

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 12, 2014

14-0280

VOTING AGENDA MEETING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR PRO TEM ATKINS, PRESIDING

PRESENT: [15] Rawlings, Atkins, Alonzo, Griggs (*9:12 a.m.), Medrano, Hill, Caraway (*9:25 a.m.), Callahan (*11:12 a.m.), Davis (*9:14 a.m.), Kadane, Allen (*9:08 a.m.), Kleinman, Greyson (*9:10 a.m.), Gates, Kingston

ABSENT: [0]

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

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

The invocation was given by Reverend Charles Jennings of Nazerath Missionary Baptist Church.

Councilmember Gates 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 4:31 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, FEBRUARY 12, 2014

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 12, 2014

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0281

CITIZEN SPEAKERS

In accordance with the City Council Rules of Procedure, the city council provided "open microphone" opportunities for the following individuals to comment on matters that were scheduled on the city council voting agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda:

OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Linda Patterson, 909 Hampshire Rd. (handout provided)
REPRESENTING: Activist for Truth
SUBJECT: Fluoride

SPEAKER: Joshua Finkenbinder, 909 Hampshire Rd.
REPRESENTING: Activist for Truth
SUBJECT: Fluoride

SPEAKER: Mata Yemen, 6040 Milton St.
SUBJECT: School/Re-zone apartments

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

SPEAKER: Albert Navifar, 15889 Preston Rd.
SUBJECT: Transportation

SPEAKER: Richard Sheridan, 11661 Dennis Rd. (Audio presentation)
REPRESENTING: Homeless
SUBJECT: A Valentine song for our homeless

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

SPEAKER: Robert Ceccarelli, 1822 Young St.
SUBJECT: Mental health and homeless

SPEAKER: Mike Mitev, 1818 Corsicana St.
SUBJECT: Homeless/job discrimination/school

SPEAKER: William Hopkins, 2011 Leath St. (handout provided)
SUBJECT: Corruption/FBI/RSR lead plant

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

14-0281

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

SPEAKER: Deloris Phillips, P.O. Box 530236, Grand Prairie, TX (handout
provided)
REPRESENTING: Human Dignity
SUBJECT: Battle by White Organized Racism

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0282

Item 1: Approval of Minutes of the January 22, 2014 City Council Meeting.

Councilmember Kadane moved to adopt the minutes of the January 22, 2014 City Council Meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0283

CONSENT AGENDA

The consent agenda, consisting of consent agenda items 2-31 and addendum addition consent agenda items 1-4, was presented for consideration.

Councilmember Griggs requested consent agenda items 12, 20, 21, 23, 24, 25, 26, 27, 28, 29 and 31 be considered as individual items later in the meeting; there was no objection voiced to his request.

Councilmember Kingston requested consent agenda items 23, 24, 25, 26, 27, 28, and 29 be considered as individual items later in the meeting; there was no objection voiced to his request.

Councilmember Kingston moved to adopt all items on the consent agenda and addendum addition consent agenda with the exception of consent agenda items 12, 20, 21, 23, 24, 25, 26, 27, 28, 29 and 31.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0284

Item 2: Ratify an emergency procurement with Cryotech Deicing Technology to replace the deicing materials stored and used for the deicing of the runways, taxiways, and roadways at Dallas Love Field - Not to exceed \$109,880 - Financing: Aviation Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0285

Item 3: Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation, Aviation Division, to perform a phased runway extension and reconstruction project at Dallas Executive Airport as part of the capital improvement plan under TxDOT's State Block Grant Program in the amount of \$35,349,000; TxDOT under the State Block Grant Program will provide 90% of the project costs up to \$31,814,100; **(2)** the City to match 10% of the project costs; and **(3)** execution of the grant agreement for the period January 2014 through December 2017 - Total not to exceed \$3,534,900 - Financing: Aviation Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0286

Item 4: Authorize a service contract for the refurbishment of two digester sludge mixers located at the Southside Wastewater Treatment Plant - SPX Flow Technology USA, Inc., lowest responsible bidder of two - Not to exceed \$273,099 - Financing: Water Utilities Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0287

Item 5: Authorize a three-year service contract for purchase and installation of remanufactured automatic transmissions - D McIntosh Enterprises, LLC dba Eagle Transmission, lowest responsible bidder of seven - Not to exceed \$1,377,705 - Financing: Current Funds (\$1,340,970), Water Utilities Current Funds (\$27,435), Confiscated Monies Funds (\$9,000) and Aviation Current Funds (\$300) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0288

- Item 6: Authorize a three-year service contract to process fingerprint based criminal history record checks and security threat assessments which are required by the Transportation Security Administration for all individuals who are issued an airport identification badge at Love Field - Airport Research and Development Foundation, Inc., most advantageous proposer of three - Not to exceed \$281,250 - Financing: Aviation Current Funds (subject to annual appropriations) (to be partially reimbursed by participating airport vendors, concessionaires and tenants)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0289

Item 7: Authorize a five-year service contract for medical examinations, drug and alcohol testing services for police and civilian employees - Primary Health, Inc. dba CareNow, most advantageous proposer of three - Not to exceed \$2,136,250 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0290

Item 8: Authorize a five-year service contract for the purchase and processing of library books - Brodart Co., lowest responsible bidder of four - Not to exceed \$11,619,844 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0291

Item 9: Authorize a three-year master agreement for the purchase of personal safety protection equipment, clothing and accessories - Fisher Scientific Company, LLC in the amount of \$977,991, Safety Supply, Inc. in the amount of \$545,458, BKW Environmental in the amount of \$368,356, Motion Industries, Inc. in the amount of \$310,186, Lone Star Safety and Supply, Inc. in the amount of \$209,582, The Strong Group, Inc. in the amount of \$171,208, Security Safety and Supply, Inc. in the amount of \$155,497 and Evco Partners LP dba Burgoon Company in the amount of \$92,741, lowest responsible bidders of nine - Total not to exceed \$2,831,019 - Financing: Current Funds (\$1,782,330), Water Utilities Current Funds (\$783,824), Stormwater Drainage Management Current Funds (\$170,256), Aviation Current Funds (\$62,334), 2013-14 Community Development Block Grant Funds (\$24,075) and Convention and Event Services Current Funds (\$8,200)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0292

Item 10: Authorize settlement of a claim filed by National Liability & Fire Insurance Company as subrogee of PWA Coalition of Dallas, Claim No. 12470894 - Not to exceed \$27,881 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0293

Item 11: Authorize settlement of the claims of one of the two plaintiffs in the lawsuit styled Richard Taylor and Charles Gholston v. City of Dallas, Cause No. DC-12-08362-A - Not to exceed \$40,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0294

Item 12: Authorize the acceptance of a dedication from Prestonwood Golf Club, LLC, of a wastewater easement along White Rock Creek within Prestonwood Golf Club's The Creek Course in Dallas valued at \$772,000, based on an independent appraisal, in settlement of a disputed, unfiled claim for water usage - Not to exceed \$6,000 (closing costs and title expenses) - Financing: Water Utilities Capital Improvement Funds

Councilmember Griggs 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.

At the request of the presiding officer, consent agenda items 12 and 31 were simultaneously read into the record by the city secretary to allow consideration of the items under one motion; there was no objection voiced to the request.

Councilmember Griggs moved to defer consent agenda items 12 and 31 to a later date to allow the City Attorney's Office to renegotiate a settlement.

Motion seconded by Councilmember Kingston.

Councilmember Greyson called for a record vote.

Mayor Rawlings called for a vote on Councilmember Griggs' motion to defer consent agenda items 12 and 31 to a later date to allow the City Attorney's Office to renegotiate a settlement:

Voting Yes:	[9]	Atkins, Alonzo, Griggs, Medrano, Caraway, Davis, Greyson, Gates, Kingston
Voting No:	[5]	Rawlings, Hill, Kadane, Allen, Kleinman
Absent when vote taken:	[1]	Callahan

The city secretary declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0295

- Item 13: Authorize **(1)** the Dallas Housing Finance Corporation (DHFC) to utilize up to \$10,000,000 of tax exempt bond allocation from the 2013 Private Activity Bond Program to be converted into \$7,100,000 Mortgage Credit Certificates (MCCs) pursuant to the 2014 Single Family Mortgage Credit Certificate Program in order to provide financial assistance to approximately 71 low to moderate income first time homebuyers who purchase homes in the City of Dallas; and **(2)** approval of the financing plan related to this program which includes placing the MCC program on the Housing Department website and marketing it with the Mortgage Assistance Program (MAP) when a Homebuyer meets all other MAP requirements - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0296

Item 14: Authorize an amendment to increase funding for a contract that commenced October 1, 2009, between the Dallas Housing Acquisition and Development Corporation (the “Land Bank”) and Consolidated Consulting Group, LLC to provide environmental land analysis including a transaction screen analysis and other environmental services, as needed, on lots scheduled to be purchased by the Land Bank in each of the two remaining subsequent renewals - Not to exceed \$287,500 - Financing: 2003 Bond Funds (\$58,721) and General Obligation Commercial Paper Funds (\$228,779)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0297

Item 15: Authorize **(1)** the expenditure of up to \$500,000 in 2006 General Obligation Bond proceeds for the acquisition of property by the Dallas Housing Acquisition and Development Corporation (DHADC or Land Bank) from the Dallas County Sheriff's tax foreclosure sales for affordable housing development; and **(2)** the expenditure of up to \$500,000 in 2006 General Obligation Bond proceeds for administrative fees related to the Land Bank's acquisition of property - Total not to exceed \$1,000,000 - Financing: 2006 Bond Funds (\$150,000) and General Obligation Commercial Paper Funds (\$850,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0298

Item 16: Authorize **(1)** acceptance of the Cities Expanding Health Access for Children and Families planning grant from the National League of Cities for the period November 25, 2013 through June 1, 2014; and **(2)** execution of the grant agreement - Not to exceed \$25,439 - Financing: National League of Cities Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0299

Item 17: Authorize a continuation of cooperative working agreements with the Dallas County District Attorney's Office in the amount of \$11,500, Tarrant County District Attorney's Office in the amount of \$8,500, Potter County District Attorney's Office in the amount of \$6,651, Collin County Sheriff's Office in the amount of \$15,000, Taylor County Sheriff's Office in the amount of \$10,000, Wichita County Sheriff's Office in the amount of \$7,500, Lubbock Police Department in the amount of \$20,000, Arlington Police Department in the amount of \$10,000, Garland Police Department in the amount of \$10,000, Longview Police Department in the amount of \$20,000, and the Dallas Children's Advocacy Center in the amount of \$37,000, for the period July 1, 2013 through June 30, 2014 through the 2013 Internet Crimes Against Children Continuation Grant supplement - Total not to exceed \$156,151 - 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

FEBRUARY 12, 2014

14-0300

Item 18: Authorize an increase in the construction contract with System Electric Company, increasing the contractor's scope of work to include revisions to the fire alarm system and emergency lighting upgrade at the Kay Bailey Hutchison Convention Center Dallas - Not to exceed \$219,982, from \$4,217,725 to \$4,437,707 - Financing: 2009 Convention Center Revenue Bonds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0301

Item 19: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 101,942 square feet from G & G Development Partnership, Ltd. located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$50,544, increased from \$78,956 (\$76,456, plus closing costs and title expenses not to exceed \$2,500) to \$129,500 (\$126,456, plus closing costs and title expenses not to exceed \$3,044) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0302

Item 20: A resolution authorizing the conveyance of a pipeline easement, containing approximately 6,543 square feet of land, to ONEOK Sterling III Pipeline, LLC for the construction and maintenance of a pipeline across City-owned land located in Kaufman County - Revenue: \$5,000

Councilmember Griggs 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 Kadane moved to adopt the item.

Motion seconded by Mayor Pro Tem Atkins.

Mayor Rawlings called for a vote on Councilmember Kadane's motion to adopt the item.

Mayor Rawlings declared the motion adopted on a divided vote, with Deputy Mayor Pro Tem Alonzo, Councilmember Griggs, Councilmember Medrano, Councilmember Davis and Councilmember Kingston voting "No." (Callahan absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0303

Item 21: A resolution authorizing the conveyance of a pipeline easement and a temporary construction easement, containing a total of approximately 21,497 square feet of land, to Seaway Crude Pipeline, LLC for the construction and maintenance of a pipeline across City-owned land located in Kaufman County - Revenue: \$1,679

Councilmember Griggs requested consent agenda item 21 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 21 was brought up for consideration.

Councilmember Hill moved to adopt the item.

Motion seconded by Mayor Pro Tem Atkins.

Councilmember Griggs requested a record vote.

Councilmember Kingston moved a substitute motion to defer the item to a later date.

Motion seconded by Councilmember Medrano.

Mayor Rawlings stated the vote would be taken by a show of hands; there was no objection voiced to his statement.

Mayor Rawlings called for a show of hands on Councilmember Kingston's substitute motion to defer the item to a later date.

By a show of hands, with the minority being raised in favor, Mayor Rawlings declared the motion failed. (Callahan absent when vote taken)

After discussion, Mayor Rawlings called for a vote on Councilmember Hill's original motion to adopt the item.

Voting Yes:	[8]	Rawlings, Atkins, Hill, Caraway, Kadane, Allen, Kleinman, Gates
Voting No:	[6]	Alonzo, Griggs, Medrano, Davis, Greyson, Kingston
Absent when vote taken:	[1]	Callahan

The city secretary declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0304

Item 22: A resolution authorizing the dedication of a drainage easement containing approximately 600 square feet of City-owned land to the public, for the purpose of drainage improvements located near the intersection of Garden Grove Drive and Edd Road - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0305

Item 23: Authorize a thirty-year contract with the City of Cockrell Hill to continue providing treated water service, for the period February 22, 2014 through February 21, 2044 - Estimated Annual Revenue: \$267,000

Councilmember Kingston and Councilmember Griggs requested consent agenda item 23 be considered as an individual item later in the meeting; there was no objection voiced to their request.

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

At the request of the presiding officer, consent agenda items 23-29 were simultaneously read into the record by the city secretary to allow consideration of the items under one motion; there was no objection voiced to the request.

Councilmember Griggs moved to adopt agenda items 23-29.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0306

Item 24: Authorize a thirty-year contract with the City of Cockrell Hill to continue providing wastewater service, for the period February 22, 2014 through February 21, 2044 - Estimated Annual Revenue: \$336,000 y

Councilmember Kingston and Councilmember Griggs requested consent agenda item 24 be considered as an individual item later in the meeting; there was no objection voiced to their request.

Later in the meeting, consent agenda item 24 was brought up for consideration.

At the request of the presiding officer, consent agenda items 23-29 were simultaneously read into the record by the city secretary to allow consideration of the items under one motion; there was no objection voiced to the request.

Councilmember Griggs moved to adopt consent agenda items 23-29.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0307

Item 25: Authorize a thirty-year contract with the City of Hutchins to continue providing wastewater service, for the period February 22, 2014 through February 21, 2044 - Estimated Annual Revenue: \$411,000

Councilmember Kingston and Councilmember Griggs requested consent agenda item 25 be considered as an individual item later in the meeting; there was no objection voiced to their request.

Later in the meeting, consent agenda item 25 was brought up for consideration.

At the request of the presiding officer, consent agenda items 23-29 were simultaneously read into the record by the city secretary to allow consideration of the items under one motion; there was no objection voiced to the request.

Councilmember Griggs moved to adopt consent agenda items 23-29.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0308

Item 26: Authorize a thirty-year contract with the City of University Park to continue providing wastewater service, for the period February 22, 2014 through February 21, 2044 - Estimated Annual Revenue: \$2,398,000

Councilmember Kingston and Councilmember Griggs requested consent agenda item 26 be considered as an individual item later in the meeting; there was no objection voiced to their request.

Later in the meeting, consent agenda item 26 was brought up for consideration.

At the request of the presiding officer, consent agenda items 23-29 were simultaneously read into the record by the city secretary to allow consideration of the items under one motion; there was no objection voiced to the request.

Councilmember Griggs moved to adopt consent agenda items 23-29.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0309

Item 27: Authorize a thirty-year contract with the City of Wilmer to continue providing wastewater service, for the period March 21, 2014 through March 20, 2044 - Estimated Annual Revenue: \$211,000

Councilmember Kingston and Councilmember Griggs requested consent agenda item 27 be considered as an individual item later in the meeting; there was no objection voiced to their request.

Later in the meeting, consent agenda item 27 was brought up for consideration.

At the request of the presiding officer, consent agenda items 23-29 were simultaneously read into the record by the city secretary to allow consideration of the items under one motion; there was no objection voiced to the request.

Councilmember Griggs moved to adopt consent agenda items 23-29.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0310

Item 28: Authorize a thirty-year contract with the Town of Addison to continue providing wastewater service, for the period March 21, 2014 through March 20, 2044 - Estimated Annual Revenue: \$1,075,000

Councilmember Kingston and Councilmember Griggs requested consent agenda item 28 be considered as an individual item later in the meeting; there was no objection voiced to their request.

Later in the meeting, consent agenda item 28 was brought up for consideration.

At the request of the presiding officer, consent agenda items 23-29 were simultaneously read into the record by the city secretary to allow consideration of the items under one motion; there was no objection voiced to the request.

Councilmember Griggs moved to adopt consent agenda items 23-29.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0311

Item 29: Authorize a thirty-year contract with the Town of Highland Park to continue providing wastewater service, for the period February 22, 2014 through February 21, 2044 - Estimated Annual Revenue: \$961,000

Councilmember Kingston and Councilmember Griggs requested consent agenda item 29 be considered as an individual item later in the meeting; there was no objection voiced to their request.

Later in the meeting, consent agenda item 29 was brought up for consideration.

At the request of the presiding officer, consent agenda items 23-29 were simultaneously read into the record by the city secretary to allow consideration of the items under one motion; there was no objection voiced to the request.

Councilmember Griggs moved to adopt consent agenda items 23-29.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0312

Item 30: Authorize an increase in the contract with Archer Western Construction, LLC for additional work associated with the construction of chlorine scrubber system improvements at the Elm Fork Water Treatment Plant - Not to exceed \$278,564, from \$17,144,185 to \$17,422,749 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0313

Item 31: Authorize a five-year contract, with two five-year renewal options, with the Prestonwood Golf Club, LLC to provide untreated water for the Prestonwood Golf Club's The Hills Golf Course located in Plano, Texas, for the period February 12, 2014 through February 11, 2019 - Estimated Annual Revenue: \$46,013

Councilmember Griggs 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.

At the request of the presiding officer, consent agenda items 12 and 31 were simultaneously read into the record by the city secretary to allow consideration of the items under one motion; there was no objection voiced to the request.

Councilmember Griggs moved to defer consent agenda items 12 and 31 to a later date to allow the City Attorney's Office to renegotiate a settlement.

Motion seconded by Councilmember Kingston.

Councilmember Greyson called for a record vote.

Mayor Rawlings called for a vote on Councilmember Griggs' motion to defer consent agenda items 12 and 31 to a later date to allow the City Attorney's Office to renegotiate a settlement:

Voting Yes:	[9]	Atkins, Alonzo, Griggs, Medrano, Caraway, Davis, Greyson, Gates, Kingston
Voting No:	[5]	Rawlings, Hill, Kadane, Allen, Kleinman
Absent when vote taken:	[1]	Callahan

The city secretary declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0314

Item 32: 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)

There were no appointments made to boards and commissions.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0315

Item 33: Authorize **(1)** the acceptance of \$13,350,000 of Community Development Block Grant Section 108 Guarantee Loan Program Funds (Section 108 Loan Funds) from the U.S. Department of Housing and Urban Development (HUD) for Lake Highlands Town Center Phase I commercial development project; **(2)** a loan agreement with PC LH Land Partners LP (the Section 108 Borrower), its affiliates or assigns in the amount of \$13,350,000 of Section 108 Loan Funds for development of the Lake Highlands Town Center Phase I project (the Section 108 Borrower Loan) including construction of commercial buildings with approximately 145,000 square feet of space and parking structure with approximately 1,069 parking spaces, sitework, loan interest reserve, and financing costs for public offering for the transit-oriented development located in the 7140 to 7160 blocks of Skillman Street; **(3)** the City Manager to enter into all necessary agreements with HUD including a Funding Approval/Agreement, a Fiscal Agency Agreement, a Promissory Note, up to two letters of agreement for establishment of a custodial account, documents relating to additional security if required by HUD, and a letter requesting advance funds for interim financing; **(4)** the City Manager to establish appropriations for Section 108 Loan Funds for a commercial development loan; and **(5)** the City Controller to deposit and disburse funds from an identified account for Section 108 Loan Funds - Not to exceed \$13,350,000 - Financing: Community Development Block Grant Section 108 Guarantee Loan Funds

Councilmember Allen moved to deny the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0316

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 34: Authorize a Chapter 380 Forgivable Loan in the amount of \$275,000 to Two Podner's Retail Eateries, LLC for gap financing to develop a 11,000 square foot commercial building located at 1441 Robert B. Cullum in Dallas to expand Two Podner's Barbeque and Seafood Restaurant and add 6,500 square feet of retail space - Not to exceed \$275,000 - Financing: Public/Private Partnership Funds

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

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

Councilmember Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0317

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 35: Authorize a third amendment to the development agreement with GFD Opportunity II, LLC, previously approved on April 28, 2010, by Resolution No. 10-1098, in Tax Increment Financing Reinvestment Zone Number Sixteen (Davis Garden TIF District) to: **(1)** extend the deadline to complete the construction of the Hillside West project and obtain the applicable certificate of occupancy from July 2, 2013 to January 2, 2014; and **(2)** extend the deadline to execute and fund an operation and maintenance agreement for non-standard public improvements associated with the project, and if necessary, obtain a license from City for the purpose of maintaining any improvements in the public right-of-way from May 1, 2013 to May 1, 2014 - 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 Medrano and Councilmember Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0318

The consent zoning docket, consisting of agenda item 36, was presented for consideration.

Agenda item 36: Zoning Case Z123-378(WE)

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

Councilmember Kingston moved to close the public hearing, accept the recommendation of the city plan commission on the consent zoning case and pass the ordinance.

Motion seconded by Councilmember Kadane and unanimously adopted.

Later in the meeting, Councilmember Kingston moved to reconsider the consent zoning docket to amend his motion to allow an amendment to zoning consent agenda item 36.

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

Councilmember Kingston moved to close the public hearing, accept the recommendation of the city plan commission with the following change to zoning consent agenda item 36:

- The hours of operation are changed from 7:00 a.m. to 9:00 p.m. to 7:00 a.m. to 10:00 p.m., Monday through Sunday

and pass the ordinance.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0319

Item 36: Zoning Case Z123-378(WE)

The consent zoning docket, consisting of agenda item 36, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a restaurant with a drive-through on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southwest line of Lemmon Avenue, southeast of Knight Street.

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

Adopted as part of the consent zoning docket with the following change:

- The hours of operation are changed from 7:00 a.m. to 9:00 p.m. to 7:00 a.m. to 10:00 p.m., Monday through Sunday.

Assigned ORDINANCE NO. 29263

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0320

Item 37: Zoning Case Z123-348(RB) - INDIVIDUAL

A public hearing to receive comments regarding an application for and an ordinance granting an LI Light Industrial District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an A(A) Agricultural District along the southeast line of Cedardale Road, east of Lancaster Road.

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

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 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 Deputy Mayor Pro Tem Alonzo and unanimously adopted. (Greyson absent when vote taken)

Assigned ORDINANCE NO. 29264

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0321

Item 38: Zoning Case Z134-106(WE) - INDIVIDUAL

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for single family uses on property zoned an R-16(A) Single Family District on the northwest corner of Forest Lane and Creekway Drive.

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

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:

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

Councilmember Kleinman moved to close the public hearing, accept the recommendation of the city plan commission subject to the revised development plan with the following changes:

- The setback along the alley to the north is 20 feet;
- The fence along the north side of the Property must be a minimum eight feet high. Pedestrian access gates are permitted along the north side of the fence. If provided, the pedestrian access gates along the north side must be constructed of solid materials;
- Additional shrubs that will grow to a minimum height of 15 feet after three years of planting must also be provided within 10 feet of the alley to the north; and
- For Lots 1 through 6, windows above the first floor that are located on the rear façade must be constructed of translucent materials.

and pass the ordinance.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

14-0321

Page 2

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

Assigned ORDINANCE NO. 29265

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0322

Item 39: Zoning Case Z123-135(WE) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for single-family detached dwellings on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest line of Hawthorne Avenue between Production Drive and Afton Street.

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

Note: This item was considered by the City Council at a public hearing on January 22, 2014, and was taken under advisement until February 12, 2014, with the public hearing open.

Prior to the item being read into the record, Councilmember Medrano moved to continue the public hearing and defer the item until the March 26, 2014 voting agenda meeting of the city council. Therefore, no speakers were called to speak on the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0323

Item 40: Zoning Case Z123-250(OTH) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and the renewal of Specific Use Permit No. 1808 for an industrial (inside) potentially incompatible use for an automobile recycling plant and an ordinance granting a Specific Use Permit for an outside salvage and reclamation use on property zoned an IM Industrial Manufacturing District on the west line of Weir Street, south of Singleton Boulevard.

Recommendation of Staff and CPC: Approval to renew Specific Use Permit No. 1808 for a two-year period with eligibility for automatic renewals of two-year periods, subject to a revised site plan and revised conditions; and approval of a Specific Use Permit for an outside salvage and reclamation use for a two-year period with eligibility for automatic renewals of two-year periods, subject to a site plan and conditions.

Note: This item was considered by the City Council at a public hearing on January 8, 2014, and was taken under advisement until February 12, 2014, 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 or in favor of the city plan commission's recommendation.

Deputy Mayor Pro Tem Alonzo moved to close the public hearing, accept the recommendation of the city plan commission with the following change:

- Both Specific Use Permits are approved for a three year period with no automatic renewals

and pass the ordinances.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

14-0323

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Motion seconded by Mayor Pro Tem Atkins and unanimously adopted. (Caraway, Davis, Greyson absent when vote taken)

Assigned ORDINANCE NOS. 29266 AND 29267

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0324

Item 41: Zoning Case Z123-280(RB) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an Open-enrollment charter school and a Child-care facility on property zoned an R-7.5(A) Single Family District on property bounded by Palo Alto Drive, South El Centro Way, Texoma Way, Morgan Drive, and San Jose Avenue.

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

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

Note: This item was considered by the City Council at a public hearing on January 22, 2014, and was taken under advisement until February 12, 2014, 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.

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

Lionel Churchill, 7439 San Jose Ave.
Frances Churchill, 7439 San Jose Ave.
Marquita Shaw, 2648 Palo Alto Dr.
Jackie Scroggins, 2623 Palo Alto Dr.
James Williams, 3019 Pine Trail Rd.
Terrie Jackson Sharp, 3935 Mehalia Dr.
Luther D. Edward, 504 Brenemen St., Hutchins, TX
Sandra Crenshaw, 2018 Lanark St.
Richard Sheridan, 11661 Dennis Rd.
William Hopkins, 2011 Leath St.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

14-0324

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

Jamie McDonald, 6527 Warm Moon Ln., representing Dallas Can Academy

Richard Marquez, 325 W. 12th St., representing Texas Can Academies

Nicole Freeman, 8967 Bird Ln., representing Dallas Can Academy

Tal'Liyah Edwards, 7534 Linda Ln., representing Dallas Can Academy

Angel Washington, 5965 Highland Village

Omar Jahwar, 1900 S. Ewing

Gary Hannah, 3457 Santa Gertrudis Dr., representing Texas Can Academies

Oliver Lankford, 3010 Morgan Dr.

Terrance Jones, 3839 Morning View Dr.

Abigail Arreola, 516 Boye St., Wilmer, TX

Coraima Lopez, 423 Chapman St., Hutchins, TX

Keyunta Williams, 6363 Simpson Stuart Rd.

Antong Lucky, 2735 Frazier St., representing Texas Can Academies

Mayor Pro Tem Atkins moved to close the public hearing, accept the recommendation of the city plan commission with the following change:

- Specific Use Permit for three-years, with eligibility for automatic renewal for additional three-year periods

and pass the ordinance.

Motion seconded by Councilmember Caraway.

After discussion, Mayor Pro Tem Atkins clarified his motion to close the public hearing, accept the recommendation of staff and pass the ordinance.

Councilmember Caraway, who seconded the motion, accepted the clarification.

Mayor Rawlings called the vote on Mayor Pro Tem Atkins clarified motion.

Mayor Rawlings declared the motion adopted. (Greyson absent when vote taken)

Assigned ORDINANCE NO. 29268

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0325

Item 42: Zoning Case Z123-328(MW) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the northwest corner of West Jefferson Boulevard and North Brighton Avenue.

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

Recommendation of CPC: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions.

Note: This item was considered by the City Council at a public hearing on January 8, 2014, and was taken under advisement until February 12, 2014, with the public hearing open.

Prior to the item being read into the record, Councilmember Griggs moved to continue the public hearing and defer the item until the March 26, 2014 voting agenda meeting of the city council. Therefore, no speakers were called to speak on the item.

Motion seconded by Deputy Mayor Pro Tem Alonzo and unanimously adopted. (Caraway, Davis, Greyson absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0326

Item 43: Zoning Case Z134-113(WE) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict within Planned Development District No. 764, the Second Avenue Special Purpose District, on the southwest line of Second Avenue, northwest of Hatcher Street.

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

Note: This item was considered by the City Council at a public hearing on January 22, 2014, and was taken under advisement until February 12, 2014, with the public hearing open.

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

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

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

Assigned ORDINANCE NO. 29269

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0327

DESIGNATED ZONING CASES - INDIVIDUAL

Item 44: Zoning Case Z123-148(WE)

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for non-residential uses on property zoned a GO(A) General Office District on the northeast corner of Steppington Drive and Riverfall Drive.

Recommendation of Staff: Denial

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

Prior to the item being read into the record, Councilmember Kleinman moved to continue the public hearing and defer the item until the March 26, 2014 voting agenda meeting of the city council. Therefore, no speakers were called to speak on the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0328

DESIGNATED ZONING CASES - INDIVIDUAL

Item 45: Zoning Case Z123-322(WE)

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for mixed uses on property zoned a CR Community Retail District on the northeast corner of Arapaho Road and North Dallas Tollway.

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

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

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

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

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

Motion seconded by Councilmember Kadane and Councilmember Gates and unanimously adopted. (Griggs, Caraway, Davis, Greyson absent when vote taken)

Assigned ORDINANCE NO. 29270

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0329

DESIGNATED ZONING CASES - INDIVIDUAL

Item 46: Zoning Case Z123-364(JH)

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to and expansion of Planned Development District No. 456 on property zoned Planned Development District No. 456, Planned Development District No. 133 and an R-10(A) Single Family District on property generally bounded by Forest Lane, Landa Lane, Skyline Drive, Shepard Road, and Stults Road.

Recommendation of Staff and CPC: Approval, subject to a conceptual/development plan, traffic exhibit and conditions.

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

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

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

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

Ron Kelley, 11405 Prestige Dr., representing Presbyterian Village North

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

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

Assigned ORDINANCE NO. 29271

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0330

DESIGNATED ZONING CASES - INDIVIDUAL

Item 47: Zoning Case Z134-121(RB)

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Drive-through restaurant on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Lemmon Avenue and Reagan Street.

Recommendation of Staff: Denial

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

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

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

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

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

- The hours of operation are changed from 7:00 a.m. to 9:00 p.m. to 7:00 a.m. to 10:00 p.m., Monday through Sunday

and pass the ordinance.

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

Later in the meeting, Councilmember Kingston moved to reconsider agenda item 47 as the wrong amendment was read on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

14-0330

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

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

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

Assigned ORDINANCE NO. 29272

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0331

DESIGNATED ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

Item 48: Zoning Case Z123-361(CG)

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a detached non-premise sign (billboard) use on property zoned a GO(A) General Office District on the southwest corner of LBJ Freeway and Bank Way Lane (formerly Nelda Lane).

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

Recommendation of CPC: Denial without prejudice.

Note: This item was considered by the City Council at public hearings on December 11, 2013 and January 22, 2014, and was taken under advisement until February 12, 2014, with the public hearing open.

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

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

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

Santos Martinez, 900 Jackson St., representing the applicant
Doug Ralston, 4811 Abbott, representing Ralston Outdoor

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

John Cook, 4021 Saltburn, Plano, TX, representing Younan Properties, Inc
Jim Langford, 3958 Vinecrest Dr., representing Younan Properties, Inc.
Stephen Bishop, 12539 Renoir, representing One Graystone Centre

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

14-0331

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Deputy Mayor Pro Tem Alonzo moved to close the public hearing, accept the recommendation of staff with no renewals and pass the ordinance.

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

Assigned ORDINANCE NO. 29273

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0332

Closed Session

6ES

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

- Olivia Lord v. Dwayne A. Thompson, Civil Action No. 3:11-CV-3241-M

At 12:25 p.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:

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

- Olivia Lord v. Dwayne A. Thompson, Civil Action No. 3:11-CV-3241-M

Mayor Rawlings reconvened the city council meeting after the closed session at 1:32 p.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0333

Addendum Addition 1: Authorize an extension through September 30, 2014 for Community Development Block Grant (CDBG) funded projects which have not met the twelve-month obligation or twenty-four-month expenditure requirement - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0334

Addendum Addition 2: Authorize the Program Statement for the growSouth Neighborhood Challenge providing requirements, eligibility criteria, and project scope for neighborhood groups to receive competitive grant-based financial assistance for projects that will improve an area's quality of life - Financing: This action has no cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0335

Addendum Addition 3: Authorize **(1)** Amendment No. 1 to the Project Specific Agreement with Dallas County for the final design, right-of-way acquisition, and construction of paving and drainage improvements on Walnut Hill Lane from Malibu Drive to the Elm Fork Athletic Complex; and **(2)** an additional payment to Dallas County for the City's share of final design, right-of-way acquisition, and construction costs - Not to exceed \$545,229, from \$3,537,500 to \$4,082,729 - Financing: 2006 Bond Funds (\$121,126), Water Utilities Capital Construction Funds (\$4,620) and Water Utilities Capital Improvement Funds (\$419,483)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0336

Addendum Addition 4: Authorize a Discretionary Service Agreement between the City and Oncor Electric Delivery LLC (Oncor) to relocate an existing 138 kilovolt electric transmission tower on Oncor's East Levee-West Industrial line for the Able Pump Station Improvement Project - Not to exceed \$273,174 - Financing: General Obligation Commercial Paper Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0337

Addendum Addition 5: Execute the casting of lots to identify the recommended vendor resulting from tie bids on line 16 for bid BJ1404, for a three-year master agreement for aftermarket automotive and heavy equipment parts - Installer Sales and Service and Uni-Select USA - Financing: This action has no cost consideration to the City

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

The city secretary announced the names of the two tying bidders for line 16 had been placed in separate plain envelopes for Mayor Rawlings to select one sealed envelope for each line. Mayor Rawlings selected one sealed envelope for each line and announced the selection as follows:

- Line 16 – Uni-Select USA

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

Motion seconded by Councilmember Caraway and unanimously adopted.

Note: On February 11, 2014, the city secretary, assistant city secretary and Carmen Esquivel (Business Development and Procurement Services) met and sealed the envelopes, all ensuring each sealed envelope for each respective line contained one name for each of the tying bidders.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0338

Addendum Addition 6: Execute the casting of lots to identify the recommended vendor resulting from tie bids on lines 6, 7, 8, 9, 11, 12, 23, 25, 39, 40, 41, 42, 43, 44 and 45, for bid BP1404, for a two-year master agreement for the purchase of granulated and liquid fertilizer - Winfield Solutions, LLC, BWI Companies, Inc. and Greensmiths, Inc. - Financing: This action has no cost consideration to the City.

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

The city secretary announced the names of the two tying bidders for lines 6, 7, 8, 9, 11, 12, 23, 25, 39, 40, 41, 42, 43, 44 and 45 had been placed in separate plain envelopes for Mayor Rawlings to select one sealed envelope for each line. Mayor Rawlings selected one sealed envelope for each line and announced the selection as follows:

- Line 6 – BWI Companies, Inc.
- Line 7 – Winfield Solutions, LLC
- Line 8 – Winfield Solutions, LLC
- Line 9 – Winfield Solutions LLC
- Line 11 – BWI Companies, Inc.
- Line 12 – BWI Companies, Inc.
- Line 23 – BWI Companies, Inc.
- Line 25 – Greensmiths, Inc.
- Line 39 – Winfield Solutions, LLC
- Line 40 – Winfield Solutions, LLC
- Line 41 – Winfield Solutions, LLC
- Line 42 – BWI Companies, Inc.
- Line 43 – Winfield Solutions, LLC
- Line 44 – Winfield Solutions, LLC
- Line 45 – BWI Companies, Inc.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

14-0338

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Motion seconded by Councilmember Caraway and unanimously adopted.

Note: On February 11, 2014, the city secretary, assistant city secretary and Carmen Esquivel (Business Development and Procurement Services) met and sealed the envelopes, all ensuring each sealed envelope for each respective line contained one name for each of the tying bidders.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0339

Addendum Addition 7: A resolution designating absences by Councilmember Philip Kingston as being for "official city business" - Financing: No cost consideration to the City

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

Councilmember Medrano moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 12, 2014

14-0340

Addendum Addition 8: Authorize the appointment of William Tsao to the Dallas/Fort Worth International Airport Board for a term to begin February 12, 2014, and expire January 31, 2016 - Financing: No cost consideration to the City

Councilmember Hill moved to adopt the item as follows:

- Appoint William Tsao to the D/FW Board as noted.
- Mr. Tsao will serve simultaneously on the D/FW Board and the Dallas Area Rapid Transit (DART) Board; and the city council shall make an effort to coalesce around a single nominee to replace Mr. Tsao on the DART Board within the next two weeks.
- If there is no consensus on a single individual to replace Mr. Tsao, he shall continue to serve simultaneously on both boards until a replacement is appointed to the DART Board in June 2014.

Motion seconded by Mayor Pro Tem Atkins.

Deputy Mayor Pro Tem Alonzo asked Councilmember Hill if she would accept a friendly amendment that the City Council will vote Mr. Tsao's replacement at the February 26, 2014 voting agenda meeting of the city council.

Councilmember Hill accepted the friendly amendment as part of her motion with the stipulation that the city council would vote to appoint a replacement for Mr. Tsao only if the city council could coalesce around one single individual.

Mayor Pro Tem Atkins, who seconded the motion, also accepted the friendly amendment.

Councilmember Caraway moved a substitute motion to appoint William Tsao to the Dallas/Fort Worth International Airport Board subject to Mr. Tsao not serving simultaneously on any other board.

Motion died due to lack of a second.

Mayor Rawlings called for a vote on Councilmember Hill's motion to include the friendly amendment.

Mayor Rawlings declared the motion unanimously adopted. (Allen absent when vote taken)

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Addendum Addition 9: Authorize **(1)** a professional services contract with Hargreaves Associates, Inc. for schematic design and construction cost estimates for improvements to John Carpenter Plaza located at 2201 Pacific Avenue; **(2)** the acceptance of funds in the amount of \$307,555 from The Decherd Foundation; and **(3)** the establishment of appropriations in the amount of \$307,555 in the Capital Gifts, Donation and Development Fund - Not to exceed \$307,555 - Financing: Capital Gifts, Donation and Development Funds

Councilmember Kingston moved to deny the item.

Motion seconded by Councilmember Medrano.

Following discussion, Councilmember Kingston modified his motion to defer the item rather than deny it.

Councilmember Medrano, who seconded the motion, accepted the modification to the item.

After discussion, Councilmember Kingston amended his motion to defer the item indefinitely until proper use of the donation can be determined.

Councilmember Medrano, who seconded the motion as modified, accepted the amendment.

Mayor Rawlings requested a record vote on the item.

Mayor Rawlings called for a vote on Councilmember Kingston's amended motion to defer the item indefinitely until proper use of the donation can be determined:

Voting Yes:	[5]	Alonzo, Griggs, Medrano, Davis, Kingston
Voting No:	[10]	Rawlings, Atkins, Hill, Caraway, Callahan, Kadane, Allen, Kleinman, Greyson, Gates

The city secretary declared the motion failed.

Councilmember Hill moved to adopt the item.

Motion seconded by Councilmember Kadane.

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Mayor Rawlings requested a record vote on the item.

Mayor Rawlings called for a vote on Councilmember Hill's motion to adopt the item:

Voting Yes:	[14]	Rawlings, Atkins, Alonzo, Griggs, Medrano, Hill, Caraway, Callahan, Davis, Kadane, Allen, Kleinman, Greyson, Gates
Voting No:	[1]	Kingston

The city secretary declared the motion adopted.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 12, 2014

EXHIBIT C