

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 28, 2014

14-0810

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

PRESENT: [15] Rawlings, Atkins, Alonzo, Griggs, Medrano, Hill (*9:23 a.m.),
Caraway, Callahan, Davis (*9:21 a.m.), Kadane, Allen, Kleinman,
Greyson (*9:10 a.m.), Gates, Kingston (*9:10 a.m.)

ABSENT: [0]

The meeting was called to order at 9:06 a.m.

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

The invocation was given by Stephen Partrick, Minister to College Students & Missional Communities at Park Cities Baptist Church.

Mayor Rawlings 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 5:12 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, MAY 28, 2014

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 28, 2014

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0811

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: Richard Sheridan, 11301 Dennis Rd. (handout provided)
SUBJECT: Jericho/homeless/greed/racism

SPEAKER: John Vanbuskirk, 2450 Wildoak Dr.
SUBJECT: The city budget

SPEAKER: Tamara D. Barrett, 1407 Peru St.
SUBJECT: Tearing down abandoned buildings

SPEAKER: Priscilla Kimery, 2922 Martin Luther King Jr. Blvd.
REPRESENTING: Skill Quest
SUBJECT: \$500,000 state matching grant

SPEAKER: Randolph Shaheed, 1155 Greenbrook Dr., DeSoto, TX
REPRESENTING: Ex Offenders of America Alumni Assoc.
SUBJECT: Homelessness/ex-offenders

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Christina Casas, 4419 Rusk Ave. (handout provided)
SUBJECT: Sam's Club at I-75/Haskell

SPEAKER: James Williams, 10563 Buccanner Pl.
SUBJECT: Fluoride

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0812

Item 1: Approval of Minutes of the May 14, 2014 City Council Meeting

Councilmember Kadane moved to adopt the minutes of the May 14, 2014 City Council Meeting.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0813

CONSENT AGENDA

The consent agenda, consisting of consent agenda items 2-26 and addendum addition consent agenda items 1-2, was presented for consideration. Consent agenda item 10 was deleted on the addendum to the agenda.

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

Councilmember Gates requested consent agenda item 5 be considered as an individual item later in the meeting; there was no objection voiced to her request.

Councilmember Griggs requested consent agenda item 19 be considered as an individual item later in the meeting; there was no objection voiced to his request.

Mayor Pro Tem Atkins moved to adopt all items on the consent agenda and addendum addition consent agenda with the exception of consent agenda items 5 and 19.

Motion seconded by Councilmember Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0814

Item 2: Authorize a service contract for the refurbishment of a gas vapor scrubber system at the Southside Wastewater Treatment Plant - Festac Building Constructors, Inc., lowest responsible bidder of four - Not to exceed \$391,981 - Financing: Water Utilities Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0815

Item 3: Authorize a five-year service contract for maintenance and support for an information display management system - Air-Transport IT Services, Inc., sole source - Not to exceed \$260,224 - Financing: Aviation Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0816

Item 4: Authorize a five-year service contract for cleaning and repair of structural and proximity protective gear for Fire-Rescue - Gear Cleaning Solutions, LLC, lowest responsible bidder of two - Not to exceed \$4,599,685 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0817

Item 5: Authorize a five-year service contract for acquisition and administration of replacement toilets as part of the Water Conservation Strategic Plan - Ferguson Enterprises, Inc., most advantageous proposer of four - Not to exceed \$7,642,750 - Financing: Water Conservation Program Funds (subject to annual appropriations)

Councilmember Kingston and Councilmember Gates requested consent agenda item 5 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 5 was brought up for consideration.

Mayor Pro Tem Atkins moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0818

Item 6: Authorize a three-year master agreement for mulching materials and playground chips - Naturomulch, LLC in the amount of \$283,395, GWG Wood Group, Inc. in the amount of \$244,769, Big Bird Tree Service, Inc. in the amount of \$196,056, BWI Dallas/Fort Worth in the amount of \$53,474 and John Deere Landscapes in the amount of \$8,960, lowest responsible bidders of seven - Total not to exceed \$786,654 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0819

Item 7: Authorize supplemental agreement no. 1 to increase the service contract with Otis Elevator Company in the amount of \$549,906, from \$2,199,624 to \$2,749,530 and Texas Independent Elevator in the amount of \$42,654, from \$170,616 to \$213,270 for elevator, escalator and moving sidewalk maintenance and repair at various City facilities - Total not to exceed \$592,560, from \$2,370,240 to \$2,962,800 - Financing: Current Funds (\$526,940), Water Utilities Current Funds (\$43,000) and Aviation Current Funds (\$22,620) (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0820

Item 8: Authorize supplemental agreement no. 4 to increase the service contract with Telogis, Inc. for support of the global positioning system deployed on Sanitation fleet equipment for a five-month term beginning June 1, 2014 through October 31, 2014 - Not to exceed \$45,661, from \$821,715 to \$867,376 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0821

Item 9: Authorize settlement of the claims of one of the two plaintiffs in the lawsuit styled Pedro Cardona and Ramon Mandujano v. Jeremy Courson and City of Dallas, Cause No. DC-13-09059-M - Not to exceed \$40,000 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0822

Item 10: Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-SV-4866 - Not to exceed \$50,000, from \$50,000 to \$100,000 - Financing: Current Funds

Deleted on the addendum.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0823

Item 11: Authorize a new contract to replace an existing contract with the Department of Public Safety to deny renewal of driver licenses for those violators who have failed to appear and resolve their Class C misdemeanor offenses with the Dallas Municipal Court - Estimated Annual Net Revenue: \$58,152

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0824

Note: Agenda Item Nos. 12 and 13 must be considered collectively.

Item 12: Authorize (1) a public hearing to be held on June 25, 2014 to receive comments concerning the dissolution of the existing Klyde Warren Park Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Klyde Warren Park area; and, at the close of the hearing (2) a resolution approving the dissolution of the District effective December 31, 2014, subject to the establishment of the new and expanded Klyde Warren Park/Dallas Arts District Public Improvement District - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0825

Note: Agenda Item Nos. 12 and 13 must be considered collectively.

Item 13: Authorize (1) a public hearing to be held on June 25, 2014 to receive comments concerning the creation of the new and expanded Klyde Warren Park Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the Klyde Warren Park and Dallas Arts District areas, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and, at the close of the hearing (2) a resolution approving creation of the District for seven years and approval of the District's Service Plan for 2015-2021 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0826

Item 14: Authorize (1) a public hearing to be held on June 25, 2014, to receive comments concerning the application with the Texas Department of Housing and Community Affairs (TDHCA) for 4% tax credits in the approximate amount of \$8,156,389 with tax exempt bonds in the approximate amount of \$18,000,000 to be issued by the City of Dallas Housing Finance Corporation (DHFC) for the Fountains of Rosemeade Apartments, an existing multi-family community comprised of 382 units for families, located at 3440 East Rosemeade Parkway, Dallas, Texas 75007; (2) the issuance of tax exempt bonds by DHFC in the amount of \$18,000,000 in Multi-family Housing Mortgage Revenue Bonds Series 2014 to finance the acquisition and rehabilitation of 382 units for families by Norstar referred to as the Fountains of Rosemeade; and (3) a resolution in support of the Texas Department of Housing and Community Affairs award of Low Income Housing Tax Credits for the acquisition and rehabilitation of the existing Fountains of Rosemeade housing development located at 3440 East Rosemeade Parkway, Dallas, Texas by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3(A-F) of the 2014 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0827

Item 15: Authorize (1) an application for and acceptance of the DollarWise Innovation Grant 2014 in the amount of \$15,000 from the United States Conference of Mayors to expand and enhance financial literacy efforts by providing financial education classes to citizens for the period April 9, 2014 through April 9, 2015; and (2) execution of the grant agreement - Not to exceed \$15,000 - Financing: United States Conference of Mayors, DollarWise Innovation Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0828

Item 16: Authorize (1) an application for and acceptance of the FY2014 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period October 1, 2013 through September 30, 2017; (2) execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and (3) execution of the grant agreement - Not to exceed \$951,372 - Financing: U.S. Department of Justice, Bureau of Justice Assistance Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0829

Item 17: Authorize (1) the acceptance of supplemental funding for the 2013/2014 Tobacco Enforcement Grant through the Texas School Safety Center at Texas State University - San Marcos in the amount of \$15,000 for the purpose of reducing youth access to tobacco products, and to ensure compliance with the Health and Safety Code, Chapter 161 for the period September 1, 2013 through August 31, 2014; and (2) execution of the grant agreement - Not to exceed \$15,000, from \$80,025 to \$95,025 - Financing: Texas Comptroller's Tobacco Compliance Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0830

Item 18: Authorize (1) the submission of two candidate projects to the North Central Texas Council of Governments for cost reimbursement for the proposed Transportation Alternatives Program 2014 for the proposed Trinity Skyline Trail Project and the Rosemont Safe Routes to School Project; and (2) a required local match not to exceed \$2,885,000 - Financing: This action has no cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0831

Item 19: Authorize an Interlocal Agreement with the Dallas Area Rapid Transit to detail agency roles and responsibilities related to operation and maintenance of the TIGER Grant funded Dallas Streetcar Project (Union Station to North Oak Cliff) - Financing: No cost consideration to the City

Councilmember Griggs requested consent agenda item 19 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 19 was brought up for consideration.

Councilmember Griggs moved to adopt the item.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0832

Item 20: Authorize payment to Dallas Area Rapid Transit for utility improvement and relocation costs associated with the Urban Circulator Streetcar Project in downtown Dallas - Not to exceed \$612,000 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0833

Item 21: Authorize a professional services contract with Teal Engineering Services, Incorporated, most advantageous proposer of three, to provide specialized services for the preparation of specifications for an upgraded advanced transportation management system (ATMS) and other related tasks - Not to exceed \$237,398 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0834

Item 22: An ordinance granting a private license to The Ursuline Academy of Dallas, for approximately 4,577 square feet of land to install, use and maintain landscaping on portions of Inwood Road located near its intersection with Walnut Hill Lane - Revenue: \$1,000 one-time, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29344

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0835

Item 23: An ordinance abandoning a portion of Paramount Avenue containing approximately 14,475 square feet of land, located near the intersection of Paramount Avenue and Glencliff Street to Maria Solis, the abutting owner, and authorizing the quitclaim - Revenue: \$10,133, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 29345

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0836

Item 24: Authorize an amendment to Resolution No. 13-0866, previously approved on May 22, 2013, to authorize acquisition of a larger tract of land containing approximately 67,685 square feet from Westley E. Raborn and Linda G. Raborn, located in Kaufman County for the Lake Tawakoni Pipeline Project - Not to exceed \$89, increased from \$41,750 (\$38,750, plus closing costs and title expenses not to exceed \$3,000) to \$41,839 (\$38,839, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0837

Item 25: Authorize an increase in the contract with Jeske Construction Company for additional work associated with reconstruction of street paving and storm drainage improvements for Morris Street from Sylvan Avenue to Canada Drive, for the channel lining of the Pavaho Pump Station Drainage Sump and installation of new pedestrian railing for the conversion of the original Sylvan Bridge to a low water crossing - Not to exceed \$180,942, from \$1,787,566 to \$1,968,508 - Financing: General Obligation Commercial Paper Funds (\$162,518) and Stormwater Drainage Management Capital Construction Funds (\$18,424)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0838

Item 26: Authorize an increase in the contract with S. J. Louis Construction of Texas - Southland Contracting, JV, for additional work associated with the proposed East Bank-West Bank Interceptor Connection - Not to exceed \$5,001,590, from \$20,623,401 to \$25,624,991 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0839

Item 27: 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 MAY 28, 2014.

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

Councilmember Hill moved to appoint the following:

- Don J. Raines, Dallas County Resident, to the Reinvestment Zone Three Board (Oak Cliff Gateway); Kenneth D. Martin, Dallas County Resident, to the Reinvestment Zone Four Board (Cedars Area); Chris Wright and Marcus P. Valerin, Dallas County Residents, to the Reinvestment Zone Fourteen Board (Skillman Corridor); Jonathan R. Braddick and Enrique A. MacGregor, Dallas County Residents, to the Reinvestment Zone Sixteen Board (Davis Garden); Judson “Jud” L. Pankey and James O. Frye, Dallas County Residents, to the Reinvestment Zone Seventeen Board (TOD); Patricia A. Spears to the Southern Dallas Development Corporation Board; and
- nominees to “individual appointment” positions.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

Note: In accordance with Dallas City Code, Chapter 12-A, Article VI, Section 12A-19 (f) (1)(G)(ii), the city secretary announced the following names of the board and commission members that had not turned in their financial disclosure report:

Richie Butler, North Oak Cliff Municipal Management District
Mark Stephens, Reinvestment Zone Four Board (Cedars Area)
John Miller, Reinvestment Zone Six Board (Farmers Market)
Heather Douglas, Reinvestment Zone Eight Board (Design District)
Juan Vargas, Reinvestment Zone Eighteen Board (Maple/
Mockingbird)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

14-0839

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

14-6000	BOA	BOARD OF ADJUSTMENT
14-6001	CDC	COMMUNITY DEVELOPMENT COMMISSION
14-6002	JNC	JUDICIAL NOMINATING COMMISSION
14-6003	MLK	MARTIN LUTHER KING JR COMMUNITY CENTER BOARD
14-6004	RZ03	REINVESTMENT ZONE THREE BOARD (OAK CLIFF GATEWAY)
14-6005	RZ04	REINVESTMENT ZONE FOUR BOARD (CEDARS AREA)
14-6006	RZ14	REINVESTMENT ZONE FOURTEEN BOARD (SKILLMAN CORRIDOR)
14-6007	RZ16	REINVESTMENT ZONE SIXTEEN BOARD (DAVIS GARDEN)
14-6008	RZ17	REINVESTMENT ZONE SEVENTEEN BOARD (TOD)
14-6009	SDD	SOUTHERN DALLAS DEVELOPMENT CORPORATION BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0840

Item 28: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Danyea Garrett, of an unimproved tract of land containing approximately 6,247 square feet located on Barber Avenue near its intersection with Dixon Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$13,500 (\$10,500 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds

The city secretary announced agenda item 28 requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain, if necessary, to acquire, from *Danyea Garrett*, a tract of land containing approximately 6,247 square feet, located on Barber Avenue near its intersection with Dixon Avenue in City of Dallas Block 7/6122, Dallas County, Texas, and more fully described in Exhibit A of the proposed written resolution for this item, for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project.

Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Hill.

Mayor Rawlings called the vote on Mayor Pro Tem Atkins' motion to adopt the item:

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

Voting No: [0]

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0841

DESIGNATED PUBLIC SUBSIDY MATTERS

Fort Worth Avenue TIF District

Note: Item Nos. 29 and 30
must be considered collectively.

Item 29: Authorize (1) a development agreement with Henry S. Miller and/or its affiliates HSM Multifamily Development LLC and/or HSM Cliff View Associates Ltd., in an amount not to exceed \$4,650,000, payable from future Fort Worth Avenue TIF District funds in consideration of the development of Cliff View in Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District); and (2) the Fort Worth Avenue TIF District Board of Directors to dedicate up to \$4,650,000 from future Fort Worth Avenue TIF revenues in accordance with the development agreement - Not to exceed \$4,650,000 - Financing: Fort Worth Avenue TIF District Funds (Subject to appropriations)

Mayor Pro Tem Atkins requested agenda items 29-32 be considered collectively; there was no objection voiced to his request.

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 agenda items 29-32.

Motion seconded by Councilmember Griggs and Councilmember Hill.

Deputy Mayor Pro Tem Alonzo requested a record vote.

Mayor Rawlings called the vote on Mayor Pro Tem Atkins' motion to adopt agenda items 29-32:

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

14-0841

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Voting Yes: [14] Rawlings, Atkins, Alonzo, Griggs, Medrano
Hill, Caraway, Callahan, Davis, Kadane,
Allen, Kleinman, Greyson, Gates

Voting No: [0]

Absent when vote taken: [1] Kingston

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0842

DESIGNATED PUBLIC SUBSIDY MATTERS

Fort Worth Avenue TIF District

Note: Item Nos. 29 and 30 must be considered collectively.

Item 30: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District) to reimburse Henry S. Miller and/or its affiliates HSM Multifamily Development LLC and/or HSM Cliff View Associates Ltd. for eligible expenditures pursuant to the development agreement up to \$4,650,000 for certain improvements related to the development of Cliff View in the Fort Worth Avenue TIF District - Financing: No cost consideration to the City

Mayor Pro Tem Atkins requested agenda items 29-32 be considered collectively; there was no objection voiced to his request.

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 agenda items 29-32.

Motion seconded by Councilmember Griggs and Councilmember Hill.

Deputy Mayor Pro Tem Alonzo requested a record vote.

Mayor Rawlings called the vote on Mayor Pro Tem Atkins' motion to adopt agenda items 29-32:

Voting Yes: [14] Rawlings, Atkins, Alonzo, Griggs, Medrano Hill, Caraway, Callahan, Davis, Kadane, Allen, Kleinman, Greyson, Gates

Voting No: [0]

Absent when vote taken: [1] Kingston

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0843

DESIGNATED PUBLIC SUBSIDY MATTERS

TCDFW Industrial Development Inc.

Note: Item Nos. 31 and 32
must be considered collectively.

Item 31: Authorize a real property tax abatement agreement with TCDFW Industrial Development Inc. located on approximately 17.52 acres north of I-20 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas in the amount of 90 percent on the value of real property improvements for 10 years related to the construction of a 200,000 square foot speculative industrial/warehouse facility in accordance with the City's Public/Private Partnership Program - Revenue: First year revenue estimated at \$2,869; ten-year revenue estimated at \$21,073; (Estimated revenue foregone for a ten-year new real property abatement estimated at \$189,654)

Mayor Pro Tem Atkins requested agenda items 29-32 be considered collectively; there was no objection voiced to his request.

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 agenda items 29-32.

Motion seconded by Councilmember Griggs and Councilmember Hill.

Deputy Mayor Pro Tem Alonzo requested a record vote.

Mayor Rawlings called the vote on Mayor Pro Tem Atkins' motion to adopt agenda items 29-32:

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

14-0843

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Voting Yes: [14] Rawlings, Atkins, Alonzo, Griggs, Medrano
Hill, Caraway, Callahan, Davis, Kadane,
Allen, Kleinman, Greyson, Gates

Voting No: [0]

Absent when vote taken: [1] Kingston

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0844

DESIGNATED PUBLIC SUBSIDY MATTERS

TCDFW Industrial Development Inc.

Note: Item Nos. 31 and 32
must be considered collectively.

Item 32: Authorize a Chapter 380 economic development grant agreement in an amount not to exceed \$195,000 with TCDFW Industrial Development Inc. related to the construction of a 200,000 square foot speculative industrial/warehouse facility, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Not to exceed \$195,000 - Financing: General Obligation Commercial Paper Funds

Mayor Pro Tem Atkins requested agenda items 29-32 be considered collectively; there was no objection voiced to his request.

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 agenda items 29-32.

Motion seconded by Councilmember Griggs and Councilmember Hill.

Deputy Mayor Pro Tem Alonzo requested a record vote.

Mayor Rawlings called the vote on Mayor Pro Tem Atkins' motion to adopt agenda items 29-32:

Voting Yes: [14] Rawlings, Atkins, Alonzo, Griggs, Medrano
Hill, Caraway, Callahan, Davis, Kadane,
Allen, Kleinman, Greyson, Gates

Voting No: [0]

Absent when vote taken: [1] Kingston

The city secretary declared the item adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0845

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 33: Authorize a Chapter 380 economic development grant agreement in an amount not to exceed \$1,000,000 with Santander Consumer USA Inc. related to the relocation and expansion of its headquarters facility operation to downtown Dallas, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Not to exceed \$1,000,000 - Financing: Public/Private Partnership Funds

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

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

Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Medrano and Councilmember Kleinman and unanimously adopted. (Davis when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0846

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 34: Authorize a Chapter 380 economic development grant agreement with United States Cold Storage, L.P., in an amount not to exceed \$150,000 to promote the retention and expansion of the company's refrigerated warehouse operation and the creation and retention of jobs located at 2225 North Cockrell Hill Road in Dallas pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - 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."

Deputy Mayor Pro Tem Alonzo moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0847

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 35: Authorize an amendment to the Chapter 380 economic development grant agreement with SLF III - THE CANYON TIF, LP to: (1) extend the construction start date from May 31, 2014 to May 31, 2015; and (2) increase the minimum private investment from \$5,000,000 to \$10,000,000 - Financing: No cost consideration to the City

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

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

Councilmember Hill moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0848

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 36: Authorize an amendment to Resolution No. 14-0688, previously approved on April 23, 2014, which authorized a Chapter 380 economic development grant agreement with Frazier Revitalization, Inc., or Hatcher at Scyene Title Holding Company (collectively, "FRI"), to allow \$1.2 million of the funding related to the development of a medical facility to be constructed at 4600 Scyene Road to be used as bridge financing provided FRI meets certain conditions - 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 Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0849

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 37: Authorize a housing development loan in an amount not to exceed \$254,000 with South Dallas Fair Park Innercity Community Development Corporation (ICDC), a certified nonprofit organization, for the development of two affordable single family homes located at 3622 and 3624 Meadow Street - Not to exceed \$254,000 - Financing: 2008-09 Neighborhood Stabilization Program Grant Funds

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

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

Councilmember Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0850

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 38: Authorize an amendment to Resolution No. 13-0993, previously approved on June 12, 2013, for the construction of fifty permanent supportive housing units at 1531 Malcolm X Boulevard to: (1) extend the start date from September 30, 2013 to July 31, 2014; (2) extend the completion date from March 31, 2014 to May 31, 2015; and (3) change the terms as described in Section 2 - 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 Davis moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0851

DESIGNATED PUBLIC SUBSIDY MATTERS

Item 39: Authorize an amendment to Resolution No. 14-0565, previously approved on March 26, 2014, to: (1) change the owner's name on the conditional grant agreement from Sphinx Development Corporation to SDC Compton Housing, LP; and (2) change the terms of the disbursement of funds to \$34,285 per unit with a five year deed restriction to build fourteen townhomes on Tonga and Compton Streets - Financing: No cost consideration to the City

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

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

Councilmember Caraway moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0852

The consent zoning docket, consisting of agenda items 40-48, was presented for consideration.

Agenda items 40, 43, 44 and 45 were removed from the consent zoning docket to be considered as individual hearings.

~~Agenda item 40: Zoning Case Z112-267(WE)~~ [considered individually]
Agenda item 41: Zoning Case Z123-343(MD)
Agenda item 42: Zoning Case Z123-371(OTH)
~~Agenda item 43: Zoning Case Z134-133(MW)~~ [considered individually]
~~Agenda item 44: Zoning Case Z134-146(MW)~~ [considered individually]
~~Agenda item 45: Zoning Case Z134-152(MW)~~ [considered individually]
Agenda item 46: Zoning Case Z134-153(RB)
Agenda item 47: Zoning Case Z134-160(WE)
Agenda item 48: Zoning Case Z134-167(MW)

In the zoning case 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 recommendation.

Mayor Pro Tem Atkins moved to close the public hearings, accept the recommendations of the city plan commission on the consent zoning cases and pass the ordinances.

Motion seconded by Councilmember Medrano and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0853

Item 40: Zoning Case Z112-267(WE)

The consent zoning docket, consisting of agenda items 40-48, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1624 for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District on the northwest corner of Commerce Street and Manila Road.

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

Prior to presentation of the consent zoning docket and the item being read into the record, Deputy Mayor Pro Tem Alonzo moved to continue the public hearing and defer the item until the June 11, 2014 voting agenda meeting of the city council. Therefore, no speakers were called to speak on the item.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0854

Item 41: Zoning Case Z123-343(MD)

The consent zoning docket, consisting of agenda items 40-48, was presented for consideration.

A public hearing to receive comments regarding a City Plan Commission authorized hearing to consider an Historic Overlay for Sunset High School on property zoned Planned Development District No. 409 on the south side of West Jefferson Boulevard, between North Tennant Street and North Oak Cliff Boulevard and an ordinance granting the Historic Overlay.

Recommendation of Staff and CPC: Approval, subject to preservation criteria.

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. 29346

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0855

Item 42: Zoning Case Z123-371(OTH)

The consent zoning docket, consisting of agenda items 40-48, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of and an amendment to Specific Use Permit No. 1899 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 Community Retail District with a D-1 Liquor Control Overlay on the north corner of South Belt Line Road and Seagoville Road.

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29347

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0856

Item 43: Zoning Case Z134-133(MW)

The consent zoning docket, consisting of agenda items 40-48, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private-club bar on property zoned Planned Development District No. 498, the Harry Hines Corridor Special Purpose District on the east side of Harry Hines Boulevard, north of Royal Lane.

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

Prior to presentation of the consent zoning docket and the item being read into the record, Deputy Mayor Pro Tem Alonzo moved to continue the public hearing and defer the item until the June 11, 2014 voting agenda meeting of the city council. Therefore, no speakers were called to speak on the item.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0857

Item 44: Zoning Case Z134-146(MW)

The consent zoning docket, consisting of agenda items 40-48, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new tract within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, on the west side of Denton Drive, north of Royal Lane.

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

Prior to presentation of the consent zoning docket and the item being read into the record, Deputy Mayor Pro Tem Alonzo moved to continue the public hearing and defer the item until the June 11, 2014 voting agenda meeting of the city council. Therefore, no speakers were called to speak on the item.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0858

Item 45: Zoning Case Z134-152(MW)

The consent zoning docket, consisting of agenda items 40-48, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned a CR Community Retail District on the north side of Frankford Road, west of Vail Street.

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

Councilmember Greyson requested consent zoning agenda item 45 be considered as an individual item later in the meeting; there was no objection voiced to her request.

Later in the meeting, consent zoning agenda item 45 was brought up for consideration.

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

At the request of Councilmember Greyson the following individual addressed the city council regarding the item:

Mike McDaniel, 3600 Frankford Rd., applicant

Councilmember Greyson requested the following commitment the applicant offered to the City of Dallas be detailed in the minutes:

1. A 30 foot by 531 foot strip of land running on the eastern border to be dedicated to the City of Dallas for usage as a City trail.
2. On the Southeastern portion of the property, we will develop a refreshment/dessert based business. The building will:
 - a. Be no less than 700 square feet,
 - b. Be climate controlled (HVAC),
 - c. Have interior seating for guests,
 - d. Maintain at least 10 parking spots, and
 - e. Have a drive thru.
3. Bathrooms open to the trail. Both a men's and a women's bathroom will be part of the refreshment/dessert based business and accessible to the trail and open for public use during daylight hours.

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14-0858

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4. Parking at refreshment/dessert based business will be open for trail users.
5. If the Parks Department desires, we would make the exterior wall on the eastern most portion of the facility from a semi-smooth material to allow murals to be painted. The City of Dallas would have rights to develop these murals as they see fit.
6. If the Parks Department desires, we would provide and maintain security lighting attached to the eastern most portion of the wall, illuminating the trail.
7. If the Parks Department desires, we would provide and maintain a monitored camera based security system to help make this area secure.

Councilmember Greyson 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. (Griggs, Caraway, Allen absent when vote taken)

Assigned ORDINANCE NO. 29348

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0859

Item 46: Zoning Case Z134-153(RB)

The consent zoning docket, consisting of agenda items 40-48, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Community service center on property zoned an R-7.5(A) Single Family District, along the east line of La Prada Drive, north of Klondike Drive.

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 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. 29349

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0860

Item 47: Zoning Case Z134-160(WE)

The consent zoning docket, consisting of agenda items 40-48, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an accessory community center (private) limited to a community pool on property within Subdistrict 10 of Planned Development District No. 357, the Farmers Market Special Purpose District, generally in an area southwest of South Cesar Chavez Boulevard and southeast of Helsminster Drive.

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29350

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0861

Item 48: Zoning Case Z134-167(MW)

The consent zoning docket, consisting of agenda items 40-48, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a business school use on property zoned an NO(A) Neighborhood Office District, south of LBJ Freeway and east of Hillcrest Road.

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 29351

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0862

Item 49: Zoning Case Z134-141(MW) - 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 CS-D Commercial Service District with a D Liquor Control Overlay on the south side of Bruton Road, east of Jim Miller Road.

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 renewals 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.

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

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

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

Parvez Malik, 1901 Central Dr., Bedford, TX, representing the applicant

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 Kadane and unanimously adopted. (Callahan abstain; Griggs, Caraway, Allen absent when vote taken)

Assigned ORDINANCE NOS. 29352 AND 29353

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0863

Item 50: Zoning Case Z134-156(RB) - INDIVIDUAL

A public hearing to receive comments regarding an application for and an ordinance granting the removal of the D Liquor Control Overlay, on property zoned a GR General Retail Subdistrict in Planned Development District No. 193, the Oak Lawn Special Purpose District, with a D Liquor Control Overlay with consideration given to granting a D-1 Liquor Control Overlay on the northwest side of Oak Lawn Avenue and the southwest side of Dickason Avenue.

Recommendation of Staff: Approval of a D-1 Liquor Control Overlay in lieu of removal of the D Liquor Control Overlay

Recommendation of CPC: Approval of the removal of the D Liquor Control Overlay.

Prior to presentation of the consent zoning docket and the item being read into the record, Councilmember Medrano moved to continue the public hearing and defer the item until the August 13, 2014 voting agenda meeting of the city council. Therefore, no speakers were called to speak on the item.

Motion seconded by Mayor Pro Tem Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0864

Item 51: Zoning Case Z134-112(RB) - UNDER ADVISEMENT - INDIVIDUAL

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-1(A) Multifamily District Uses on property zoned an MF-1(A) Multifamily District, on property bounded by Milton Street, Birchbrook Drive, and Amesbury Drive.

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

Note: This item was considered by the City Council at a public hearing on May 14, 2014, and was taken under advisement until May 28, 2014, with the public hearing open.

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, subject to the revised development plan showing the relocation of building II, and pass the ordinance.

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

Assigned ORDINANCE NO. 29354

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0865

DESIGNATED ZONING CASES - INDIVIDUAL

Item 52: Zoning Case Z123-210(WE)

A public hearing to receive comments regarding an application for and an ordinance granting an IM Industrial Manufacturing District and an ordinance granting a Specific Use Permit for a potentially incompatible industrial (outside) use for concrete asphalt on property zoned an IR Industrial Research District on the east line of Luna Road, north of Ryan Road.

Recommendation of Staff and CPC: Approval of an IM Industrial Manufacturing District and approval of a Specific Use Permit for a five-year period, 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."

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

Amy Monier, 6625 Ridgeview Cir., representing the Parks and Recreation Board

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

14-0865

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

Motion seconded by Mayor Pro Tem Atkins and Councilmember Caraway.

After discussion, Councilmember Kleinman requested a record vote.

After further discussion, Councilmember Kleinman requested the following individual address the city council regarding the item:

Santos Martinez, 900 Jackson St., representing the applicant

Following discussion, Mayor Rawlings called the vote on Deputy Mayor Pro Tem Alonzo's motion to close the public hearing, accept the recommendation of the city plan commission and pass the ordinance:

Voting Yes: [13] Rawlings, Atkins, Alonzo, Griggs, Medrano,
Caraway, Callahan, Davis, Kadane, Allen,
Kingston, Greyson, Gates

Voting No: [2] Hill, Kleinman

The city secretary declared the item adopted.

Assigned ORDINANCE NOS. 29355 AND 29356

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0866

DESIGNATED ZONING CASES - INDIVIDUAL

Item 53: Zoning Case Z123-267(CG)

A public hearing to receive comments regarding a City Council authorized hearing to determine proper zoning on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side District, with consideration given to amending certain use regulations and development standards in an area generally bounded by the T. & P. Railroad right-of-way on the north, Parry Avenue on the east, R.L. Thornton Freeway on the south, and North Central Expressway on the west and an ordinance granting the amendments.

Recommendation of Staff: Approval, subject to staff recommended conditions.

Recommendation of CPC: Approval.

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

Motion seconded by Councilmember Griggs and Councilmember Davis and unanimously adopted.

Assigned ORDINANCE NO. 29357

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0867

FLOODPLAIN APPLICATIONS

Item 54: 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 2.05 acres of the current 3.57 acres of land, located at the northwest corner of Bruton Road and St. Augustine Road, within the floodplain of Estes Branch, Fill Permit 14-01 - Financing: No cost consideration to the City.

The following individual addressed the city council on the item:

Michael Davis, 2807 Allen St., representing the applicant

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

Motion seconded by Councilmember Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0868

FLOODPLAIN APPLICATIONS

Item 55: 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 18.24 acres of the current 59.74 acres of land, located at the Northwest corner of I-20 and J.J. Lemmon, within the floodplain of Newton Creek and White Branch, Fill Permit 14-02 - Financing: No cost consideration to the City.

No one addressed the city council on the item.

Mayor Pro Tem Atkins moved to close the public hearing and adopt the item.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0869

MISCELLANEOUS HEARINGS

Item 56: A public hearing to receive comments on the FY 2014-15 Operating, Capital, and Grant/Trust budgets - Financing: No cost consideration to the City.

The following individuals addressed the city council regarding the item:

Patti Clapp, 9418 Trail Hill Dr., representing Friends of the Dallas Public Library

Karen Bluementhal, 8702 Vista View, representing Friends of the Dallas Public Library

Bella S. Ehring, Private

Sharan Goldstein, 7111 Lakehurst Ave.

Vivian Castleberry, 11311 Buchanan Ave., representing Friends of the Dallas Public Library

Carol Brewer, 9834 County Cork Dr.

John Taylor, 4112 Windhaven Ln., representing Friends of the Dallas Public Library

Richard Sheridan, 11301 Dennis Rd.

Councilmember Hill moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0870

MISCELLANEOUS HEARINGS

Item 57: A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to re-establish standards of care for certain City-sponsored youth programs in compliance with State Law; and, at the close of the hearing, approval of an ordinance to readopt Chapter 12 of the Dallas City Code - Financing: No cost consideration to the City.

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 29358

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0871

MISCELLANEOUS HEARINGS

Item 58: A public hearing to receive comments regarding a proposal to change the name of Ables Lane between Walnut Hill Lane and Electronic Lane to “James Parker Way” - NC134-001 - Financing: No cost consideration to the City.

The following individual addressed the city council regarding the item:

Brian McAulay, 5715 Belmont Ave., representing Parker University

Councilmember Caraway moved to close the public hearing.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0872

MISCELLANEOUS HEARINGS

Item 59: A public hearing to receive comments regarding an amendment to Chapter 51A, "Dallas Development Code", Section 51A-5.102, of the Dallas City Code to adopt the Dallas County flood insurance study and accompanying flood insurance rate maps, as revised, which become effective July 7, 2014, as a requirement of the Federal Emergency Management Agency; and, at the close of the hearing, consideration of an ordinance authorizing the adoption of the Dallas County Flood Insurance Rate Maps - Financing: No cost consideration to the City.

No one addressed the city council regarding the item.

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

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

Assigned ORDINANCE NO. 29359

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0873

Addendum Addition 1: Authorize (1) an application for and acceptance of the Solid Waste Implementation Project Grant from the North Central Texas Council of Governments (NCTCOG) through funding from the Texas Commission on Environmental Quality (TCEQ) to be used to develop and launch a public awareness campaign related to the Scrap Tire Enforcement Program; (2) execution of the grant agreement; and (3) the City's local in-kind match in the amount of \$280,000 (contract previously approved on January 22, 2014, by Resolution No. 14-0174) - Not to exceed \$125,000 - Financing: North Central Texas Council of Governments Grant Funds (\$125,000) and Stormwater Drainage Management Current Funds (\$280,000 previously allocated in Resolution No. 14-0174)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0874

Addendum Addition 2: Authorize the nomination of Mary Kay Inc., located at 1330 Regal Row and 2213 Connector Drive to receive designation as an Enterprise Project under the Texas Enterprise Zone Act, as amended, (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0875

Addendum Addition 3: A resolution authorizing the reappointment of Rosa A. Rios as City Secretary for the City of Dallas for a further two-year term beginning on May 28, 2014 - Not to exceed \$125,000 per year - Financing: Current Funds

Deputy Mayor Pro Tem Alonzo moved to adopt the item with the following change:

- City Secretary Rosa A. Rios to be reviewed annually.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0876

Addendum Addition 4: Authorize an increase in the annual base salary of City Auditor Craig Daniel Kinton, CPA in the amount of \$7,532, from \$188,283 to \$195,815 plus the associated pension contribution in the amount of \$975 and Medicare in the amount of \$109 for a total additional cost of \$8,616, effective May 28, 2014 - Financing: Current Funds

Councilmember Allen moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MAY 28, 2014

14-0877

Addendum Addition 5: Discussion, Deliberation and Possible Straw Votes
Regarding Proposed Amendments to the Dallas City Charter

Mayor Rawlings stated the purpose of the item was to allow council members to recommend additional amendments to the Dallas City Charter outside of what was reviewed/recommended by the Charter Review Commission.

Councilmember Griggs proposed the ballot for the approval of a bond program must state:

- (1) the amount of bond issuance authorization;
- (2) estimated amount of repayment including principal and interest; and
- (3) the purpose of the bonds.

Councilmember Hill proposed the following amendments to the mayor and city council term limits:

- for Mayor, one 6-year term (although the city attorney advises this may be problematic under the State Constitution) or two 3-year terms.
- for Council Members, two 3-year terms.
- for Mayor/Council Members, two 4-year terms (to provide the alternative of maintaining 8 years of service).

Councilmember Hill stated the purpose of the proposals was to eliminate the two-year election cycle and reduce the total number of council terms from 8 years to 6 years; for incumbents, the proposal is that the change in election cycle would kick in at the end of this term and begin at the next election cycle.

At Councilmember Allen's request, the city attorney advised the city council that a provision in the Texas Constitution stipulates that a single term cannot exceed four years; therefore, the proposed amendment for the mayor to serve a period of six years with a maximum of one-term is unconstitutional. The Charter Review Commission made no decision on term limits but left the issue to be addressed by the city council.

Councilmember Griggs proposed to allow city-wide changes to the thoroughfare plan, such as implementation of the bike plan, to be noticed through public hearings, district meetings, newspaper notices, and the city's website, rather than by mailing notice to adjacent property owners.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

14-0877

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Councilmember Kleinman proposed to require that the city manager adopt:

- (1) a zero-based budget process for the annual appropriation to be done at a minimum every three years for all city departments, and
- (2) prepare a five-year budget plan each year to establish a fiscal direction for the city.

Councilmember Kingston proposed:

- (a) The city auditor shall report audit recommendations to the city council. If city council adopts the recommendations, the city manager shall implement the recommendations within the period allowed by city council.
- (b) City Council shall set the annual budget for the city auditor's office directly, rather than as a component of the city manager's budget.

Mayor Rawlings directed the City Attorney to draft the proposed charter amendment language to achieve the consensus of the City Council, with any modifications to be considered at a future scheduled meetings along with all other recommendations made by the Charter Review Commission.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MAY 28, 2014

EXHIBIT C