

“CORRECTED”
MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, AUGUST 28, 2013

13-1410

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

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

ABSENT: [0]

The meeting was called to order at 9:14 a.m.

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

The invocation was given by Reverend Willcox Brown of the Church of the Holy Cross.

Councilmember Davis led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 4:32 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.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, AUGUST 28, 2013

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, AUGUST 28, 2013

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1411

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: Roy Williams, 13410 Preston Rd.
REPRESENTING: 40 Acres and a Mule
SUBJECT: 1965 Voting Rights Act

SPEAKER: Ifiok Agusta Ekong, 5803 Tremont St.
SUBJECT: Mental health/mineral rights

SPEAKER: Sylvia Beneson, 1481 Mendenhall St. (handout provided)
SUBJECT: Agenda item 88 (Miscellaneous Hearing)

SPEAKER: Eric Williams, 7315 Wilcox Dr.
SUBJECT: Dry Bones-Traces of the Trade

OPEN MICROPHONE – END OF MEETING:

SPEAKER: William Hopkins, 2011 Leath St. (handout provided)
SUBJECT: FBI/South West Police Station

SPEAKER: Freddy Delgado, 2525 Pleasant Dr.
SUBJECT: Harassment issues

SPEAKER: Deloris Phillips, 2001 San Antonio St., Grand Prairie, TX
SUBJECT: 911 call issue

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1412

Item 1: Approval of Minutes of the August 14, 2013 City Council Meeting

The city secretary read the following corrections into the record:

- Agenda item 90 – Deputy Mayor Pro Tem Alonzo moved to continue the public hearing and ~~hold under advisement until~~ defer the item to the August 28, 2013 voting agenda meeting of the city council.
- Agenda item 97 – Deputy Mayor Pro Tem Alonzo moved to continue the public hearing and ~~hold under advisement until~~ defer the item to the August 28, 2013 voting agenda meeting of the city council.
- Agenda item 98 – Deputy Mayor Pro Tem Alonzo moved to continue the public hearing and ~~hold under advisement until~~ defer the item to the August 28, 2013 voting agenda meeting of the city council.

Deputy Mayor Pro Tem Alonzo moved to adopt the minutes of the August 14, 2013 City Council Meeting with corrections.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1413

CONSENT AGENDA

The consent agenda, consisting of consent agenda items 2-58 and addendum addition consent agenda items 1-7, was presented for consideration.

Councilmember Hill requested consent agenda item 30 and addendum addition consent agenda item 4 be considered as individual items later in the meeting; there was no objection voiced to her request.

Councilmember Greyson requested consent agenda item 49 and addendum addition consent agenda item 5 be considered as individual items later in the meeting; there was no objection voiced to her request.

Councilmember Gates requested consent agenda items 51, 52, 53 and addendum addition consent agenda item 5 be considered as individual items later in the meeting; there was no objection voiced to her request.

Councilmember Griggs 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 Kadane 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 item 5 be considered as an individual item later in the meeting; there was no objection voiced to his request.

Deputy Mayor Pro Tem Alonzo moved to adopt all items on the consent agenda and addendum addition consent agenda with the exception of consent agenda items 30, 49, 51, 52 and 53 and addendum addition consent agenda items 4 and 5.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1414

Item 2: Authorize a two-year service contract for tree planting, tree removal and stump grinding - Shawnee Mission Tree Service, Inc. dba Arbor Masters Tree Service in the amount of \$5,578,060, Jose F. Cantu, Jr. in the amount of \$834,000 and Clarence T. Crews dba Crews Service Company in the amount of \$90,000 - lowest responsible bidders of eight - Total not to exceed \$6,502,060 - Financing: Current Funds (\$6,487,060) and Stormwater Drainage Management Current Funds (\$15,000) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1415

- Item 3: Authorize a three-year service contract for language interpretation services for the Dallas Police Department - Language Line Services, Inc. through the Texas Department of Information Resources - Not to exceed \$311,312 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1416

- Item 4: Authorize a three-year service contract, with one two-year renewal option, for armored car services for City facilities that conduct monetary transactions - Dunbar Armored, Inc., most advantageous proposer of three - Not to exceed \$619,021 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1417

Item 5: Authorize the purchase of one armored vehicle for the Dallas Police Department - Lenco Industries, Inc. through the General Services Administration - Not to exceed \$276,430 - Financing: U.S. Department of Homeland Security Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1418

Item 6: Authorize the purchase of one wheel loader for Sanitation Services - Holt Texas Ltd. through Texas Association of School Boards (BuyBoard) - Not to exceed \$293,438 - Financing: 2010 Equipment Acquisition Notes

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1419

Item 7: Authorize (1) the purchase of two new front end loader refuse trucks for Sanitation Services - Heil of Texas in the amount of \$228,352 and Grandee Truck Center in the amount of \$271,256 through the Texas Association of School Boards (BuyBoard); and (2) the purchase of two used front end loader refuse trucks for Sanitation Services - RDK Truck Sales and Service, Inc. in the amount of \$185,000 - Total not to exceed \$684,608 - Financing: Municipal Lease Agreement Funds (\$499,608) and Current Funds (\$185,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1420

- Item 8: Authorize a three-year master agreement for the purchase of dress formal and station wear uniforms for Fire-Rescue - GST Public Safety Supply, LLC in the amount of \$1,387,578, Mag & Son, LLC in the amount of \$833,230, ERMC IV, LP in the amount of \$814,212, Regali, Inc. in the amount of \$77,400, Promotional Designs, Inc. in the amount of \$58,475 and C&G Police Supply dba C&G Wholesale in the amount of \$16,466, most advantageous proposers of fourteen - Total not to exceed \$3,187,361 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1421

- Item 9: Authorize a three-year master agreement for the purchase of hardware and tools associated with the M5 FuelFocus Wireless Automated Fueling System - AssetWorks, Inc., through the General Services Administration - Not to exceed \$485,232 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1422

Item 10: Authorize a change to the Board of Directors of the Dallas Convention Center Hotel Development Corporation - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1423

- Item 11: Authorize **(1)** approval of the proposed Dallas Downtown Improvement District Service Plan for 2014 and proposed 2013 assessment roll on file with the City Secretary for public inspection; **(2)** a public hearing to be held on September 11, 2013, to receive comments concerning the levy of the annual assessment for the Dallas Downtown Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and, at the close of the hearing; **(3)** consideration of an ordinance approving a method of assessment that imposes equal shares of the costs for the services and improvements on property in the District, similarly benefitted and levying assessments for such costs to be provided in the District during 2014; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2013 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1424

- Item 12: Authorize **(1)** approval of the proposed Deep Ellum Public Improvement District Service Plan for 2014 and proposed 2013 assessment roll on file with the City Secretary for public inspection; **(2)** a public hearing to be held on September 11, 2013, to receive comments concerning the levy of the annual assessment for the Deep Ellum Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and, at the close of the hearing; **(3)** consideration of an ordinance approving a method of assessment that imposes equal shares of the costs for the services and improvements on property in the District, similarly benefitted and levying assessments for such costs to be provided in the District during 2014; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2013 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1425

- Item 13: Authorize **(1)** approval of the proposed Klyde Warren Park Public Improvement District Service Plan for 2014 and proposed 2013 assessment roll on file with the City Secretary for public inspection; **(2)** a public hearing to be held on September 11, 2013, to receive comments concerning the levy of the annual assessment for the Klyde Warren Park Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and, at the close of the hearing; **(3)** consideration of an ordinance approving a method of assessment that imposes equal shares of the costs for the services and improvements on property in the District, similarly benefitted and levying assessments for such costs to be provided in the District during 2014; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2013 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1426

- Item 14: Authorize **(1)** approval of the proposed Knox Street Public Improvement District Service Plan for 2014 and proposed 2013 assessment roll on file with the City Secretary for public inspection; **(2)** a public hearing to be held on September 11, 2013, to receive comments concerning the levy of the annual assessment for the Knox Street Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and, at the close of the hearing; **(3)** consideration of an ordinance approving a method of assessment that imposes equal shares of the costs for the services and improvements on property in the District, similarly benefitted and levying assessments for such costs to be provided in the District during 2014; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2013 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1427

- Item 15: Authorize **(1)** approval of the proposed Lake Highlands Public Improvement District Service Plan for 2014 and proposed 2013 assessment roll on file with the City Secretary for public inspection; **(2)** a public hearing to be held on September 11, 2013, to receive comments concerning the levy of the annual assessment for the Lake Highlands Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and, at the close of the hearing; **(3)** consideration of an ordinance approving a method of assessment that imposes equal shares of the costs for the services and improvements on property in the District, similarly benefitted and levying assessments for such costs to be provided in the District during 2014; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2013 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1428

- Item 16: Authorize **(1)** approval of the proposed Oak Lawn-Hi Line Public Improvement District Service Plan for 2014 and proposed 2013 assessment roll on file with the City Secretary for public inspection; **(2)** a public hearing to be held on September 11, 2013, to receive comments concerning the levy of the annual assessment for the Oak Lawn-Hi Line Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and, at the close of the hearing; **(3)** consideration of an ordinance approving a method of assessment that imposes equal shares of the costs for the services and improvements on property in the District, similarly benefitted and levying assessments for such costs to be provided in the District during 2014; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2013 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1429

- Item 17: Authorize (1) approval of the proposed Prestonwood Public Improvement District Service Plan for 2014 and proposed 2013 assessment roll on file with the City Secretary for public inspection; (2) a public hearing to be held on September 11, 2013, to receive comments concerning the levy of the annual assessment for the Prestonwood Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and, at the close of the hearing; (3) consideration of an ordinance approving a method of assessment that imposes equal shares of the costs for the services and improvements on property in the District, similarly benefitted and levying assessments for such costs to be provided in the District during 2014; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2013 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1430

- Item 18: Authorize **(1)** approval of the proposed South Side Public Improvement District Service Plan for 2014 and proposed 2013 assessment roll on file with the City Secretary for public inspection; **(2)** a public hearing to be held on September 11, 2013, to receive comments concerning the levy of the annual assessment for the South Side Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and, at the close of the hearing; **(3)** consideration of an ordinance approving a method of assessment that imposes equal shares of the costs for the services and improvements on property in the District, similarly benefitted and levying assessments for such costs to be provided in the District during 2014; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2013 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1431

- Item 19: Authorize **(1)** approval of the proposed Uptown Public Improvement District Service Plan for 2014 and proposed 2013 assessment roll on file with the City Secretary for public inspection; **(2)** a public hearing to be held on September 11, 2013, to receive comments concerning the levy of the annual assessment for the Uptown Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and, at the close of the hearing; **(3)** consideration of an ordinance approving a method of assessment that imposes equal shares of the costs for the services and improvements on property in the District, similarly benefitted and levying assessments for such costs to be provided in the District during 2014; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2013 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1432

- Item 20: Authorize (1) approval of the proposed University Crossing Improvement District Service Plan for 2014 and proposed 2013 assessment roll on file with the City Secretary for public inspection (2) a public hearing to be held on September 11, 2013, to receive comments concerning the levy of the annual assessment for the University Crossing Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and, at the close of the hearing; (3) consideration of an ordinance approving a method of assessment that imposes equal shares of the costs for the services and improvements on property in the District, similarly benefitted and levying assessments for such costs to be provided in the District during 2014; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2013 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1433

- Item 21: Authorize **(1)** approval of the proposed Vickery Meadow Public Improvement District Service Plan for 2014 and proposed 2013 assessment roll on file with the City Secretary for public inspection; **(2)** a public hearing to be held on September 11, 2013, to receive comments concerning the levy of the annual assessment for the Vickery Meadow Public Improvement District, in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District; and, at the close of the hearing; **(3)** consideration of an ordinance approving a method of assessment that imposes equal shares of the costs for the services and improvements on property in the District, similarly benefitted and levying assessments for such costs to be provided in the District during 2014; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2013 assessment; and providing an effective date - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1434

- Item 22: Authorize a public hearing to be held on September 11, 2013, to receive comments on amendments to Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District) and the Project and Reinvestment Zone Financing Plans for the City Center TIF District to: **(1)** amend the City Center Sub-district's boundary to remove a portion of the property addressed as 350 North St. Paul Street, approximately 4,950 square feet; **(2)** amend the City Center Sub-district's boundary to add the property addressed as 600 South Harwood Street, approximately 19,471 square feet; and **(3)** make corresponding modifications to the City Center TIF District boundary map, and Project and Reinvestment Zone Financing Plans; at the close of the hearing consideration of an ordinance amending Ordinance No. 22802, previously approved on June 26, 1996, and Ordinance No. 23034, previously approved on February 12, 1997, as amended, to reflect these amendments - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1435

- Item 23: Authorize a public hearing to be held on September 11, 2013, to receive comments on amendments to Tax Increment Financing Reinvestment Zone Number Eleven (Downtown Connection TIF District) and the Project and Reinvestment Zone Financing Plans for the Downtown Connection TIF District to: **(1)** increase the geographic area of the district by adding approximately 4,950 square feet square feet; **(2)** add to the District's Project Plan the provision for a land exchange of City owned property for privately owned property within the District allowing for the land swap of City-owned property without requiring an auction and/or bidding of the property; **(3)** make corresponding modifications to the Downtown Connection TIF District's boundary map and Project and Reinvestment Zone Financing Plans; and, at the close of the public hearing, consideration of an ordinance amending Ordinance No. 26020, originally approved on June 8, 2005, as amended and Ordinance No. 26096, originally approved on August 25, 2009, as amended, to reflect these amendments - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1436

Item 24: Authorize a contract renewal with The University of Texas Southwestern Medical Center at Dallas for in-service training, re-training, and evaluation of City of Dallas paramedic and emergency medical technician-basic personnel for the period September 1, 2013 through August 31, 2014 - Not to exceed \$329,220 - Financing: Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1437

Item 25: Authorize an Interlocal Cooperation Contract for the Urban Land Bank Demonstration Program with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District to facilitate the Dallas Housing Acquisition and Development Corporation's (Land Bank) acquisition of unimproved tax foreclosed properties for sale to qualified developers for the development of affordable housing - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1438

Item 26: Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Harvard Finance North America LLC for the construction of affordable houses; **(2)** the sale of 2 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Harvard Finance North America LLC; and **(3)** execution of a release of lien for any non-tax liens on the 2 properties that may have been filed by the City non-tax liens included in the foreclosure judgment, pre-judgment non-tax liens not included in the judgment, and post-judgment non-tax liens, if any – Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1439

Item 27: Authorize **(1)** approval of the development plans submitted to the Dallas Housing Acquisition and Development Corporation by RPL Properties, LLC for the construction of affordable houses; **(2)** the sale of 50 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to RPL Properties, LLC; and **(3)** execution of a release of lien for any non-tax liens on the 50 properties that may have been filed by the City non-tax liens included in the foreclosure judgment, pre-judgment non-tax liens not included in the judgment, and post-judgment non-tax liens, if any – Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1440

Item 28: Authorize the fourth amendment to the contract with the Department of State Health Services to accept additional grant funds for the continuation of the Special Supplemental Nutrition Program for the Women, Infants and Children Program for the period April 1, 2013 through September 30, 2013 - Not to exceed \$507,000, from \$14,684,642 to \$15,191,642 - Financing: Department of State Health Services Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1441

Item 29: A resolution amending Section 9 of the City Council Rules of Procedure to revise certain standing committees of the City Council - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1442

Item 30: A resolution to amend the 2013 City Calendar to reflect the City Council's updated committees - Financing: No cost consideration to the City

Councilmember Hill requested consent agenda item 30 be considered as an individual item later in the meeting; there was no objection voiced to her request.

Later in the meeting, consent agenda item 30 was brought up for consideration.

Councilmember Hill moved to adopt the item with the following change:

- the Transportation and Trinity Committee meeting currently scheduled for Monday, September 23, 2013, be moved to Tuesday, September 24, 2013, with the meeting time to remain the same.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1443

Item 31: Authorize a twenty-five-year Interlocal Agreement with Dallas County for the purpose of constructing a portion of the Honey Springs Trail, the Cedar Crest Trail, reconstructing the John C. Phelps Trail and on-street bicycle pedestrian facilities which contribute to a comprehensive trail system in the City of Dallas and the County - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1444

Item 32: Authorize an increase in the contract with Turner Construction Company for variable message signs along Garland Road and a parking controls management system for new parking improvements at the Dallas Arboretum located at 8525 Garland Road - Not to exceed \$727,823, from \$3,630,213 to \$4,358,036 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1445

- Item 33: Authorize **(1)** the application for and acceptance of the Texas School Safety Center 2013/2014 Tobacco Enforcement Grant in the amount of \$65,025 from the Texas State University System - San Marcos for the purpose of reducing youth access to tobacco products, and to ensure compliance with the Health and Safety Code, Chapter 161 for the period September 1, 2013 through August 31, 2014; and **(2)** execution of the grant agreement - Not to exceed \$65,025 - Financing: Texas School Safety Center Tobacco Compliance Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1446

Item 34: Authorize **(1)** the acceptance of the Commercial Auto Theft Interdiction Squad/21 grant from the Texas Automobile Burglary & Theft Prevention Authority in the amount of \$678,760 to provide a specialized proactive automobile theft program, for the period September 1, 2013 through August 31, 2014; **(2)** a local match in the amount of \$135,752; **(3)** an In-Kind Contribution in the amount of \$637,085;and **(4)** execution of the grant agreement - Total not to exceed \$1,451,597 - Financing: Texas Automobile Burglary & Theft Prevention Authority Grant Funds (\$678,760), In-Kind Contributions (\$637,085) and Current Funds (\$135,752) (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1447

Item 35: An ordinance amending Chapter 32 of the Dallas City Code to: **(1)** revise the boundaries of the Fair Park parking area and the area near Fair Park where signs may be posted to prohibit parking; and **(2)** make certain nonsubstantive changes - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29102

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1448

Item 36: Authorize a contract with The Fain Group, Inc., lowest responsible bidder of four, for the construction of bridge repair and modification to the Cedar Crest Bridge and Gateway Improvements from Cleveland Street to 11th Street - Not to exceed \$4,266,363 - Financing: 1998 Bond Funds (\$1,810,547), 2003 Bond Funds (\$703,860), General Obligation Commercial Paper Funds (\$1,715,208), Water Utilities Capital Construction Funds (\$6,940) and Water Utilities Capital Improvement Funds (\$29,808)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1449

Item 37: Authorize a construction contract with American Contracting U.S.A., Inc., lowest responsible bidder of nine, for the roof replacement of Buildings D, E and the upper part of Roof C at the Kay Bailey Hutchison Convention Center Dallas - Not to exceed \$3,730,000 - Financing: 2009 Convention Center Revenue Bonds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1450

**Elm Street from Good Latimer Expressway
to Exposition Avenue**

Note: Item Nos. 38, 39 and 40
must be considered collectively.

Item 38: Authorize a service agreement with Oncor Electric Delivery Company, LLC for relocation and upgrade of the existing overhead electric distribution poles and lines along the north and south parkways of Elm Street from Good Latimer Expressway to Exposition Avenue - Not to exceed \$400,317 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1451

**Elm Street from Good Latimer Expressway
to Exposition Avenue**

Note: Item Nos. 38, 39 and 40
must be considered collectively.

Item 39: Authorize a service agreement with AT&T Texas for relocation and upgrade of the existing overhead telecommunication lines along the north and south parkways of Elm Street from Good Latimer Expressway to Exposition Avenue - Not to exceed \$111,425 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1452

**Elm Street from Good Latimer Expressway
to Exposition Avenue**

Note: Item Nos. 38, 39 and 40
must be considered collectively.

Item 40: Authorize a service agreement with Time Warner Cable for the relocation and upgrade of the existing overhead telecommunication lines along the north and south parkways of Elm Street from Good Latimer Expressway to Exposition Avenue - Not to exceed \$21,783 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1453

Item 41: Authorize an increase in the construction services contract with Ratcliff Constructors, LP for the 2014 Main Street Municipal Building Annex Renovation Project for updated plan modifications to include floor preparation, temporary portable air conditioning units, conduit for cables, security door hardware, access card readers, additional electrical outlets, window shades, additional offices and conference room, additional signage, sliding transaction window, additional light fixtures and changes to the mechanical, electrical and plumbing systems - Not to exceed \$376,246, from \$10,278,350 to \$10,654,596 - Financing: 2006 Bond Funds (\$370,396) and Current Funds (\$5,850)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1454

Item 42: A resolution authorizing the conveyance of a water easement with a temporary construction easement containing a total of approximately 62,827 square feet of land to the North Texas Municipal Water District for the construction and maintenance of water facilities across City-owned land at Lake Ray Hubbard located in Collin County - Revenue: \$9,884

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1455

Item 43: An ordinance granting a private license to Dallas Independent School District for the use of a total of approximately 2,580 square feet of subsurface space to install and maintain two geothermal crossings and one storm drainage pipe under portions of Philip Avenue, located near the intersection of Barry and Fitzhugh Streets - Revenue: \$40,000 one-time fee, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29103

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1456

Item 44: An ordinance abandoning a portion of Akard Street to Triton 2422, LLC, the abutting owner, containing approximately 560 square feet of land, located near the intersection of Akard and Olive Streets, authorizing the quitclaim and providing for the dedication of approximately 42 square feet of land needed for right-of-way - Revenue: \$38,850, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29104

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1457

Item 45: An ordinance abandoning a drainage easement and a fire lane and utility easement to Kings Road Townhomes, LLC, the abutting owner, containing a total of approximately 12,717 square feet of land, located near the intersection of Minert Street and Denton Drive – Revenue: \$5,400, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29105

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1458

Item 46: An ordinance abandoning a portion of a floodway management area to James R. McCraw and Linda S. McCraw, the abutting owners, containing approximately 1,069 square feet of land, located near the intersection of Red Cedar Trail and Riverview Lane - Revenue: \$14,228, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29106

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1459

Item 47: An ordinance abandoning portions of a water/wastewater easement to Northwood PL A LP, the abutting owner, containing a total of approximately 6,224 square feet of land, located near the intersection of Park Lane and U.S. Highway 75 - Revenue: \$5,400, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29107

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1460

Item 48: Authorize a contract for the construction of storm drainage improvements in State-Thomas - McKinney Avenue and State-Thomas Historic District (Fairmount Street and Routh Street) (list attached) - RKM Utility Services, Inc., lowest responsible bidder of seven - Not to exceed \$3,896,125 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1461

Item 49: Authorize a construction contract with Jeske Construction Company, lowest responsible bidder of six, for the Upper McKamy Branch Bypass Swale - Not to exceed \$1,147,278 - Financing: 2012 Bond Funds

Councilmember Greyson requested consent agenda item 49 be considered as an individual item later in the meeting; there was no objection voiced to her request.

Later in the meeting, consent agenda item 49 was brought up for consideration.

Councilmember Greyson moved to defer the item until the September 11, 2013 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1462

Item 50: Authorize a professional services contract with CH2M HILL Engineers, Inc. to provide construction management services for construction contracts related to water quality improvements at the Elm Fork Water Treatment Plant and the Bachman Water Treatment Plant, and relocation of a 48-inch wastewater main at the Bachman Lake Dam - Not to exceed \$3,611,650 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1463

**Installation of water and wastewater mains
at 28 locations**

Note: Item Nos. 51, 52 and 53
must be considered collectively.

Item 51: Authorize a contract for the installation of water and wastewater mains at 28 locations (list attached) - Ark Contracting Services, LLC, lowest responsible bidder of seven - Not to exceed \$6,919,296 - Financing: Water Utilities Capital Improvement Funds

Councilmember Gates requested consent agenda items 51, 52 and 53 be considered as individual items later in the meeting; there was no objection voiced to her request.

Later in the meeting, consent agenda items 51, 52 and 53 were 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.

Councilmember Kadane moved to adopt the items.

Motion seconded by Councilmember Caraway and unanimously adopted. (Gates abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1464

**Installation of water and wastewater mains
at 28 locations**

Note: Item Nos. 51, 52 and 53
must be considered collectively.

Item 52: Authorize a Pipeline Crossing Contract with the Kansas City Southern Railway Company to allow the City of Dallas to construct, maintain, and operate a proposed water pipeline under railroad tracks and right-of-way - Not to exceed \$9,375 - Financing: Water Utilities Capital Construction Funds

Councilmember Gates requested consent agenda items 51, 52 and 53 be considered as individual items later in the meeting; there was no objection voiced to her request.

Later in the meeting, consent agenda items 51, 52 and 53 were 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.

Councilmember Kadane moved to adopt the items.

Motion seconded by Councilmember Caraway and unanimously adopted. (Gates abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1465

**Installation of water and wastewater mains
at 28 locations**

Note: Item Nos. 51, 52 and 53
must be considered collectively.

Item 53: Authorize an agreement with Bartlett & West, Inc. for required observation and flagging services during construction - Not to exceed \$40,000 - Financing: Water Utilities Capital Construction Funds

Councilmember Gates requested consent agenda items 51, 52 and 53 be considered as individual items later in the meeting; there was no objection voiced to her request.

Later in the meeting, consent agenda items 51, 52 and 53 were 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.

Councilmember Kadane moved to adopt the items.

Motion seconded by Councilmember Caraway and unanimously adopted. (Gates abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1466

**Installation of water and wastewater mains
at 29 locations**

Note: Item Nos. 54 and 55
must be considered collectively.

Item 54: Authorize a contract for the installation of water and wastewater mains at 29 locations (list attached) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of five - Not to exceed \$12,888,856 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1467

**Installation of water and wastewater mains
at 29 locations**

Note: Item Nos. 54 and 55
must be considered collectively.

Item 55: Authorize a supplemental agreement with Union Pacific Railroad Company (UPRC) for the relocation of an existing 20-inch water main underneath the UPRC tracks - Not to exceed \$1,000 - Financing: Water Utilities Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1468

Item 56: Authorize Supplemental Agreement No. 1 to the professional services contract with Carollo Engineers, Inc. for additional engineering services associated with solids handling improvements at the Central Wastewater Treatment Plant and the Southside Wastewater Treatment Plant - Not to exceed \$678,300, from \$1,173,802 to \$1,852,102 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1469

Item 57: Authorize Supplemental Agreement No. 2 to the professional services contract with Malcolm Pirnie, Inc. for additional engineering services associated with water quality improvements at the Elm Fork Water Treatment Plant - Not to exceed \$5,622,236, from \$14,062,770 to \$19,685,006 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1470

Item 58: Authorize Supplemental Agreement No. 5 to the professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the Eastside Water Treatment Plant - Not to exceed \$3,065,116, from \$16,898,073 to \$19,963,189 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1471

Item 59: 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 2013-2015 board term updated through AUGUST 28, 2013.

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

Councilmember Hill moved to appoint Lark Montgomery, Interested Citizen, to the Cultural Affairs Commission.

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

Councilmember Hill moved to appoint nominees to "individual appointment" positions in the report who met all qualifications for service to boards and commissions of the city for the term ending September 30, 2015.

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

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

13-6183	ARC	AUTOMATED RED LIGHT ENFORCEMENT COMMISSION
13-6184	CAC	CULTURAL AFFAIRS COMMISSION
13-6185	CPR	DALLAS CITIZENS POLICE REVIEW BOARD
13-6186	MLB	MUNICIPAL LIBRARY BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1472

Item 60: Execute the casting of lots to identify the recommended vendor resulting from tie bids on lines 13, 14, 15 and 22, for bid BL1333, for a three-year master agreement for the purchase of veterinary drugs and supplies – Butler Animal Health Supply, LLC dba Henry Schein Animal Health, Intervet, Inc. dba Merck Animal Health and Zoetis, Inc. - Financing: This action has no cost consideration to the City

The city secretary was notified by the city manager there were bids that resulted in identical bid amounts. In accordance with Section 271.901 of the Texas Local Government Code, the municipality must select one of those bidders by casting lots. The casting of lots must be in a manner prescribed by the mayor of the municipality and must be conducted in the presence of the governing body of the municipality.

The city secretary announced the names of the two tying bidders for line 13, 14, 15 and 22 had been placed in separate plain envelopes for Mayor Rawlings to select one sealed envelope for each line. Mayor Rawlings selected one sealed envelope for each line and announced the selection as follows:

- Line 13 – Zoetis, Inc.
- Line 14 – Butler Animal Health Supply, Inc. dba Henry Schein Animal Health
- Line 15 – Butler Animal Health Supply, Inc. dba Henry Schein Animal Health
- Line 22 – Intervet, Inc. dba Merck Animal Health

Deputy Mayor Pro Tem Alonzo moved to adopt the casting of lots as selected by Mayor Rawlings.

Motion seconded by Councilmember Hill and unanimously adopted.

Note: On August 22, 2013, the city secretary, assistant city secretary and Carmen Esquivel (Business Development and Procurement Services) met and sealed the envelopes, all ensuing each sealed envelope for each respective line contained one name for each of the tying bidders.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1473

Item 61: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO District Local Union No. 540, of approximately 2,000 square feet of land, located near the intersection of Garland Road and Lochwood Boulevard for the Garland Road Water Main Project - Not to exceed \$14,275 (\$12,375, plus closing costs and title expenses not to exceed \$1,900) - Financing: Water Utilities Capital Construction Funds

Mayor Rawlings announced the city secretary would read agenda items 61-71 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 61-71, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 61 requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain to acquire from *Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO District Local Union No. 540*, a water easement containing approximately 2,000 square feet of land located near the intersection of Garland Road and Lochwood Boulevard in City of Dallas Block 5364, and more fully described in Exhibit A of the proposed written resolution for this item, for the Garland Road Water Main Project.

Councilmember Kadane moved to adopt agenda items 61-71.

Motion seconded by Councilmember Callahan.

Mayor Rawlings called the vote on Kadane's motion to adopt agenda items 61-71:

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

Voting No: [0]

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1474

Item 62: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Comerica Bank, of approximately 4,320 square feet of land, located near the intersection of Garland Road and Lochwood Boulevard for the Garland Road Water Main Project - Not to exceed \$48,847 (\$46,647, plus closing costs and title expenses not to exceed \$2,200) – Financing: Water Utilities Capital Construction Funds

Mayor Rawlings announced the city secretary would read agenda items 61-71 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 61-71, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 62 requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain to acquire from *Comerica Bank*, a water easement containing approximately 4,320 square feet of land located near the intersection of Garland Road and Lochwood Boulevard in City of Dallas Block 34/5364, and more fully described in Exhibit A of the proposed written resolution for this item, for the Garland Road Water Main Project.

Councilmember Kadane moved to adopt agenda items 61-71.

Motion seconded by Councilmember Callahan.

Mayor Rawlings called the vote on Kadane’s motion to adopt agenda items 61-71:

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

Voting No: [0]

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1475

Item 63: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Cothrum-Murray Co., Inc., of approximately 460 square feet of land, located near the intersection of Garland Road and Lochwood Boulevard for the Garland Road Water Main Project - Not to exceed \$4,747 (\$2,847, plus closing costs and title expenses not to exceed \$1,900) – Financing: Water Utilities Capital Construction Funds

Mayor Rawlings announced the city secretary would read agenda items 61-71 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 61-71, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 63 requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain to acquire from *Cothrum-Murray Co., Inc.*, a water easement containing approximately 460 square feet of land located near the intersection of Garland Road and Lochwood Boulevard in City of Dallas Block 5364, and more fully described in Exhibit A of the proposed written resolution for this item, for the Garland Road Water Main Project.

Councilmember Kadane moved to adopt agenda items 61-71.

Motion seconded by Councilmember Callahan.

Mayor Rawlings called the vote on Kadane's motion to adopt agenda items 61-71:

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

Voting No: [0]

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1476

Item 64: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Grover Stanford, Trustee, Stanford Exemption Equivalent Trust u/w Hope Hale Stanford, of approximately 2,498 square feet of land, located near the intersection of Garland Road and Lochwood Boulevard for the Garland Road Water Main Project - Not to exceed \$13,269 (\$11,369, plus closing costs and title expenses not to exceed \$1,900) – Financing: Water Utilities Capital Construction Funds

Mayor Rawlings announced the city secretary would read agenda items 61-71 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 61-71, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 64 requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain to acquire from *Grover Stanford, Trustee, Stanford Exemption Equivalent Trust u/w Hope Hale Stanford*, a water easement containing approximately 2,498 square feet of land located near the intersection of Garland Road and Lochwood Boulevard in City of Dallas Block 5364, and more fully described in Exhibit A of the proposed written resolution for this item, for the Garland Road Water Main Project.

Councilmember Kadane moved to adopt agenda items 61-71.

Motion seconded by Councilmember Callahan.

Mayor Rawlings called the vote on Kadane's motion to adopt agenda items 61-71:

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

Voting No: [0]

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1477

Item 65: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Jack and Barbara Casey Living Trust, of approximately 1,400 square feet of land, located near the intersection of Garland Road and Lochwood Boulevard for the Garland Road Water Main Project - Not to exceed \$10,573 (\$8,673, plus closing costs and title expenses not to exceed \$1,900) – Financing: Water Utilities Capital Construction Funds

Mayor Rawlings announced the city secretary would read agenda items 61-71 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 61-71, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 65 requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain to acquire from *Jack and Barbara Casey Living Trust*, a water easement containing approximately 1,400 square feet of land located near the intersection of Garland Road and Lochwood Boulevard in City of Dallas Block 5364, and more fully described in Exhibit A of the proposed written resolution for this item, for the Garland Road Water Main Project.

Councilmember Kadane moved to adopt agenda items 61-71.

Motion seconded by Councilmember Callahan.

Mayor Rawlings called the vote on Kadane's motion to adopt agenda items 61-71:

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

Voting No: [0]

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1478

Item 66: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Live Oak Lochwood, LLC, of approximately 540 square feet of land, located near the intersection of Garland Road and Lochwood Boulevard for the Garland Road Water Main Project - Not to exceed \$5,241 (\$3,341, plus closing costs and title expenses not to exceed \$1,900) - Financing: Water Utilities Capital Construction Funds

Mayor Rawlings announced the city secretary would read agenda items 61-71 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 61-71, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 66 requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain to acquire from *Live Oak Lochwood, LLC*, a water easement containing approximately 540 square feet of land located near the intersection of Garland Road and Lochwood Boulevard in City of Dallas Block 5364 and more fully described in Exhibit A of the proposed written resolution for this item, for the Garland Road Water Main Project.

Councilmember Kadane moved to adopt agenda items 61-71.

Motion seconded by Councilmember Callahan.

Mayor Rawlings called the vote on Kadane's motion to adopt agenda items 61-71:

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

Voting No: [0]

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1479

Item 67: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from McDonald's Corporation, of approximately 3,297 square feet of land, located near the intersection of Garland Road and Lochwood Boulevard for the Garland Road Water Main Project - Not to exceed \$29,375 (\$27,375, plus closing costs and title expenses not to exceed \$2,000) – Financing: Water Utilities Capital Construction Funds

Mayor Rawlings announced the city secretary would read agenda items 61-71 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 61-71, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 67 requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain from *McDonald's Corporation*, a water easement containing approximately 3,297 square feet of land located near the intersection of Garland Road and Lochwood Boulevard in City of Dallas Block 34/5364, and more fully described in Exhibit A of the proposed written resolution for this item, for the Garland Road Water Main Project.

Councilmember Kadane moved to adopt agenda items 61-71.

Motion seconded by Councilmember Callahan.

Mayor Rawlings called the vote on Kadane's motion to adopt agenda items 61-71:

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

Voting No: [0]

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1480

Item 68: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from RAS Enterprise, Inc., of approximately 3,117 square feet of land, located near the intersection of Garland Road and Lochwood Boulevard for the Garland Road Water Main Project - Not to exceed \$53,203 (\$51,003, plus closing costs and title expenses not to exceed \$2,200) – Financing: Water Utilities Capital Construction Funds

Mayor Rawlings announced the city secretary would read agenda items 61-71 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 61-71, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 68 requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain to acquire from *RAS Enterprise, Inc.*, a water easement containing approximately 3,117 square feet of land located near the intersection of Garland Road and Lochwood Boulevard in City of Dallas Block 34/5364, and more fully described in Exhibit A of the proposed written resolution for this item, for the Garland Road Water Main Project.

Councilmember Kadane moved to adopt agenda items 61-71.

Motion seconded by Councilmember Callahan.

Mayor Rawlings called the vote on Kadane’s motion to adopt agenda items 61-71:

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

Voting No: [0]

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1481

Item 69: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Reyes Gamino and Gloria Gamino, of approximately 2,241 square feet of land, located near the intersection of Garland Road and Lochwood Boulevard for the Garland Road Water Main Project - Not to exceed \$13,765 (\$11,865, plus closing costs and title expenses not to exceed \$1,900) - Financing: Water Utilities Capital Construction Funds

Mayor Rawlings announced the city secretary would read agenda items 61-71 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 61-71, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 69 requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain to acquire from *Reyes Gamino and Gloria Gamino*, a water easement containing approximately 2,241 square feet of land located near the intersection of Garland Road and Lochwood Boulevard in City of Dallas Block 5364, and more fully described in Exhibit A of the proposed written resolution for this item, for the Garland Road Water Main Project.

Councilmember Kadane moved to adopt agenda items 61-71.

Motion seconded by Councilmember Callahan.

Mayor Rawlings called the vote on Kadane's motion to adopt agenda items 61-71:

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

Voting No: [0]

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1482

Item 70: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from White Rock Outparcel, L.P., of approximately 6,909 square feet of land, located near the intersection of Garland and Jupiter Roads for the Garland Road Water Main Project - Not to exceed \$60,779 (\$58,479, plus closing costs and title expenses not to exceed \$2,300) – Financing: Water Utilities Capital Construction Funds

Mayor Rawlings announced the city secretary would read agenda items 61-71 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 61-71, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 70 requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain to acquire from *White Rock Outparcel, L.P.*, a water easement containing approximately 6,909 square feet of land located near the intersection of Garland and Jupiter Roads, Dallas Block 34/5364, and more fully described in Exhibit A of the proposed written resolution for this item, for the Garland Road Water Main Project.

Councilmember Kadane moved to adopt agenda items 61-71.

Motion seconded by Councilmember Callahan.

Mayor Rawlings called the vote on Kadane's motion to adopt agenda items 61-71:

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

Voting No: [0]

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1483

Item 71: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Whiterock Improvements, L.P., of approximately 5,121 square feet of land, located near the intersection of Garland and Jupiter Roads for the Garland Road Water Main Project - Not to exceed \$51,205 (\$49,005, plus closing costs and title expenses not to exceed \$2,200) - Financing: Water Utilities Capital Construction Funds

Mayor Rawlings announced the city secretary would read agenda items 61-71 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 61-71, no councilmember indicated any item(s) be pulled for individual vote.

The city secretary announced agenda item 71 requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain to acquire from *Whiterock Improvements, L.P.*, a water easement containing approximately 5,121 square feet of land located near the intersection of Garland and Jupiter Roads in City of Dallas Block 34/5364, and more fully described in Exhibit A of the proposed written resolution for this item, for the Garland Road Water Main Project.

Councilmember Kadane moved to adopt agenda items 61-71.

Motion seconded by Councilmember Callahan.

Mayor Rawlings called the vote on Kadane's motion to adopt agenda items 61-71:

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

Voting No: [0]

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1484

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 72: Authorize a Chapter 380 grant agreement pursuant to the City of Dallas Public/Private Partnership Program, as amended with KKBK Properties, LLC in an amount not to exceed \$100,000, for the purpose of planning and preconstruction activities related to mixed-use development as part of the Hatcher Gardens development project - Not to exceed \$100,000 - Financing: HUD Community Challenge Planning Grant 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.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1485

The consent zoning docket, consisting of agenda items 73-79, was presented for consideration.

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

- Agenda item 73: Zoning Case Z123-171(MW)
- Agenda item 74: Zoning Case Z123-230(RB)
- Agenda item 75: Zoning Case Z123-246(AB)
- Agenda item 76: Zoning Case Z123-249(AB)
- Agenda item 77: Zoning Case Z123-259(RB)
- Agenda item 78: Zoning Case Z123-272(RB)
- Agenda item 79: Zoning Case Z123-287(JH)

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

The city secretary announced the following individual requested his name be noted on the record to show his position on the noted consent zoning agenda item:

Bill Hooper, 6335 W. Northwest Hwy., opposition to item 78

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

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 Medrano and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1486

Item 73: Zoning Case Z123-171(MW)

The consent zoning docket, consisting of agenda items 73-79, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a radio, television or microwave tower on property zoned an MU-3 Mixed Used District on the northwest corner of Villa Creek Drive and Ford Road.

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 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. 29108

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1487

Item 74: Zoning Case Z123-230(RB)

The consent zoning docket, consisting of agenda items 73-79, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Specific Use Permit No. 1736 for a Private school on property zoned an R-7.5(A) Single Family District, with Specific Use Permit No. 278 for a Convent on a portion of the property on the southwest line of Cortland Avenue, between Bombay Avenue and Anson Road.

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29109

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1488

Item 75: Zoning Case Z123-246(AB)

The consent zoning docket, consisting of agenda items 73-79, 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. 1900 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet on property zoned Subarea 1 within Planned Development District No. 366 with a D-1 Liquor Control Overlay on the northwest corner of South Buckner Boulevard and Cordell Drive.

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29110

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1489

Item 76: Zoning Case Z123-249(AB)

The consent zoning docket, consisting of agenda items 73-79, 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. 1864 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay north of Centerville Road, west of Aledo Drive.

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29111

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1490

Item 77: Zoning Case Z123-259(RB)

The consent zoning docket, consisting of agenda items 73-79, 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. 1889 for a late-hours establishment limited to an alcoholic beverage establishment for a bar, lounge, or tavern use on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the east line of Greenville Avenue, north of Prospect Avenue.

Recommendation of Staff and CPC: Approval for a three-year period, subject to revised conditions.

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29112

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1491

Item 78: Zoning Case Z123-272(RB)

The consent zoning docket, consisting of agenda items 73-79, was presented for consideration.

A public hearing to receive comments regarding an application for and a resolution accepting an amendment to existing deed restrictions on property zoned an RS-I(E) Regional Service Industrial (Enhanced) Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the west line of Ash Lane, between 3rd Avenue and 4th Avenue, and the north line of 3rd Avenue, west of Ash Lane.

Recommendation of Staff and CPC: Approval.

The city secretary announced the following individual requested his name be noted on the record to show his position on the noted consent zoning agenda item:

Bill Hooper, 6335 W. Northwest Hwy., opposition to item 78

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

Adopted as part of the consent zoning docket.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1492

Item 79: Zoning Case Z123-287(JH)

The consent zoning docket, consisting of agenda items 73-79, 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. 1753 for a liquor store within the Subarea 8 portion of Planned Development District No. 298, the Bryan Area Special Purpose District on the west corner of Haskell Avenue and San Jacinto Street.

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29113

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1493

Item 80: Zoning Case Z123-262(MW) - INDIVIDUAL

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a late-hours establishment limited to restaurant without drive-in or drive-through service on property zoned Planned Development District No. 842 on the west side of Greenville Avenue, south of Sears Street.

Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions.

Recommendation of CPC: Approval for a one-year period, subject to a site plan and conditions.

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

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

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

Councilmember Kingston 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. 29114

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1494

Item 81: Zoning Case Z123-229(WE) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1750 for commercial motor vehicle parking on property zoned a CS Commercial Service District located on the northwest corner of Chalk Hill Road and Fitchburg Street.

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

Recommendation of CPC: Approval for a two-year period, subject to a revised site plan and conditions.

Note: This item was considered by the City Council at a public hearing on August 14, 2013, and was ~~taken under advisement~~ deferred until August 28, 2013, with the public hearing open

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

Felix Anguiano, 2636 Iroquois St.
Ronnie Mestas, 3215 Rute St.

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

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

Deputy Mayor Pro Tem Alonzo moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

Assigned ORDINANCE NO. 29115

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1495

DESIGNATED ZONING CASES - INDIVIDUAL

Item 82: Zoning Case Z123-212(MW)

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for mixed uses on property zoned a GO(A) General Office District on the southeast corner of North Central Expressway and Midtown Boulevard.

Recommendation of Staff: Approval, subject to a conceptual plan and staff's recommended conditions.

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

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.

Councilmember Gates moved to close the public hearing, accept the city plan commission's recommendation with the following changes:

- Amended definition of "masonry"
- The addition of a definition for residential or mixed use building.
- Amended parking requirements for multifamily uses and compact parking.
- Minimum and maximum setback requirements for residential or mixed use buildings on Manderville Lane and Midtown Boulevard.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1495

Page 2

- Amended design standards including a statement of purpose, transparency and entrance spacing requirements for residential or mixed use buildings on Manderville Lane and Midtown Boulevard, and a change to the exterior façade requirements for both residential or mixed use buildings and nonresidential buildings.
- No private license is granted.

and pass the ordinance.

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

Assigned ORDINANCE NO. 29116

“CORRECTED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1496

DESIGNATED ZONING CASES - INDIVIDUAL

Item 83: Zoning Case Z101-220(JH)

David Cossum, interim 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 interim director of sustainable development and construction.

A public hearing to receive comments regarding an application for a Specific Use Permit for gas drilling and production on property zoned an IR Industrial Research District on the north side of Northwest Highway, west of Luna Road.

Recommendation of Staff: Approval for a twenty-year period with eligibility for automatic renewal for additional ten-year periods, subject to a drilling phase site plan, production phase site plan/landscape plan and conditions.

Recommendation of CPC: Denial.

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."

At the request of the presiding officer, agenda items 83-85 were simultaneously read into the record by the city secretary to allow consideration of the items under one motion; there was no objection voiced to his request.

In accordance with Section 6.3 of the City Council Rules of Procedure, Dallas residents were allowed to speak before non-Dallas residents.

“CORRECTED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1496

Page 2

The following individuals appeared in opposition to the city plan commission's recommendations on agenda items 83-85:

Ed Meyer, 6015 Fox Point Trl.
Claudia Meyer, 6015 Fox Point Trl.
Mary Warren, 4312 McKinney Ave.
Bill Betzen, 6717 Cliffwood Dr.
Molly Rooke, 5825 Palm Ln., representing Dallas Sierra Club
Marjorie Stenkley, 1500 N. Garrett Ave., representing Sierra Club
Richard Sheridan, 3022 Forest Ln.
Eric Neilsen, 10219 Lynford Dr.
Daniel Barnett, 10816 Stone Canyon Rd.
Judy Czarny, 6241 Martel Ave.
Karla Zemler, 6924 Wake Forrest Dr.
Erica Cole, 9246 Forest Hills Blvd.
Fred Patcher, 6344 Goliad Ave.
Zac Trahan, 6017 La Vista
Edward Hartman, 5100 Bryan St.
Richard Guldi, 7228 La Sobrina Dr., representing Sierra Club
Helen Bush, 9669 Forest Ln.
Maralyn Hamaker, 1139 Haines Ave.
Eulaine Hall, 11851 High Dale Dr., representing FracDallas
Katherine Savers McGovern, 4369 Royal Ridge
Sylvia Lagos, 131 N. Montclair
Ronnie Mestas, 3215 Rute St.
Mellen West, 7027 E. Grand Ave.
Eva Elvove, 3326 Herbert
Maridel Hoagland, 7184 Kendallwood Dr.
Ozumba Lnuk-X, 4106 Vineyard Dr.
Rosa Lopez, 305 N. Polk St.
Tony Farve, 5311 Mercedes Ave.
Rosa Cannaday, 104 W. Northgate, Irving, TX,
(Irving City Councilmember District 5)
Adhilya Jayasinghe, 341 Pepperwood St., Coppell, TX
Rachel Baker Ford, 3317 Knights Haven Ln., Garland, TX, representing
Garland Democrats (handouts provided)
Sherry Kessel, 2831 N. Surrey Dr., Carrollton, TX
Kim Limberg, 1910 Cartwright St., Irving, TX
Carol Contestabile, 1812 Crockett Cir., Irving, TX, representing North Hills
Prep Parents
Sherry Bollenbacker, 4567 N. O'Connor, Irving, TX
Rita Beaving, 13214 Glad Acres, Farmers Branch, TX
Marc W. McCord, 616 S. Colorado St.

“CORRECTED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1496

Page 3

The following individuals appeared in favor of the city plan commission’s recommendations on agenda items 83-85:

Joe Mueller, 1160 Amestead Dr., Prosper, TX
Dallas Cothrum, 900 Jackson St., representing Trinity East Energy
Tom Blanton, 777 Main St., representing Trinity East Energy
Allen Hastings, 7030 Northaven Rd.
David F. Martineau, 7983 Caruth Ct., representing TIPRO
John Napper, address not provided, representing Mountain Creek Business
Park Association
William Crowder, 901 Bryson Dr., Waxahachie, TX

Councilmember Kadane requested agenda items 83-85 be considered separately with record votes taken on each item; there was no objection voiced to his request.

Councilmember Kadane moved, on agenda item 83, to close the public hearing and approve the specific use permit with the ordinance to return on the September 25, 2013 voting agenda meeting of the city council.

Motion seconded by Mayor Pro Tem Atkins and Councilmember Callahan.

Staff clarified that should Councilmember Kadane’s motion not pass with 12 favorable votes, the floor was then open for another motion. If no further action was taken, the city plan commission’s recommendation to deny took effect.

Mayor Rawlings called the question on the item; no further discussion ensued.

Mayor Rawlings called the vote on Councilmember Kadane’s motion, on agenda item 83, to close the public hearing and approve the specific use permit with the ordinance to return on the September 25, 2013 voting agenda meeting of the city council:

Voting Yes: [9] Rawlings, Atkins, Hill, Caraway, Callahan, Kadane, Allen,
Kleinman, Gates
Voting No: [6] Alonzo, Griggs, Medrano, Davis, Greyson, Kingston

The city secretary declared the motion failed.

No further motion was made on the item; no further action followed.

“CORRECTED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1497

DESIGNATED ZONING CASES - INDIVIDUAL

Item 84: Zoning Case Z101-221(JH)

David Cossum, interim 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 interim director of sustainable development and construction.

A public hearing to receive comments regarding an application for a Specific Use Permit for gas drilling and production on property zoned an IR Industrial Research District south of Royal Lane, west of Luna Road.

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

Recommendation of CPC: Denial.

Staff clarified the city plan commission recommendation was to deny the item.

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."

At the request of the presiding officer, agenda items 83-85 were simultaneously read into the record by the city secretary to allow consideration of the items under one motion; there was no objection voiced to his request.

In accordance with Section 6.3 of the City Council Rules of Procedure, Dallas residents were allowed to speak before non-Dallas residents.

“CORRECTED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1497

Page 2

The following individuals appeared in opposition to the city plan commission's recommendations on agenda items 83-85:

Ed Meyer, 6015 Fox Point Trl.
Claudia Meyer, 6015 Fox Point Trl.
Mary Warren, 4312 McKinney Ave.
Bill Betzen, 6717 Cliffwood Dr.
Molly Rooke, 5825 Palm Ln., representing Dallas Sierra Club
Marjorie Stenkley, 1500 N. Garrett Ave., representing Sierra Club
Richard Sheridan, 3022 Forest Ln.
Eric Neilsen, 10219 Lynford Dr.
Daniel Barnett, 10816 Stone Canyon Rd.
Judy Czarny, 6241 Martel Ave.
Karla Zemler, 6924 Wake Forrest Dr.
Erica Cole, 9246 Forest Hills Blvd.
Fred Patcher, 6344 Goliad Ave.
Zac Trahan, 6017 La Vista
Edward Hartman, 5100 Bryan St.
Richard Guldi, 7228 La Sobrina Dr., representing Sierra Club
Helen Bush, 9669 Forest Ln.
Maralyn Hamaker, 1139 Haines Ave.
Eulaine Hall, 11851 High Dale Dr., representing FracDallas
Katherine Savers McGovern, 4369 Royal Ridge
Sylvia Lagos, 131 N. Montclair
Ronnie Mestas, 3215 Rute St.
Mellen West, 7027 E. Grand Ave.
Eva Elvove, 3326 Herbert
Maridel Hoagland, 7184 Kendallwood Dr.
Ozumba Lnuk-X, 4106 Vineyard Dr.
Rosa Lopez, 305 N. Polk St.
Tony Farve, 5311 Mercedes Ave.
Rosa Cannaday, 104 W. Northgate, Irving, TX,
(Irving City Councilmember District 5)
Adhilya Jayasinghe, 341 Pepperwood St., Coppell, TX
Rachel Baker Ford, 3317 Knights Haven Ln., Garland, TX, representing
Garland Democrats (handouts provided)
Sherry Kessel, 2831 N. Surrey Dr., Carrollton, TX
Kim Limberg, 1910 Cartwright St., Irving, TX
Carol Contestabile, 1812 Crockett Cir., Irving, TX, representing North Hills
Prep Parents
Sherry Bollenbacker, 4567 N. O'Connor, Irving, TX
Rita Beaving, 13214 Glad Acres, Farmers Branch, TX
Marc W. McCord, 616 S. Colorado St.

“CORRECTED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1497

Page 3

The following individuals appeared in favor of the city plan commission’s recommendations on agenda items 83-85:

Joe Mueller, 1160 Amestead Dr., Prosper, TX
Dallas Cothrum, 900 Jackson St., representing Trinity East Energy
Tom Blanton, 777 Main St., representing Trinity East Energy
Allen Hastings, 7030 Northaven Rd.
David F. Martineau, 7983 Caruth Ct., representing TIPRO
John Napper, address not provided, representing Mountain Creek Business
Park Association
William Crowder, 901 Bryson Dr., Waxahachie, TX

Councilmember Kadane requested agenda items 83-85 be considered separately with record votes taken on each item; there was no objection voiced to his request.

Councilmember Kadane moved, on agenda item 84, to close the public hearing and approve the specific use permit with the ordinance to return on the September 25, 2013 voting agenda meeting of the city council.

Motion seconded by Mayor Pro Tem Atkins and Councilmember Callahan.

Staff clarified that should Councilmember Kadane’s motion not pass with 12 favorable votes, the floor was then open for another motion. If no further action was taken, the city plan commission’s recommendation to deny took effect.

Mayor Rawlings called the vote on Councilmember Kadane’s motion, on agenda item 84, to close the public hearing and approve the specific use permit with the ordinance to return on the September 25, 2013 voting agenda meeting of the city council:

Voting Yes: [9] Rawlings, Atkins, Hill, Caraway, Callahan, Kadane, Allen,
Kleinman, Gates
Voting No: [6] Alonzo, Griggs, Medrano, Davis, Greyson, Kingston

The city secretary declared the motion failed.

No further motion was made on the item; no further action followed.

“CORRECTED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1498

DESIGNATED ZONING CASES - INDIVIDUAL

Item 85: Zoning Case Z101-248(JH)

David Cossum, interim 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 interim director of sustainable development and construction.

A public hearing to receive comments regarding an application for a Specific Use Permit for gas drilling and production on property zoned an IR Industrial Research District on the east side of Luna Road, north of Ryan Road.

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

Recommendation of CPC: Denial.

Staff clarified the city plan commission recommendation was to deny the item.

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."

At the request of the presiding officer, agenda items 83-85 were simultaneously read into the record by the city secretary to allow consideration of the items under one motion; there was no objection voiced to his request.

“CORRECTED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1498

Page 2

In accordance with Section 6.3 of the City Council Rules of Procedure, Dallas residents were allowed to speak before non-Dallas residents.

The following individuals appeared in opposition to the city plan commission's recommendations on agenda items 83-85:

Ed Meyer, 6015 Fox Point Trl.
Claudia Meyer, 6015 Fox Point Trl.
Mary Warren, 4312 McKinney Ave.
Bill Betzen, 6717 Cliffwood Dr.
Molly Rooke, 5825 Palm Ln., representing Dallas Sierra Club
Marjorie Stenkley, 1500 N. Garrett Ave., representing Sierra Club
Richard Sheridan, 3022 Forest Ln.
Eric Neilsen, 10219 Lynford Dr.
Daniel Barnett, 10816 Stone Canyon Rd.
Judy Czarny, 6241 Martel Ave.
Karla Zemler, 6924 Wake Forrest Dr.
Erica Cole, 9246 Forest Hills Blvd.
Fred Patcher, 6344 Goliad Ave.
Zac Trahan, 6017 La Vista
Edward Hartman, 5100 Bryan St.
Richard Guldi, 7228 La Sobrina Dr., representing Sierra Club
Helen Bush, 9669 Forest Ln.
Maralyn Hamaker, 1139 Haines Ave.
Eulaine Hall, 11851 High Dale Dr., representing FracDallas
Katherine Savers McGovern, 4369 Royal Ridge
Sylvia Lagos, 131 N. Montclair
Ronnie Mestas, 3215 Rute St.
Mellen West, 7027 E. Grand Ave.
Eva Elvove, 3326 Herbert
Maridel Hoagland, 7184 Kendallwood Dr.
Ozumba Lnuk-X, 4106 Vineyard Dr.
Rosa Lopez, 305 N. Polk St.
Tony Farve, 5311 Mercedes Ave.
Rosa Cannaday, 104 W. Northgate, Irving, TX,
(Irving City Councilmember District 5)
Adhilya Jayasinghe, 341 Pepperwood St., Coppell, TX
Rachel Baker Ford, 3317 Knights Haven Ln., Garland, TX, representing
Garland Democrats (handouts provided)

“CORRECTED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1498

Page 3

The following individuals appeared in opposition to the city plan commission's recommendations on agenda items 83-85:

(continued)

Sherry Kessel, 2831 N. Surrey Dr., Carrollton, TX
Kim Limberg, 1910 Cartwright St., Irving, TX
Carol Contestabile, 1812 Crockett Cir., Irving, TX, representing North Hills
Prep Parents
Sherry Bollenbacker, 4567 N. O'Connor, Irving, TX
Rita Benyng, 13214 Glad Acres, Farmers Branch, TX
Marc W. McCord, 616 S. Colorado St.

The following individuals appeared in favor of the city plan commission's recommendations on agenda items 83-85:

Joe Mueller, 1160 Amestead Dr., Prosper, TX
Dallas Cothrum, 900 Jackson St., representing Trinity East Energy
Tom Blanton, 777 Main St., representing Trinity East Energy
Allen Hastings, 7030 Northaven Rd.
David F. Martineau, 7983 Caruth Ct., representing TIPRO
John Napper, address not provided, representing Mountain Creek Business
Park Association
William Crowder, 901 Bryson Dr., Waxahachie, TX

Councilmember Kadane requested agenda items 83-85 be considered separately with record votes taken on each item; there was no objection voiced to his request.

Councilmember Kadane moved, on agenda item 85, to close the public hearing and approve the specific use permit with the ordinance to return on the September 25, 2013 voting agenda meeting of the city council.

Motion seconded by Mayor Pro Tem Atkins and Councilmember Callahan.

Staff clarified that should Councilmember Kadane's motion not pass with 12 favorable votes, the floor was then open for another motion. If no further action was taken, the city plan commission's recommendation to deny took effect.

“CORRECTED”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1498

Page 4

Mayor Rawlings called the vote on Councilmember Kadane’s motion, on agenda item 85, to close the public hearing and approve the specific use permit with the ordinance to return on the September 25, 2013 voting agenda meeting of the city council:

Voting Yes: [9] Rawlings, Atkins, Hill, Caraway, Callahan, Kadane, Allen,
Kleinman, Gates

Voting No: [6] Alonzo, Griggs, Medrano, Davis, Greyson, Kingston

The city secretary declared the motion failed.

No further motion was made on the item; no further action followed.

Note: Councilmember Medrano stated for the record he is opposed and has always been opposed to gas drilling in the City of Dallas. As a former Park employee, he is definitely against drilling on park land and believes this vote today is for the health, safety and well-being of the citizens of Dallas.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1499

DESIGNATED ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

Item 86: Zoning Case Z123-204(MW)

A public hearing to receive comments regarding an application for and an ordinance granting the expansion of Subdistrict 1 of Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on property zoned an IR Industrial Research District on the west side of Market Center Boulevard, north of Turtle Creek Boulevard.

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

Note: This item was considered by the City Council at a public hearing on August 14, 2013, and was ~~taken under advisement~~ deferred until August 28, 2013, with the public hearing open.

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."

Prior to the item being read into the record, Deputy Mayor Pro Tem Alonzo moved to continue the public hearing to, and defer the item until, the September 11, 2013 voting agenda meeting of the city council. Therefore, no speakers were called to speak on the item.

Motion seconded by Councilmember Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1500

DESIGNATED ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

Item 87: Zoning Case Z123-245(MW)

A public hearing to receive comments regarding an application for and an ordinance granting an LI Light Industrial District on property zoned an MU-3 Mixed Use District on the northwest corner of LBJ Freeway and Stemmons Freeway.

Recommendation of Staff and CPC: Approval.

Note: This item was considered by the City Council at a public hearing on August 14, 2013, and was ~~taken under advisement~~ deferred until August 28, 2013, with the public hearing open.

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.

Deputy Mayor Pro Tem Alonzo moved to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance.

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

Assigned ORDINANCE NO. 29117

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1501

MISCELLANEOUS HEARINGS

Item 88: A public hearing to receive comments on the proposed FY 2013-14 Operating, Capital, Grant and Trust budgets - Financing: No cost consideration to the City

The following individuals addressed the city council on the item:

Gustavo Gonzales, 2850 Claudette Ave., representing the Senior Affairs Commission

Jeri Baker, 10416 Church Rd., representing Senior Source (handout provided)

Beverly Tobian, 6335 W. Northwest Hwy.

Marvin Crenshaw, 5134 Malcolm X Blvd.

Richard Sheridan, 3022 Forest Ln.

William Hopkins, 2011 Leath St.

Claudia Meyer, 6015 Fox Point Trl.

Ann Saucer, 6538 Lange Cir.

Robert Ceccarelli, 2218 Norwood Dr.

Katherine Savers McGovern, 4364 Royal Ridge Dr.

Councilmember Caraway moved to close the public hearing.

Motion seconded by Councilmember Medrano and unanimously adopted. (Alonzo absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1502

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

**Reinvestment Zone and Business Personal
Property Tax Abatement Authorization**

Note: Item Nos. 89, 90 and 91
must be considered collectively.

Item 89: 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. 82, incorporating approximately 14.8 acres of property located at 5327 South Lamar Street, Dallas, Texas for the purpose of granting economic development incentives to Borden Dairy Company of Texas - Financing: No cost consideration to the City

Item 90: An ordinance designating the approximately 14.8 acres of property located at 5327 South Lamar Street, Dallas, Texas as City of Dallas Reinvestment Zone No. 82, for the purpose of granting economic development incentives to Borden Dairy Company of Texas, 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."

No one addressed the city council on the item.

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

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

Assigned ORDINANCE NO. 29118

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1503

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

**Reinvestment Zone and Business Personal
Property Tax Abatement Authorization**

Note: Item Nos. 89, 90 and 91
must be considered collectively.

Item 91: Authorize a 75 percent business personal property tax abatement agreement for eight years with Borden Dairy Company of Texas located on 14.8 acres of property located at 5327 South Lamar Street, Dallas - Revenue: First year revenue estimated at \$19,948; ten-year revenue estimated at \$139,632 (Estimated revenue foregone for seven-year business personal property tax abatement estimated at \$418,897)

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 addressed the city council on the item.

Councilmember Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1504

Closed Session

6ES

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

- Legal issues regarding recent amendments to the Texas Public Information Act.
- Personnel (Sec. 551.074 T.O.M.A.)
- Personnel issues involving City Manager

At 10:58 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.)

- Legal issues regarding recent amendments to the Texas Public Information Act.
- Personnel (Sec. 551.074 T.O.M.A.)
- Personnel issues involving City Manager

Mayor Rawlings reconvened the city council meeting after the closed session at 1:25 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1505

Addendum Addition 1: Authorize a three-year service contract for database access to downloadable digital content audiobooks, e-books and e-magazines for the Dallas Public Library - OverDrive, Inc. in the amount of \$590,000, Baker & Taylor, Inc. in the amount of \$180,000, Recorded Books, LLC in the amount of \$148,494 and ProQuest, LLC in the amount of \$139,768, most advantageous proposers of nine - Total not to exceed \$1,058,262 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1506

Addendum Addition 2: Authorize a professional services contract to conduct an actuarial audit of the asset and liability valuations for the City of Dallas' pension funds - Foster & Foster Consulting Actuaries, Inc., most advantageous proposer of three - Not to exceed \$243,040 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1507

Addendum Addition 3: Authorize Supplemental Agreement No. 1 to increase the service contract with Andrews Building Service, Inc. to extend the contract term through February 28, 2014 for janitorial and event set up services at the Kay Bailey Hutchison Convention Center Dallas - Not to exceed \$3,432,869, from \$13,731,475 to \$17,164,344 - Financing: Convention and Event Services Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1508

Addendum Addition 4: A resolution appointing Warren M. S. Ernst, as Interim City Attorney for the City of Dallas, effective at the close of business on September 3, 2013 to serve until the City Council selects and appoints a permanent City Attorney - Financing: No additional cost consideration to the City

Councilmember Hill requested addendum addition consent agenda item 4 be considered as an individual item later in the meeting; there was no objection voiced to her request.

Later in the meeting, addendum addition consent agenda item 4 was brought up for consideration.

Councilmember Caraway moved to adopt the item.

Motion seconded by Mayor Pro Tem Atkins.

Councilmember Hill requested Councilmember Caraway withdraw his motion to adopt the item to allow her to make an amendment to the item.

Councilmember Caraway withdrew his motion to adopt the item.

Mayor Pro Tem Atkins, who seconded the motion, also withdrew his second to the motion.

Councilmember Hill moved to adopt the item with the following change:

- If City Council has not appointed a permanent City Attorney within 120 days from the date of this resolution, the City Council shall review the compensation of Warren M.S. Ernst.

Motion seconded by Councilmember Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1509

Addendum Addition 5: An ordinance amending Chapter 10A of the Dallas City Code to: **(1)** clarify that a person must have operating authority to dispatch a limousine for hire; **(2)** clarify that a limousine driver may only respond to dispatches from a holder employing or contracting with the driver; **(3)** require luxury sedans, trucks, sports-utility vehicles, and vans used as limousines to have sticker prices over \$45,000 when purchased new, with certain exceptions; **(4)** prohibit advertising the operation of a limousine service that does not have valid operating authority when the advertisement is reasonably calculated to be heard by persons seeking such service; **(5)** require limousine service to be prearranged at least 30 minutes before the service is provided; **(6)** clarify that the use of any type of meter or measuring device in determining the fare for limousine service is prohibited regardless of whether the device is located in the limousine; **(7)** establish minimum limousine fares; and **(8)** define "dispatch" - Financing: No cost consideration to the City

Councilmember Kingston, Councilmember Griggs, Councilmember Gates, Councilmember Kadane and Councilmember Greyson requested addendum addition consent agenda item 5 be considered as an individual item later in the meeting; there was no objection voiced to their requests.

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

Councilmember Kadane moved to investigate how the item was placed on the agenda, remand the item to the Transportation and Trinity River Project Council Committee, followed by a full briefing to the city council.

Motion seconded by Councilmember Kleinman.

After discussion, Councilmember Kingston moved to substitute Councilmember Kadane's motion in order to pull the item, schedule it for a city council briefing and authorize a full Dallas City Charter investigation on how the language of this ordinance was proposed, including subpoena power, in order to investigate the circumstances under which the language of this proposed ordinance amendment was crafted.

Motion seconded by Councilmember Medrano.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1509

Page 2

Councilmember Griggs provided a point of clarification on Councilmember Kingston's motion to detail the investigation would be under Chapter 3 Section 12 of the Dallas City Charter.

Mayor Rawlings asked Councilmember Kadane if he would accept Councilmember Kingston's substitute motion as a friendly amendment.

Councilmember Kadane did not accept Councilmember Kingston's substitute motion as a friendly amendment.

By general consensus of the city council, Mayor Rawlings called a recess of the city council meeting at 10:09 a.m. as authorized by Section 551.071, Consultations with Attorney, of the Texas Open Meetings Act to confer with the city attorney on the item.

Mayor Rawlings reconvened the city council meeting after the executive session at 10:33 a.m. No other matters were discussed during the executive session.

Councilmember Kingston withdrew his substitute motion to pull the item, schedule it for a city council briefing and authorize a full Dallas City Charter investigation on how the language of this ordinance was proposed, including subpoena power, to investigate the circumstances under which the language of this proposed ordinance amendment was crafted.

Councilmember Medrano, who seconded the substitute motion, also withdrew his second.

After further discussion, Councilmember Kingston asked Councilmember Kadane to clarify his motion to provide the investigation be defined and administered by Mayor Rawlings.

Councilmember Kadane clarified his motion was to have Mayor Rawlings define and administer the investigation.

Councilmember Kleinman, who seconded the original motion, also accepted the clarification.

Mayor Rawlings called for a vote on Councilmember Kadane's original motion and clarification to investigate how the item was placed on the agenda, remand the item to the Transportation and Trinity River Project Council Committee, followed by a full briefing to the city council and have him [Mayor Rawlings] define and administer the investigation.

Mayor Rawlings declared the motion unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1510

Addendum Addition 6: Authorize moving expense and replacement housing payments for Linda Velo in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2954 Gloyd Street for future City facilities - Not to exceed \$51,450 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1511

Addendum Addition 7: A resolution affirming support for the proposed Trinity Floodway Trail as presently proposed to be constructed and operated as a joint use, all weather maintenance trail in the Dallas Floodway from Sylvan Avenue to Commerce Street on the east side of the river and Sylvan Avenue to IH30 on the west side of the river - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1512

Addendum Addition 8: A resolution designating an absence by Councilmember Dwaine Caraway as being for "official city business" -
Financing: No cost consideration to the City

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

Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Kadane and unanimously adopted. (Caraway abstain; Rawlings absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1513

DESIGNATED PUBLIC SUBSIDY MATTERS

**Continental Building Downtown Connection
TIF District**

Note: Item Nos. 9 and 10
must be considered collectively.

Addendum Addition 9: Authorize Supplemental Agreement No. 8 to the master development agreement among the City of Dallas, the Downtown Dallas Development Authority (the DDDA), and FC Merc Complex, L.P. ("FC Merc"), a Texas limited partnership, FC Continental Complex, L.P. ("FCC"), a Texas limited partnership, FC Continental Landlord, LLC, a Texas limited liability company ("FC Continental") and FC Continental Manager, LLC, a Texas limited liability company and managing member of FC Continental (collectively called Forest City) to: **(1)** revise Section 2.07 of the master development agreement to remove the requirement of the City to issue bonds in the amount of \$2,500,000 with an interest rate of 8% and pay all costs of bond issuance for the project; and **(2)** provide TIF funding to Forest City in an amount not to exceed \$3,700,000 total dollars or an amount equivalent to Net Present Value of \$2,500,000 at a discount rate of 4%, whichever is less, to be funded by annual increment generated by the increase in property value of the Continental Building only, collected by the City - Not to exceed \$3,700,000 - Financing: Downtown Connection 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."

Mayor Pro Tem Atkins moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1514

DESIGNATED PUBLIC SUBSIDY MATTERS

**Continental Building Downtown Connection
TIF District**

Note: Item Nos. 9 and 10
must be considered collectively.

Addendum Addition 10: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to make annual payments to Forest City from annual increment generated by the increase in property value of the Continental Building only, up to an amount not to exceed \$2,500,000, pursuant to the Supplemental Agreement No. 8 - 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."

Mayor Pro Tem Atkins moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 28, 2013

13-1515

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum Addition 11: Authorize **(1)** an amendment to Resolution No. 08-2433, previously approved on September 10, 2008, to decrease the existing development loan with City Wide Community Development Corporation (CWCDC) for the Lancaster/Opal project by \$243,674 and extend the option deadline for CWCDC to redevelop the acquired properties to September 12, 2016, and **(2)** an amendment to Resolution No. 13-1159, previously approved on June 26, 2013, to increase the existing development loan with City Wide Community Development Corporation for the Lancaster/Kiest project by \$243,674 for environmental, demolition, and predevelopment costs - 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 Caraway moved to adopt the item.

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, AUGUST 28, 2013

EXHIBIT C