

MINUTES OF THE DALLAS CITY COUNCIL
TUESDAY, OCTOBER 8, 2013

13-1750

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

PRESENT: [15] Rawlings, Atkins, Alonzo, Griggs, Medrano, Caraway (*9:06 a.m.), Hill, Callahan, Davis, Kadane, Allen, Kleinman, Greyson, Gates, Kingston

ABSENT: [0]

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

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

The invocation was given by Dr. Anna Hosemann-Butler of Oak Lawn United Methodist Church.

Councilmember Medrano led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 1:45 p.m.

Mayor

ATTEST:

City Secretary

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

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

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

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 8, 2013

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 8, 2013

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1751

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: Travis Wortham Jr., 7929 Military Pkwy. (handout provided)
SUBJECT: Shooting of young boy

SPEAKER: Amon Rashidi, 627 Cove Hollow Dr.
SUBJECT: Shooting of young boy

SPEAKER: *Roy Williams, 13410 Preston Rd.
SUBJECT: Shooting of young boy

Mayor Rawlings recessed the City Council at 10:11 a.m. and reconvened at 10:17 a.m. as a result of a citizen's conduct.

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
SUBJECT: Angola 3

By general consensus of the city council, Section 6.3 of the City Council Rules of Procedure was suspended to allow the following individual to speak:

SPEAKER: Larry Friedman, 25 Glen Abbey
REPRESENTING: D. J. Maiden, Jr.
SUBJECT: Shooting of young boy

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Donald Bell, 2918 Duncanville Rd.
SUBJECT: Self-charging cell phone company

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1751

Page 2

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

(Continued)

SPEAKER: William Hopkins, 2011 Leath St. (handout provided)

SUBJECT: West Dallas health care

*Individual spoke later in the lineup to first allow review of material to be displayed and approval by the City Manager's Office as required in the internal process.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1752

Item 1: Approval of Minutes of the September 25, 2013 City Council Meeting

Mayor Pro Tem Atkins moved to adopt the minutes of the September 25, 2013 City Council Meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1753

CONSENT AGENDA

The consent agenda, consisting of consent agenda items 2-22 and addendum addition consent agenda items 1-2, was presented for consideration.

The city secretary announced Councilmember Hill had deferred consideration of consent agenda item 7 in accordance with Subsection 7.11 of the City Council Rules of Procedure.

Councilmember Kingston requested consent agenda items 8, 11 and 17 be considered as individual items later in the meeting; there was no objection voiced to his request.

Councilmember Kleinman requested consent agenda item 20 be considered as an individual item later in the meeting; there was no objection voiced to his request.

Councilmember Kadane moved to adopt all items on the consent agenda and addendum addition consent agenda with the exception of consent agenda items 7, 8, 11, 17 and 20.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1754

Item 2: Authorize a three-year master agreement for emergency and non-emergency medical supplies - Bound Tree Medical, LLC in the amount of \$3,805,786, MMS A Medical Supply Company in the amount of \$352,829, Kentron Health Care, Inc. in the amount of \$390,033, Guardian EMS Products in the amount of \$346,417, Sovereign Medical, Inc. in the amount of \$155,310 and Henry Schein, Inc. in the amount of \$18,254, lowest responsible bidders of ten - Total not to exceed \$5,068,629 - Financing: Current Funds (\$4,988,327) and Water Utilities Current Funds (\$80,302)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1755

Item 3: Authorize a three-year master agreement for fiberglass manholes, manhole inserts and wastewater access chambers - L.F. Manufacturing, Inc. in the amount of \$227,122, HD Supply Waterworks, LTD in the amount of \$39,650 and Doug Meadows Co. LLC in the amount of \$18,140, lowest responsible bidders of three - Total not to exceed \$284,912 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1756

Item 4: Authorize a three-year master agreement for fire-fighting foam for Fire-Rescue - Casco Industries, Inc., lowest responsible bidder of three - Not to exceed \$1,704,473 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1757

Item 5: Authorize Supplemental Agreement No. 1 to increase the service contract with AAF-McQuay, Inc. dba McQuay International for centrifugal chiller maintenance at the Kay Bailey Hutchison Convention Center Dallas - Not to exceed \$101,503, from \$913,580 to \$1,015,083 - Financing: Convention and Event Services Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1758

Item 6: Authorize settlement of the lawsuit styled The Estate of Yolanda Guzman et al. v. City of Dallas and Oncor Electric Delivery Company LLC, Cause No. DC-11-11338-E - Not to exceed \$400,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1759

Item 7: Authorize payment of annual membership fees and continuation of arrangements for providing specialized municipal-related services to the Airports Council International - North America in the amount of \$55,000, Dallas Regional Mobility Coalition in the amount of \$50,000, Gartner, Inc. (IT Executives and Leaders) in the amount of \$90,681, North Central Texas Council of Governments in the amount of \$120,742, North Texas Commission in the amount of \$91,020, The Steering Committee of Cities Served by Oncor in the amount of \$131,635, Texas Coalition of Cities For Utility Issues in the amount of \$52,654, Texas Municipal League in the amount of \$53,083, Water Environment Research Foundation in the amount of \$83,374, and Water Research Foundation in the amount of \$246,959 - Total not to exceed \$975,148 - Financing: Current Funds (\$589,815), Aviation Current Funds (\$55,000) and Water Utilities Current Funds (\$330,333)

The city secretary announced Councilmember Hill had deferred consideration of consent agenda item 7 in accordance with Subsection 7.11 of the City Council Rules of Procedure.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1760

Item 8: Authorize the acceptance of a grant from the U.S. Department of Homeland Security under the Emergency Management Performance Grant Program for the period October 1, 2012 through March 31, 2014 - Not to exceed \$214,711 - Financing: U.S. Department of Homeland Security Grant Funds

Councilmember Kingston requested consent agenda item 8 be considered as an individual item later in the meeting; there was no objection voiced to his request.

Later in the meeting, consent agenda item 8 was brought up for consideration.

Councilmember Kingston moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1761

Item 9: Authorize **(1)** an application for and acceptance of the City of Dallas NIBIN Program from the Office of the Governor, Criminal Justice Division, to provide aid in finding crime linkages and provide additional resources to the National Integrated Ballistic Information Network Program for the period September 1, 2013 through August 31, 2014; **(2)** an In-kind contribution in the amount of \$19,514; and **(3)** execution of the grant agreement - Not to exceed \$99,514 - Financing: Office of the Governor, Criminal Justice Division Grant Funds (\$80,000) and In-Kind Contributions (\$19,514)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1762

Item 10: Authorize an agreement between the North Central Texas Council of Governments and the City of Dallas, Dallas Police Department to facilitate training as part of the North Central Texas Urban Shield Regional Exercise at the Dallas Independent School District building located at 1403 Corinth Street, Dallas, Texas for the period November 9-10, 2013 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1763

Item 11: Authorize a contract with Gilbert May Inc. dba Phillips/May Corp., best value proposer of three, for the construction of interior improvements to C Lobby and Prefunction, Lower C Meeting Rooms, C Ballroom, and C/D/E associated restrooms at the Kay Bailey Hutchison Convention Center Dallas - Not to exceed \$11,879,291 - Financing: 2009 Convention Center Revenue Bonds

Councilmember Kingston requested consent agenda item 11 be considered as an individual item later in the meeting; there was no objection voiced to his request.

Later in the meeting, consent agenda item 11 was brought up for consideration.

Councilmember Medrano moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1764

Item 12: Authorize Supplemental Agreement No. 12 to the professional services contract with HNTB Corporation to provide full time, on-site construction administration and construction observation services to facilitate a schedule change to accommodate the Federal Aviation Administration's flight check schedule for the Runway Safety Area Enhancement Project, Phase 2 and to allow for the changes to the project schedules for the Taxiway "A", "B", and "D" Reconstruction and Taxiway "A", "B", and "M" Shoulder Reconstruction Projects at Dallas Love Field - Total not to exceed \$233,426, from \$4,474,029 to \$4,707,455 - Financing: Aviation Capital Construction Funds (\$53,893) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$179,533)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1765

Item 13: Authorize a three year professional services contract with Terracon Consultants, Inc. to conduct monthly, quarterly and annual environmental compliance monitoring, as well as routine operations and maintenance of the Landfill Gas Collection (LFG) system at the Deepwood and Loop 12 Landfill sites located at 6500 Great Trinity Forest (formerly 6500 South Highway Loop 12) - Not to exceed \$688,000 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1766

Item 14: Authorize **(1)** the receipt and deposit of funds in the amount of \$22,680 from QuikTrip Corporation for material, equipment and labor provided by the City for the traffic signal upgrade at Lloyd Drive and Preston Road (SH 289); and **(2)** an increase in appropriations in the amount of \$22,680 in the Capital Projects Reimbursement Fund - Not to exceed \$22,680 - Financing: Capital Projects Reimbursement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1767

Item 15: Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation (TxDOT) to provide cost reimbursement for labor, material and equipment to be supplied by the City for costs incurred while operating and assisting with the maintenance of traffic signals impacted by TxDOT's Horseshoe Project (list attached); and **(2)** the establishment of appropriations in the amount of \$397,275 in the Texas Department of Transportation Grant Fund - Total not to exceed \$397,275 - Financing: Texas Department of Transportation Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1768

Item 16: Authorize acquisition from Raymondo M. Garcia, Maria M. Garcia aka Maria M. Fuller and Florentino J. Hernandez, of approximately 15,000 square feet of land located near the intersection of San Leon Avenue and Glencliff Drive for the San Leon Avenue Project - Not to exceed \$8,000 (\$6,000, plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1769

Item 17: Authorize a moving and related expenses-nonresidential payment for Tip Top Big Dog Inc. dba Tini Bar, who has been displaced as a direct result of real property acquisition of the property at 2224 Elm Street, to be used in conjunction with the Central Expressway from Commerce to Live Oak Realignment Project - Not to exceed \$77,021 - Financing: 2003 Bond Funds

Councilmember Kingston requested consent agenda item 17 be considered as an individual item later in the meeting; there was no objection voiced to his request.

Later in the meeting, consent agenda item 17 was brought up for consideration.

Councilmember Kingston moved to adopt the item.

Motion seconded by Councilmember Medrano.

After discussion, Councilmember Kingston moved to amend his motion to hold the item under advisement until the October 23, 2013 voting agenda meeting of the city council.

Councilmember Medrano, who seconded the original motion, accepted the amendment.

Mayor Rawlings declared the amended motion unanimously adopted. (Atkins, Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1770

Item 18: An ordinance abandoning a portion of Pavillion Street to Twin Lakes Plaza, L.P., the abutting owner, containing a total of approximately 3,974 square feet of land, located near its intersection with Flora Street, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29166

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1771

Item 19: Authorize the (1) deposit of the amount awarded by the Special Commissioners in the lawsuit styled City of Dallas v. Ike Stearn et al, Cause No. CC-13-02713-D, pending in County Court at Law No. 4, for acquisition from Ike Stearn, et al, of 6,145 square feet of land located near the intersection of Stokes Street and Hull Avenue for the South Central/Joppa Gateway Project; and (2) settlement of the lawsuit for an amount not to exceed the amount of the Special Commissioners award - Not to exceed \$5,525 (\$3,525 being the amount of the award, plus closing costs and title expenses not to exceed \$2,000); an increase of \$1,375 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1772

Item 20: Authorize **(1)** an increase in the contract with Sedalco/MetalMan Design/Build Corporation, A Joint Venture, to provide for signage; fire suppression system, fire lines, fire alarm systems, and emergency lighting at the covered arenas; communications conduits; switchgear for kitchen equipment; and revised domestic water lines at the Texas Horse Park, in the amount of \$581,700; **(2)** the receipt and deposit of funds from the Texas Horse Park Fund of The Dallas Foundation in the amount of \$350,000; and **(3)** the establishment of appropriations in the Texas Horse Park Fund of The Dallas Foundation in the amount of \$350,000 - Total not to exceed \$581,700, from \$10,683,100 to \$11,264,800 - Financing: General Obligation Commercial Paper Funds (\$481,700) and the Dallas Foundation Grant Funds (\$100,000)

Councilmember Kleinman requested consent agenda item 20 be considered as an individual item later in the meeting; there was no objection voiced to his request.

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

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

- Remove \$471,700 from the city's General Obligation Commercial Paper Funds.

No second was forthcoming to Councilmember Kleinman's motion.

Mayor Rawlings stated the motion died for lack of a second.

Councilmember Davis moved to adopt the item.

Motion seconded by Councilmember Hill.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1773

Item 21: Authorize a Project Utility Adjustment Agreement with Pegasus Link Constructors, LLC for water and wastewater main relocations and adjustments in Interstate Highway 30 (Dallas-Fort Worth Turnpike) from Sylvan Avenue to Lamar Street and in Interstate Highway 35E (Stemmons Freeway) from 6th Street to Commerce Street (Horseshoe Project) - Not to exceed \$382,812 - Financing: Water Utilities Current Funds (to be reimbursed by Pegasus Link Constructors, LLC)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1774

Item 22: Authorize an increase in the contract with Archer Western Construction, LLC for additional work associated with the rehabilitation of the Carrollton, California Crossing, and Frasier Dams - Not to exceed \$877,518, from \$3,646,050 to \$4,523,568 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1775

Item 23: 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, with term ending September 30, 2015, updated through OCTOBER 8, 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.

Deputy Mayor Pro Tem Alonzo moved to appoint the following:

- Larry D. Brannon to the Board of Adjustment Alternate Members; Sylvia Hougland, Cultural Institute Management Experience, to the Cultural Affairs Commission; Cris Jordan, Experience in Historic Preservation, to the Landmark Commission; Diane L. Sherman, Experience in Historic Preservation, to the Landmark Commission Alternate Members; Eva Elvove, Owns Property in District, to the Reinvestment Zone Seven Board (Sports Arena) and Reinvestment Zone Fifteen Board (Fort Worth Avenue); Elizabeth Solender, Registered Voter, to the Reinvestment Zone Nineteen Board (Cypress Waters); Josh Womack, Community Development Experience, to the South Dallas/Fair Park Trust Fund Board; and
- nominees to "individual appointment" positions.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1775

Page 2

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

13-6515	ARC	AUTOMATED RED LIGHT ENFORCEMENT COMMISSION
13-6516	BOX	BOARD OF ADJUSTMENT ALTERNATE MEMBERS
13-6517	CAC	CULTURAL AFFAIRS COMMISSION
13-6518	CDC	COMMUNITY DEVELOPMENT COMMISSION
13-6519	CPC	CITY PLAN AND ZONING COMMISSION
13-6520	CPR	DALLAS CITIZENS POLICE REVIEW BOARD
13-6521	JNC	JUDICIAL NOMINATING COMMISSION
13-6522	LMC	LANDMARK COMMISSION
13-6523	LMX	LANDMARK COMMISSION ALTERNATE MEMBERS
13-6524	MLK	MARTIN LUTHER KING JR COMMUNITY CENTER BOARD
13-6525	PAR	PARK AND RECREATION BOARD
13-6526	RZ07	REINVESTMENT ZONE SEVEN BOARD (SPORTS ARENA)
13-6527	RZ15	REINVESTMENT ZONE FIFTEEN BOARD (FORT WORTH AVENUE)
13-6528	RZ19	REINVESTMENT ZONE NINETEEN BOARD (CYPRESS WATERS)
13-6529	SDF	SOUTH DALLAS/FAIR PARK TRUST FUND BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1776

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 24: Authorize an amendment to Resolution No.13-0458, previously approved on February 27, 2013, to support an application for 4% low income housing tax credits (LIHTC) to the Texas Department of Housing & Community Affairs (TDHCA) for the proposed project to be located at 4623 South Lancaster Road, for a multifamily residential development for low income families - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

Note: The city secretary announced for the record the item pertained to District 4.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1777

The consent zoning docket, consisting of agenda items 25-30, was presented for consideration.

Agenda item 25 was removed from the consent zoning docket to be considered as an individual hearing.

~~Agenda item 25: Zoning Case Z123-279(WE)~~ **[considered individually]**

Agenda item 26: Zoning Case Z123-281(AB)

Agenda item 27: Zoning Case Z123-297(WE)

Agenda item 28: Zoning Case Z123-299(WE)

Agenda item 29: Zoning Case Z123-319(MW)

Agenda item 30: Zoning Case Z123-336(JH)

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

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

Councilmember Caraway 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. (Atkins, Griggs, Hill, Davis absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1778

Item 25: Zoning Case Z123-279(WE)

The consent zoning docket, consisting of agenda items 25-30, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and South Buckner Boulevard.

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

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

Councilmember Callahan, on behalf of Councilmember Davis who was absent when the item was presented, requested zoning consent agenda item 25 be considered as an individual item later in the meeting; there was no objection voiced to his request.

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

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

Santos Martinez, 900 Jackson St., representing the applicant

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1779

Item 26: Zoning Case Z123-281(AB)

The consent zoning docket, consisting of agenda items 25-30, 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. 1853 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less on property zoned RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the northeast corner of Royal Lane and North Stemmons Freeway.

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29167

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1780

Item 27: Zoning Case Z123-297(WE)

The consent zoning docket, consisting of agenda items 25-30, 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. 1871 for the sale of alcoholic beverages in conjunction with a general merchandise store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and Holcomb Road.

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29168

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1781

Item 28: Zoning Case Z123-299(WE)

The consent zoning docket, consisting of agenda items 25-30, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment use for a bar, lounge, or tavern on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Elm Street, west of North Crowds Street.

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29169

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1782

Item 29: Zoning Case Z123-319(MW)

The consent zoning docket, consisting of agenda items 25-30, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to the Tract 6a Development Plan and an ordinance granting a Specific Use Permit for an underground walkway and on property zoned Planned Development District No. 287 on the southeast line of Garland Road, north of Lakeland Drive.

Recommendation of Staff and CPC: Approval of an amendment to the Tract 6a Development Plan and approval of a Specific Use Permit for permanent period, subject to a site plan and conditions.

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 29170 AND 29171

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1783

Item 30: Zoning Case Z123-336(JH)

The consent zoning docket, consisting of agenda items 25-30, 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. 1719 for an office use on property zoned Area 2 within Planned Development District No. 465, the Arlington Park Special Purpose District on the south side of Record Crossing Road, west of Yellowstone Road.

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. 29172

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1784

Item 31: Zoning Case Z123-282(JH) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1863 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the north side of Scyene Road, west of Jim Miller Road.

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

Note: This item was considered by the City Council at a public hearing on September 25, 2013, and was taken under advisement until October 8, 2013, with the public hearing open.

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

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

Santos Martinez, 900 Jackson St., representing the applicant

Councilmember Callahan moved to close the public hearing, accept the recommendation of the city plan commission with the following changes:

- The specific use permit expires on October 8, 2015;
- Delete screening requirements; and
- Specific use permit has no automatic renewals.

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

Assigned ORDINANCE NO. 29173

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1785

Item 32: Zoning Case Z123-288(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. 1896 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south of Lake June Road, east of Temple Cliff Drive.

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

Note: This item was considered by the City Council at a public hearing on September 25, 2013, and was taken under advisement until October 8, 2013, with the public hearing open.

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.

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

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

Parvez Malik, 1901 Central Dr., representing the applicant

Councilmember Callahan moved to close the public hearing, accept the recommendation of the city plan commission with the following change:

- Specific use permit is for two-year period with no automatic renewal.

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

Assigned ORDINANCE NO. 29174

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1786

MISCELLANEOUS HEARINGS

Item 33: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by the City of Dallas and Darling International, Inc. located southwest of the Trinity River, north of Cedar Crest Boulevard and extending southeast to just north of East Overton Road; and an ordinance authorizing support of the issuance of a municipal setting designation to the City of Dallas by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated properties as potable water - Financing: No cost consideration to the City.

Recommendation of Staff: Approval.

The city secretary read the following statement into the record:

"Pursuant to Section 51A-6.108(g)(3) of the Dallas Development Code, the applicant or licensed representative of the applicant who is familiar with the application must be present and available to answer questions."

The following individual addressed the city council regarding the item:

Wendall Honeycutt (Professional Geoscientist), 7805 Mesquite Bend Dr.,
Irving, TX., representing the applicant

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

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

Assigned ORDINANCE NO. 29175

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1787

MISCELLANEOUS HEARINGS

Item 34: A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by CCH Lamar Partners I, L.P. located near the intersection of South Lamar Street and Memorial Drive, and an ordinance authorizing support of the issuance of a municipal setting designation to CCH Lamar Partners I, L.P. by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City.

Recommendation of Staff: Approval.

The city secretary read the following statement into the record:

"Pursuant to Section 51A-6.108(g)(3) of the Dallas Development Code, the applicant or licensed representative of the applicant who is familiar with the application must be present and available to answer questions."

The following individual addressed the city council regarding the item:

Xiaohong Wang, 4509 Lancelot Dr., Plano, TX, licensed representative of the applicant

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

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

Assigned ORDINANCE NO. 29176

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1788

MISCELLANEOUS HEARINGS

Item 35: A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from the Sam Houston Elementary School required by Section 6-4 of the Dallas City Code to allow a restaurant with a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate [Ai Sushi Grill] on property fronting the southwest line of Cedar Springs Road, and the northwest line of Knight Street - Financing: No cost consideration to the City.

Recommendation of Staff: Approval.

No one addressed the city council regarding the item.

Councilmember Medrano moved to close the public hearing and adopt the item with an amendment to the resolution to include a location map.

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

Note: The city secretary clarified a location map had been distributed around the dais earlier in the meeting.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1789

Closed Session

6ES

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

- Personnel issues involving the selection of the City Manager.
- Discuss the qualifications of candidates for the position of City Attorney.

At 12:06 a.m., Mayor Rawlings announced the closed session of the city council authorized by Chapter 551, "OPEN MEETINGS," of the (Texas Open Meetings Act) to discuss the following matter:

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

- Personnel issues involving the selection of the City Manager.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1790

Addendum Addition 1: Authorize **(1)** consolidation of the Shelter Plus Care II grant agreement, previously approved by Resolution No. 13-0703 on April 24, 2013 in the amount of \$475,033, and later reduced by the U. S. Department of Housing and Urban Development to \$474,589, and Shelter Plus Care I grant agreement, previously approved by Resolution No. 13-1294 on August 14, 2013 in the amount of \$923,966, into one Continuum of Care grant agreement in the amount of \$1,398,555; **(2)** modify the term of the combined Continuum of Care grant agreement to commence on October 1, 2013 through September 30, 2014; **(3)** an increase in the cash match amount in the amount of \$94,911, from \$214,917 to \$309,828; **(4)** an increase in the In-Kind Contribution in the amount of \$23,736, from \$16,075 to \$39,811; and **(5)** execution of the grant agreement by consolidation of the grants - Total not to exceed \$94,911 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1791

Addendum Addition 2: Authorize **(1)** a construction contract with EAS Contracting, LP by EAS Contracting GP, LLC, only bidder, for the reconstruction of the existing airfield guidance signage at Dallas Love Field; and **(2)** the use of Aviation Capital Construction Funds as the City's required match - Total not to exceed \$969,375 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds (\$727,031) and Aviation Capital Construction Funds (\$242,344)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1792

Addendum Addition 3: A resolution designating an absence by Mayor Michael Rawlings, Councilmember Adam Medrano and Councilmember Dwaine Caraway as being for "official city business" - Financing: No cost consideration to the City

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

Councilmember Davis moved to adopt the item.

Motion seconded by Councilmember Callahan and unanimously adopted. (Rawlings, Medrano, Caraway abstain; Atkins, Hill absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1793

Addendum Addition 4: Consideration of the qualifications of candidates for appointment to the position of City Attorney, selection of a candidate for commencement of negotiations, and authorization for the City Manager to negotiate the terms of an employment contract for the position of City Attorney

Prior to the consideration of the item, Mayor Rawlings outlined the City Attorney search process.

Councilmember Hill moved to appoint Warren M. S. Ernst to the position of City Attorney of the City of Dallas subject to negotiations and the contract returning to the city council on October 16, 2013; with a revised resolution, regarding contract negotiations, submitted to the City Secretary's Office.

Motion seconded by Councilmember Kleinman.

Councilmember Kingston moved a substitute motion to appoint Angela Washington to the position of City Attorney of the City of Dallas and authorize the appropriate steps to make such further negotiations as are necessary to finalize an employment agreement.

Motion seconded by Councilmember Caraway

After discussion, Mayor Rawlings called the vote on Councilmember Kingston's substitute motion to appoint Angela Washington to the position of City Attorney of the City of Dallas and authorize the appropriate steps to make such further negotiations as are necessary to finalize an employment agreement:

Voting Yes: [4] Griggs, Medrano, Greyson, Kingston

Voting No: [11] Rawlings, Atkins, Alonzo, Hill, Caraway, Callahan, Davis, Kadane, Allen, Kleinman, Gates

The city secretary declared the motion failed.

After further discussion, Mayor Rawlings called the vote on Councilmember Hill's original motion to appoint Warren M. S. Ernst to the position of City Attorney of the City of Dallas subject to negotiations and the contract returning to the city council on October 16, 2013:

Voting Yes: [12] Rawlings, Atkins, Alonzo, Medrano, Hill, Caraway, Callahan, Davis, Kadane, Allen, Kleinman, Gates

Voting No: [3] Griggs, Greyson, Kingston

The city secretary declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1794

Addendum Addition 5: An ordinance abandoning portions of Colorado Boulevard, an alley, railroad right-of-way and a street easement to Southern Foods Group, LLC, the abutting owner, containing a total of approximately 32,279 square feet of land, located near the intersection of Colorado Boulevard and Lancaster Avenue, and authorizing the quitclaim - Revenue: \$48,419, plus the \$20 ordinance publication fee

Councilmember Griggs moved to defer the item indefinitely.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 8, 2013

13-1795

DESIGNATED PUBLIC SUBSIDY MATTERS

Addendum Addition 6: Authorize an amendment to Resolution No. 13-0732, previously approved on April 24, 2013, to increase an existing economic development loan with South Dallas/Fair Park Innerscity Community Development Corporation (ICDC) by \$100,000, from \$3,300,000 to \$3,400,000, for the completion of the construction of commercial space located at 4922 Spring Avenue as part of the redevelopment plan for the Frazier area - Not to exceed \$100,000 - Financing: 2006 Bond Funds

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

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

Councilmember Davis moved to adopt the item.

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 8, 2013

EXHIBIT C