

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 23, 2013

13-1810

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

PRESENT: [14] Rawlings, Atkins, Alonzo, Griggs, Medrano, Caraway (*9:14 a.m.), Callahan, Davis (*9:13 a.m.), Kadane, Allen, Kleinman (*9:17 a.m.), Greyson (*9:16 a.m.), Gates (*9:06 a.m.), Kingston

ABSENT: [1] Hill

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

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

The invocation was given by Councilmember Kadane.

Councilmember Medrano led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 4:18 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 23, 2013

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 23, 2013

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1811

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: Jasper Baccus, 3509 Sunnyvale St.
SUBJECT: Job creating movement

SPEAKER: Michelle Brady, Not provided
SUBJECT: Speak the truth about City Hall

SPEAKER: Jonathan Vance, Not provided
SUBJECT: The truth about City Hall

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!

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: DPD/KKK/DISD/FBI

SPEAKER: Tamara Barrett, 1407 Peru St.
REPRESENTING: The Victims of Gun Violence
SUBJECT: Violence/criminal activity

SPEAKER: LaKolya London, 1873 Mockingbird Ln.
SUBJECT: Corruption in the city

SPEAKER: Roy Williams, 13410 Preston Rd.
REPRESENTING: 40 Acres and a Mule
SUBJECT: The shooting of a young boy

SPEAKER: Kermit Mitchell, 5659 Marblehead Dr.
SUBJECT: Dallas Convention Center Hotel

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1812

Item 1: Approval of Minutes of the October 8, 2013 City Council Meeting

Mayor Pro Tem Atkins moved to adopt the minutes of the October 8, 2013 City Council Meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1813

CONSENT AGENDA

The consent agenda, consisting of consent agenda items 2-46 and addendum addition consent agenda items 1-12, was presented for consideration.

Councilmember Kingston requested consent agenda items 9, 12, 20, 21, 31, 44, 45 and addendum addition consent agenda item 6 be considered as individual items later in the meeting; there was no objection voiced to his request.

Deputy Mayor Pro Tem Alonzo requested addendum addition consent agenda items 1 and 2 be considered as individual items later in the meeting; there was no objection voiced to her request.

Deputy Mayor Pro Tem Alonzo moved to place addendum addition consent agenda items 1 and 2 back on the consent agenda and adopt all items on the consent agenda and addendum addition consent agenda with the exception of consent agenda items 9, 12, 20, 21, 31, 44, 45 and addendum addition consent agenda item 6.

Motion seconded by Councilmember Caraway and unanimously adopted. (Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1814

Item 2: Authorize a three-year service contract for repair of traffic signal control components - D and J Electronics, lowest responsible bidder of three - Not to exceed \$248,653 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1815

Item 3: Authorize a three-year service contract for the purchase, service, parts and labor of self-contained breathing apparatus and thermal imagers for Fire-Rescue and Water Utilities - Hoyt Enterprises dba Hoyt Breathing Air Products in the amount of \$1,783,666, Metro Fire Apparatus Specialists, Inc. in the amount of \$498,816 and Koetter Fire Protection, LLC in the amount of \$49,703, lowest responsible bidders of four - Total not to exceed \$2,332,185 - Financing: Current Funds (\$2,095,920) and Water Utilities Current Funds (\$236,265) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1816

Item 4: Authorize the purchase of two heavy-duty trucks and seven sport utility vehicles for Fire-Rescue - Sam Pack's Five Star Ford in the amount of \$222,026 and Chastang's Bayou City Ford in the amount of \$70,967 through the Houston-Galveston Area Council of Governments - Total not to exceed \$292,993 - Financing: Current Funds (\$23,480), Municipal Lease Agreement Funds (\$141,478) and U.S. Department of Homeland Security Grant Funds (\$128,035)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1817

Item 5: Authorize a two-year master agreement for the purchase of sampling stations and automatic flushing devices with parts and accessories for water mains - HD Supply Waterworks LTD, lowest responsible bidder of three - Not to exceed \$321,528 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1818

Item 6: Authorize a two-year master agreement for hot mix asphalt and cold patch materials - APAC-Texas, Inc. in the amount of \$5,571,668, Unique Paving Materials in the amount of \$1,237,816, International Roadway Research, LLP in the amount of \$2,125 and Austin Asphalt, LP in the amount of \$1,125, lowest responsible bidders of four - Total not to exceed \$6,812,734 - Financing: Current Funds (\$5,531,843), Water Utilities Current Funds (\$1,256,341) and Aviation Current Funds (\$24,550)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1819

Item 7: Authorize a three-year master agreement for the purchase of veterinary drugs and supplies – Butler Schein Animal Health in the amount of \$3,117,945, Bayer Animal Health in the amount of \$1,222,369 and Neogen Corporation in the amount of \$7,979, lowest responsible bidders of six - Total not to exceed \$4,348,293 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1820

Item 8: Authorize a three-year master agreement for the purchase of brass fittings - A. Y. McDonald Mfg. in the amount of \$1,512,000, Mueller Company LTD in the amount of \$347,900, Fortiline, Inc. in the amount of \$104,200, Four Star Hose & Supply, Inc. in the amount of \$87,500 and HD Supply Waterworks LTD in the amount of \$2,650, lowest responsible bidders of five - Total not to exceed \$2,054,250 - Financing: Water Utilities Current Funds (\$2,051,350) and Stormwater Drainage Management Current Funds (\$2,900)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1821

Item 9: Authorize a five-year master agreement for Cisco communication equipment and SmartNet maintenance - AT&T, through the State of Texas Department of Information Resources contract - Not to exceed \$10,996,875 - Financing: Current Funds

Councilmember Kingston requested consent agenda item 9 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 9 was brought up for consideration.

Councilmember Kingston moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1822

Item 10: Authorize settlement of a claim filed by Glenda Anderson, Claim No. 12-00002 - Not to exceed \$63,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1823

Item 11: Authorize **(1)** the establishment of a fund to receive and deposit grants and donations made to Dallas Animal Services; and **(2)** the Dallas Animal Services Grant and Donation Fund to receive a transfer in an amount not to exceed \$16,508 from the Animal Control Enhancement Fund - Financing:
This action has no cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1824

Item 12: An ordinance amending Chapters 17 of the Dallas City Code to adjust various fees and charges relating to food establishment inspections and regulations - Estimated Annual Revenue Loss: (\$1,037,522)

Councilmember Kingston requested consent agenda item 12 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 12 was brought up for consideration.

Councilmember Kingston moved to adopt the item.

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

Assigned ORDINANCE NO. 29177

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1825

- Item 13: Authorize a resolution amending the City of Dallas Public Improvement District (PID) policy for the creation, renewal, administration and management of Public Improvement Districts in accordance with the provisions of Chapter 372 of the Texas Local Government Code, Public Improvement Districts in Municipalities, adopted by Resolution No. 08-1782 on June 25, 2008; as amended, to clarify that with the exception of the Klyde Warren and Tourism PIDs, no other PID districts will be allowed to have overlapping boundaries with another Dallas PID District and other minor clarifications including the process for PID boundary changes consistent with state law - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1826

Item 14: Authorize an amendment to the development agreement with Southern Methodist University related to reimbursement of a local match associated with a North Central Texas Council of Governments Sustainable Development Grant for pedestrian improvements along SMU Boulevard and a trail connection previously approved on June 8 2011, by Resolution Nos. 11-1543 and 11-1544, in Tax Increment Financing Reinvestment Zone Number Seventeen (TOD TIF District) to extend project deadlines beyond the first extension approved by the TOD TIF District Board - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1827

Item 15: Authorize **(1)** the acceptance of a grant from the U.S. Department of Housing and Urban Development (HUD) for the Fair Housing Assistance Program to process, investigate and conciliate housing discrimination complaints, administrative costs and HUD required staff training for the period October 1, 2013 through September 30, 2014; and **(2)** the execution of any and all documents related to the grant - Not to exceed \$356,889 - Financing: U.S. Department of Housing and Urban Development Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1828

Item 16: Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Dallas Area Habitat for Humanity for the construction of affordable houses; **(2)** the sale of 1 vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to Dallas Area Habitat for Humanity; and **(3)** execution of a release of lien for any non-tax liens on the 1 property that may have been filed by the City 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

OCTOBER 23, 2013

13-1829

Item 17: Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Dallas Area Habitat for Humanity for the construction of affordable houses; **(2)** the sale of 2 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Dallas Area Habitat for Humanity; 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

OCTOBER 23, 2013

13-1830

Item 18: Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Dallas Area Habitat for Humanity for the construction of affordable houses; **(2)** the sale of 8 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Dallas Area Habitat for Humanity; and **(3)** execution of a release of lien for any non-tax liens on the 8 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

OCTOBER 23, 2013

13-1831

Item 19: Authorize a contract with Dallas Area Rapid Transit for the purchase of 339 annual passes in support of the City's clean air initiative - Not to exceed \$222,600 - Financing: Current Funds (to be reimbursed by participating employees)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1832

Trinity River Corridor Project
Legislative Services

Note: Item Nos. 20 and 21
must be considered collectively.

Item 20: Authorize a personal services contract with Hector Alcalde for legislative services regarding the Trinity River Corridor Project for the period October 1, 2013 through September 30, 2014 - Not to exceed \$73,800 - Financing: Current Funds

Councilmember Kingston requested consent agenda items 20-21 be considered as individual items later in the meeting; there was no objection voiced to his request.

Later in the meeting, consent agenda items 20-21 were brought up for consideration.

Councilmember Kingston moved to adopt agenda items 20-21.

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

Note: Mayor Rawlings recessed the City Council at 10:39 a.m. and reconvened at 10:42 a.m. in order to stay within the Open Meetings Act guidelines.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1833

Trinity River Corridor Project
Legislative Services

Note: Item Nos. 20 and 21
must be considered collectively.

Item 21: Authorize a personal services contract with Paul Schlesinger for legislative services regarding the Trinity River Corridor Project for the period October 1, 2013 through September 30, 2014 - Not to exceed \$43,650 - Financing: Current Funds

Councilmember Kingston requested consent agenda items 20-21 be considered as individual items later in the meeting; there was no objection voiced to his request.

Later in the meeting, consent agenda items 20-21 were brought up for consideration.

Councilmember Kingston moved to adopt agenda items 20-21.

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

Note: Mayor Rawlings recessed the City Council at 10:39 a.m. and reconvened at 10:42 a.m. in order to stay within the Open Meetings Act guidelines..

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1834

Item 22: Authorize a personal services contract with Jesse Romero for state legislative services for the period October 1, 2013 through September 30, 2014 - Not to exceed \$30,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1835

Item 23: Authorize a personal services contract with Kwame Walker for state legislative services for the period October 1, 2013 through September 30, 2014 - Not to exceed \$45,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1836

Item 24: Authorize a personal services contract with Randy C. Cain for state legislative services for the period October 1, 2013 through September 30, 2014 - Not to exceed \$75,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1837

Item 25: Authorize a professional services contract with CapitalEdge Strategies, LLC to provide federal legislative services to the City for the period October 1, 2013 through September 30, 2014 - Not to exceed \$160,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1838

Item 26: Authorize a professional services contract with HillCo Partners, LLC for state legislative information and related services for the period October 1, 2013 through September 30, 2014 - Not to exceed \$86,250 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1839

Item 27: Authorize a development and maintenance agreement with ASA Apartments, LP, a Delaware limited partnership for the construction, development, and maintenance of a hike and bike trail and landscaping improvements for the purpose of creating a connection between the Katy Trail and the planned Trinity Strand Trail located at 1899 Goat Hill Road - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1840

Item 28: Authorize **(1)** a license agreement with Oncor for the use of right-of-way for public hike and bike trail purposes for the trail known as the Lake Highlands Trail; and **(2)** award of a contract for construction of a multi-use trail for the Lake Highlands Trail from Ferndale Road to White Rock Trail - Wall Enterprises, lowest responsible bidder of nine - Not to exceed \$886,783 - Financing: ~~General Obligation Commercial Paper Funds~~ 2006 Bond Funds

Corrected on the addendum to the agenda.

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1841

Item 29: Authorize award of a contract for extension of the hike and bike trail of the White Rock Creek Trail from Valley View Park to Hillcrest Park and construction of a small loop trail and overlook at Hillcrest Park located at 13819 Hillcrest Road - A S Con, Inc., lowest responsible bidder of nine - Not to exceed \$1,465,190 - Financing: 2006 Bond Funds ~~(\$151,972)~~ and ~~General Obligation Commercial Paper Funds (\$1,313,218)~~

Corrected on the addendum to the agenda.

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1842

Item 30: Authorize **(1)** an application for and acceptance of the 2013 Internet Crimes Against Children Continuation Grant, from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, for response to the sexual abuse and exploitation of children facilitated by the use of computer technology related to the investigation of Internet-facilitated child exploitation, for the period July 1, 2013 through June 30, 2014; and **(2)** execution of the grant agreement - Not to exceed \$477,337 - Financing: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1843

Item 31: Authorize **(1)** the Dallas Police Department to receive funds in the amount of \$600,000 from various federal and state law enforcement agencies for reimbursement of overtime for investigative services (list attached); **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$173,700; and **(3)** execution of the grant agreements - Total not to exceed \$773,700 - Financing: Current Funds (\$600,000 to be reimbursed by various federal and state law enforcement agencies)

Councilmember Kingston requested consent agenda item 31 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 31 was brought up for consideration.

Councilmember Kingston moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1844

Item 32: Authorize a professional services contract with APM & Associates, Inc. for the engineering design of target neighborhood projects on Arizona Avenue from Saner Avenue to Kiest Boulevard and McVey Avenue from Beckley Avenue to Marsalis Avenue - Not to exceed \$337,175 - Financing: General Obligation Commercial Paper Funds (\$307,250) and Water Utilities Capital Improvement Funds (\$29,925)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1845

Item 33: Authorize Supplemental Agreement No. 5 to the professional services contract with Conley Design Group, Inc. to provide the necessary asbestos abatement specifications, air monitoring, abatement project management and final report related to the interior demolition of the 106 South Harwood Street Building - Not to exceed \$82,170, from \$1,113,650 to \$1,195,820 - Financing: 1998 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1846

Item 34: Authorize acquisition from Ineight Holdings Limited Partnership, of approximately 1,963 square feet of land for a water easement and approximately 5,196 square feet of land for two temporary working space easements located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$27,000 (\$23,827, plus closing costs and title expenses not to exceed \$3,173) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1847

Item 35: Authorize acquisition from Margie Deleon of approximately 7,500 square feet of land improved with a single-family dwelling located near the intersection of LaSalle Drive and Morrell Avenue in the Cadillac Heights neighborhood for future City facilities - Not to exceed \$23,500 (\$21,500, 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 23, 2013

13-1848

Item 36: Authorize the exercise of the right of eminent domain, if such becomes necessary, by Dallas Area Rapid Transit of two tracts of land for the construction of the South Oak Cliff Line Section (SOC3-07 and SOC3-08) located near the intersection of Lancaster and Crouch Roads (list attached) - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1849

Item 37: Authorize a ten-year license agreement with American Towers LLC for approximately 14,895 square feet of land and tower space located at 2833 Remond Drive to be used as the primary backup radio communications site for the Police and Fire radio channels for the period November 1, 2013 through October 31, 2023 - Not to exceed \$835,601 - Financing: Current funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1850

Item 38: A resolution authorizing the conveyance of a wastewater easement containing approximately 917 square feet of land to the City of Garland for the construction and maintenance of wastewater facilities across City-owned land at Lake Ray Hubbard located near the intersection of Roan Road and Rowlett Road - Revenue: \$1,300

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1851

Item 39: An ordinance granting a private license to Gilliland Properties II, Ltd. for a total of approximately 55 square feet of land to install, maintain and use two awnings with signs over portions of McKinney Avenue, located near their intersection with Knox Street - Revenue: \$2,000 annually, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29178

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1852

Item 40: An ordinance abandoning portions of a drainage easement, wastewater easement and a water easement to PR/Crow Penn Distribution, LP, the abutting owner, containing a total of approximately 45,726 square feet of land, located near the intersection of Penn Farm Road and Interstate Highway 20 (Lyndon B. Johnson Freeway) - Revenue: \$5,400, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29179

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1853

Item 41: Authorize a personal services contract with Brent Brown with building-community Workshop to serve as Studio Director for the Dallas City Design Studio for the period October 1, 2013 through September 30, 2014 - Not to exceed \$85,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1854

Item 42: Authorize an increase in the contract with Jeske Construction Company for the Elam Creek Channel Improvements Project, Phase II to provide boring, trench protection, new water and wastewater service (including testing) to the Umphress Park Recreation Center, addition of a flood gauge, extension of an existing 51-inch pipe, protective bollards of an electrical service feed, and other miscellaneous items needed to complete the project - Not to exceed \$228,906, from \$4,337,928 to \$4,566,834 - Financing: 2006 Bond Funds (\$165,150), Water Utilities Capital Construction Funds (\$1,560) and Water Utilities Capital Improvements Funds (\$62,196)

Adopted as part of the consent agenda.

Note: The city secretary announced for the record the item pertained to District 5.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1855

Item 43: Authorize a twenty-four-month contract with the Department of State Health Services to provide on-line computer services for the City's Bureau of Vital Statistics program to obtain certified copies of birth certificates at a cost of \$1.83 for each birth certificate printed for the period September 1, 2013 through August 31, 2015 - Not to exceed \$25,000 annually for a total not to exceed \$50,000 - Financing: Water Utilities Current Funds (to be reimbursed by Current Funds) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1856

Note: Item Nos. 44 and 45 must be considered collectively

Item 44: Authorize a five-year service contract for public awareness campaigns for water conservation and grease abatement - Burson-Marsteller LLC, most advantageous proposer of four - Not to exceed \$6,313,000 - Financing: Water Conservation Program Funds (\$4,759,000) (subject to annual appropriations) and Water Utilities Current Funds (\$1,554,000) (subject to annual appropriations)

Councilmember Kingston requested consent agenda items 44-45 be considered as individual items later in the meeting; there was no objection voiced to his request.

Later in the meeting, consent agenda items 44-45 were brought up for consideration.

Councilmember Kingston moved to remand agenda items 44-45 to both the Budget, Finance and Audit Council Committee and Quality of Life and Environment Council Committee.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1857

Note: Item Nos. 44 and 45 must be considered collectively

Item 45: Authorize an amendment to the “Memorandum of Understanding Public Awareness Campaign” between the City of Dallas and the Tarrant Regional Water District for the continuation of and creative development of the water conservation public awareness campaign for the next five years - Not to exceed \$750,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Councilmember Kingston requested consent agenda items 44-45 be considered as individual items later in the meeting; there was no objection voiced to his request.

Later in the meeting, consent agenda items 44-45 were brought up for consideration.

Councilmember Kingston moved to remand agenda items 44-45 to both the Budget, Finance and Audit Council Committee and Quality of Life and Environment Council Committee.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1858

Item 46: Authorize **(1)** the rejection of bids received for the HVAC Major Repair and Replacement Project - Phase 1; and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1859

Item 47: 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 23, 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.

The city secretary announced ballots would be distributed later in the meeting to allow the casting of votes on the appointment of the Vice-Chair to the Municipal Library Board as 2 nominees were submitted: Marissa R. Anchia and Lucy J. Livingston.

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

Councilmember Kadane moved to appoint the following:

- James L. Gaspard to the Board of Adjustment Alternate Members; Victoria Neave and Albert T. Turner to the Civil Service Board; Giovanni Valderas, Professional Visual Artist, to the Cultural Affairs Commission; Lucilo Pena, Interest in Property in the District, to the Cypress Waters Municipal Management District; Ted A. Campbell, Historian, to the Landmark Commission; Jamie Slagel and Larry R. Bennett, Registered Voters, to the Reinvestment Zone Eight Board (Design District); John P. Dean, Registered Voter, to the Reinvestment Zone Fourteen Board (Skillman Corridor); Jesse Tafalla, Jr., Patricia Stephens, Experience in Non-Profit Management, and Pat Harrington, Experience in Community Development, to the South Dallas/Fair Park Development Fund Board; and
- nominees to "individual appointment" positions.
- Gail Terrell as Vice-Chair to the Park and Recreation Board.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted. (Medrano abstain; Callahan absent when vote taken; Hill absent)

The city secretary distributed ballots to the city council for the casting of votes on the 2 nominees submitted for the vice chair of the Municipal Library Board: Marissa R. Anchia and Lucy J. Livingston. In order to allow the city secretary's office time to calculate the results of the balloting, the item was held for later in the meeting.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

13-1859

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Later in the meeting, Mayor Rawlings received the results from the city secretary of the balloting for the appointment of Vice-Chair to the Municipal Library Board. At the request of Mayor Rawlings, the city secretary announced the following individual received all votes cast for the appointment of Vice-Chair to the Municipal Library Board:

Marissa R. Anchia

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

13-6670	ARC	AUTOMATED RED LIGHT ENFORCEMENT COMMISSION
13-6671	BOX	BOARD OF ADJUSTMENT ALTERNATE MEMBERS
13-6672	CAC	CULTURAL AFFAIRS COMMISSION
13-6673	CDC	COMMUNITY DEVELOPMENT COMMISSION
13-6674	CPR	DALLAS CITIZENS POLICE REVIEW BOARD
13-6675	CSB	CIVIL SERVICE BOARD
13-6676	CSX	CIVIL SERVICE ADJUNCT MEMBERS
13-6677	CYP	CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT
13-6678	LMC	LANDMARK COMMISSION
13-6679	MLB	MUNICIPAL LIBRARY BOARD
13-6680	PLA	PERMIT AND LICENSE APPEAL BOARD
13-6681	RZ08	REINVESTMENT ZONE EIGHT BOARD (DESIGN DISTRICT)
13-6682	RZ14	REINVESTMENT ZONE FOURTEEN BOARD (SKILLMAN CORRIDOR)
13-6683	SDF	SOUTH DALLAS/FAIR PARK TRUST FUND BOARD
13-6684		BOARD OFFICERS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1860

Item 48: 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)

Councilmember Kadane moved to adopt the item.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted. (Callahan, Davis absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1861

Item 49: 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 moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1862

DESIGNATED PUBLIC SUBSIDY MATTERS

Cedars TIF District

Note: Item Nos. 50 and 51
must be considered collectively.

Item 50: Authorize a development agreement with Dig It! Development, LLC to dedicate future Cedars TIF District revenues in an amount not to exceed \$490,700 for eligible project costs related to infrastructure, streetscaping, and landscaping improvements located at: **(1)** 1509, 1513, 1517, 1521 and 1527 Hickory Street; **(2)** 1814, 1818, and 1820 Browder Street; **(3)** the adjoining alley between Browder Street and Ervay Street; **(4)** along Hickory Street beyond the project site; and **(5)** a second alley between Beaumont Street and Hickory Street in Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) – Not to exceed \$490,700 – Financing: Cedars TIF District Funds

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

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

Councilmember Medrano moved to adopt agenda items 50-51.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1863

DESIGNATED PUBLIC SUBSIDY MATTERS

Cedars TIF District

Note: Item Nos. 50 and 51
must be considered collectively.

Item 51: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) to reimburse Dig It! Development, LLC up to \$490,700 for certain TIF-eligible project costs related to infrastructure, streetscaping, and landscaping improvements located at: **(1)** 1509, 1513, 1517, 1521 and 1527 Hickory Street; **(2)** 1814, 1818, and 1820 Browder Street; **(3)** the adjoining alley between Browder Street and Ervay Street; **(4)** along Hickory Street beyond the project site; and **(5)** a second alley between Beaumont Street and Hickory Street in the Cedars TIF District - Financing: No cost consideration to the City

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

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

Councilmember Medrano moved to adopt agenda items 50-51.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1864

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 52: Authorize a Chapter 380 Economic Development Grant Agreement in the amount of \$1,500,000 to KRR Construction, LTD., for the acquisition and redevelopment of improved property commonly known as 3540 Simpson Stuart Road and 3546 Simpson Stuart Road, Dallas Texas, for the Simpson Stuart/Bonnie View Grocery Store Project, including associated closing costs, pre development, relocation, environmental, and demolition costs - Not to exceed \$1,500,000 - Financing: General Obligation Commercial Paper Funds.

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

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

The following individuals addressed the city council regarding the item:

Lori Price, 7024 Arboreal Dr.
Stephen C. Nash, 3700 Simpson Stuart Rd.
Daisy Gafford, 5931 Roseville Dr.
Gail Terrell, 1445 Firebird Dr.
Saquinta Townsend, 3245 Simpson Stuart Rd.
Debra Haynes, 1409 S. Lamont Ave.
Maurice West, 2725 Hood St.
Allen Richardson, 3245 Simpson Stuart Rd.
Joseph Kemp, 1015 N. Duncanville Rd., Duncanville, TX

Mayor Pro Tem Atkins moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1865

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 53: Authorize a Chapter 380 Forgivable Loan in the amount of \$150,000 to GBD BDM, LLC for gap financing for construction costs related to expanding the offices of Dental Delite, the dental practice of Belinda D. Marsaw, DDS to 8222 Bruton Road, Dallas Texas in the Pleasant Grove area - Not to exceed \$150,000 - Financing: Public/Private Partnership Funds.

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

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

Mayor Pro Tem Akins moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1866

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 54: Authorize a housing development loan in the amount of \$250,000 to Fowler Christian Apartments III, Inc. as gap financing for the development of 36 units of affordable housing to be located in the 5800 block of East Side Avenue for seniors - Not to exceed \$250,000 - Financing: FY 2013-14 HOME Investment Partnership Program Funds.

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

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

Councilmember Medrano moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1867

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 55: 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.

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 Kadane and unanimously adopted. (Callahan absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1868

The consent zoning docket, consisting of agenda items 56-59, was presented for consideration.

Agenda items 56 and 59 were removed from the consent zoning docket to be considered as individual hearings.

~~Agenda item 56: Zoning Case Z112-294(RB)~~ **[considered individually]**

Agenda item 57: Zoning Case Z123-315(RB)

Agenda item 58: Zoning Case Z123-316(RB)

~~Agenda item 59: Zoning Case Z123-318(WE)~~ **[considered individually]**

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 Kingston 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 Caraway and unanimously adopted. (Griggs, Callahan, Davis, Kadane absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1869

Item 56: Zoning Case Z112-294(RB)

The consent zoning docket, consisting of agenda items 56-59, was presented for consideration.

A public hearing to receive comments regarding an application for a CR Community Retail District, subject to deed restrictions volunteered by the applicant on property zoned an NS(A) Neighborhood Service District on property bounded by Illinois Avenue, Alaska Avenue, Montana Avenue, and Marsalis Avenue.

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

Councilmember Caraway requested zoning consent agenda item 56 be considered as an individual item later in the meeting; there was no objection voiced to his request.

Prior to the item being read into the record, Councilmember Caraway moved to continue the public hearing and hold the item under advisement until the November 12, 2013 voting agenda meeting of the city council. Therefore, no speakers were called to speak on the item.

Motion seconded Mayor Pro Tem Atkins and unanimously adopted. (Griggs, Callahan, Davis, Kadane absent when vote taken; Hill absent)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1870

Item 57: Zoning Case Z123-315(RB)

The consent zoning docket, consisting of agenda items 56-59, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and renewal of Specific Use Permit No. 1912 for a Late-hours establishment limited to an Alcoholic beverage establishment for a bar, lounge, or tavern on property zoned Planned Development District No. 842 for CR Community Retail District Uses on the west line of Greenville Avenue, north of Alta Avenue.

Recommendation of Staff and CPC: Approval for a three-year period, subject to a revised site 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. 29180

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1871

Item 58: Zoning Case Z123-316(RB)

The consent zoning docket, consisting of agenda items 56-59, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for a Public school other than an Open-enrollment charter school and R-10(A) Single Family District Uses on property zoned an R-10(A) Single Family District, in the northwest quadrant of Abrams Road and Whitehurst Drive.

Recommendation of Staff and CPC: Approval, subject to a development/landscape plan, traffic management 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. 29181

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1872

Item 59: Zoning Case Z123-318(WE)

The consent zoning docket, consisting of agenda items 56-59, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1357 for an open-enrollment charter school on property zoned an R-7.5(A) Single Family District on the northwest corner of Bruton Road and McCutcheon Lane.

Recommendation of Staff and CPC: Approval, subject to a site plan, traffic management plan and conditions.

Councilmember Callahan requested zoning consent agenda item 59 be considered as an individual item later in the meeting; there was no objection voiced to his request.

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

Councilmember Callahan moved to close the public hearing and hold the item under advisement until the November 12, 2013 voting agenda meeting of the city council.

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

Later in the meeting, Councilmember Callahan moved to reconsider the item to amend his previous motion to hold the public hearing open.

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

Councilmember Callahan moved to continue the public hearing and hold the item under advisement until the November 12, 2013 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1873

Item 60: Zoning Case Z123-311(MW) - INDIVIDUAL

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1883 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CS-D-1 Commercial Services District with a D-1 Liquor Control Overlay on the northeast line of CF Hawn Freeway at the intersection of South Belt Line Road.

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

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

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

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

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

Assigned ORDINANCE NO. 29182

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1874

Item 61: Zoning Case Z123-279(WE) - UNDER ADVISEMENT - INDIVIDUAL

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.

Note: This item was considered by the City Council at a public hearing on October 8, 2013, and was taken under advisement until October 23, 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 Davis 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. (Hill absent)

Assigned ORDINANCE NO. 29183

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1875

DESIGNATED ZONING CASES - INDIVIDUAL

Item 62: Zoning Case Z123-265(RB)

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict Uses on property zoned a GR General Retail Subdistrict and an O-2 Office Subdistrict, with deed restrictions on the northern portion of the site currently zoned an O-2 Office Subdistrict, within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northeast line of Fitzhugh Avenue, between Cole Avenue and McKinney Avenue.

Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, and conditions, with retention of the existing deed restrictions.

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

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

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

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

Laura Hoffman, 2728 Harwood St., representing Trinsic Residential

Councilmember Kingston moved to continue the public hearing and hold the item under advisement until the November 12, 2013 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1876

FLOODPLAIN APPLICATIONS

Item 63: A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1,462 square feet of the current 1.589 acres of land located at 4040 Cochran Chapel, of which 1.258 acres is within the floodplain of Bachman Branch, Fill Permit 13-03 - Financing: No cost consideration to the City.

No one addressed the city council regarding the item.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1877

MISCELLANEOUS HEARINGS

Item 64: A public hearing to receive comments on the proposed City of Dallas FY 2013-14 Urban Land Bank Demonstration Program Plan; and at the close of the public hearing, consideration of approval of the City of Dallas FY 2013-14 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City.

No one addressed the city council regarding the item.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1878

MISCELLANEOUS HEARINGS

Item 65: 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 2218 Bryan Street Ltd. located near the intersection of Bryan and North Pearl Streets and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to 2218 Bryan Street Ltd. 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:

Frank Clark (Professional Geoscientist), 906 E. 18th St., Plano, TX,
representing the applicant

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

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

Assigned ORDINANCE NO. 29184

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1879

MISCELLANEOUS HEARINGS

Item 66: 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 Sullivan Asset Management Inc. located near the intersection of South Haskell and Gurley Avenues and adjacent street rights-of-way, and an ordinance authorizing support of the issuance of a municipal setting designation to Sullivan Asset Management, Inc. 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:

Frank Clark (Professional Geoscientist), 906 E. 18th St., Plano, TX,
representing the applicant

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

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

Assigned ORDINANCE NO. 29185

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1880

MISCELLANEOUS HEARINGS

Item 67: A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from James Hogg Elementary, a public school, required by Section 6-4 of the Dallas City Code to allow a mixed beverage permit with a food and beverage certificate for a proposed restaurant without drive-in or drive-through service on property on the northwest corner of North Beckley Avenue and Eldorado Avenue – Financing: No cost consideration to the City.

The following individual addressed the city council regarding the item:

Sara Tomerlin, 110 S. Plymouth Rd., applicant

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1881

MISCELLANEOUS HEARINGS

Item 68: A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from L.G. Pinkston High School, a public school, required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a proposed general merchandise or food store greater than 10,000 square feet [Minyard Food Store] on property on the northwest corner of North Hampton Road and Singleton Boulevard – Financing: No cost consideration to the City.

The following individuals addressed the city council regarding the item:

LaKolya London, 1873 Mockingbird Ln.

William Hopkins, 2011 Leath St.

Ozumba Lnuk-X, 4106 Vineyard Dr.

Chance Smalley, 2907 N. Hampton Rd., representing Jewel Foundation/Little Rascals Daycare

Anna Maria Ramos, not provided, representing El Centro College West Campus

Santos Martinez, 900 Jackson St., representing the applicant

Katrina Pogue-Higgs, 4038 Vine Maple

Mayor Pro Tem Alonzo moved to continue the public hearing and hold the item under advisement until the November 12, 2013 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1882

MISCELLANEOUS HEARINGS

Item 69: A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from Thomas C. Marsh Middle School, a public school, required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a proposed general merchandise or food store greater than 10,000 square feet [CVS Corp.] on property on the southwest corner of Forest Lane and Cox Lane – Financing: No cost consideration to the City.

The following individual addressed the city council regarding the item:

Santos Martinez, 900 Jackson St., representing the applicant

Councilmember Gates moved to continue the public hearing and hold the item under advisement until the November 12, 2013 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1883

Closed Session

6ES

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

- Virginia Bradford et al., v. City of Dallas, No. CC-13-03780-B

Attorney Briefings (Sec. 551.071 T.O.M.A.) and Personnel (Sec. 551.074 T.O.M.A.)

- William T. Hill., Jr., Attorney at Law - Investigation of the details surrounding Addendum Item No. 5 on the August 28, 2013, Dallas City Council Agenda.

Councilmember Griggs requested a motion and a roll call vote to go into executive session and discuss the following matter:

Attorney Briefings (Sec. 551.071 T.O.M.A.) and Personnel (Sec. 551.074 T.O.M.A.)

- William T. Hill., Jr., Attorney at Law - Investigation of the details surrounding Addendum Item No. 5 on the August 28, 2013 Dallas City Council Agenda.

Mayor Pro Tem Atkins moved to go into executive session to discuss the matter.

Motion seconded by Councilmember Kleinman.

Mayor Rawlings called for a vote on Mayor Pro Tem Atkins' motion.

Voting Yes:	[11]	Rawlings, Atkins, Alonzo, Medrano, Caraway, Davis, Kadane, Allen, Kleinman, Greyson, Gates
Voting No:	[2]	Griggs, Kingston
Absent when vote taken:	[1]	Callahan
Absent:	[1]	Hill

The city secretary declared the motion adopted.

At 11:55 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.)

- Virginia Bradford et al., v. City of Dallas, No. CC-13-03780-B

Attorney Briefings (Sec. 551.071 T.O.M.A.) and Personnel (Sec. 551.074 T.O.M.A.)

- William T. Hill., Jr., Attorney at Law - Investigation of the details surrounding Addendum Item No. 5 on the August 28, 2013, Dallas City Council Agenda.

Mayor Rawlings reconvened the city council meeting after the closed session at 3:17 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1884

Elm Fork Athletic Complex

Note: Item Nos. 1 and 2
must be considered collectively.

Addendum Addition 1: Authorize a five-year management contract, with two five-year renewal options, for the management and operation of the Elm Fork Soccer Complex - FCD Management, LLC with retention of 75% net revenue after allowable expenses, most advantageous proposer of three - Estimated Annual Net Revenue: \$54,000

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1885

Elm Fork Athletic Complex

Note: Item Nos. 1 and 2
must be considered collectively.

Addendum Addition 2: Authorize **(1)** an annual management fee of \$100,000 for the term of the five-year contract, with two five-year renewal options, to be paid to FCD Management, LLC; and **(2)** a reimbursement to FCD Management, LLC for allowable expenses associated with the operation of Elm Fork Soccer Complex allowable expenses net of revenue not to exceed \$400,000 annually - Total amount not to exceed \$2,500,000 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1886

Addendum Addition 3: Authorize **(1)** participation in the Council on Competitive Government cooperative agreement; and **(2)** a three-year contract with West Publishing Corporation d/b/a West, a Thomson Reuters Business, for on-line legal research and associated services utilizing Westlaw for the City Attorney's Office through the Council on Competitive Government for the period beginning October 1, 2013 through September 30, 2016 - Not to exceed \$439,096 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1887

Addendum Addition 4: Authorize a three-year contract with West Publishing Corporation d/b/a West, a Thomson Reuters Business, for legal research print materials for the period beginning October 1, 2013 through September 30, 2016 - Not to exceed \$76,236 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1888

Addendum Addition 5: Authorize Supplemental Agreement No. 1 to the service contract with Halff Associates, Inc. for programming, space planning services and construction documents for Dallas City Hall, Southeast Service Center and Oak Cliff Municipal Center for a ten-month term beginning November 1, 2013 through August 31, 2014 - Not to exceed \$213,456, from \$46,771 to \$260,227 - Financing: Building Inspection Current Funds (\$162,456) and Current Funds (\$51,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1889

Addendum Addition 6: Authorize contracts with cultural organizations for the provision of services to the City through the Cultural Services Contracts Program (list attached) - Not to exceed \$3,710,896 - Financing: Current Funds

Councilmember Kingston requested addendum addition consent agenda item 6 be considered as an individual item later in the meeting; there was no objection voiced to his request.

Later in the meeting, addendum addition consent agenda item 6 was brought up for consideration.

Councilmember Kingston moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1890

Addendum Addition 7: Authorize adoption of the 2014 City Calendar - Financing:
No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1891

Addendum Addition 8: Authorize **(1)** approval of a Local Project Advance Funding Agreement (LPAFA) between the State of Texas and the City of Dallas for the City's payment of funds to the Texas Department of Transportation for project review and inspection regarding the construction of an underground passageway across Garland Road to connect the Dallas Arboretum and Botanical Society's parking garage to the Dallas Arboretum located at 8525 Garland Road in the amount of \$104,502; **(2)** approval of right-of-way use, and access agreements necessary for and associated with the underground passageway; **(3)** the receipt and deposit of funds in the amount of \$104,502 from the Dallas Arboretum and Botanical Society into the Capital Gifts, Donation and Development Fund; **(4)** the establishment of appropriations in the amount of \$104,502 in the Capital Gifts, Donation and Development Fund; and **(5)** the return of any funds remaining at construction close-out to the Dallas Arboretum and Botanical Society - Financing: Private Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1892

Addendum Addition 9: Authorize professional services contracts with two consulting firms for the engineering design of eleven alley reconstruction projects (list attached) - CP&Y, Inc., in the amount of \$142,433 and Shiloh Engineering, Inc., in the amount of \$97,519 - Total not to exceed \$239,952 - Financing: 2012 Bond Funds (\$79,601), General Obligation Commercial Paper Funds (\$153,316) and Water Utilities Capital Improvement Funds (\$7,035)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1893

Addendum Addition 10: Authorize a professional services contract with Charles Gojer & Associates, Inc. for engineering design services for two existing vehicular bridges and design of two new pedestrian/bicycle bridges located within the Trinity River floodway - Not to exceed \$121,948 - Financing: Stormwater Drainage Management Capital Construction Funds (\$15,000) and 2012 Bond Funds (\$106,948)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1894

Addendum Addition 11: Authorize a professional services contract with Lim & Associates, Inc. for engineering design services for emergency repairs to a 72-inch drainage pipe in an alley between Gaston Avenue and Swiss Avenue from Grigsby Avenue to Annex Street and channel repairs along the Hampton/Oak Lawn Sump and Baker Sump - Not to exceed \$204,366 - Financing: Stormwater Drainage Management Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

OCTOBER 23, 2013

13-1895

Addendum Addition 12: Authorize a professional services contract with Shaw Environmental and Infrastructure, Inc., a CB & I Company, for engineering design services for various components of existing storm drainage pump stations and facility improvements associated with the Trinity River levee system - Not to exceed \$179,030 - Financing: Stormwater Drainage Management Capital Construction Funds

Adopted as part of the consent agenda.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 23, 2013

EXHIBIT C