

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 9, 2013

13-0100

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

PRESENT: [15] Rawlings, Medrano, Atkins, Jasso, Griggs (*9:07 a.m.), Caraway, Hill, Alonzo, Davis (*9:13 a.m.), Kadane, Allen, Koop, Greyson (*9:25 a.m.), Margolin, Hunt (*9:24 a.m.)

ABSENT: [0]

The meeting was called to order at 9:05 a.m.

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

The invocation was given by Padre Aquilino Lara of San Francisco de Asis Church.

Councilmember Jasso led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 2:11 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 9, 2013

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 9, 2013

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0101

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: Tracie Reed, 4722 Meadow St.
REPRESENTING: Relevant Knowledge
SUBJECT: Texas Horse Park

SPEAKER: Regina Wiley, 2715 Maurine F. Bailey Way
SUBJECT: What's in the water?

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
REPRESENTING: God
SUBJECT: We're living in revelation, Watch!

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: FBI/KKK/RSR Lead Settlement

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
REPRESENTING: Real American Women
SUBJECT: Apartheid government in Dallas

SPEAKER: LaKolya London, 1753 Mockingbird Ln.
SUBJECT: DISD/Public transportation

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0102

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

Councilmember Jasso moved to adopt the minutes of the December 12, 2012 City Council Meeting with a correction to addendum item 7 to correct the census tract from 101.100 to 101.01 and as required by the 2013, not 2012, Texas Department of Housing and Community Development Low Income Housing Tax Credit Qualified Allocation Plan.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0103

CONSENT AGENDA

The consent agenda, consisting of consent agenda items 2-20 and addendum addition consent agenda item 1, was presented for consideration.

Councilmember Caraway requested that consent agenda item 13 be considered as an individual item. Mayor Rawlings stated that consent agenda item 13 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Caraway's request.

Councilmember Alonzo requested that consent agenda item 15 be considered as an individual item. Mayor Rawlings stated that consent agenda item 15 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Alonzo's request.

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

Councilmember Koop moved to adopt all items on the consent agenda with the exception of consent agenda items 13, 15 and addendum addition consent agenda item 1, which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0104

Item 2: Authorize a three-year service contract for landscape maintenance at nine Police properties - Good Earth Corporation in the amount of \$180,199 and Jimmy Douglas Weldon dba Weldon's Lawn and Tree in the amount of \$71,555, lowest responsible bidders of four - Total not to exceed \$251,754 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0105

Item 3: Authorize a five-year service contract for the collection and recycling of various materials - Okon Metals, Inc., highest responsible bidder of five - Estimated Annual Revenue: \$475,665

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0106

Item 4: Authorize a three-year master agreement for animal microchips for Dallas Animal Services - Intervet, Inc. dba Merck Animal Health, lowest responsible bidder of three - Not to exceed \$349,200 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0107

Item 5: Authorize a three-year master agreement for the purchase of quicklime - Texas Lime Company, lowest responsible bidder of three - Not to exceed \$24,416,000
- Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0108

Item 6: Authorize Supplemental Agreement No. 1 to the professional services contract with Exam Works, Inc. to continue to provide independent review services to assist in evaluating medical and health related claims for accuracy and legitimacy - Not to exceed \$50,000, from \$50,000 to \$100,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0109

Item 7: Authorize Supplemental Agreement No. 1 to the contract with Shared Housing Center, Inc. to extend the term of the contract through September 30, 2013 for emergency shelter services to homeless families and an increase in the contract amount - Not to exceed \$7,562, from \$48,005 to \$55,567 - Financing: 2011-12 Emergency Shelter Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0110

- Item 8: Authorize Supplemental Agreement No. 2 to the professional services contract with Diversified Utility Consultants, Inc. for expert consulting services and testimony in matters related to Atmos Energy Mid-Tex Division's Dallas Annual Rate Review filing - Not to exceed \$80,000, from \$110,000 to \$190,000 - Financing: Current Funds (to be fully reimbursed by Atmos Energy)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0111

Item 9: Authorize a contract for a playground replacement at Friendship Park located at 12700 Hornbeam Drive - Parkscape Construction, Inc., lowest responsible bidder of four - Not to exceed \$149,425 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0112

Item 10: Authorize a contract for construction of a new hike and bike trail at Five Mile Creek Trail from Glendale Park to Arden Terrace Park - MACVAL Associates, LLC, lowest responsible bidder of ten - Not to exceed \$1,635,006 - Financing: 2006 Bond Funds (\$776,723) and Texas Parks and Wildlife Grant Funds (\$858,283)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0113

Item 11: Authorize a professional services contract with Dan Shipley Architect, Inc. for design services for a new maintenance building for Luna Vista Golf Course at L.B. Houston Sports and Nature Complex located at 11223 Luna Road - Not to exceed \$74,805 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0114

Item 12: Authorize an increase in the contract with Rogers O'Brien Construction Company, Ltd. to upgrade soil growing medium for four adult soccer fields; upgrade pump house buildings from metal to split-face concrete block; install asphalt in lieu of crushed concrete in main parking areas; install mow strip along retaining wall; extend drainage channel along Spangler Road to Rail Road; reduce loop trail and lighting; delete retaining wall under west end of Walnut Hill; and deletion of entry sign at Elm Fork Athletic Complex located at 2100 Walnut Hill Lane - Not to exceed \$232,108, from \$18,266,286 to \$18,498,394 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0115

Item 13: Authorize **(1)** the acceptance of supplemental funding for the 2012/2013 Tobacco Enforcement Grant through the Texas School Safety Center at Texas State University - San Marcos in the amount of \$2,625 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 \$2,625, from \$62,400 to \$65,025 - Financing: Texas Comptroller's Tobacco Compliance Grant Funds

Councilmember Caraway requested that consent agenda item 13 be considered as an individual item. Mayor Rawlings stated that consent agenda item 13 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Caraway's request.

Later in the meeting, consent agenda item 13 was brought up for consideration.

Councilmember Caraway moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0116

Item 14: Authorize **(1)** the receipt and deposit of funds in the amount of \$20,750 from Wal-Mart Stores Texas, L.P. for equipment, material and labor costs provided by the City related to the construction of a traffic signal at West Ledbetter Drive and Vista Wood Boulevard; and **(2)** an increase in appropriations in the amount of \$20,750 in the Capital Projects Reimbursement Fund - Not to exceed \$20,750 - Financing: Capital Projects Reimbursement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0117

Item 15: An ordinance amending Chapter 28 of the Dallas City Code to: **(1)** regulate the speed and direction of vehicles on certain streets, expressways, and freeways; **(2)** designate school traffic zones; and **(3)** designate one-way streets and alleys (list attached) - Financing: No cost consideration to the City

Councilmember Alonzo requested that consent agenda item 15 be considered as an individual item. Mayor Rawlings stated that consent agenda item 15 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Alonzo's request.

Later in the meeting, consent agenda item 15 was brought up for consideration.

Councilmember Alonzo moved to adopt the item.

Motion seconded by Councilmember Davis and unanimously adopted.

Later in the meeting, Councilmember Davis moved to reconsider the previous vote on the item to have her questions answered.

Motion seconded by Councilmember Caraway and unanimously adopted.

Councilmember Davis requested the item be held until later in the meeting to allow city staff additional time to clarify the supporting documentation. By consensus of the city council, the item was held until later in the meeting.

Later in the meeting, following the needed clarification, Councilmember Davis moved to adopt the item.

Motion seconded by Councilmember Caraway and unanimously adopted.

Assigned ORDINANCE NO. 28871

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0118

Item 16: Authorize acquisition from Francisco R. Vazquez and Manuela A. Vazquez of approximately 282,936 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$116,000 (\$113,174 plus closing costs and title expenses not to exceed \$2,826) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0119

Item 17: Authorize acquisition from Linda Earline Presley of approximately 5,720 square feet of land improved with a 934 square foot single-family residence located near the intersection of Gloyd and Childers Streets for future City facilities - Not to exceed \$20,000 (\$17,700 plus closing costs and title expenses not to exceed \$2,300) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0120

Item 18: Authorize a three-year franchise agreement, with a three-year renewal option, between the City of Rockwall and Big D Boat Club, LLC for watercraft rentals from the docks at The Harbor of Rockwall and at Chandlers Landing Marina on Lake Ray Hubbard - Estimated Annual Revenue: \$3,000

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0121

Item 19: Authorize an increase in the contract with Eagle Contracting, L.P. for emergency construction work to repair Sedimentation Basin No. 2 at the Elm Fork Water Treatment Plant - Not to exceed \$2,594,164, from \$15,542,931 to \$18,137,095 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0122

Item 20: Authorize Supplemental Agreement No. 3 to the professional services contract with CH2M HILL Engineers, Inc. to provide additional engineering services for the implementation of the Contamination Warning System pilot program and related components within the Water Utilities Department - Not to exceed \$656,945, from \$9,431,828 to \$10,088,773 - Financing: U.S. Environmental Protection Agency Grant Funds (\$305,215) and Water Utilities Capital Construction Funds (\$351,730)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0123

Item 21: 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 JANUARY 9, 2013.

The city secretary noted the report indicated a nominee for an individual appointment cleared for city council action met all qualifications for service.

Councilmember Hill moved to appoint Yolanda F. Williams, Vice Chair, to the Automated Red Light Enforcement Commission.

Motion seconded by Mayor Pro Tem Medrano and unanimously adopted.

Councilmember Hill moved to appoint a nominee 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 Mayor Pro Tem Medrano and unanimously adopted.

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

13-5101 PLA PERMIT AND LICENSE APPEAL BOARD
13-5102 BOARD OFFICERS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0124

Item 22: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Robert L. Kelsoe of a tract of land containing approximately 2,173 square feet of land located near the intersection of Kingsland Road and Horizon Hills Drive for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$7,432 (\$5,432 plus closing costs and title expenses not to exceed \$2,000) - Financing: Water Utilities Capital Improvement 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 *Robert L. Kelsoe* a tract of land containing approximately 2,173 square feet of land located near the intersection of Kingsland Road and Horizon Hills Drive in City of Dallas Block 8833, Dallas County, Texas, and more fully described in Exhibit A of the proposed written resolution for this item, for the construction, use, and maintenance of one or more pipelines for the transmission of treated water, together with such appurtenant facilities as may be necessary.

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Hill.

Mayor Rawlings called the vote on the item:

Voting Yes: [15] Rawlings, Medrano, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo, Davis, Kadane, Allen, Koop, Greyson, Margolin, Hunt

Voting No: [0]

Absent when vote taken: [0]

Absent: [0]

The city secretary declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0125

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 23-27, was presented for consideration.

No item was removed from the consent zoning docket, to be considered as an individual hearing.

Agenda item 23: Zoning Case Z112-286(MW)

Agenda item 24: Zoning Case Z112-296(RB)

Agenda item 25: Zoning Case Z112-301(RB)

Agenda item 26: Zoning Case Z112-317(MD)

Agenda item 27: Zoning Case Z112-326(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:

Anna Procaccini, 212 N. Brighton Ave., spoke in opposition to agenda item 27

William Hopkins, 2011 Leath St., spoke in opposition to agenda item 27

Ozumba Lnuke-x, 4106 Vineyard Dr., spoke in opposition to agenda item 27

Vincent Williams, 602 N. Marsalis Ave., spoke in favor of agenda item 27

Patrick Henson, 1909 W. Jefferson Blvd., spoke in favor of agenda item 27

Margaret Padilla, 203 S. Edgefield Ave., spoke in favor of agenda item 27

Ruben Castillo, 328 S. Rosemont, spoke in favor of agenda item 27

Parvez Malik, address not provided, representing the applicant, spoke in favor of agenda item 27

Judy Richards, 407 N. Horne, Duncanville, TX, spoke in favor of agenda item 26

John Baker, 6523 W. Red Bird Lane, spoke in favor of agenda item 26

Chris Lomax, 6430 Dixie Garden Lane, representing Sherock Farm, spoke in favor of agenda item 26

Frank Bracken, 5717 Kiwanis Rd., spoke in favor of agenda item 26

Councilmember Jasso moved the following:

- close the public hearings, accept the recommendations of the city plan commission and pass the ordinances for agenda items 23-26; and
- continue the public hearing and hold under advisement until February 13, 2013 voting agenda meeting of the city council for agenda item 27.

Motion seconded by Councilmember Hill and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0126

Item 23: Zoning Case Z112-286(MW)

The consent zoning docket, consisting of agenda items 23-27, was presented for consideration.

A public hearing was called on zoning case Z112-286(MW), regarding an application for and an ordinance granting an amendment to Planned Development District No. 262 with Historic Overlay District No. 31 on the west corner of Maple Avenue and Oak Lawn Avenue

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28872

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0127

Item 24: Zoning Case Z112-296(RB)

The consent zoning docket, consisting of agenda items 23-27, was presented for consideration.

A public hearing was called on zoning case Z112-296(RB), regarding an application for and an ordinance granting amendments to the development plan, landscape plan, and conditions for Planned Development District No. 252 on the east line of Inwood Road, north of the Eastward Prolongation of Willow Lane

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28873

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0128

Item 25: Zoning Case Z112-301(RB)

The consent zoning docket, consisting of agenda items 23-27, was presented for consideration.

A public hearing was called on zoning case Z112-301(RB), regarding an application for and an ordinance granting an IR Industrial Research District on property zoned an MC-3 Multiple Commercial District along the northwest line of Mockingbird Lane, northeast of Maple Avenue

(The staff and city plan commission recommended Approval)

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28874

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0129

Item 26: Zoning Case Z112-317(MD)

The consent zoning docket, consisting of agenda items 23-27, was presented for consideration.

A public hearing was called on zoning case Z112-317(MD), regarding an application for and an ordinance granting an Historic District Overlay on property zoned Planned Development District No. 701 on the south side of Grady Niblo Parkway, southeast of the intersection of Grady Niblo Parkway and Spur 408

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

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

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

Judy Richards, 407 N. Horne, Duncanville, TX
John Baker, 6523 W. Red Bird Lane
Chris Lomax, 6430 Dixie Garden Lane, representing Sherock Farm
Frank Bracken, 5717 Kiwanis Rd.

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28875

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0130

Item 27: Zoning Case Z112-326(JH)

The consent zoning docket, consisting of agenda items 23-27, was presented for consideration.

A public hearing was called on zoning case Z112-326(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 of 3,500 square feet or less on property zoned CR Community Retail District with a D Liquor Control Overlay on the northwest corner of West Jefferson Boulevard and North Brighton Avenue

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

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

Anna Procaccini, 212 N. Brighton Ave.
William Hopkins, 2011 Leath St.
Ozumba Lnuk-x, 4106 Vineyard Dr.

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

Vincent Williams, 602 N. Marsalis Ave.
Patrick Henson, 1909 W. Jefferson Blvd.
Margaret Padilla, 203 S. Edgefield Ave.
Ruben Castillo, 328 Rosemont
Parvez Malik, address not provided, representing the applicant

Councilmember Jasso moved to continue the public hearing and hold under advisement until the February 13, 2013 voting agenda meeting of the city council.

Motion seconded by Councilmember Hill and unanimously adopted.

Adopted as part of the consent zoning docket.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0131

Item 28: Zoning Case Z112-326(JH) - INDIVIDUAL

A public hearing was called on zoning case Z112-326(JH), regarding an application for and an ordinance granting a new subdistrict and an ordinance granting a Specific Use Permit for an outside entertainment and recreation venue on property zoned Subdistrict 1A within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District on the west side of Riveredge Drive, south of Irving Boulevard

(The staff and city plan commission recommended Approval of a new subdistrict, subject to conditions and approval of a Specific Use Permit for an outside entertainment and recreation venue for a three-year period, subject to a site plan and conditions)

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0132

Item 29: Zoning Case Z112-305(MW) – UNDER ADVISEMENT -INDIVIDUAL

A public hearing was called on zoning case Z112-305(MW), regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store of greater than 3,500 square feet on property zoned Planned Development District No. 7 with a D Liquor Control Overlay on the north side of Centerville Road, southeast of Garland Road

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

Note: This item was considered by the City Council at a public hearing on December 12, 2012, and was taken under advisement until January 9, 2013, with the public hearing open.

The following individual addressed the city council on the item:

William Hopkins, 2011 Leath St.

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

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

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

Assigned ORDINANCE NOS. 28876 AND 28877

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0133

DESIGNATED ZONING CASES - INDIVIDUAL

Item 30: A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial/Research District on the south line of Ryan Road, east of Luna Road

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

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

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

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

Irwin Kerner, 5200 Keller Springs Rd.

Appearing in favor of city plan commission's recommendation:

Dallas Cothrum, 900 Jackson St., representing the applicant

Councilmember Alonzo moved to continue the public hearing and hold under advisement until the January 23, 2013 voting agenda meeting of the city council.

Motion seconded by Councilmember Davis and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0134

DESIGNATED ZONING CASES - INDIVIDUAL

Item 31: A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for I-2 Industrial Subdistrict Uses on property zoned an I-2 Industrial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and an ordinance terminating Specific Use Permit No. 1671 for Multiple Family Uses on the west line of Harry Hines Boulevard and the east line of the Houston Street Extension

(The staff and city plan commission recommended Approval, subject to a conceptual plan, Houston Street Tree Plan, and conditions, and approval of the termination of Specific Use Permit No. 1671)

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 of the city plan commission's recommendation.

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

Robert Baldwin, 3904 Elm St., representing Trammel Crow Residential

Mayor Pro Tem Medrano moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinances.

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

Assigned ORDINANCE NOS. 28878 AND 28879

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0135

DESIGNATED ZONING CASES - INDIVIDUAL

Item 32: A public hearing to receive comments regarding an application for and an ordinance granting a new Planned Development Subdistrict for multifamily uses on property zoned Subdistrict A within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, on the southeast corner of Greenbriar Lane and Dealey Avenue

(The staff recommended Approval, subject to staff recommended conceptual plan and staff recommended conditions and city plan commission recommended Approval, subject to a conceptual 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 Griggs moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance with the following changes:

- The height of a second floor live/work unit shall be set at the maximum allowed above the finished first floor without the requirement of a mid-stair landing.
- Street trees may be planted in the parkway.
- The following small trees may be planted to comply with the street tree requirement where there is a utility conflict:
 - Crepe Myrtle
 - Redbud
 - Desert Willow
 - Yaupon Holly
 - Mexican Plum
- A stucco system used as a façade material must have a minimum thickness of a half inch.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
13-0135
Page 2

Motion seconded by Councilmember Jasso and Councilmember Kadane and unanimously adopted.

Assigned ORDINANCE NO. 28880

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0136

Item 33: A public hearing to receive comments on authorizing a public hearing to determine proper zoning on property zoned an R-5(A) Single Family District, a CS Commercial Service District with Specific Use Permit No. 1701 for commercial motor vehicle parking, and an IR Industrial Research District on approximately 21 acres generally located on the north side of Singleton Boulevard between Bataan Street to the west and Beckley Avenue/Canada Drive to the east and south of Pueblo Street with consideration given to appropriate zoning for the subject site to allow for mixed uses and consideration of applying Neighborhood Stabilization Overlay No. 13 to property zoned an R-5(A) Single Family District on the east side of Bataan Street and the north side of the unimproved right-of-way for Fairfield Street - Financing: No cost consideration to the City (via Mayor Pro Tem Medrano, Deputy Mayor Pro Tem Atkins, and Councilmembers Jasso, Alonzo, Koop and Greyson)

No one addressed the city council regarding the item.

Councilmember Alonzo moved to continue the public hearing and hold under advisement until the January 23, 2013 voting agenda meeting of the city council.

Motion seconded by Councilmember Davis and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0137

Item 34: A public hearing to receive comments on declaring Maryland Park unneeded and unwanted as a municipal park and the proposed sale of the park as surplus property, located at 3925 Maryland Avenue, and containing approximately 12,000 square feet; and at the close of the public hearing, consideration of a resolution declaring the property unneeded and unwanted as a municipal park and offering it for sale as surplus property - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0138

Item 35: A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from the Northwest Bible Church required by Section 6-4 of the Dallas City Code to allow a restaurant with a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate [MAC Acquisition, LLC] on property on the south side of West Northwest Highway between Douglas Avenue and the Dallas North Tollway - 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."

The following individuals addressed the city council regarding the item:

Jim Scott, 1601 Elm St., representing Macaroni Grill

Councilmember Margolin moved to close the public hearing and adopt the item with the following change:

- This alcohol spacing variance is valid only for a restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0139

Item 36: A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from the St. Mark's School of Texas required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's on-premise permit for a general merchandise or food store greater than 10,000 square feet [Central Market] on property on the south side of Royal Lane, east of Preston Road - 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."

The following individual addressed the city council regarding the item:

Myron Dornic, 5026 Maple Springs Blvd., representing the applicant

Councilmember Margolin moved to close the public hearing and adopt the item with the following change:

- This alcohol spacing variance is valid only for a general merchandize or food store with 10,000 square feet or more of floor area.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0140

Addendum addition 1: Authorize **(1)** an acquisition contract for the purchase and installation of hardware and software for an automated license plate recognition system for Police in the amount of \$603,622; **(2)** a five-year service contract for maintenance and support of the automated license plate recognition system in the amount of \$146,462; and **(3)** a five-year master agreement for additional hardware and software to add additional cameras in the amount of \$2,489,894 - Iron Sky, Inc., most advantageous proposer of eight - Total not to exceed \$3,239,978 - Financing: Confiscated Monies Funds (\$750,084) and Current Funds (\$2,489,894) (subject to annual appropriations)

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

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

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Caraway.

After discussion, Mayor Rawlings called for a vote on the motion.

Mayor Rawlings declared the motion adopted on a divided vote, with Councilmember Hunt voting "No."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 9, 2013

13-0141

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum addition 2: Authorize an amendment to Resolution No. 12-1056, previously approved on April 11, 2012, to increase original Chapter 380 economic development grant agreement with Thrash Memorial Funeral Home, LLC by \$50,000 in consideration of expanding the immediate adjacent site located at 4848 South Lancaster Road in Dallas, TX for more productive and desirable redevelopment related to the renovation and reuse of commercial property located at 4830 South Lancaster Road in Dallas, Texas - Not to exceed \$50,000 - 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 Hill moved to adopt the item.

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

After discussion, Mayor Rawlings called for a vote on the motion.

Mayor Rawlings declared the motion adopted on a divided vote, with Councilmember Greyson voting "No."

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 9, 2013

EXHIBIT C