

“CORRECTED”
MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 26, 2013

13-1050

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

PRESENT: [15] Rawlings, Atkins, Alonzo, Griggs, Medrano, Hill, Caraway, Callahan, Davis (*9:11 a.m.), Kadane, Allen, Kleinman, Greyson (*9:20 a.m.), Gates, Kingston

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 Councilmember Kadane.

Councilmember Kingston led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 3:24 p.m.

Mayor

ATTEST:

City Secretary

The annotated 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**

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 26, 2013

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 26, 2013

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1051

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: Marsha Jones, 6108 Abrams Rd.
SUBJECT: Billboard Issues

SPEAKER: Richard Sheridan, 3022 Forest Ln.
REPRESENTING: Awakening Citizens
SUBJECT: Check your status. Under God?

SPEAKER: Freddy Delgado, 2525 Pleasant Dr.
SUBJECT: Complaint with the city

SPEAKER: Cornelius Amen, 2018 Lanark Ave.
REPRESENTING: People against Poverty, Crime and Injustice
SUBJECT: Injustice

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Wilma Davis, 6310 Humoresque Dr. (handout provided)
SUBJECT: Healthier foods in S. Oak Cliff

SPEAKER: Jerry Hamilton, 1323 Amos St.
SUBJECT: Neighborhood problem

OPEN MICROPHONE – SPOKE IN THE LAST 30 DAYS:

SPEAKER: William Hopkins, 2011 Leath St. (handout provided)
SUBJECT: No African-American female employees

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

SPEAKER: Robert Ceccarelli, 2218 Norwood Dr.
SUBJECT: DISD Superintendent recognitions

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

SPEAKER: Trina Triche, 1818 Corsicana St
SUBJECT: Government ethics/lawsuit/Agenda 18, 19, 28/Add. 4,5,9,10, 13 &
14

SPEAKER: LaKolya London, 1753 Mockingbird Ln.
SUBJECT: Slain Florida teen trial

SPEAKER: Jonathan Vance, 5230 Bryan St.
SUBJECT: Advancing government administration

SPEAKER: Frank Ward, P.O. Box 130694
REPRESENTING: The Trinity Reunion
SUBJECT: DeJure DeFacto

OPEN MICROPHONE – OTHER:

SPEAKER: Chartle Burns, 3730 Spence St.
SUBJECT: Neighborhood neglect

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1052

Item 1: Approval of Minutes of the June 12, 2013 City Council Meeting

The city secretary informed the city council the minutes were amended to place a note on the minute page for agenda item 81 to clarify for the record the item was considered and approved at the June 19, 2013 City Council Briefing rather than the initial date of June 26, 2013 as was indicated in the original motion for that item.

Councilmember Caraway moved to adopt the minutes of the June 12, 2013 City Council Meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1053

CONSENT AGENDA

The consent agenda, consisting of consent agenda items 2-42 and addendum addition consent agenda items 1-23, was presented for consideration.

Mayor Rawlings requested addendum addition consent agenda item 5 be considered as an individual item later in the meeting; there was no objection voiced to his request.

Councilmember Kingston requested addendum addition consent agenda items 10, 19, 20 and 21 be considered as individual items later in the meeting; there was no objection voiced to his request.

Mayor Pro Tem Atkins requested addendum addition consent agenda item 12 be considered as an individual item later in the meeting; there was no objection voiced to his request.

Councilmember Gates requested addendum addition consent agenda item 15 be considered as an individual item later in the meeting; there was no objection voiced to her request.

Councilmember Greyson requested addendum addition consent agenda item 21 be considered as an individual item later in the meeting; there was no objection voiced to her request.

Councilmember Caraway requested addendum addition consent agenda item 22 be considered as an individual item later in the meeting; there was no objection voiced to his request.

Councilmember Caraway moved to adopt all items on the consent agenda and addendum addition consent agenda with the exception of addendum addition consent agenda items 5, 10, 12, 15, 19, 20, 21 and 22.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1054

Item 2: Authorize **(1)** an application for and acceptance of an Interlocal Agreement with the Texas Department of Transportation, Aviation Division, to perform a Wildlife Hazard Assessment at Dallas Executive Airport, under the Texas Department of Transportation State Block Grant Program, Texas Department of Transportation will administer the Federal Aviation Administration Airport Improvement Program grants at airports classified as "other than primary" airports; Dallas Executive Airport is designated a reliever airport under the National Plan of Integrated Airport Systems eligible projects for a 90%-10% match are estimated to cost a total of \$85,000; Texas Department of Transportation will match 90% and the City will match 10% of the project costs for project completion by September 30, 2015; and **(2)** execution of the grant agreement - Not to exceed \$8,500 - Financing: Aviation Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1055

Item 3: Authorize **(1)** an application for and acceptance of an Interlocal Agreement with the Texas Department of Transportation, Aviation Division, to perform routine airport maintenance at Dallas Executive Airport, under the Routine Airport Maintenance Program for eligible maintenance projects in an amount not to exceed the total project costs which is estimated at \$100,000 (the Texas Department of Transportation will match 50% and the City will match 50% of the project costs) for project completion by September 30, 2013; and **(2)** execution of the grant agreement - Not to exceed \$50,000 - Financing: Aviation Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1056

Item 4: Authorize **(1)** a three-year service contract for original equipment manufacturer parts and labor to maintain City vehicles and equipment - Park Cities Ford Lincoln in the amount of \$4,501,157, Holt Texas, Ltd. in the amount of \$4,272,225, Kirby-Smith Machinery, Inc. in the amount of \$3,213,421, AutoNation Chevrolet Galleria in the amount of \$2,067,150, Southwest International Trucks, Inc. in the amount of \$2,028,140, Bobcat of Dallas in the amount of \$1,340,155, Rush Medium Duty Truck Center, Dallas in the amount of \$1,329,405, Equipment Southwest, Inc. in the amount of \$1,329,200, Romco Equipment Co., LLC in the amount of \$1,324,263, Duncanville Automotive dba Freedom Dodge in the amount of \$1,153,325, Rush Truck Center, Dallas Light and Medium Duty in the amount of \$1,115,760, Four Brothers Outdoor Power, Inc. in the amount of \$974,660, Sonic-Lute Riley, LP dba Lute Riley Honda in the amount of \$875,650, RDO Equipment Company in the amount of \$760,400, CLS Sewer Equipment Co., Inc. in the amount of \$587,600, EV Autos in the amount of \$538,750, Metro Fire Apparatus Specialists, Inc. in the amount of \$545,800, Kinloch Equipment and Supply, Inc. in the amount of \$458,850, Stewart & Stevenson, LLC in the amount of \$446,994, Lone Star Trim in the amount of \$379,950, Industrial Disposal Supply Co., Ltd. in the amount of \$342,650, Wheeled Coach Industries, Inc. in the amount of \$168,600, Texas Underground dba Underground, Inc. in the amount of \$161,650, Waterblasting Technologies, Inc. in the amount of \$90,000, H.D. Industries, Inc. in the amount of \$66,600, Witch Equipment Co., Inc. in the amount of \$60,586, Quality Fire Truck Parts, LLC in the amount of \$31,500, Landmark Equipment, Inc. in the amount of \$31,425, Dickson Equipment Co., Inc. in the amount of \$11,350 and Longhorn Harley-Davidson in the amount of \$8,320, lowest responsible bidders of thirty-five; and **(2)** a three-year service contract for original equipment manufacturer parts - MHC Kenworth in the amount of \$214,500 through Texas Association of School Boards (BuyBoard) - Total not to exceed \$30,430,036 - Financing: Current Funds (\$28,419,313), Stormwater Drainage Management Current Funds (\$95,500), Water Utilities Current Funds (\$1,777,598) and Aviation Current Funds (\$137,625) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1057

Item 5: Authorize a three-year service contract for maintenance and support of Symantec Netbackup software licenses - PetroSys Solutions, Inc. dba psitechnology, most advantageous proposer of two - Not to exceed \$530,477
- Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1058

Item 6: Authorize **(1)** a three-year appointment contract, with one two-year renewal option, for paying agent/registrar services for registered debt obligations issued July 1, 2013 through June 30, 2016 - U.S. Bank, N.A. in the amount of \$400 per year for each bond issuance not to exceed \$72,000 (estimated fees for six bond issuances with a 30-year term for each issuance) most advantageous proposer of three; and **(2)** the continuation of payment to U.S. Bank, N.A., and Wells Fargo, N.A. as paying agents for previously registered debt obligations in the amount of \$40,000 - Total not to exceed \$112,000 - Financing: Current Funds (\$59,750), Convention and Event Services Current Funds (\$1,000) and Water Utilities Current Funds (\$51,250) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1059

Item 7: Authorize a five-year service contract for access to an on-line newspaper database, perpetual license to NewsBank's Dallas Morning News Historical Archive and microfilm service for Dallas Public Library - NewsBank, Inc., sole source - Not to exceed \$1,728,975 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1060

Item 8: Authorize a five-year service contract for the rental and lease of uniforms - G&K Services, lowest responsible bidder of three - Not to exceed \$795,605 - Financing: Current Funds (\$656,405), Aviation Current Funds (\$50,000) and Stormwater Drainage Management Current Funds (\$89,200) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1061

Item 9: Authorize the purchase of one forklift - Briggs Equipment, Inc., lowest responsible bidder of three - Not to exceed \$70,906 - Financing: Aviation Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1062

Item 10: Authorize a two-year master agreement for fire hydrant markers - Hy-Viz, Inc., lowest responsible bidder of two - Not to exceed \$188,538 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1063

Item 11: Authorize a three-year master agreement for advanced metering infrastructure meter boxes and accessories - Bass and Hays Foundry, Inc. in the amount of \$894,569 and Fortiline, Inc. in the amount of \$750,688, lowest responsible bidders of four - Total not to exceed \$1,645,257 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1064

Item 12: Authorize a three-year master agreement for advanced vehicle detection equipment for traffic signals - Twincrest Technologies, Inc. through the Houston-Galveston Area Council of Governments - Not to exceed \$4,245,400 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1065

Item 13: Authorize **(1)** a three-year master agreement for uniforms, jackets, rainwear and accessories - Regali, Inc. in the amount of \$3,903,267, ERMIC IV, LP in the amount of \$559,598, Premier Uniform, Inc. in the amount of \$238,572 and C&G Police Supply dba C&G Wholesale in the amount of \$77,525; and **(2)** a three-year service contract for alterations of police uniforms, jackets and rainwear - C&G Police Supply dba C&G Wholesale in the amount of \$215,400, most advantageous proposers of six - Total not to exceed \$4,994,362 - Financing: Current Funds (\$215,400 subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1066

Item 14: Authorize Supplemental Agreement No. 1 to increase the service contract to exercise the lease end option to purchase three mail postage processing machines and a mail processing inserter machine with Pitney Bowes, Inc. - Not to exceed \$65,372, from \$567,580 to \$632,952 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1067

Item 15: An ordinance authorizing: **(1)** the issuance and sale of City of Dallas, Texas, General Obligation Refunding Bonds, Tax-exempt Series 2013A, in an aggregate amount not to exceed \$415,000,000; **(2)** the establishment of parameters regarding the sale of the Bonds; **(3)** approval of an Escrow Agreement; and **(4)** approval of a Bond Purchase Agreement and all other matters related thereto - Total not to exceed \$504,471 - Financing: 2013 General Obligation Refunding and Improvement Bond Funds

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29046

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1068

Item 16: An ordinance authorizing: **(1)** the issuance and sale of City of Dallas, Texas, General Obligation Refunding Bonds, Taxable Series 2013B, in an aggregate amount not to exceed \$85,000,000; **(2)** the establishment of parameters regarding the sale of the Bonds; **(3)** approval of an Escrow Agreement; and **(4)** approval of a Bond Purchase Agreement and all other matters related thereto - Total not to exceed \$355,971 - Financing: 2013 General Obligation Refunding and Improvement Bond Funds

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29047

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1069

Item 17: Authorize a contract with the Museum of African American Life and Culture for services provided to the City through the Cultural Services Contracts Program during the period October 1, 2012 through September 30, 2013 - Not to exceed \$108,828 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1070

Item 18: Authorize an increase in the contract with Hasen Design Build and Development dba Hasen Construction Services for park restoration to include: (1) additional masonry components; additional stairway and walkway connection (Maple Avenue to Turtle Creek Trail); additional boulders to control storm water; changing walkways from decomposed granite to stone; adding park sign; and (2) reduced scope including deleting operable gate and associated masonry; reducing footings size and quantity; deleting piers; and reducing fencing at Reverchon Park located at 3505 Maple Avenue - Not to exceed \$191,151, from \$1,590,006 to \$1,781,157 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1071

Item 19: Authorize **(1)** an increase in the contract with Phoenix I Restoration and Construction, Ltd. for changes to the scope of work for Phase II renovations, including: landscaping, paving, site furnishings and lighting, signage, traffic signal and drainage improvements at Dealey Plaza located at 400 Main Street; **(2)** the receipt and deposit of funds in the amount of \$20,620 in the Capital Gifts, Donation and Development Fund; **(3)** an increase in appropriations in the Capital Gifts, Donation and Development Fund in the amount of \$20,620; **(4)** the receipt and deposit of funds in the amount of \$52,739 in The Dallas Foundation/Dealey Plaza Restoration Project Fund; and **(5)** an increase in appropriations in the Dallas Foundation/Dealey Plaza Restoration Project Fund in the amount of \$52,739 - Not to exceed \$105,477, from \$934,300 to \$1,039,777 - Financing: 2003 Bond Funds (\$32,118), Capital Gifts, Donation and Development Funds (\$20,620), and The Dallas Foundation/Dealey Plaza Restoration Project Funds (\$52,739)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1072

Item 20: Authorize **(1)** Amendment No. 2 to the Supplemental Agreement for the Construction, Development and Maintenance of a Children's Garden Facility at the Dallas Arboretum to allow Dallas Arboretum and Botanical Society to assign revenue from the parking premises to repay the parking facility construction debt; and **(2)** Amendment No. 3 to the First Amended Arboretum and Botanical Society Contract to extend the term by ten years including estimated utility costs of \$395,000 annually for the period March 24, 2023 through March 23, 2033 at the Dallas Arboretum located at 8525 Garland Road - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1073

Item 21: Authorize a public hearing to be held on September 11, 2013 to receive comments on the proposed exchange of 1,767 square feet of land at the Dallas Zoo for the future Texas Department of Transportation (TxDOT) Southern Gateway Interstate Highway 35 East/US 67 Highway Improvement Project - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1074

Item 22: Authorize a Project Specific Agreement to the Master Agreement with Dallas County for transportation improvements on Miller Road from Garland east city limits to Rowlett west city limits - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1075

Item 23: Authorize **(1)** the acceptance of a grant in the amount of \$367,790 from the Texas Commission on Environmental Quality for the Ambient Air Monitoring Program for the period September 1, 2013 through August 31, 2015; **(2)** a local match in an amount not to exceed \$181,151 over the two-year period; and **(3)** execution of the grant agreement - Total not to exceed \$548,941 - Financing: Texas Commission on Environmental Quality Grant Funds (\$367,790) and Current Funds (\$181,151) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1076

Item 24: Authorize **(1)** a contract with the Texas Commission on Environmental Quality to accept state grant funds in the amount of \$525,117 to continue the Air Pollution Compliance program to provide investigation services and complaint responses within the City Of Dallas for the period September 1, 2013 through August 31, 2014 with an option to renew the contract for an additional three years; and **(2)** a local match in an amount not to exceed \$258,640 - Total not to exceed \$783,757 - Financing: Texas Commission on Environmental Quality Grant Funds (\$525,117) and Current Funds (\$258,640) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1077

Item 25: Authorize the first amendment to the contract with Texas Commission on Environmental Quality to accept state grant funds to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2013 through August 31, 2014 - Not to exceed \$422,360, from \$422,360 to \$844,720 - Financing: Texas Commission on Environmental Quality Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1078

Item 26: Authorize the third amendment to the contract with the Texas Commission on Environmental Quality for additional grant funds for particulate matter 2.5 network activities for the period September 1, 2013 through August 31, 2014 – Not to exceed \$67,587, from \$202,760 to \$270,347 - Financing: Texas Commission on Environmental Quality Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1079

Item 27: Authorize the fourth amendment to the contract with the Texas Commission on Environmental Quality to accept additional state grant funds to conduct the Rockwall Ambient Air Monitoring Program for the period September 1, 2013 through August 31, 2014 - Not to exceed \$20,812, from \$74,435 to \$95,247 - Financing: Texas Commission on Environmental Quality Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1080

Item 28: Authorize an increase in the contract with Omega Contracting, Inc. for additional paving items and extension of the water and wastewater main replacement limits for the Elm Street from Good Latimer Expressway to Exposition Avenue Project - Not to exceed \$349,945, from \$5,934,257 to \$6,284,202 - Financing: General Obligation Commercial Paper Funds (\$160,700), Water Utilities Capital Construction Funds (\$3,600) and Water Utilities Capital Improvement Funds (\$185,645)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1081

Item 29: Authorize Supplemental Agreement No. 2 to the design/build contract with Texas Roof Management, Inc. for Phase II construction services for the repair/replacement of roofing on nineteen City-owned facilities (list attached) - Not to exceed \$3,624,870, from \$408,448 to \$4,033,318 - Financing: 2006 Bond Funds (\$2,230,020), Capital Construction Funds (\$119,100) and General Obligation Commercial Paper Funds (\$1,275,750)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1082

Item 30: Authorize a twenty-four-month professional engineering contract, with three twelve-month renewal options, for hydrogeology and groundwater monitoring at McCommas Bluff Landfill, Northeast Transfer Station, Northwest Transfer Station and Southwest Transfer Station and waste cell design and construction oversight at McCommas Bluff Landfill - Biggs & Mathews Environmental, Inc., most advantageous proposer of two - Not to exceed \$396,040 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1083

Item 31: Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the lawsuit styled City of Dallas v. SLJ Company, LLC (formerly FTL Associates, LTD), et al, Cause No. CC-12-06223-B, pending in County Court at Law No. 2, for acquisition from SLJ Company, LLC (formerly FTL Associates, LTD.), of approximately 4,500 square feet of land located near Main Street and Cesar Chavez Boulevard for the Central Expressway from Commerce to Live Oak Realignment Project, and **(2)** settlement of the lawsuit for an amount not to exceed the amount of the award - Not to exceed \$408,500 (\$405,000, being the amount of the award, plus closing costs and title expenses not to exceed \$3,500) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1084

Item 32: Authorize settlement in lieu of proceeding with condemnation of a tract of land originally containing 301,937 square feet and being increased to consist of approximately 673,022 square feet from Purvis T. Welch and Robbie Lee Hale located near the intersection of Garden Grove Road and Interstate Highway 20 for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$94,000, increased from \$231,000 (\$225,599, plus closing costs and title expenses not to exceed \$5,401) to \$325,000 (\$320,000, plus closing costs and title expenses not to exceed \$5,000) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1085

Item 33: Authorize a ten-year lease agreement with Marcer Investments, LLC for approximately 4,272 square feet of office space located at 6012 Abrams Road to be used as a Women, Infants and Children Clinic for the period September 1, 2013 through August 31, 2023 - Not to exceed \$748,668 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1086

Item 34: An ordinance abandoning portions of an alley and an alley sight easement to Xerox Business Services, LLC, the abutting owner, containing a total of approximately 8,179 square feet of land, located near the intersection of Belmont Avenue and Peak Street and authorizing the quitclaim - Revenue: \$257,640, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29048

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1087

Item 35: An ordinance abandoning a portion of a water easement to The Hockaday School, the abutting owner, containing approximately 2,385 square feet of land, located near the intersection of Forest Lane and Welch Road - Revenue: \$5,400, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29049

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1088

Item 36: An ordinance granting a private license to 1325 South Lamar Hotel, L.P. for the installation, maintenance, and use of approximately 72 square feet to install, maintain and use a canopy over a portion of Belleview Street located near its intersection with Lamar Street - Revenue: \$1,000 one-time fee, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29050

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1089

Item 37: Authorize a professional services contract with Oncor Electric Delivery Company LLC, a Delaware limited liability company, for design and construction services to provide a secondary feed for electrical power to the new Baker No. 3 Storm Water Pump Station - Not to exceed \$1,536,198 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1090

Item 38: Authorize settlement in lieu of proceeding further with condemnation in the lawsuit styled City of Dallas v. Texas Heavenly Homes, Ltd., et al., Cause No. CC-11-05622-B, pending in the County Court at Law No. 2, for acquisition from Texas Heavenly Homes, Ltd. of an unimproved tract of land containing approximately 7,175 square feet located on Comal Street at its intersection with Cliff Street for the Dallas Floodway Project - Not to exceed \$8,300 (\$5,300, plus closing costs and title expenses not to exceed \$3,000) Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1091

Item 39: Authorize a contract for the installation of water and wastewater mains at 40 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of four - Not to exceed \$9,261,831 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1092

Item 40: Authorize a five-year contract, with two five-year renewal options, with Wynnewood Army LLC, to continue providing untreated water for the period June 24, 2013 through June 23, 2018 - Estimated Annual Revenue: \$37,843

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1093

Item 41: Authorize an increase in the Advance Funding Agreement with the State of Texas, acting through the Texas Department of Transportation, for relocation of two fire hydrants and routine water and wastewater main appurtenance adjustments in SH 289 (Preston Road) at Royal Lane - Not to exceed \$19,754, from \$27,142 to \$46,896 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1094

Item 42: Authorize an increase in the contract with Archer Western Construction, LLC for additional work associated with the construction of chlorine scrubber system improvements at the Elm Fork Water Treatment Plant - Not to exceed \$149,685, from \$16,994,500 to \$17,144,185 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1095

13-1096

Item 43: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

The city secretary distributed a report showing all nominations and re-nominations received for city board and commission appointments for the 2011-2013 board term updated through JUNE 26, 2013.

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

Councilmember Kadane moved to appoint Tyler C. Foreman, Registered Voter, to the Reinvestment Zone Ten Board (Southwestern Medical).

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

Councilmember Alonzo 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 June 26, 2013.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

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

13-5054 BOA BOARD OF ADJUSTMENT

13-5055 RZ10 REINVESTMENT ZONE TEN BOARD (SOUTHWESTERN MEDICAL)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1097

Item 44: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from 2107 Highland Dr., LLC., of approximately 54,898 square feet of land located near the intersection of Highland and Ferguson Roads for the White Rock Hills Park Project - Not to exceed \$535,000 (\$530,000, plus closing costs and title expenses not to exceed \$5,000) - Financing: 2006 Bond Funds

Mayor Rawlings announced the city secretary would read agenda items 44, 45 and 49 into the record; and if any councilmember wanted to consider any of these items separately, that item would be pulled and voted on separately. Following the reading of agenda items 44, 45 and 49, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 44 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 *2107 Highland Dr., LLC.*, of approximately 54,898 square feet of land located near the intersection of Highland and Ferguson Roads for the White Rock Hills Park Project.

Councilmember Hill moved to adopt agenda items 44, 45, and 49.

Motion seconded by Councilmember Allen.

Mayor Rawlings called the vote on Councilmember Hill's motion to adopt agenda items 44, 45, and 49:

Voting Yes: [15] Rawlings, Atkins, Alonzo, Griggs, Medrano, Hill, Caraway, Callahan,
Davis, Kadane, Allen, Kleinman, Greyson, Gates, Kingston

Absent: [0]

The city secretary declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1098

Item 45: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Boise Building Solutions Distribution, LLC, of approximately 314,393 square feet of land located near the intersection of Bekay Street and Plano Road for the Park District Maintenance Service Center Project - Not to exceed \$1,010,000 (\$1,000,000, plus closing costs and title expenses not to exceed \$10,000) - Financing: General Obligation Commercial Paper Funds

Mayor Rawlings announced the city secretary would read agenda items 44, 45 and 49 into the record; and if any councilmember wanted to consider any of these items separately, that item would be pulled and voted on separately. Following the reading of agenda items 44, 45 and 49, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 45 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 *Boise Building Solutions Distribution, LLC*, of approximately 314,393 square feet of land located near the intersection of Bekay Street and Plano Road for the Park District Maintenance Service Center Project.

Councilmember Hill moved to adopt agenda items 44, 45, and 49.

Motion seconded by Councilmember Allen.

Mayor Rawlings called the vote on Councilmember Hill's motion to adopt agenda items 44, 45, and 49:

Voting Yes: [15] Rawlings, Atkins, Alonzo, Griggs, Medrano, Hill, Caraway, Callahan, Davis, Kadane, Allen, Kleinman, Greyson, Gates, Kingston

Absent: [0]

The city secretary declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1099

Item 46: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Dorothy Deason of approximately 236 square feet of land, located near the intersection of Spring Avenue and Benton Street for the Spring Avenue Redevelopment Project - Not to exceed \$354 - Financing: 2010-2011 Community Development Block Grant Reprogramming Funds

This item was deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1100

Item 47: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Glenda R. Johnson and Juane J. Johnson of approximately 567 square feet of land, located near the intersection of Spring Avenue and Benton Street for the Spring Avenue Redevelopment Project - Not to exceed \$21,226 (\$19,226, plus closing costs and title expenses not to exceed \$2,000) - Financing: 2010-2011 Community Development Block Grant Reprogramming Funds

This item was deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1101

Item 48: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Tuyet Lan-Thi Vo of two tracts of land improved with a business for a total of approximately 515 square feet, located near the intersection of Spring Avenue and Hatcher Street for the Spring Avenue Redevelopment Project - Not to exceed \$57,950 (\$55,950, plus closing costs and title expenses not to exceed \$2,000) - Financing: 2010-2011 Community Development Block Grant Reprogramming Funds

This item was deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1102

Item 49: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Industrial Properties Corporation, of an unimproved tract of land containing approximately 42,348 square feet located near the intersection of Irving Boulevard and Sylvan Avenue for the Baker Pump Station - Not to exceed \$75,000 (\$72,000, plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds

Mayor Rawlings announced the city secretary would read agenda items 44, 45 and 49 into the record; and if any councilmember wanted to consider any of these items separately, that item would be pulled and voted on separately. Following the reading of agenda items 44, 45 and 49, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 49 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 *Industrial Properties Corporation*, of an unimproved tract of land containing approximately 42,348 square feet located near the intersection of Irving Boulevard and Sylvan Avenue for the Baker Pump Station

Councilmember Hill moved to adopt agenda items 44, 45, and 49.

Motion seconded by Councilmember Allen.

Mayor Rawlings called the vote on Councilmember Hill's motion to adopt agenda items 44, 45, and 49:

Voting Yes: [15] Rawlings, Atkins, Alonzo, Griggs, Medrano, Hill, Caraway, Callahan,
Davis, Kadane, Allen, Kleinman, Greyson, Gates, Kingston

Absent: [0]

The city secretary declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1103

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 50: Authorize a Chapter 380 economic development grant agreement pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program with Kohl's Department Stores, Inc., related to the creation of a customer contact center located at 17655-17657 Waterview Parkway, Dallas, Texas 75252 - Not to exceed \$500,000 - Financing: Public/Private Partnership Funds

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

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

Councilmember Greyson moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1104

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 51: Authorize a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Gaston/Grand, Ltd., a Limited Partnership entity owned entirely by principals and executive officers of Lincoln Property Company, associated with redeveloping and expanding the shopping center located at 7301, 7305 and 7331 Gaston Avenue in Dallas - Not to exceed \$1,000,000 - Financing: Public/Private Partnership Funds

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

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

Councilmember Kadane moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1105

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 52: Authorize a conditional grant agreement in the amount of \$300,000 with KKBK Properties, LLC, or its wholly owned subsidiary, to provide funding for the construction of commercial and residential units at 4002 Hatcher Street - Not to exceed \$300,000 - Financing: General Obligation Commercial Paper Funds

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1106

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 53: Authorize a conditional grant agreement in the amount of \$500,000 with Jubilee Park Community Center Corporation (JPCCC) to provide funding for the acquisition, demolition, relocation, predevelopment and construction of the Jubilee Neighborhood Project - Not to exceed \$500,000 - Financing: General Obligation Commercial Paper Funds

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 Medrano moved to adopt the item.

Motion seconded by Councilmember Griggs and Councilmember Callahan and unanimously adopted. (Caraway absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1107

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 54: Authorize a conditional grant agreement in the amount of \$650,000 with Frazier Revitalization Inc. (FRI) to provide funding for the acquisition, demolition, relocation, predevelopment and construction of the Hatcher Square Project - Not to exceed \$650,000 - Financing: General Obligation Commercial Paper Funds

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1108

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 55: Authorize (1) the acceptance of \$13,350,000 of Community Development Block Grant Section 108 Guarantee Loan Program Funds (Section 108 Loan Funds) from the U.S. Department of Housing and Urban Development (HUD) for Lake Highlands Town Center Phase I commercial development project; (2) a loan agreement with PC LH Land Partners LP (the Section 108 Borrower), its affiliates or assigns in the amount of \$13,350,000 of Section 108 Loan Funds for development of the Lake Highlands Town Center Phase I project (the Section 108 Borrower Loan) including construction of commercial buildings with approximately 145,000 square feet of space and parking structure with approximately 1,069 parking spaces, sitework, loan interest reserve, and financing costs for public offering for the transit-oriented development located in the 7140 to 7160 blocks of Skillman Street; (3) the City Manager to enter into all necessary agreements with HUD including a Funding Approval/Agreement, a Fiscal Agency Agreement, a Promissory Note, up to two letters of agreement for establishment of a custodial account, documents relating to additional security if required by HUD, and a letter requesting advance funds for interim financing; (4) the City Manager to establish appropriations for Section 108 Loan Funds for a commercial development loan; and (5) the City Controller to deposit and disburse funds from an identified account for Section 108 Loan Funds - Not to exceed \$13,350,000 - Financing: Community Development Block Grant Section 108 Guarantee Loan Funds

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 Allen requested to hold the item under advisement until the November 13, 2013 voting agenda meeting of the city council.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1109

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 56: Authorize a housing development loan in an amount not to exceed \$300,000 with Dallas Area Habitat for Humanity for the development of ten affordable single family homes to be located between 3528-3560 Jenny Dale Drive in West Dallas - Not to exceed \$300,000 - Financing: FY 2012-13 HOME Investment Partnership Program Funds

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 Allen moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1110

The consent zoning docket, consisting of agenda items 57-65 and addendum addition consent zoning agenda item 29, was presented for consideration.

Agenda items 58 and 61 were removed from the consent zoning docket, to be considered as an individual hearing.

Agenda item 57: Zoning Case Z123-155(MW)
Agenda item 58: Zoning Case Z123-164(RB) [considered individually]
Agenda item 59: Zoning Case Z123-189(WE)
Agenda item 60: Zoning Case Z123-196(WE)
Agenda item 61: Zoning Case Z123-201(MW) [considered individually]
Agenda item 62: Zoning Case Z123-205(MW)
Agenda item 63: Zoning Case Z123-216(MW)
Agenda item 64: Zoning Case Z123-227(MW)
Agenda item 65: Zoning Case Z123-228(WE)
Addendum item 29: Zoning Case Z123-236(RB)

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

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

The following individual addressed the city council in favor of the city plan commission's recommendations.

Mardy Brown, 1521 Crescent Dr, Carrollton, TX, spoke in favor of agenda item 60

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

Motion seconded by Councilmember Hill and unanimously adopted.

Later in the meeting, Councilmember Davis moved to reconsider the previous vote on the zoning agenda docket to allow item 61 to be considered as an individual item.

Motion seconded by Councilmember Greyson and unanimously adopted.

Councilmember Kadane moved to reconsider zoning consent items 57, 59 62-65 and addendum addition consent agenda item 29.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1111

Item 57: Zoning Case Z123-155(MW)

The consent zoning docket, consisting of agenda items 57-65 and addendum addition consent zoning agenda item 29, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 975 for a private school on property zoned an R-7.5(A) Single Family District on the south corner of Lovers Lane and Fisher Road.

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions.

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29051

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1112

Item 58: Z123-164(RB)

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 and an MU-3 Mixed Use District on the west line of Newberry Street, north of Crown Road.

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant.

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

Deputy Mayor Pro Tem Alonzo requested all speakers on the item come forward to speak; none were forthcoming.

Deputy Mayor Pro Tem Alonzo moved to continue the public hearing and hold the item under advisement until the August 14, 2013 voting agenda meeting of the city council.

Motion seconded by Mayor Pro Tem Atkins. (Davis absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1113

Item 59: Zoning Case Z123-189(WE)

The consent zoning docket, consisting of agenda items 57-65 and addendum addition consent agenda item 29, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for an athletic field and MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily Subdistrict, an R-5(A) Single Family Subdistrict and an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the south corner of Trunk Avenue and Birmingham Avenue.

Recommendation of Staff and CPC: Approval, subject to a development plan and conditions.

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29052

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1114

Item 60: Zoning Case Z123-196(WE)

The consent zoning docket, consisting of agenda items 57-65 and addendum addition consent agenda item 29, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a restaurant with drive-in or drive-through service on property within Subarea 12 of Planned Development District No. 298, the Bryan Area Special Purpose District on the north corner of St. Joseph Street and Gaston Avenue.

Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions.

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

The following individual addressed the city council in favor of the city plan commission's recommendation:

Mardy Brown, 1521 Crescent Dr, Carrollton, TX

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29053

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1115

Item 61: Zoning Case Z123-201(MW)

The consent zoning docket, consisting of agenda items 57-65 and addendum addition consent agenda item 29, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a handicapped group dwelling unit on property zoned a TH-3(A) Townhouse District on the south side of Abshire Lane, east of Peavy Road.

Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewal for additional five-year periods; subject to a site plan and conditions.

Zoning agenda item 61 was originally adopted as part of the consent agenda docket. However, the consent agenda docket was reconsidered to allow the item to be considered individually.

Following discussion, Councilmember Davis moved to continue the public hearing and hold the item under advisement until the August 14, 2013 voting agenda meeting of the city council.

Motion seconded by Councilmember Greyson.

Following further discussion, Councilmember Davis moved to withdraw her motion to hold the item under advisement until the August 14, 2013 voting agenda meeting of the city council to allow for consideration of the item. Councilmember Greyson, who seconded the original motion, agreed to withdraw her second.

At the request of Councilmember Hill, the following individual addressed the city council on the item:

Betty Taylor, 1808 Abshire Ln.

Councilmember Davis requested the item be held until later in the meeting.

Later in the meeting, the item was brought back for consideration.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1115

Page 2

Councilmember Davis moved to close the public hearing, approve the item with the following amendment:

The SUP be given a two year renewal

and pass the ordinance.

Motion seconded by Councilmember Hill, and unanimously adopted.

Assigned ORDINANCE NO. 29054

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1116

Item 62: Zoning Case Z123-205(MW)

The consent zoning docket, consisting of agenda items 57-65 and addendum addition consent agenda item 29, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1872 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the west side of North Jim Miller Road, north of Lake June Road.

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions.

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29055

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1117

Item 63: Zoning Case Z123-216(MW)

The consent zoning docket, consisting of agenda items 57-65 and addendum addition consent agenda item 29, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1759 for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an IR Industrial Research District with deed restrictions on the east side of Maple Avenue, north of Inwood Road.

Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewal for additional two-year periods, subject to a site plan and conditions.

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29056

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1118

Item 64: Zoning Case Z123-227(MW)

The consent zoning docket, consisting of agenda items 57-65 and addendum addition consent agenda item 29, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1843 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-1 Commercial Service District with a D-1 Liquor Control Overlay on the northeast corner of South Belt Line Road and Kleberg Road.

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions.

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29057

♦William Hopkins, 2011 Leath St., approached the podium to speak but was asked to step down by the presiding officer as he was not speaking to the topic and refused to keep his comments to the topic.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1119

Item 65: Zoning Case Z123-228(WE)

The consent zoning docket, consisting of agenda items 57-65 and addendum addition consent agenda item 29, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1867 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 CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Lake June Road and Holcomb Road.

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions.

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29058

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1120

Item 66: Zoning Case Z112-288(WE)

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an Open-enrollment charter school on property zoned an R-7.5(A) Single Family District on the south line of Ann Arbor Avenue at Southern Hill Drive.

Recommendation of Staff: Approval for a three-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan, traffic management plan and conditions.

Recommendation of CPC: Approval for a twenty-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan, traffic management plan and conditions.

The following individuals appeared in opposition to the city plan commission's recommendation:

William Hopkins, 2011 Leath St.
Richard Sheridan, 3022 Forest
Lakolya London, 1818 Corsicana St.

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

Councilmember Caraway moved to close the public hearing, accept the city plan commission's recommendation and pass the ordinance.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

Assigned ORDINANCE NO. 29059

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1121

Item 67: Zoning Case Z123-184(MW)

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1715 for an industrial (outside) potentially incompatible use for an asphalt batching plant on property zoned an IM-D Industrial Manufacturing District with deed restrictions and a D Liquor Control Overlay on a portion on the east side of South Central Expressway, north of Linfield Road.

Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

Recommendation of CPC: Approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions.

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

The following individuals appeared in favor of the city plan commission's recommendation:

Claudia Fowler, 4531 Solar Lane
William Cothorn, 900 Jackson St.

Councilmember Davis moved to close the public hearing, accept the city plan commission's recommendation and pass the ordinance.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

Assigned ORDINANCE NO. 29060

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1122

Item 68: Zoning Case Z123-220(WE)

A public hearing to receive comments regarding an application for and (1) an ordinance granting a D-1 Liquor Control Overlay on property zoned Subarea 6 within Planned Development District No. 366-D with a Liquor Control Overlay located east of South Buckner Boulevard, Scyene Road and Bearden Lane and (2) an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property within Subarea 6 of Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D Liquor Control Overlay on a portion and a D-1 Liquor Control Overlay on a portion on the east side of South Buckner Boulevard, between Scyene Road and Bearden Lane.

Recommendation of Staff: 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.

Recommendation of CPC: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

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

Councilmember Callahan moved to close the public hearing, accept the city plan commission's recommendation and pass the ordinances.

Motion seconded by Councilmember Caraway and unanimously adopted.

Assigned ORDINANCE NOS. 29061 and 29062

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1123

DESIGNATED ZONING CASES - INDIVIDUAL

Item 69: Zoning Case Z123-170(RB)

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for certain Residential and Utility and Public Service Uses on property zoned an MC-4 Multiple Commercial District and a resolution accepting the termination of deed restrictions that require certain landscape requirements on the north line of Bent Tree Forest Drive, between Dallas North Tollway and Knoll Trail Drive.

Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions, and approval of the termination of deed restrictions.

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.

In accordance with Section 7.13 of the City Council Rules of Procedure, "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.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1123

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Councilmember Kleinman moved to close the public hearing, accept the city plan commission's recommendation and pass the ordinance.

Motion seconded by Councilmember Hill and Councilmember Medrano and unanimously adopted.

Assigned ORDINANCE NO. 29063

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1124

DESIGNATED ZONING CASES - INDIVIDUAL

Item 70: Zoning Case Z112-306(RB)

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for O-2 Office Subdistrict Uses on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and a resolution accepting the termination of deed restrictions on the northwest line of Travis Street, between Lemmon Avenue East and Lemmon Avenue West.

Recommendation of Staff: Approval, subject to a development plan, landscape plan, and staff's recommended conditions, and approval of the termination of deed restrictions.

Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions, and approval of the termination of deed restrictions.

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

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

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

The following individual appeared in favor of the city plan commission's recommendation:

William Cothrum, 900 Jackson St.

Councilmember Kingston moved to close the public hearing, accept the city plan commission's recommendation and pass the ordinance.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
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Page 2

Motion seconded by Councilmember Caraway and Councilmember Medrano and adopted on a divided vote, with Councilmember Greyson voting “No.” (Davis absent when vote taken)

Assigned ORDINANCE NO. 29064

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1125

Item 71: A benefit assessment hearing to receive comments on street paving, storm drainage, and water and wastewater main improvements for Burbank Street from Harry Hines Boulevard to Denton Drive, and at the close of the hearing, authorize an ordinance levying benefit assessments, and a construction contract with Tiseo Paving Company, lowest responsible bidder of four - Not to exceed \$3,373,240 - Financing: 2003 Bond Funds (\$1,655,329), Capital Projects Reimbursement Funds (\$885,201), Water Utilities Capital Improvement Funds (\$794,010) and Water Utilities Capital Construction Funds (\$38,700)

The following individuals addressed the city council on the item:

Pedro Ramirez, 2412 Burbank St.
Maria Ramirez, 2412 Burbank St.
Rosa Gonzalez, 2518 Roanoke Ave.

Councilmember Medrano requested that zoning consent agenda item 71 be held until later in the meeting in order to have his questions answered by staff.

Later in the meeting, the item was presented for consideration as Councilmember Medrano's questions had been answered.

Councilmember Medrano moved to continue the public hearing and hold under advisement until the August 14, 2013 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1126

DESIGNATED PUBLIC SUBSIDY MATTERS

Note: Item Nos. 72, 73 and 74
must be considered collectively.

Item 72: A public hearing to receive comments concerning the creation of a reinvestment zone for commercial tax abatement, to be known as City of Dallas Reinvestment Zone No. 80, incorporating approximately 2.5 acres of property located at 3504 North Central Expressway, Dallas, Texas for the purpose of granting economic development incentives to SBR Real Estate Holdings, LP (SBR) - Financing: No cost consideration to the City

Item 73: An ordinance designating the approximately 2.5 acres of property located at 3504 North Central Expressway, Dallas, Texas as City of Dallas Reinvestment Zone No. 80, for the purpose of granting economic development incentives to SBR Real Estate Holdings, LP and The Richards Group, establishing the boundaries of the Reinvestment Zone and providing for an effective date - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 on the item:

Barry Knight, 2728 N. Harwood St.

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

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

Assigned ORDINANCE NO. 29065

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1127

DESIGNATED PUBLIC SUBSIDY MATTERS

Note: Item Nos. 72, 73 and 74
must be considered collectively.

Item 74: Authorize a 50 percent real property tax abatement agreement for 10 years with SBR Real Estate Holdings, LP on approximately 2.5 acres of property located at 3504 North Central Expressway, Dallas, Texas - Revenue: First year revenue estimated at \$179,527; ten-year revenue estimated at \$1,795,275 (Estimated revenue foregone for ten-year real property tax abatement estimated at \$1,795,275)

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 Kingston moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1128

DESIGNATED PUBLIC SUBSIDY MATTERS

Note: Item Nos. 75, 76 and 77
must be considered collectively.

Item 75: A public hearing to receive comments concerning the creation of City of Dallas Reinvestment Zone No. 81 located on the east side of the 4800 block of Mountain Creek Parkway, north of Merrifield Road in Dallas, Texas; and, at the close of the hearing, consideration of (1) an ordinance creating City of Dallas Reinvestment Zone No. 81; and (2) two 90 percent real property tax abatement agreements with Mt. Creek Investments, Ltd., associated with the development of a two-phase speculative industrial/warehouse project - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 on the item:

John Napper, 9430 Hathaway St.

Councilmember Hill moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1129

DESIGNATED PUBLIC SUBSIDY MATTERS

Note: Item Nos. 75, 76 and 77
must be considered collectively.

Item 76: An ordinance designating the approximately 94 acres of property located on the east side of the 4800 block of Mountain Creek Parkway, north of Merrifield Road in Dallas, Texas as City of Dallas Reinvestment Zone No. 81, for the purpose of granting economic development incentives to Mt. Creek Investments, Ltd., establishing the boundaries of the Reinvestment Zone and providing for an effective date - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 and pass the ordinance.

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

Assigned ORDINANCE NO. 29067

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1130

DESIGNATED PUBLIC SUBSIDY MATTERS

Note: Item Nos. 75, 76 and 77
must be considered collectively.

Item 77: Authorize (1) a Phase I real property tax abatement agreement; and (2) a Phase II real property tax abatement agreement with Mt. Creek Investments, Ltd. located on the east side of the 4800 block of Mountain Creek Parkway, north of Merrifield Road in Dallas, Texas each in the amount of 90 percent on the value of new real property for ten years in accordance with the City's Public/Private Partnership Program – Revenue: First year revenue estimated at \$7,173; ten-year revenue estimated at \$101,538; (Estimated revenue foregone for a ten-year new real property abatement estimated at \$1,015,378)

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 Mayor Pro Tem Atkins and Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1131

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- James Gurski v. City of Dallas, Texas, Cause No. DC-13-01118

Personnel (Sec. 551.074 T.O.M.A.)

- Personnel issues involving City Attorney

At 11:06 a.m., Mayor Rawlings announced the closed session of the city council authorized by Chapter 551, "OPEN MEETINGS," of the (Texas Open Meetings Act) to discuss the following matters:

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- James Gurski v. City of Dallas, Texas, Cause No. DC-13-01118

Personnel (Sec. 551.074 T.O.M.A.)

- Personnel issues involving City Attorney

Mayor Rawlings reconvened the city council meeting after the closed session at 1:15 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1132

Addendum Addition 1: Authorize **(1)** a two-year service contract, with a one year renewal option, for temporary industrial labor for Sanitation Services in an amount not to exceed \$12,060,374 - Results Staffing, Inc., most advantageous proposer of five; and **(2)** a transition contract with All Temps 1 Personnel for temporary industrial labor for Sanitation Services for a period of up to thirty days to transition from the current contractor to the new contractor in an amount not to exceed \$450,000 - Total not to exceed \$12,510,374 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1133

Addendum Addition 2: Authorize a two-year service contract for janitorial services at the Morton H. Meyerson Symphony Center, Latino Cultural Center, Majestic Theatre, Dallas City Performance Hall, Bath House Cultural Center, Oak Cliff Cultural Center and WRR Municipal Radio - TIBH Industries, Incorporated - Not to exceed \$1,300,471 - Financing: Current Funds (\$1,276,506) and Municipal Radio Current Funds (\$23,965) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1134

Addendum Addition 3: Authorize (1) an Interlocal Agreement with Texas A & M Engineering Extension Service, a Texas state agency; and (2) a two-year service contract for specialized training - Texas A & M Engineering Extension Service - Not to exceed \$250,000 - Financing: Current Funds (\$149,000), U.S. Department of Homeland Security Grant Funds (\$51,000) and Water Utilities Current Funds (\$50,000) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1135

Addendum Addition 4: Authorize settlement of the lawsuit styled Bruton Stephens, Sr. v. City of Dallas, Civil Action No. 3:10-CV-191-O - Not to exceed \$125,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1136

Addendum Addition 5: Authorize settlement of the lawsuit styled James Gurski v. City of Dallas, Texas, Cause No. DC-13-01118 - Not to exceed \$435,000 - Financing: Current Funds

Mayor Rawlings requested addendum addition consent agenda item 5 be considered as an individual item later in the meeting; there was no objection voiced to his request.

Later in the meeting, addendum addition consent agenda item 5 was brought up for consideration.

Councilmember Kadane moved to adopt the item.

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

Note: This item was discussed in Executive Session under Section 551.071 of the Texas Open Meetings Act (Attorney Briefings) as posted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1137

Addendum Addition 6: Authorize an amendment to the development agreement with Anland GP, L.P., for the development and construction of a public parking garage (the "North Parking Garage") at the northwest corner of the intersection of Victory Avenue and Olive Street, to: **(1)** remove the execution of separate Operation/Management agreements by the City for operation of the garage during event and non-event times as a condition of TIF Reimbursement for the North Parking Garage; and **(2)** clarify minimum parking space requirements which may be subject to reduction depending upon size of parking spaces - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedure, "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."

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1138

Addendum Addition 7: Authorize certain amendments to the terms for the Canyon Development Agreement with SLF III - The Canyon TIF, L.P. ("SLF") previously approved on June 8, 2011, by Resolution Nos. 11-1570 and 11-1571, in Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to clarify the allocation of tax increment revenues and priority of payment among the approved projects in the Davis Garden TIF District - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedure, "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."

Adopted as part of the consent agenda.

Note: The item applies to District 1 as well as District 3.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1139

Addendum Addition 8: Authorize **(1)** a public hearing to be held on August 14, 2013 to receive comments concerning the creation of the Klyde Warren Park Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Klyde Warren Park area, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and **(2)** at the close of the hearing, a resolution approving creation of the District for seven years and approval of the District's Service Plan for 2014-2020 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1140

Addendum Addition 9: Authorize a contract with Big Sky Construction Co., Inc. for the construction of lobby renovations at Dallas City Hall - Not to exceed \$874,000 - Financing: Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1141

Addendum Addition 10: Authorize a contract with Gilbert May, Inc. dba Phillips/May Corporation, lowest responsible bidder of two, for construction and repairs at the Latino Cultural Center - Not to exceed \$236,091 - Financing: 2006 Bond Funds

Councilmember Kingston requested addendum addition consent agenda item 10 be considered as an individual item; there was no objection voiced to his request.

Later in the meeting, addendum addition consent agenda item 10 was brought up for consideration.

Councilmember Kingston moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1142

Addendum Addition 11: Authorize **(1)** adoption of the final FY 2013-14 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$24,690,229 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$14,956,262; **(b)** HOME Investment Partnerships Program in the amount of \$4,290,210; **(c)** Housing Opportunities for Persons with AIDS in the amount of \$4,393,520; and **(d)** Emergency Solutions Grant in the amount of \$1,050,237; **(2)** adoption of the FY 2012-13 Reprogramming Budget in the amount of \$773,873; and **(3)** submission of the new 5 Year Consolidated Plan for the period October 1, 2013 through September 30, 2018 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1143

Addendum Addition 12: Authorize a professional services contract for design services for the Singing Hills Recreation Center replacement at Crouch Road and Patrol Way - Perkins+Will Architects - Not to exceed \$579,488 - Financing: 2006 Bond Funds

Mayor Pro Tem Atkins requested addendum addition consent agenda item 12 be considered as an individual item; there was no objection voiced to his request.

Later in the meeting, addendum addition consent agenda item 12 was brought up for consideration.

Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1144

Addendum Addition 13: Authorize an increase in the contract with Gilbert May, Inc. dba Phillips/May Corporation for changes to the scope of work for renovations to include: (1) additions to landscaping and amenities, signs, storm inlet installation, and electrical revisions; and (2) reductions to stone work and lighting and deletion of portalet screen for park restoration at Stevens Park located at 1005 North Montclair Avenue - Not to exceed \$61,228, from \$457,758 to \$518,986 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1145

Addendum Addition 14: Authorize Supplemental Agreement No. 3 to the professional services contract with Dan Shipley Architect, Inc. for additional services to include bid phase and construction materials testing at Pleasant Oaks Recreation Center located at 8700 Greenmound Avenue - Not to exceed \$23,209, from \$168,239 to \$191,448 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1146

Addendum Addition 15: Authorize **(1)** a contract with Ed Bell Construction Company, lowest responsible bidder of six, for the construction of thoroughfare and water main improvements on Danieldale Road from Hampton Road to Old Hickory Trail and Old Hickory Trail from Danieldale Road to 500 feet south of Stoneview Drive in the amount of \$1,787,276; **(2)** assignment of the contract to US Real Estate, Limited Partnership or Seefried Development Management, Inc., as a third party designee for construction administration; **(3)** the receipt and deposit of funds from US Real Estate, Limited Partnership in the amount of \$777,223; and **(4)** an increase in appropriations in the Capital Projects Reimbursement Fund in the amount of \$777,223 - Total not to exceed \$1,787,276 - Financing: General Obligation Commercial Paper Funds (\$1,010,053) and Capital Projects Reimbursement Funds (\$777,223)

Councilmember Gates requested addendum addition consent agenda item 15 be considered as an individual item; there was no objection voiced to her request.

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

Councilmember Gates announced she had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Gates left the city council chamber.

Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1147

Addendum Addition 16: Authorize Supplemental Agreement No. 1 to the professional services contract with Bridgefarmer & Associates, Inc. for the final engineering design of bridge, paving and drainage improvements for the LBJ Freeway at Skillman Street interchange - Not to exceed \$3,256,804, from \$323,127 to \$3,579,931 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1148

Addendum Addition 17: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 2,157 square feet from Shero Industrial Properties, LP, located near the intersection of Cadiz Street and Riverfront Boulevard for the Cadiz Street Improvements Project - Not to exceed \$68,797, increased from \$30,259 (\$27,759, plus closing costs and title expenses not to exceed \$2,500) to \$99,056 (\$95,556, plus closing costs and title expenses not to exceed \$3,500) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1149

Addendum Addition 18: Authorize acquisition from Bernie L. Jones, of approximately 14,948 square feet of land improved with a single family dwelling and metal storage buildings near the intersection of Tempest Drive and Interstate Highway 20 for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$1,646, increased from \$42,205 (\$40,000, plus closing costs and title expenses not to exceed \$2,205) to \$43,851 (\$42,000, plus closing costs and title expenses not to exceed \$1,851) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1150

Addendum Addition 19: Authorize acquisition from Jack R. Swain Jr., Elizabeth Sabo Huddleston, as Trustee of the Elizabeth Sabo Huddleston Exempt Trust and Wayne Lyle Sabo, as Trustee of the Wayne Lyle Sabo Exempt Trust, of approximately 1,550 square feet of land located near the intersection of Routh and San Jacinto Streets for the Routh Street to Flora Street to San Jacinto Project - Not to exceed \$162,653 (\$160,153, plus closing costs and title expenses not to exceed \$2,500) - Financing: 2006 Bond Funds

Councilmember Kingston requested addendum addition consent agenda item 19 be considered as an individual item; there was no objection voiced to his request.

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

Councilmember Kingston moved to adopt the item.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1151

Addendum Addition 20: Authorize a moving and related expenses-nonresidential payment for BraJay Salon, who has been displaced as a direct result of real property acquisition of the property at 2222 Elm Street, Suite 100, to be used in conjunction with the Central Expressway from Commerce to Live Oak Realignment Project - Not to exceed \$81,403 - Financing: 2006 Bond Funds

Councilmember Kingston requested addendum addition consent agenda item 20 be considered as an individual item; there was no objection voiced to his request.

Later in the meeting, addendum addition consent agenda item 20 was brought up for consideration.

Councilmember Kingston moved to adopt the item.

Motion seconded by Councilmember Caraway and unanimously adopted.

“CORRECTED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1152

Addendum Addition 21: Authorize (1) severance of three structures from the real estate parcels on which they are located; and (2) the sale of surplus property consisting of three structures through a request for bid process, to Preserve Liberty, LLC, sole bidder (list attached) - Revenue: \$3

Councilmember Greyson and Councilmember Kingston requested addendum addition consent agenda item 21 be considered as an individual item; there was no objection voiced to their request.

Later in the meeting, addendum addition consent agenda item 21 was brought up for consideration.

Councilmember Kingston moved to adopt the item.

Motion seconded by Councilmember Medrano and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1153

Addendum Addition 22: Authorize the quitclaim of 140 properties acquired by the taxing authorities from the Sheriff's Sale to the highest bidders (list attached) - Revenue: \$979,648

Councilmember Caraway requested addendum addition consent agenda item 22 be considered as an individual item; there was no objection voiced to his request.

Later in the meeting, addendum addition consent agenda item 22 was brought up for consideration.

Councilmember Caraway moved to adopt the item.

Motion seconded by Councilmember Kingston and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1154

Addendum Addition 23: An ordinance abandoning a portion of Ashby Street to Housing Choices, Inc., the abutting owner, containing approximately 3,307 square feet of land, located near the intersection of Ashby and Deere Streets - Revenue: \$32,489, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1155

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum Addition 24: Authorize a Chapter 380 grant agreement under the City's Public Private Partnership Program with The DallasEC dba The Dallas Entrepreneur Center (DEC) to support small business and start-up development within the City of Dallas - Not to exceed \$200,000 - Financing: Public/Private Partnership Funds

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 Davis moved to adopt the item.

Motion seconded by Mayor Pro Tem Atkins and Councilmember Kingston and unanimously adopted. (Caraway absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1156

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum Addition 25: Authorize (1) a development agreement with DFM Developer, Ltd., to provide funding for the design, engineering, professional services, and construction of public infrastructure improvements for the Farmers Market Redevelopment, Phase I, Project located in Tax Increment Financing Reinvestment Zone Number Six (Farmers Market TIF District); and (2) the Farmers Market TIF District Board of Directors to dedicate up to \$1,664,832 from future Farmers Market TIF revenues in accordance with the development agreement - Not to exceed \$1,664,832 - Financing: Farmers Market TIF District Funds

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 Medrano moved to adopt the item.

Motion seconded by Mayor Pro Tem Atkins and Councilmember Kingston and unanimously adopted. (Caraway absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1157

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum Addition 26: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Six (Farmers Market TIF District), to reimburse DFM Developer, Ltd., in an amount not to exceed \$1,664,832 for certain improvements related to the development of the Farmers Market Redevelopment, Phase I, Project in the Farmers Market TIF District - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 Medrano moved to adopt the item.

Motion seconded by Mayor Pro Tem Atkins and Councilmember Kingston and unanimously adopted. (Caraway absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1158

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum Addition 27: Authorize a development loan in the amount of \$2,500,000 at 0% interest to KRR Construction, LTD. for the acquisition of improved property at 6271 Highland Hills Drive, including associated closing costs, relocation, environmental, and demolition costs - Not to exceed \$2,500,000 - Financing: General Obligation Commercial Paper Funds

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

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

Mayor Pro Tem Atkins moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1159

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum Addition 28: Authorize an amendment to Resolution No. 13-0733, previously approved on April 24, 2013, to increase the existing development loan with City Wide Community Development Corporation for acquisition of improved and unimproved properties, including associated closing costs, relocation, environmental, demolition, and predevelopment costs - Not to exceed \$134,500, from \$600,000 to \$734,500 - Financing: 2006 Bond Funds

In accordance with Section 7.13 of the City Council Rules of Procedure, "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 Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 26, 2013

13-1160

The consent zoning docket, consisting of agenda items 57-65 and addendum addition consent zoning agenda item 29, was presented for consideration.

Addendum Addition 29: Zoning Case Z123-236(RB)

A public hearing to receive comments regarding a City Plan Commission authorized hearing for the Tract III and IV portions of Planned Development District No. 463, with consideration being given to an increase in floor area and structure height for the Lodging and Similar Uses use designation, on property located within the southwest quadrant of North Central Expressway and Northwest Highway and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan, a Tract III (Zone A and B) development plan, and conditions

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29066

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 26, 2013

EXHIBIT C