUAL

Theresa O'Donnell, director of sustainable development and construction, reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require 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 Z112-259(WE), regarding an application for and an ordinance granting a renewal of Specific Use Permit No. 1813 for a recycling collection center on property zoned an IR Industrial Research District on the northeast corner of Sylvan Avenue and Fabrication Street

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

Note: This item was considered by the City Council at a public hearing on September 12, 2012, and was taken under advisement until September 26, 2012, with the public hearing open.

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

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

Peter Kavanagh, 1630 Handley, representing the applicant

Councilmember Alonzo moved to continue the public hearing and hold under advisement until the October 10, 2012 voting agenda meeting of the city council.

Motion seconded by Councilmember Kadane and unanimously adopted. (Griggs absent when vote taken; **Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2409

DESIGNATED ZONING CASES – INDIVIDUAL

Item 66: Zoning Case Z112-225(JH)

A public hearing was called on zoning case Z112-225(JH), an application for and an ordinance granting a Planned Development District for multifamily uses on property zoned an MF-1(A) Multifamily District on the southwest corner of Skillman Street and Sandhurst Lane and both sides of Amesbury Drive

(The staff and city plan commission recommended Approval, subject to a conceptual plan, street sections and conditions)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2410

DESIGNATED ZONING CASES – INDIVIDUAL

Item 67: Zoning Case Z112-266(WE)

A public hearing was called on zoning case Z112-266(WE), regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 91 for Multiple Family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west corner of Cedar Springs Road and Herschel Avenue

(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 Hill moved to continue the public hearing and hold under advisement until the October 10, 2012 voting agenda meeting of the city council.

Motion seconded by Councilmember Caraway and unanimously adopted. (Griggs, Koop absent when vote taken; **Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2411

DESIGNATED ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

Item 68: Zoning Case Z112-157(OTH)

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 Z112-157(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 recommended Denial and city plan commission recommended Approval for a five-year period, subject to a site plan and conditions)

Note: This item was considered by the City Council at public hearings on June 27, 2012, August 8, 2012 and September 12, 2012 and was taken under advisement until September 26, 2012, with the public hearing open.

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."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-2411

Page 2

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

Robert Reeves, 3807 Vinecrest Dr., representing Bank of America Trust Department
(handout provided)

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

Keith Redmon, 16124 Long Vista, representing Orange Crush Recycle

Councilmember Alonzo moved to continue the public hearing and hold under advisement until the October 10, 2012 voting agenda meeting of the city council.

Motion seconded by Councilmember Davis.

After discussion, Councilmember Kadane moved a substitute motion to deny the Specific Use Permit.

Motion seconded by Councilmember Hill.

Councilmember Caraway moved a substitute motion to hold the decision on the item for 30 minutes to allow the city attorney an opportunity to meet with the owners to derive an actual date that would allow the business to move out and leave the land blade clean. Come back and give the owners enough time until September giving them one year to have the place blade clean.

The motion died for a lack of a second.

Councilmember Greyson called for the point of order.

Councilmember Kadane requested the city council meet in executive session to confer with the city attorney on this item.

Mayor Rawlings called a recess of the city council meeting at 2:21 p.m. as authorized by Section 551.071, Consultations with Attorney, of the Texas Open Meetings Act to confer with the city attorney on this item.

Mayor Rawlings reconvened the city council meeting after the executive session at 2:42 p.m.

No other matters were discussed during the executive session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-2411

Page 3

Councilmember Kadane modified his substitute motion to deny the Specific Use Permit with a directive to staff to negotiate with the company for a wind-down period, to last no longer than 90 days from today, during which no crushing is to be allowed.

Motion seconded by Councilmember Hill.

Councilmember Davis requested a record vote on the item.

Mayor Rawlings called the vote on Councilmember Kadane's substitute motion to deny the Specific Use Permit with a directive to staff to negotiate with the company for a wind-down period, to last no longer than 90 days from today, during which no crushing is to be allowed.

Voting Yes:	[7]	Rawlings, Jasso, Griggs, Hill, Kadane, Koop, Greyson
Voting No:	[4]	Atkins, Caraway, Alonzo, Davis
Absent when vote taken:	[0]	
Absent:	[4]	**Medrano, **Allen, Margolin, Hunt

The city secretary declared the motion adopted.

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2412

DEVELOPMENT CODE AMENDMENTS – INDIVIDUAL

Item 69: Consideration of amendments to Chapter 51 and Chapter 51A, “Dallas Development Code, as amended,” by amending off-street parking requirements for certain uses, amending parking special exception requirements, amending parking lot tree requirements, providing for administrative parking reductions, and allowing a taxidermist use in industrial districts and an ordinance granting the amendments

(The staff and city plan commission recommended Approval)

No one addressed the city council regarding the item.

Councilmember Koop moved to close the public hearing and adopt the code amendment in accordance with the Transportation and Environment Committee recommendation with the following change:

- The fee for a request for an administrative parking reduction is \$375 and an additional \$25 per space for requests in excess of 10 spaces

and pass the ordinance.

Motion seconded by Councilmember Greyson and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

Assigned ORDINANCE NO. 28803

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2413

Deep Ellum Public Improvement District

Note: Item Nos. 70 and 71
must be considered collectively.

Item 70: A public hearing to receive comments regarding the 2012 annual assessment rate for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Deep Ellum Public Improvement District for the purpose of providing supplemental services and improvements, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 71: 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 Deep Ellum Public Improvement District (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 2013; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - 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 pass the ordinance.

Motion seconded by Councilmember Kadane and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

Assigned ORDINANCE NO. 28804

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2414

Dallas Downtown Improvement District

Note: Item Nos. 72 and 73
must be considered collectively.

Item 72: A public hearing to receive comments regarding the 2012 annual assessment rate for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 73: 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 Dallas Downtown Improvement 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 2013; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Not to exceed \$579,427 - Financing: Current Funds (subject to appropriations)

No one addressed the city council regarding the item.

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

Motion seconded by Councilmember Kadane and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

Assigned ORDINANCE NO. 28805

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2415

Knox Street Public Improvement District

Note: Item Nos. 74 and 75
must be considered collectively.

Item 74: A public hearing to receive comments regarding the annual assessment rate for the Knox Street Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 75: 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 2013; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - 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 pass the ordinance.

Motion seconded by Councilmember Koop and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

Assigned ORDINANCE NO. 28806

Note: Councilmember Greyson announced for the record that the item pertains to District 14, not District 12.

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2416

Lake Highlands Public Improvement District

Note: Item Nos. 76 and 77
must be considered collectively.

Item 76: A public hearing to receive comments regarding the 2012 annual assessment rate for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 77: 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 2013; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Councilmember Koop and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

Assigned ORDINANCE NO. 28807

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2417

Oak Lawn-Hi Line Public Improvement District **Note:** Item Nos. 78 and 79 must be considered collectively.

Item 78: A public hearing to receive comments regarding the annual assessment rate for the Oak Lawn-Hi Line Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 79: 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 2013; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

Assigned ORDINANCE NO. 28808

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2418

Prestonwood Public Improvement District

Note: Item Nos. 80 and 81
must be considered collectively.

Item 80: A public hearing to receive comments regarding the annual assessment rate for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 81: 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 2013; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - 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 pass the ordinance.

Motion seconded by Councilmember Koop and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

Assigned ORDINANCE NO. 28809

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2419

South Side Public Improvement District

Note: Item Nos. 82 and 83
must be considered collectively.

Item 82: A public hearing to receive comments regarding the annual assessment rate for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 83: 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 South Side Public Improvement District (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 2013; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Councilmember Jasso and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

Assigned ORDINANCE NO. 28810

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2420

Uptown Public Improvement District

Note: Item Nos. 84 and 85
must be considered collectively.

Item 84: A public hearing to receive comments concerning the 2012 annual assessment rate for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, (the Act) for the District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 85: 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 Uptown Public Improvement 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 2013; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - 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 pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted.
(**Medrano, **Allen absent on city business; Margolin, Hunt absent)

Assigned ORDINANCE NO. 28811

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2421

Vickery Meadow Public Improvement District Note: Item Nos. 86 and 87 must be considered collectively.

Item 86: A public hearing to receive comments concerning the 2012 annual assessment rate for the Vickery Meadow Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Vickery Meadow Public Improvement District for the purpose of providing supplemental services, to be funded by assessments on real property and real property improvements in the District - Financing: No cost consideration to the City

Item 87: 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 Vickery Meadow Public Improvement 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 2013; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the assessment; and providing an effective date - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Councilmember Jasso and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

Assigned ORDINANCE NO. 28812

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2422

Addendum addition 1: Authorize **(1)** an acquisition contract for the purchase and implementation of hardware and software for an electronic construction plan review system for Building Inspection in the amount of \$479,366; and **(2)** a five-year service contract for maintenance and support for an electronic construction plan review system in the amount of \$140,048 - Hyland Software, Inc., most advantageous proposer of three - Total not to exceed \$619,414 - Financing: Building Inspection Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2423

Addendum addition 2: Authorize **(1)** an acquisition contract for the purchase and implementation of hardware and software for an electronic construction document management system for Building Inspection in the amount of \$527,343; and **(2)** a five-year service contract for maintenance and support for an electronic construction document management system in the amount of \$145,884 - Hyland Software, Inc., most advantageous proposer of three - Total not to exceed \$673,227 - Financing: Building Inspection Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2424

Addendum addition 3: Authorize the purchase of three surveillance camera trailers for Police - Comprehensive Communications Services, LLC through the Department of Information Resources - Not to exceed \$110,700 - Financing: Stormwater Drainage Management Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2425

Addendum addition 4: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of DLA Piper LLP for additional legal services relating to federal health care reform legislation - Not to exceed \$75,000, from \$25,000 to \$100,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2426

Addendum addition 5: Authorize an amendment to the contract with ACS State and Local Solutions, Inc. to provide: **(1)** a pay by phone or internet payment option at single space meters; and **(2)** an option to purchase multi-space “smart meter” technology and services - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2427

Addendum addition 6: Authorize a three-year service contract with Siemens Industry, Inc., best value proposer of three, for fire and Closed Circuit Television Camera monitoring and annual fire alarm inspections for the Woodall Rodgers Deck Park Tunnel Project - Not to exceed \$436,640 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2428

Addendum addition 7: Authorize an ordinance **(1)** modifying Chapter 52, "Administrative Procedures for the Construction Codes," Chapter 53, "Dallas Building Code," and Chapter 57, "Dallas One and Two Family Dwelling Code," of the Dallas City Code, to amend the effective date and requirements of Phase 2 of the Green Building Program; and **(2)** adding Chapter 61, "Dallas Green Construction Code" by adopting with certain changes the 2012 Edition of the International Green Construction Code of the International Code Council, Inc. for the regulation of construction work in the City of Dallas - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28813

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2429

Addendum addition 8: A Memorandum of Understanding between the City of Dallas and the Tarrant Regional Water District to develop and implement a regional awareness campaign to address litter - Not to exceed \$1,075,000 - Financing: Stormwater Drainage Management Current Funds (\$400,000), Current Funds (\$375,000) and Water Utilities Current Funds (\$300,000) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2430

Addendum addition 9: Authorize a construction contract with P & E Contractors, Inc., lowest responsible bidder of five, for the reconstruction of alley paving, drainage, water, and wastewater main improvements for Alley Reconstruction Group 06-2027B (list attached) - Not to exceed \$1,225,699 - Financing: 2006 Bond Funds (\$810,676), Water Utilities Capital Improvement Funds (\$409,423) and Water Utilities Capital Construction Funds (\$5,600)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2431

Addendum addition 10: An ordinance amending Ordinance No. 28740 to change certain election day polling and early voting locations for the Tuesday, November 6, 2012, special election, for the purpose of authorizing general obligation bonds by the qualified voters of the City for funding street improvements, flood protection and storm drainage facilities, and economic development programs - Financing: No cost consideration to the City

Councilmember Alonzo moved to pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

Assigned ORDINANCE NO. 28814

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2432

Addendum addition 11: A resolution authorizing: **(1)** a joint election agreement and election services contract between the City of Dallas, Dallas County, and various other jurisdictions within Dallas County, for the conduct of a joint election to be held on Tuesday, November 6, 2012, in an amount not to exceed \$886,000; **(2)** legal advertising in connection with the Tuesday, November 6, 2012 City Special Election, in an amount not to exceed \$150,000; and **(3)** \$5,000 for translation services for publication and posting notices, security services for City Hall during early voting and other miscellaneous expenditures related to the election - Total not to exceed \$1,041,000 - Financing: Current Funds

Councilmember Alonzo moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted. (**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2433

Addendum addition 12: A resolution authorizing a joint election agreement and election services contract between the City of Dallas, Collin County, and various other jurisdictions within Collin County, for the conduct of a joint election to be held on Tuesday, November 6, 2012 - Not to exceed \$25,000 - Financing: Current Funds

Councilmember Alonzo moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted.
(**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2434

Addendum addition 13: A resolution authorizing a joint election agreement and election services contract between the City of Dallas, Denton County, and various other jurisdictions within Denton County, for the conduct of a joint election to be held on Tuesday, November 6, 2012 - Not to exceed \$14,000 - Financing: Current Funds

Councilmember Alonzo moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted.
(**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2435

Addendum addition 14: A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Dallas County for the Tuesday, November 6, 2012 special election - Financing: No cost consideration to the City

Councilmember Alonzo moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted.
(**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2436

Addendum addition 15: A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Collin County for the Tuesday, November 6, 2012 special election - Financing: No cost consideration to the City

Councilmember Alonzo moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted.
(**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2437

Addendum addition 16: A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Denton County for the Tuesday, November 6, 2012 special election - Financing: No cost consideration to the City

Councilmember Alonzo moved to adopt the item.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted.
(**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 26, 2012

12-2438

Addendum addition 17: A resolution authorizing the Mayor to appoint an Ad Hoc City Council canvassing committee to review the returns of the Tuesday, November 6, 2012 special election, and submit a canvass report to the full City Council on Wednesday, November 14, 2012 - Financing: No cost consideration to the City

The city secretary clarified that for the record, per Mayor Rawlings, the following Councilmember's would comprise as chair and members of the Ad Hoc City Council Canvassing Committee to review the returns of the November 6, 2012 special election:

Deputy Mayor Pro Tem Atkins Tennell Atkins - Chair
Councilmember Monica Alonzo
Councilmember Angela Hunt
Councilmember Scott Griggs
Councilmember Delia Jasso (Alternate)

Councilmember Alonzo moved to adopt the resolution.

Motion seconded by Deputy Mayor Pro Tem Atkins and unanimously adopted.
(**Medrano, **Allen absent on city business; Margolin, Hunt absent)

****Note - Absent on city business ~~subject to city council approval~~ per Resolution 12-2567 approved October 10, 2012**

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 26, 2012

EXHIBIT C