

**“CORRECTED”**  
MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, FEBRUARY 13, 2013

13-0280

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

PRESENT: [15] Rawlings, Medrano, Atkins, Jasso, Griggs (\*9:10 a.m.), Caraway (\*9:12 a.m.), Hill, Alonzo, Davis (\*9:18 a.m.), Kadane, Allen, Koop, Greyson (\*9:14 a.m.), Margolin, Hunt (\*9:36 a.m.)

ABSENT: [0]

The meeting was called to order at 9:04 a.m.

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

The invocation was given by Councilmember Hill.

Mayor Pro Tem Medrano 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 4:49 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Assistant 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, FEBRUARY 13, 2013

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, FEBRUARY 13, 2013

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0281

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.  
SUBJECT: Trinity project

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

SPEAKER: Elsa Soto, 7979 Skillman St.  
REPRESENTING: Pebble Creek/West Lake Highlands  
SUBJECT: Chopping of trees/creek banks

SPEAKER: Richard Sheridan, 3022 Forest Ln.  
REPRESENTING: Awakening citizens  
SUBJECT: Individual killed over pedophilia

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.  
REPRESENTING: Real American Women  
SUBJECT: Fork tongue

SPEAKER: Trina Triche, 1818 Corsicana St.  
SUBJECT: Elect Trina/Items 15, 33, 34/Add-4

SPEAKER: LaKolya London, 1753 Mockingbird Ln.  
SUBJECT: Multiple topics

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0282

Item 1: Approval of Minutes of the January 23, 2013 City Council Meeting

Councilmember Kadane moved to adopt the minutes of the January 23, 2013 City Council Meeting with a correction to agenda item 67 to reflect the item required a three quarter vote.

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

**“CORRECTED”**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0283

CONSENT AGENDA

The consent agenda, consisting of consent agenda items 2-39 and addendum addition consent agenda items 1-3, was presented for consideration.

Councilmember Griggs requested that agenda items 33 and 34 be considered as individual items. Mayor Rawlings stated that consent agenda items 33 and 34 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 23 be considered as an individual item. Mayor Rawlings stated that consent agenda item 23 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' request.

Councilmember Greyson requested that consent agenda items 23, 33 and 34 be considered as individual items. Mayor Rawlings stated that consent agenda items 23, 33 and 34 would be considered as individual items later in the meeting, there being no objection voiced to Councilmember Greyson's request.

Councilmember Koop moved to adopt all items on the consent agenda with the exception of consent agenda items 23, 33 and 34 which would be considered later in the meeting.

Motion seconded by Mayor Pro Tem Medrano and unanimously adopted. (Davis, ~~Greyson~~, Hunt absent on city business)

Later in the meeting, Councilmember Caraway moved to reconsider the vote on the consent agenda to remove consent agenda item 19 for individual consideration.

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

Councilmember Kadane moved to adopt all items on the consent agenda with the exception of consent agenda items 19, 23, 33 and 34 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0284

Item 2: Authorize a three-year service contract for court reporting services - All American Reporting in the amount of \$398,858 and Net Transcripts, Inc. in the amount of \$224,310, most advantageous proposers of three - Total not to exceed \$623,168 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0285

Item 3: Authorize a five-year service contract for grounds maintenance service at three Convention and Event Services locations - Jimmy Weldon dba Weldon's Lawn and Tree in the amount of \$118,500, Good Earth Corporation in the amount of \$38,455 and JBa Land Management, LLC in the amount of \$17,383, lowest responsible bidders of four - Total not to exceed \$174,338 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0286

Item 4: Authorize **(1)** an acquisition contract for the purchase and implementation of a hosted website for Park and Recreation in the amount of \$112,516; and **(2)** a five-year service contract for maintenance support in the amount of \$53,019 - Icon Enterprises, Inc. dba CivicPlus, the most advantageous proposer of four - Total not to exceed \$165,535 - Financing: Recreation Center Program Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0287

Item 5: Authorize a five-year service contract, with two, two-year renewal options, for credit card payment processing services for Water Utilities - Paymetric, Inc., the most advantageous proposer of two - Not to exceed \$702,422 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0288

Item 6: Authorize the purchase of equipment used for digital transmissions of live police helicopter video - Broadcast Microwave Services, Inc., through the General Services Administration - Not to exceed \$97,870 - Financing: U.S. Department of Homeland Security Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0289

Item 7: Authorize the purchase of two hydraulic excavators, one hydraulic paver and one construction trailer - Kirby-Smith Machinery, Inc. in the amount of \$432,230 and Holt Texas, LTD in the amount of \$84,998, lowest responsible bidders of three - Total not to exceed \$517,228 - Financing: Municipal Lease Agreement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0290

Item 8: Authorize the purchase of two mobile hydraulic drop hammer machines - Hi-Way Equipment Company, LLC, lowest responsible bidder of two - Not to exceed \$190,470 - Financing: Municipal Lease Agreement Funds

Adopted as part of the consent agenda.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0291

Item 9: Authorize the purchase of two truck mounted sewer cleaners - Southwest International Trucks, Inc., lowest responsible bidder of six - Not to exceed \$264,760 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0292

Item 10: Authorize a one-year master agreement for anhydrous ammonia - Tanner Industries, Inc., lowest responsible bidder of two - Not to exceed \$1,046,520 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0293

Item 11: Authorize a two-year master agreement for hoses, fittings and stainless steel repair clamps - Poweseal Pipeline Products Corp. in the amount of \$589,605, 4-Star Hose and Supply, Inc. in the amount of \$76,424 and JGB Enterprises, Inc. in the amount of \$50,902, lowest responsible bidders of four - Total not to exceed \$716,931 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0294

Item 12: Authorize a two-year master agreement for sodium hypochlorite - Petra Chemical Company, lowest responsible bidder of four - Not to exceed \$269,150  
- Financing: Current Funds (\$65,000) and Water Utilities Current Funds (\$204,150)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0295

Item 13: Authorize a three-year master agreement for parts to repair lawn maintenance equipment - Richardson Saw and Lawnmower in the amount of \$1,673,535, Landmark Equipment, Inc. in the amount of \$954,400, Montage Enterprises, Inc. in the amount of \$178,850, Professional Turf Products, LLC in the amount of \$246,280, Longhorn, Inc. in the amount of \$198,205, Tom Loftus, Inc. dba Austin Turf & Tractor in the amount of \$170,537 and Luber Brothers in the amount of \$111,955, lowest responsible bidders of seven; and Poston Equipment Sales, Inc. through the Houston-Galveston Area Council in the amount of \$66,100; and Professional Turf Products, LLC in the amount of \$45,044, HCOP, LLC dba Hill Country Outdoor Power in the amount of \$31,300 and Tymco International in the amount of \$6,600 through Buyboard - Total not to exceed \$3,682,806 - Financing: Current Funds (\$1,191,617), Aviation Current Funds (\$89,520), Stormwater Drainage Management Current Funds (\$1,718,169) and Water Utilities Current Funds (\$683,500)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0296

Item 14: Authorize a three-year master agreement for plastic sewer couplings and lateral cleanouts - Beeco, Inc. dba Beeco Plumbing Supply in the amount of \$90,777, Mike Harms Associates, Inc. in the amount of \$49,414 and Municipal Water Works Supply Co., Inc. in the amount of \$5,341, lowest responsible bidders of five - Total not to exceed \$145,532 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0297

Item 15: Authorize settlement of the lawsuit styled Louis Jackson v. City of Dallas, Cause No. DC-12-04415-L - Not to exceed \$60,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0298

Item 16: Authorize the nomination of Trinity Industries, Inc., located at 2525 North Stemmons Freeway to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0299

Item 17: Authorize the City Manager to enter into a contract with the Dallas Entrepreneur Network (DEN), a City-created nonprofit entity, under which the City will provide services to the DEN in administering and managing the SourceLinkDallas program and other small business and entrepreneurship programs pursued by DEN - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0300

Item 18: Authorize amendments to the Dallas Development Fund's certificate of formation and bylaws, and the City Manager to file the amended certificate of formation with the Secretary of State - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0301

Item 19: Authorize the Dallas Housing Acquisition and Development Corporation to acquire twenty-nine unimproved parcels located on Jeffries Street, Merlin Street and Meyers Street and neighboring streets from SouthFair Community Development Corporation and its related entities (list attached) - Not to exceed \$151,000 (\$145,000 plus estimated closing costs and title expenses not to exceed \$6,000) - Financing: 2003 Bond Funds

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

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

Councilmember Davis moved to adopt the item to include the following:

- To provide for the South Fair Community Housing Development Corporation to have a 3 year-exclusive right to develop on lots with new single family housing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0302

Item 20: Authorize **(1)** the sale of one vacant lot located at 3508 Bertrand Avenue from the Dallas Housing Acquisition and Development Corporation to Johnnie Mae Williams; and **(2)** execution of a release of lien for any non-tax liens that may have been filed by the City - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0303

Item 21: Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Cornerstone Community Development Corporation for the construction of an affordable house; **(2)** the sale of 1 vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to Cornerstone Community Development Corporation; and **(3)** execution of a release of lien for any non-tax liens on the 1 property that may have been filed by the City - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0304

Item 22: Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Texas Heavenly Home Builders, Ltd. for the construction of affordable houses; **(2)** the sale of 3 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Texas Heavenly Home Builders, Ltd.; and **(3)** execution of a release of lien for any non-tax liens on the 3 properties that may have been filed by the City - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0305

Item 23: Authorize an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to remove the prohibition of the placement of industrialized housing or industrialized buildings on lots owned by the Dallas Housing Acquisition and Development Corporation - Financing: No cost consideration to the City

Councilmember Davis and Councilmember Greyson requested that consent agenda item 23 be considered as an individual item. Mayor Rawlings stated that consent agenda item 23 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Davis' and Councilmember Greyson's request.

Later in the meeting, consent agenda item 23 was brought up for consideration.

Councilmember Greyson moved to remand the item to the Housing Council Committee.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0306

Item 24: Authorize a public hearing to be held on February 27, 2013 to receive comments on the proposed sale of one unimproved property (list attached) acquired by the taxing authorities from the Sheriff to Cornerstone Community Development Corporation, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0307

Item 25: Authorize an extension through September 30, 2013 for Community Development Block Grant (CDBG) funded projects which have not met the twelve-month obligation or twenty-four-month expenditure requirement - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0308

Item 26: Authorize a fourth amendment to the Fair Park Contract (hereinafter “Agreement”) between the City and the State Fair of Texas to: **(1)** allow the State Fair of Texas to operate and maintain the Fair Park Livestock Center and seek naming rights and sponsorship opportunities for the facility and its components; and **(2)** allow for a 70/30 revenue split for parking revenues from the State Fair Summer Adventures’ attendees - Estimated Annual Revenue: \$165,000

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0309

Item 27: Authorize Supplemental Agreement No. 1 to the professional services contract with Jaster Quintanilla Dallas, LLP for structural repairs to three recreation centers: Arlington Park Recreation Center located at 1505 Record Crossing Road, Janie C. Turner Recreation Center located at 6424 Elam Road and Marcus Recreation Center located at 3003 Northaven Road - Not to exceed \$86,800, from \$19,320 to \$106,120 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0310

Item 28: Authorize Supplemental Agreement No. 3 to the professional services contract with Freese and Nichols, Inc. for additional design and construction administration services for modifications to the west field loop trail, irrigation pond, Walnut Hill Lane improvements, modifications to the main entry and other miscellaneous items at Elm Fork Athletic Complex located at 2100 Walnut Hill Lane - Not to exceed \$56,245, from \$2,112,672 to \$2,168,917 - Financing: 2003 Bond Funds (\$33,657) and 2006 Bond Funds (\$22,588)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0311

Item 29: Authorize a resolution in support of the Texas Department of Transportation's recommendation to add a planned C. F. Hawn Freeway to IH 45 connection to the State Highway System, and designate it as US 175, and re-designate the existing section of US 175 from IH 45 to SH 310, locally known as S. M. Wright Freeway, as SH 310 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0312

Item 30: Authorize the acceptance of a Federal Transit Administration Grant awarded to the North Central Texas Council of Governments on behalf of the City of Dallas for the construction of a modern streetcar system operating from Union Station in the Central Business District into North Oak Cliff near Methodist Hospital - Not to exceed \$26,000,000 - Financing: North Central Texas Council of Governments Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0313

Item 31: Authorize an increase in the contract with Tiseo Paving Company to add the construction of a connector roadway (unnamed) between Frankford Road and the President George Bush Turnpike eastbound service road to the Dickerson Street from McCallum Boulevard to Frankford Road Project - Not to exceed \$174,246, from \$3,394,986 to \$3,569,232 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0314

Item 32: Authorize **(1)** an increase in the contract with Munilla Construction Management, LLC to expedite the construction schedule to conform to the Federal Aviation Administration's inspection schedule for the Runway Safety Area Enhancement Project, Phase 2 at Dallas Love Field in the amount of \$931,609; and **(2)** an increase in appropriations in the amount of \$931,609 in the Federal Aviation Administration Airport Improvement Program Grant Fund - Not to exceed \$931,609, from \$16,524,948 to \$17,456,557 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0315

Item 33: Authorize the deposit of the amount awarded by the Special Commissioners in the lawsuit styled City of Dallas v. The Hymie Schwartz Trust and Jeannette Schwartz Trust, et al., Cause No. CC-12-06045-D, pending in County Court at Law No. 4, for acquisition from The Hymie Schwartz Trust and Jeannette Schwartz Trust of approximately 2,250 square feet of land located near the intersection of Elm Street and Cesar Chavez Boulevard for the Central Expressway from Commerce to Live Oak Realignment Project - Not to exceed \$863,500 (\$860,000 plus closing costs and title expenses not to exceed \$3,500) - Financing: 2006 Bond Funds

Councilmember Griggs and Councilmember Greyson requested that consent agenda item 33 be considered as an individual item. Mayor Rawlings stated that consent agenda item 33 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Griggs' and Councilmember Greyson's request.

Later in the meeting, consent agenda item 33 was brought up for consideration.

Councilmember Margolin moved to adopt the item.

Motion seconded by Councilmember Hill.

Mayor Rawlings called the vote on the motion.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0316

Item 34: Authorize the deposit of the amount awarded by the Special Commissioners in the lawsuit styled City of Dallas v. Harvard Partners I, LLC, et al., Cause No. CC-12-06043-B, pending in County Court at Law No. 2, for acquisition from Harvard Partners I, LLC of approximately 2,880 square feet of land located near the intersection of Elm Street and Cesar Chavez Boulevard for the Central Expressway from Commerce to Live Oak Realignment Project - Not to exceed \$1,307,000 (\$1,300,000 plus closing costs and title expenses not to exceed \$7,000) - Financing: 2006 Bond Funds

Councilmember Griggs and Councilmember Greyson 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 Griggs' and Councilmember Greyson's request.

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

Councilmember Hill moved to adopt the item.

Motion seconded by Councilmember Koop.

Mayor Rawlings called the vote on the motion.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0317

Item 35: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 2,690 square feet from Eugene Dunston located near the intersection of Harry Hines Boulevard and Burbank Street for the Burbank Street Improvements Project - Not to exceed \$50,020 (\$47,020 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0318

Item 36: A resolution authorizing the conveyance of an easement and right-of-way containing approximately 1,133 square feet of land to Oncor Electric Delivery Company, LLC for the purpose of construction and maintenance of electric facilities across City-owned land, located near the intersection of Bexar and Anderson Streets - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0319

Item 37: Authorize moving expense and replacement housing payments for Larry Polk as a result of an official written offer of just compensation to purchase real property at 6310 Canaan Street for the Bexar Street Redevelopment Project - Not to exceed \$59,600 - Financing: 2009-10 Community Development Block Grant Reprogramming Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0320

Item 38: An ordinance abandoning portions of a drainage easement and three sanitary sewer easements to Maple Butler, LLC, the abutting owner, containing a total of approximately 7,216 square feet of land, located near the intersection of Maple Avenue and Butler Street - Revenue: \$5,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28911

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0321

Item 39: Authorize a professional services contract with URS Corporation to provide engineering services associated with the Mockingbird-Maple Flood Management Project - Not to exceed \$139,600 - Financing: Public/Private Partnership Funds (\$134,600) and Wastewater Capital Improvement Funds (\$5,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0322

13-0323

Item 40: 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 assistant 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 FEBRUARY 13, 2013.

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

Councilmember Kadane moved to appoint Christopher Jackson, Interested Citizen, to the Cultural Affairs Commission; Joseph T. O'Brien, Registered Voter, to the Reinvestment Zone Eight Board (Design District); Alendra Lyons and Christopher M. Aslam, Registered Voters, to the Reinvestment Zone Thirteen Board (Grand Park South).

Motion seconded by Mayor Pro Tem Medrano and unanimously adopted.

Councilmember Caraway moved to appoint Carl Raines, Chair, to the Dallas Citizen's Police Review Board; Michael W. Waters, Chair, to the Martin Luther King Jr. Community Center Board; Don Raines, Chair, to the Reinvestment Zone Three (Oak Cliff Gateway); and Robert Prejean, Chair, to the Reinvestment Zone Eighteen (Maple/Mockingbird).

Motion seconded by Councilmember Koop and unanimously adopted.

Councilmember Kadane moved to appoint nominees to "individual appointment" positions 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.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-0322

13-0323

Page 2

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

**13-5251 CAC CULTURAL AFFAIRS COMMISSION**  
**13-5252 CDC COMMUNITY DEVELOPMENT COMMISSION**  
**13-5253 MLK MARTIN LUTHER KING JR COMMUNITY CENTER BOARD**  
**13-5254 PLA PERMIT AND LICENSE APPEAL BOARD**  
**13-5255 RZ08 REINVESTMENT ZONE EIGHT BOARD (DESIGN DISTRICT)**  
**13-5156 RZ13 REINVESTMENT ZONE THIRTEEN BOARD (GRAND PARK**  
**SOUTH)**  
**13-5157 BOARD OFFICERS**

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0324

**Sports Arena TIF District**  
**- Victory Sub-District**

**Note:** Item Nos. 41 and 42  
must be considered collectively.

Item 41: Authorize (1) a grant agreement with Victory Park UST Joint Venture I, LP, pursuant to the Sports Arena TIF District Grant program, to provide public parking in a private garage located at the northwest corner of Victory Park Lane and Museum Way in the Victory Sub-district of Tax Increment Financing Reinvestment Zone Seven (Sports Arena TIF District); and (2) the Sports Arena TIF District Board of Directors to dedicate a total amount not to exceed \$12,825,000 from future Victory Sub-district Sports Arena TIF District revenues, in the form of an annual Economic Development TIF Grant in an amount not to exceed \$855,000 annually, in accordance with the grant agreement – Not to exceed \$12,825,000 - Financing: Sports Arena 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," Assistant City Secretary Johnson read the following certification into the record:

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

Mayor Pro Tem Medrano moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0325

**Sports Arena TIF District**  
**- Victory Sub-District**

**Note:** Item Nos. 41 and 42  
must be considered collectively.

Item 42: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Seven (Sports Arena TIF District) to provide an annual Economic Development TIF Grant not to exceed \$855,000, for a total amount not to exceed \$12,825,000, pursuant to the grant agreement with Victory Park UST Joint Venture, LP - Financing: No cost consideration to the City

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

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

Mayor Pro Tem Medrano moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0326

Item 43: Authorize a secured, no interest (0%), forgivable loan in the amount of \$56,000 to Supportive Housing, Inc. as Owner and PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as Project Sponsor, to provide for non-substantial rehabilitation of Revlon Apartments located at 720 North Lancaster Avenue for the period January 1, 2013 through December 31, 2013 - Not to exceed \$56,000 - Financing: 2011-12 Housing Opportunities for Persons with AIDS Grant Fundsy

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

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

Councilmember Jasso moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0327

Item 44: Authorize a secured, no interest (0%), forgivable loan in the amount of \$94,000 to Hillcrest House Partnership, Ltd. as Owner and PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as Project Sponsor to provide for non-substantial rehabilitation of Hillcrest House located at 834 North Marsalis Avenue for the period January 1, 2013 through December 31, 2013 - Not to exceed \$94,000 - Financing: 2011-12 Housing Opportunities for Persons with AIDS Grant Funds

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

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

Councilmember Jasso moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0328

Item 45: Zoning Case Z123-124(MW) - INDIVIDUAL

A public hearing was called on zoning case Z123-124(MW), regarding an application for and an ordinance granting amendments to Tracts 1 and 3 of Planned Development District No. 795 and an expansion of Planned Development District No. 795 to create a new Tract on property zoned an R-7.5(A) Single Family District on the southwest corner of Skillman Street and Church Road

(The staff and City Plan Commission recommended Approval, subject to a conceptual plan and conditions)

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

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

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

Assigned ORDINANCE NO. 28912

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0329

Item 46: Zoning Case Z123-127(WE) - INDIVIDUAL

A public hearing was called on zoning case Z123-127(WE), regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CS-D Commercial Service District with a D Liquor Control on the north line of Bruton Road between Jim Miller Road and Mack Lane

(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)

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

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

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

Assigned ORDINANCE NOS. 28913 AND 28914

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0330

Item 47: Zoning Case Z112-291(MW) - 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 Z112-291(MW), 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)

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

Audra Buckley, 416 S. Ervay St., representing the applicant

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

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0331

Item 48: Zoning Case Z112-326(JH) – UNDER ADVISEMENT -INDIVIDUAL

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 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)

Note: This item was considered by the City Council at a public hearing on January 9, 2013, and was taken under advisement until February 13, 2013, 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:

Patrick Henson, 9504 Arroyo Verda Dr., the applicant  
Vince Williams, 602 N. Marsalis Ave.  
Margaret Padilla, 203 S. Edgefield Ave.  
Mike Fletcher, 224 S. Edgefield Ave.  
Pres Ramiro, 2519 Nicholson Dr.  
Gwain Wooten, 1000 Grigsby Ave.  
Parvez Malik, 1901 Central Dr., Bedford, TX, representing the applicant

Councilmember Jasso moved to close the public hearing and deny without prejudice.

Motion seconded by Councilmember Margolin and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0332

Item 49: Zoning Case Z112-247(RB) – UNDER ADVISEMENT -INDIVIDUAL

A public hearing was called on zoning case Z112-247(RB), regarding an application for and an ordinance granting the creation of a new subdistrict within the Light Commercial/Office Subdistrict portion of Planned Development District No. 631, the West Davis Special Purpose District on the northwest corner of West Davis Street and the unimproved portion of Tatum Avenue

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

Note: This item was considered by the City Council at a public hearing on January 23, 2013, and was taken under advisement until February 13, 2013, with the public hearing open.

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

Gwain Wooten, 1000 Grigsby Ave.

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

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

Motion seconded by Councilmember Caraway and unanimously adopted.

Assigned ORDINANCE NO. 28915

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0333

DESIGNATED ZONING CASES - INDIVIDUAL

Item 50: Zoning Case Z123-125(WE)

A public hearing was called on zoning case Z123-125(WE), regarding an application for and an ordinance granting a Planned Development Subdistrict for multiple family uses on property zoned a GR General Retail Subdistrict in Planned Development District No. 193, the Oak Lawn Special Purpose District, on the south corner of Carlisle Street and Routh Street

(The staff recommended Denial 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," Assistant City Secretary Johnson 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:

Gwain Wooten, 1000 Grigsby Ave.

Appearing in favor of city plan commission's recommendation:

Wade John, 4509 Pomona Rd.

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

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

Assigned ORDINANCE NO. 28916

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0334

DESIGNATED ZONING CASES - INDIVIDUAL

Item 51: Zoning Case Z123-129(MW)

A public hearing was called on zoning case Z123-129(MW), regarding an application for and an ordinance granting a Planned Development District for mixed uses on property zoned Planned Development Subdistrict No. 73 within Planned Development District No. 193, the Oak Lawn Special Purpose District, and a Historic Transition Subdistrict within Planned Development District No. 225, the State-Thomas Special Purpose District, with Historic Overlay District No. 25, the State Thomas Historic District, with deed restrictions on the east side of McKinney Avenue, between Routh Street and Fairmont Street

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

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

Gwain Wooten, 1000 Grigsby Ave.  
Roger Cortez, 2205 Boll St., representing Historic District residents  
Yolanda Lawson, 2600 Thomas Ave.

Appearing in favor of city plan commission's recommendation:

Katy Slade, 6406 Lupton Dr., representing Gables Residential  
Kayce McCormick, 1805 Bluebonnet Ave., representing Whole Food Market,  
SWL.P.  
Frank Stitch, 4224 N. Hall, representing Oak Lawn Committee  
Judy Smith Hearst, 2512 Thomas Ave., representing Friends of State Thomas  
Paula Nemec, 2504 State St.  
Vicki Garza, 414 Country View Ln., representing Garza Properties, LLC

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-0334

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Councilmember Hunt moved to close the public hearing, accept the recommendation of the city plan commission with the ordinance to come back on the February 27, 2013 voting agenda meeting of the city council with the following changes:

- Allowing retaining walls, steps, and patios in the required front yard setbacks of the retail, parking and residential building as needed to provide pedestrian access between the building and the public streets, sidewalks, and along patio areas;
- Allowing a four foot high fence around the patio area as measured from the patio; and
- That the head-in parking along McKinney Avenue will be parallel parking; and
- Providing a revised development plan and revised landscape plan to reflect the changes to the head-in parking and parallel parking.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0335

DESIGNATED ZONING CASES - INDIVIDUAL

Item 52: Zoning Case Z123-130(MW)

A public hearing was called on zoning case Z123-130(MW), regarding an application to terminate existing deed restrictions and create a new subdistrict on property zoned a Historic Transition Subdistrict within Planned Development District No. 225, the State-Thomas Special Purpose District with Historic Overlay District No. 25, the State Thomas Historic District, with deed restrictions volunteered by the applicant on the northwest side of State Street, between Routh Street and Fairmount Street and a resolution accepting the termination of deed restrictions and an ordinance granting a new subdistrict

(The staff and city plan commission recommended Approval of the termination of deed restrictions and approval of a new subdistrict; subject to a development plan, landscape plan and conditions)

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

Gwain Wooten, 1000 Grigsby Ave.

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

Councilmember Hunt moved to close the public hearing, accept the recommendation of the city plan commission with the ordinance and deed restrictions to come back on the February 27, 2013 voting agenda of the city council with the following changes:

- A revised development plan and revised landscape plan to reflect reducing the parkway width from five feet to four feet along State Street;
- Allowing unenclosed stoops to project up to six feet into required setbacks provided that the width of the encroachment is no wider than 10 feet; and
- Accepting new deed restrictions.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0336

DESIGNATED ZONING CASES - INDIVIDUAL

Item 53: Zoning Case Z123-117(WE)

A public hearing was called on zoning case Z123-117(WE), regarding an application for and an ordinance granting an amendment to, and an expansion of, Planned Development Subdistrict No. 16 for O-2 Office Subdistrict uses on property zoned Planned Development Subdistrict No. 16 and an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the south corner of McKinnon Street and Wolf Street

(The staff recommended Approval, subject to revised development plan, revised landscape plan, elevations and staff's recommended conditions and the city plan commission recommended Approval, subject to revised development plan, revised landscape plan, elevations 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," Assistant City Secretary Johnson 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:

Jim Hartnet Jr., 5724 BerkShire, representing Hartnett Properties Co.  
Gordan Hayward, 2900 McKinnon St., representing Azure

Appearing in favor of city plan commission's recommendation:

Ben Cortez, 2501 N. Harwood St., representing Harwood International  
Michael Davis, 1222 Commerce St., representing Harwood International

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-0336

Page 2

Mayor Pro Tem Medrano moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance with the following addition:

- Before the issuance of a certificate of occupancy on this Property, the following must occur:
  - Two-and-one half feet of right-of-way must be dedicated along the Property boundary on Wolf Street.
  - 36 feet of street pavement, measured back-of-curb to back-of-curb, must be provided on Wolf Street from McKinnon Street to Harwood Street.
  - Traffic signal upgrades for a left turn lane and pavement widening must be installed on Wolf Street.

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

Assigned ORDINANCE NO. 28917

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0337

DESIGNATED ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

Item 54: Zoning Case Z112-268(RB)

A public hearing was called on zoning case Z112-268(RB), regarding an application for and an ordinance granting an amendment to, and an expansion of, Planned Development Subdistrict No. 16 for O-2 Office Subdistrict uses on property zoned Planned Development Subdistrict No. 16 and an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the south corner of McKinnon Street and Wolf Street

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

Note: This item was considered by the City Council at public hearings on January 9 and 23, 2013, and was taken under advisement until February 13, 2013, 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," Assistant City Secretary Johnson 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.

No hearing was held on the item.

Councilmember Alonzo moved to continue the public hearing and hold under advisement until the February 27, 2013 voting agenda meeting of the city council.

Motion seconded by Councilmember Davis and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0338

DESIGNATED ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

Item 55: Zoning Case Z112-105(RB)

A public hearing was called on zoning case Z112-105(RB), regarding an application for and an ordinance granting an amendment to and expansion of Specific Use Permit No. 363 for a Cemetery and Mausoleum on property zoned an R-7.5(A) Single Family District, an LO-1 Limited Office District, a GO(A) General Office District with deed restrictions and an MU-3 Mixed Use District with deed restrictions, and an ordinance granting an LO-2 Limited Office District on that portion of the request site zoned an R-7.5(A) Single Family District and an LO-1 Limited Office District in the southwest quadrant of Greenville Avenue and Restland Road

(The staff and the city plan commission recommended Approval of an amendment to, and expansion of Specific Use Permit No. 363, subject to a site plan and conditions, and approval of an LO-2 Limited Office District

Note: This item was considered by the City Council at a public hearing on January 23, 2013, and was taken under advisement until February 13, 2013, 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," Assistant City Secretary Johnson 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:

Steve Salazar, 3324 Parvia, representing Whitestone REIT  
Sean Liu, 3421 Summer Bay, Sugarland, TX, representing Whitestone REIT  
Suzanne Nichel, 2834 Nightwind Ct., representing Whitestone  
REIT/Candlewood Suites  
Tailum Song, 13146 Coit Rd., representing Whitestone REIT

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-0338

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Appearing in favor of city plan commission's recommendation:

Robert Reeves, 900 Jackson St., representing the applicant

Bill Finkelstein, 11711 Parwen Dr., representing Mount Zion United Jewish Cemetery

John Shipp, 7835 Idlewood Ln., representing S.C. Cemeteries of Texas

Councilmember Koop moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance with the following changes:

1. A minimum of 38 Italian Cypress trees, in lieu of Live Oak trees, must be planted in Future Building Area 5;
2. A minimum of four benches must be provided in Future Building Area 5.
3. Delete the requirement for large canopy trees in Future Building Areas 1, 2, 6, and 7.
4. Add 4 foot berm with shrubs (10 feet tall total) along the drive adjacent to Future Building areas 4 and 5.

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

After discussion, Councilmember Greyson asked Councilmember Koop if she would accept a friendly amendment to include maintaining trees and shrubs in a good and healthy growing condition.

Councilmember Koop accepted the friendly amendment as part of her motion.

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

Later in the meeting, Councilmember Alonzo moved to substitute Councilmember Koop's motion to approve the item with the following changes:

- SITE PLAN: Development of the Property must be in accordance with the site plan attached to and made a part of this ordinance.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-0338

Page 3

- USE: The only use authorized by this specific use permit (SUP) is a cemetery and mausoleum in Areas 1, 2, 6, and 7. There are to be no cemetery or mausoleum use in Areas 3, 4, and 5. Areas 3, 4, and 5 are required to be used in connection with the SUP as no vertical building line green space buffer incorporating eight foot tall earth berm, and landscape (which may incorporate prayer path uses).
- TIME LIMIT: This specific use permit has no expiration date.
- FLOOR AREA:
  - a) The maximum permitted floor area for all structures and parking is 268,660 square feet.
  - b) The maximum permitted floor area for each Future Building Area is shown on the approved site plan.
- HEIGHT: The maximum height for all structures is shown on the site plan.
- STORIES: The maximum number of stories for all structures is shown on the site plan Areas 1, 2, 6, and 7 only.
- SETBACKS:
  - a) Front Yards: Minimum 15 feet.
  - b) Side and Rear Yards: Minimum 15 feet.
- MAUSOLEUM ORIENTATION: Entombment areas, which are located within a mausoleum, cannot be visible from:
  - a) From a point located along the east boundary of Areas 6 and 7.
- LOT COVERAGE: The maximum lot coverage for the Property is 40%.
- SIGNS: All signs must comply with the requirements for “non-business district,” (Section 51A-7.400 of the Dallas Development Code, as amended).
- PAVING: All parking spaces, aisles, maneuvering areas, paved surfaces, and driveway connections to streets must comply with the requirements of the Dallas Development Code, as amended.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-0338

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- ACCESS: Vehicular access to the Property is prohibited along the boundaries of the Property for Areas 4 and 5.
- PARKING/LOADING: Parking and loading requirements must comply with the Dallas Development Code, as amended.
- LANDSCAPING & SCREENING:
  - a) Landscaping must comply with Article X of the Dallas Development Code, as amended.
  - b) Three to four caliper inch evergreen trees shall be planted within 30 feet on the western boundary of Future Building Area 5 within six months from the passage of this ordinance or at a time approved by the City Arborist. Trees shall be planted no more than 30 feet apart or at a distance approved by the City Arborist. Original mature trees along entry drive in Areas 3, 4, and 5 shall be preserved and maintained.
  - c) All ornamental trees planted within the last 4 years shall be replaced with shade trees (capable of 30 foot growth) and additional shade trees (capable of 30 foot growth) shall be planted to replace the shade trees cut down within the last 4 years. The supplementing shade trees must be consistent with shade trees on developed adjacent cemetery tracts. No existing tree(s) may be removed.
  - d) A minimum 8-foot height solid ornamental masonry fence shall be constructed along a portion of the Property boundaries as identified on the attached site map within three months from the passage of this ordinance along the areas identified as “existing chain link fence,” and “solid wood fence,” 10 foot tall Italian Cypress trees (capable of 30 foot growth) shall be planted in the same areas to supplement the ornamental masonry fence which shall be no more than 10 feet apart along the Property boundaries as shown on the approved site plan.
  - e) A minimum 8-foot height earth berm shall be constructed along the Property boundaries as identified on the attached site map within six months from the passage of this ordinance along the areas identified as “no existing fence” in Areas 4 and 5.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-0338

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- PHASING: A building permit must be issued for mausoleum uses exceeding 2,000 square feet located in Areas 6 and 7 combined.
- MAINTENANCE: The entire premises must be Property maintained in a state of good repair and neat appearance at all times.
- GENERAL REQUIREMENTS: Utilization of the Property must comply with all other applicable ordinances, rules and regulations of the City of Dallas.

Motion seconded by Councilmember Caraway and Councilmember Davis.

Mayor Rawlings called for a vote on Councilmember Alonzo's substitute motion.

Following a voice vote, Mayor Rawlings declared the motion failed.

Councilmember Alonzo requested a record vote on Councilmember Koop's original motion.

Mayor Rawlings called the vote on the item.

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

Voting No: [1] Alonzo

Absent when vote taken: [0]

The assistant city secretary declared the motion adopted.

Assigned ORDINANCE NOS. 28918 AND 28919

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0339

FLOODPLAIN APPLICATIONS

Item 56: A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 0.24 acres of the current 0.76 acres of land located at 8819 and 8827 Lakemont Drive, within the floodplain of Bachman Branch, Fill Permit 12-06 - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

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

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0340

FLOODPLAIN APPLICATIONS

Item 57: A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 2.77 acres of the current 3.95 acres of land located at 10808 Luna Road, within the floodplain of the Elm Fork of the Trinity River, Fill Permit 12-07 - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0341

MISCELLANEOUS HEARINGS - UNDER ADVISEMENT

Item 58: 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)

The following individuals addressed the city council regarding the item:

William Hopkins, 2011 Leath St.  
Gwain Wooten, 1000 Grigsby Ave.

Councilmember Alonzo moved to close the public hearing and adopt the item with the following change as the major property owner in the area has stated they do not want to rezone their property at this time:

- Authorize the public hearing to determine zoning only for property zoned R-5(A) Single Family District on the east side of Bataan Street and the north side of the unimproved right-of-way of Fairfield Street for consideration of including it in La Bajada Neighborhood Stabilization Overlay No. 13.

Motion seconded by Councilmember Greyson and unanimously adopted. (Rawlings absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0342

MISCELLANEOUS HEARINGS - UNDER ADVISEMENT

Item 59: A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from the St. Elizabeth's Catholic School required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a general merchandise or food store greater than 10,000 square feet [Fiesta Mart, Inc.] on property on the northeast corner of Ledbetter Drive and Hampton Road - Financing: No cost consideration to the City

No hearing was held on the item.

Councilmember Griggs moved to continue the public hearing and hold under advisement until the April 10, 2013 voting agenda meeting of the city council.

Motion seconded by Councilmember Greyson and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0343

Addendum addition 1: Authorize the appointment of Rick Galceran, P.E., Director of Public Works, to represent the City of Dallas as a member of the Senate Bill 1420 Committee to determine the distribution of financial risk, method of financing, and tolling structure and methodology for SH 183 Managed Lanes Project - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0344

Addendum addition 2:            Authorize the purchase of solid waste containers (dumpsters) for use in City Facility refuse collection - Roll Offs USA, Inc., through the Houston-Galveston Area Council of Governments - Not to exceed \$235,106 - Financing: Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0345

Addendum addition 3: An ordinance abandoning portions of Vistawood Boulevard and Short Boulevard to Corinth I-35 & Ledbetter, LLC, the abutting owner, containing approximately 24,961 square feet of land located near the intersection of Vistawood and Short Boulevards, authorizing the quitclaim, and providing for the dedication of approximately 49,339 square feet of land needed for right-of-way - Revenue: \$5,400 plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 28920

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0346

Addendum addition 4: Authorize settlement of the lawsuit styled Staci Williams v. City of Dallas, Texas, Civil Action No. 3:11-CV-00397-P - Not to exceed \$75,000 - Financing: Current Funds

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

Motion seconded by Mayor Rawlings.

By general consensus of the city council, Mayor Rawlings called a recess of the city council meeting at 10:07 a.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 10:21 a.m.

No other matters were discussed during the executive session.

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Kadane.

Councilmember Margolin requested a record vote on the item.

Mayor Rawlings called the vote on the item.

Voting Yes: [9] Rawlings, Medrano, Atkins, Jasso, Alonzo, Kadane, Koop, Margolin, Hunt

Voting No: [6] Griggs, Caraway, Hill, Davis, Allen, Greyson

Absent when vote taken: [0]

The assistant city secretary declared the motion adopted.

Later in the meeting, Deputy Mayor Pro Tem Atkins moved to reconsider the item to allow certain councilmembers to change their vote.

Motion seconded by Councilmember Caraway and unanimously adopted.

Councilmember Hill requested the vote wait until all councilmembers were present.

Mayor Rawlings stated the vote would wait until later in the meeting when all councilmembers were present.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-0346

Page 2

Councilmember Margolin requested a record vote to reconsider the item.

Mayor Rawlings called the vote on the reconsideration of the item.

Voting Yes: [12] Rawlings, Medrano, Atkins, Jasso, Griggs, Caraway  
Alonzo, Davis, Kadane, Allen, Koop, Greyson,

Voting No: [3] Hill, Margolin, Hunt

Absent when vote taken: [0]

The assistant city secretary declared the motion adopted.

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Caraway.

Councilmember Margolin requested a record vote on the item.

Mayor Rawlings called the vote on the item.

Voting Yes: [11] Rawlings, Medrano, Atkins, Jasso, Caraway, Alonzo,  
Davis, Kadane, Koop, Margolin, Hunt

Voting No: [4] Griggs, Hill, Allen, Greyson

Absent when vote taken: [0]

The assistant city secretary declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 13, 2013

13-0347

Addendum addition 5: A resolution designating absences by Mayor Pro Tem Pauline Medrano, Deputy Mayor Pro Tem Tennell Atkins, Councilmember Delia Jasso, Councilmember Dwaine Caraway and Councilmember Carolyn R. Davis as being for "official city business" - Financing: No cost consideration to the City

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

Councilmember Hill moved to adopt the item.

Motion seconded by Councilmember Hunt and unanimously adopted. (Medrano, Atkins, Jasso, Caraway, Davis abstain)

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, FEBRUARY 13, 2013

EXHIBIT C