

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 22, 2017

17-0470

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

PRESENT: [15] Rawlings, Alonzo, Wilson, Griggs, Medrano, Thomas (*9:11 a.m.), Arnold (*9:14 a.m.), Callahan, Young, Clayton, McGough, Kleinman, Greyson, Gates, Kingston (*9:22 a.m.)

ABSENT: [0]

The meeting was called to order at 9:09 a.m. with a quorum of the city council present.

The invocation was given by Father Joshua J. Whitfield, St. Rita Catholic Community Church.

Councilmember Callahan led the pledge of allegiance.

The meeting agenda, 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 4:48 p.m.

Mayor

ATTEST:

City Secretary

Date Approved

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/reconvened**

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 22, 2017

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 22, 2017

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0471

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: Dick Zinnendorf, 2353 N. Field St.
SUBJECT: Parks
REPRESENTING: North Texas Amateur Baseball League

SPEAKER: Richard Sheridan, 3817 Vanette Ln., (handout provided)
SUBJECT: Genociding our homeless

SPEAKER: Rebecca Walker, 5317 Goodman St.
SUBJECT: Misappropriation of funds

SPEAKER: Brandon Reed, 5044 Corrigan Ct.
SUBJECT: 911/crime

SPEAKER: Mike Mitev, 6655 Buckeye Common Way
SUBJECT: Discrimination from DHA

Mayor Rawlings allowed the following individual to address the city council at the beginning of meeting; there was no objection voiced by the city council.

SPEAKER: Jill Muncy, 1407 Willow Ln., Rockwall, TX
SUBJECT: Dallas Police & Fire pension

ADDITIONAL – OPEN MICROPHONE:

SPEAKER: Phillip Rhoads, 9320 Beck Ave.
SUBJECT: Panhandling ordinance

SPEAKER: Omar Narvaez, 444 W. Commerce St.
SUBJECT: Housing

SPEAKER: Nathan Goldsmith, 2707 Cole Ave.
SUBJECT: Housing

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

17-0471

Page 2

ADDITIONAL – OPEN MICROPHONE: (Continued)

SPEAKER: Sandra Crenshaw, Private
SUBJECT: City Secretary

SPEAKER: Yvette Gbalazeh, 5123 Echo Ave.
SUBJECT: Panhandling ordinance

SPEAKER: Mark Moeller, 651 Mission Dr., Rockwall, TX
SUBJECT: Public Safety

SPEAKER: James Freeman, 949 N. Munson Rd., Royse City, TX
SUBJECT: Dallas Police & Fire pension

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Naomi Adams, 3006 Holmes St.
SUBJECT: Housing

SPEAKER: Jeremy Boss, 928 W. 8th St.
SUBJECT: Future action for animal
REPRESENTING: Animal Advocates

SPEAKER: Clement Ogoro, 603 Amy Way, Euless TX
SUBJECT: The homeless
REPRESENTING: Christian Elect Ministries

SPEAKER: Lakolya London, 700 W. Center St., Duncanville, TX
SUBJECT: Where is 911?

SPEAKER: Shahe Jano Keshishian, 570 N. Madison Ave., Pasadena, CA
SUBJECT: Housing for homeless
REPRESENTING: SJK Consultant

SPEAKER: B. M. Randolph, Not provided
SUBJECT: God is a good God

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0472

Item 1: Approval of Minutes of the February 22, 2017 City Council Meeting

Councilmember Griggs moved to adopt the minutes as presented.

Motion seconded by Councilmember Medrano and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0473

CONSENT AGENDA

The consent agenda consisted of consent agenda items 2-40 and addendum addition consent agenda items 1-4.

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

Councilmember Thomas requested consent agenda item 22 be considered as an individual item later in the meeting; there was no objection voiced to his request.

The city secretary announced Councilmember Kingston had deferred consideration of addendum addition consent agenda items 2-4 to the April 12, 2017 voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure prior to the meeting.

Therefore, the consent agenda, consisting of consent agenda items 2-4, 6-16, 18-21, 23-40 and addendum addition consent agenda item 1, was presented for consideration.

Deputy Mayor Pro Tem Wilson moved to adopt all items on the consent agenda.

Motion seconded by Councilmember Arnold and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0474

Item 2: Authorize **(1)** acceptance of the FY 2017 grant (Grant No. M1718 DLEX) from the Texas Department of Transportation Aviation Division for the Routine Airport Maintenance Program at Dallas Executive Airport in an amount not to exceed \$50,000 or 50% of eligible project costs whichever is less; **(2)** provide a local cash match in the amount of \$50,000 for airport maintenance projects; and **(3)** execution of the grant agreement - Total not to exceed \$100,000 - Financing: Aviation Current Funds (\$50,000) (subject to appropriations) and Texas Department of Transportation Grant Funds (\$50,000)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0475

Item 3: Authorize Supplemental Agreement No. 4 to the professional services contract with Garver, LLC for design, planning, engineering, and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Phase II, and Taxiway Mike Phase II at Dallas Love Field - Not to exceed \$1,737,770, from \$3,456,534 to \$5,194,304 - Financing: Aviation Capital Construction Funds (\$698,258), Aviation Near Term Passenger Facility Charge Funds (\$250,000) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$789,512)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0476

Item 4: Authorize a one-year service contract for airfield paint removal, striping, and painting services at Dallas Love Field - Hi-Lite Airfield Services, LLC, through the Texas Association of School Boards (BuyBoard) - Not to exceed \$998,532 - Financing: Aviation Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0477

Item 5: Authorize a two-year service contract for the rental of vehicles and equipment - Herc Rentals, Inc. in the amount of \$4,192,108, Enterprise Rent-A Car dba EAN Holdings, LLC in the amount of \$1,554,264, Four Seasons Equipment, Inc. in the amount of \$1,258,350, Landmark Equipment, Inc. in the amount of \$1,187,473, Holt Texas, LTD in the amount of \$777,880, Kirby-Smith Machinery, Inc. in the amount of \$767,126, Sunbelt Rentals in the amount of \$687,865, United Rentals (North America), Inc. in the amount of \$349,543, and Metro Golf Cars in the amount of \$87,646, lowest responsible bidders of nine - Total not to exceed \$10,862,255 - Financing: Current Funds (subject to annual appropriations)

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

Later in the meeting, the item was presented for consideration.

Councilmember Gates moved to adopt the item.

Motion seconded by Mayor Pro Tem Alonzo.

After discussion ended, Mayor Rawlings called the vote and declared the item adopted on a divided vote with Councilmember Kingston voting "No."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0478

Item 6: Authorize a three-year service contract for barricade services - Dallas Lite and Barricade, Inc., lowest responsible bidder of two - Not to exceed \$201,882 - Financing: Current Funds (\$12,700), Water Utilities Current Funds (\$118,012), and Stormwater Drainage Management Current Funds (\$71,170) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0479

Item 7: Authorize a three-year service contract to develop and administer promotional examinations for Police and Fire-Rescue - Industrial/Organizational Solutions, Inc., most advantageous proposer of four - Not to exceed \$328,785 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0480

Item 8: Authorize a three-year service contract, with two one-year renewal options, for actuarial analysis services for Risk Management - Bickmore, most advantageous proposer of eight - Not to exceed \$81,600 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0481

Item 9: Authorize the first of two one-year renewal options to the service contract with Harris Corporation formerly known as Exelis, Inc. for maintenance of hardware and associated software licenses for airport noise and flight tracking monitoring at Dallas Love Field - Not to exceed \$181,832 - Financing: Aviation Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0482

Item 10: Authorize an increase to the master agreement with Taser International, Inc. for the purchase of electronic control weapons and accessories for Police - Not to exceed \$320,869, from \$1,283,564 to \$1,604,433 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0483

Item 11: Authorize **(1)** Supplemental Agreement No. 1 to increase the consulting contract with Deloitte Consulting, LLP for actuarial services related to the Dallas Police and Fire Pension System in the amount of \$759,000, from \$414,000 to \$1,173,000; and **(2)** an increase in appropriations in the amount of \$759,000 in the City Controller's Office FY 2016-17 budget, from \$4,682,481 to \$5,441,481 - Not to exceed \$759,000 - Financing: Contingency Reserve Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0484

Item 12: A resolution authorizing an increase in the joint elections agreement and election services contract between the City of Dallas and Collin County for the November 8, 2016 special election - Not to exceed \$120, from \$16,000 to \$16,120 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0485

Item 13: Authorize payment for an asbestos abatement/demolition notification program for a four-year term as required by the Texas Department of State Health Services - Not to exceed \$150,000 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0486

Item 14: Authorize a second amendment of the development agreement with TEOF Hotel LP, for the Plaza Hotel redevelopment project to extend the project's completion deadline by one year, from July 31, 2016 to July 31, 2017 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0487

Item 15: Authorize **(1)** the first amendment to the Contract No. 2017-049838-001 with the Department of State Health Services for the Women, Infants, and Children (WIC) Program to **(a)** amend the contract number from Contract No. 2017-049838-001 to Contract No. 2017-049838-001A; **(b)** revise the budget and extend the term of the contract from September 30, 2017 to September 30, 2018 to allow for successful completion of the WIC Project for FY 2017 and FY 2018 grant allocations; **(c)** accept additional grant funds in the amount of \$26,000 for FY 2017 allocation for the WIC Summer Food Service Program for the period October 1, 2016 through September 30, 2017; **(d)** accept grant funds for FY 2018 allocation for continuation of the Special Supplemental Nutrition Program for the WIC Program in the amount of \$15,056,672 for the period October 1, 2017 through September 30, 2018; and **(2)** execution of the amendment and all terms, conditions, and documents required by the contract - Not to exceed \$15,082,672, from \$15,055,566 to \$30,138,238 - Financing: Department of State Health Services Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0488

Item 16: Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for material and labor costs incurred by the City for intersection and traffic signal improvements at the following five off-system locations: Marsh Lane and Rosemeade Parkway, Bruton Road and Second Avenue, Forest Lane and Audelia Road, Plano Road and Miller Road and Royal Lane and Skillman Road; **(2)** the receipt and deposit of funds from the Texas Department of Transportation in the amount of \$101,280; and **(3)** the establishment of appropriations in the amount of \$101,280 in the Texas Department of Transportation Grant Fund - Not to exceed \$101,280 - Financing: Texas Department of Transportation Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0489

Item 17: Authorize payment to Dallas Area Rapid Transit for operation and maintenance costs for the Dallas Streetcar System (Union Station to Bishop Arts District) for Fiscal Year 2017 - Not to exceed \$975,000 - Financing: Current Funds

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

Later in the meeting, the item was presented for consideration.

Councilmember Kleinman moved to adopt the item.

Motion seconded by Councilmember Griggs.

After discussion ended, Mayor Rawlings called the vote and declared the item adopted on a divided vote with Deputy Mayor Pro Tem Wilson, Councilmember Arnold and Councilmember Greyson voting "No."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0490

Item 18: Authorize a professional services contract with Huitt-Zollars, Inc. for the engineering design of complete street improvements for Knox Street from the Katy Trail to US 75 - Not to exceed \$307,935 - Financing: 2012 Bond Funds (\$288,896) and Water Utilities Capital Construction Funds (\$19,039)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0491

Item 19: Authorize a construction contract with Ark Contracting Services, LLC, lowest responsible bidder of four, for the reconstruction of alley paving, storm drainage, drive approaches, and wastewater main and adjustment improvements for Alley Reconstruction Groups 12-2040 and 12-2045, and paving improvements for the Merrifield Road Dead End Turnaround Project (list attached) - Not to exceed \$4,174,616 - Financing: 2012 Bond Funds (\$1,658,794), 2006 Bond Funds (\$163,430), General Obligation Commercial Paper Funds (\$234,200), Water Utilities Capital Improvement Funds (\$2,094,667) and Water Utilities Capital Construction Funds (\$23,525)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0492

Item 20: Authorize a contract with One Thirty Productions for cultural services for the period April 1, 2017 through September 30, 2017 - Not to exceed \$62,260 - Financing: Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0493

Item 21: Authorize an amendment to the five-year master municipal lease agreement for the financing of personal property purchases - Banc of America Public Capital Corp. - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0494

Item 22: Authorize **(1)** approval of the terms for the Development Agreement between the Pacific Plaza LLC and Parks for Downtown Dallas collectively the “Developer” and the City for the design and construction of a public park currently named Pacific Plaza; **(2)** approval of an Operating Endowment Agreement between the City and Developer; and **(3)** recommendation to City Council for approval of both the Development and Operating Endowment Agreements, as approved as to form by the City Attorney’s Office - Financing: No cost consideration to the City

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

Later in the meeting, the item was presented for consideration.

Mayor Pro Tem Alonzo moved to adopt the item.

Motion seconded by Councilmember Kleinman.

After discussion ended, Mayor Rawlings called the vote and declared the item adopted on a divided vote with Deputy Mayor Pro Tem Wilson, Councilmembers Thomas, Arnold and Young voting “No.”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0495

Item 23: Authorize a contract with DENCO CS Construction dba DENCO Construction Specialists, best value proposer of three, for structural and miscellaneous repairs to the Kleberg/Rylie Recreation Center located at 1515 Edd Road - Not to exceed \$157,951 - Financing: Park and Recreation Program Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0496

Item 24: Authorize a contract with DENCO CS Construction dba DENCO Construction Specialists, best value proposer of two, for structural repairs to the Southern Skates Roller Rink Facility located at 2939 East Ledbetter Road - Not to exceed \$150,220
- Financing: Southern Skates Roller Rink Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0497

Item 25: Authorize a contract with JC Commercial, Inc., best value proposer of six, for construction of a new maintenance facility at Luna Vista Golf Course located at 11223 Luna Vista Road - Not to exceed \$1,147,477 - Financing: 2003 Bond Funds (\$287,837), 2006 Bond Funds (\$812,490), and General Obligation Commercial Paper Funds (\$47,150)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0498

Item 26: Authorize an increase in the contract with Phoenix I Restoration and Construction, Ltd., for the replacement of flooring on pool deck and locker/shower areas at Bachman Recreation Center located at 2750 Bachman Drive - Not to exceed \$113,763, from \$606,258 to \$720,021 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0499

Item 27: Authorize ordinances granting five franchises for solid waste collection and hauling, pursuant to Chapter XIV, of the City Charter, and Chapter 18, Article IV, of the Dallas City Code (list attached) - Estimated Annual Revenue: \$22,002

Adopted as part of the consent agenda.

Assigned ORDINANCE NOS. 30378, 30379, 30380, 30381, 30382

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0500

Item 28: Authorize acquisition from Sylvia Covington, of approximately 71,824 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$97,000 (\$93,900, plus closing costs and title expenses not to exceed \$3,100) - Financing: Water Utilities Capital Construction Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0501

Item 29: An ordinance granting a private license to AT&T Communications of the Southwest, Inc. for the use of subsurface space of approximately 404 square feet to maintain and utilize a 24 inch steel pipe for underground electrical wiring under a portion of Haskell Avenue right-of-way, near its intersection with Bryan Street - Revenue: \$1,000 annually, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 30383

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0502

Item 30: An ordinance granting a private license to JLB Fitzhugh, LP, for the use of a total of approximately 4,681 square feet of subsurface and surface space to install, maintain, and utilize a subsurface conduit, seventy-one trees, forty-one post lights, eight string lights, concrete pavers, a sculpture, two accent lights, landscaping and irrigation, under, on and over a portion of Fitzhugh and Bennett Avenues and Mission Avenue and Manett Street rights-of-way, near its intersection with Fitzhugh and Bennett Avenues and Mission Avenue and Manett Street - Revenue: \$1,000 annually and \$800 one-time fee, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 30384

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0503

Item 31: An ordinance granting a private license to Supreme Bright Dallas, LLC for the use of approximately 48 square feet of aerial space to occupy, maintain and utilize one canopy without premise over a portion of Commerce Street right-of-way, near its intersection with Ervay Street - Revenue: \$100 one-time fee, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 30385

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0504

Item 32: An ordinance granting a revocable license to 2823 Main, LLC for the use of a total of approximately 168 square feet of aerial space to install, maintain, and utilize two canopies without premise sign, over a portion of Main Street right-of-way, near its intersection with Malcolm X Boulevard - Revenue: \$200 one-time fee, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 30386

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0505

Item 33: An ordinance abandoning portions of Fielder Court and Log Cabin Avenue to the Board of Regents of The University of Texas System, the abutting owner, containing a total of approximately 41,370 square feet of land, located near the intersection of Maple Avenue and Mockingbird Lane, and authorizing the quitclaim - Revenue: \$661,920, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 30387

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0506

Item 34: An ordinance abandoning a portion of a sanitary sewer easement to the City of Dallas, the abutting owner, containing approximately of 311,123 square feet of land, located near the intersection of Central Expressway and Simpson Stuart Road
- Revenue: \$5,400, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 30388

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0507

Item 35: An ordinance abandoning portions of a water easement and sanitary sewer easement to CAPREF Walnut Hill LLC, the abutting owner, containing a total of approximately 2,097 square feet of land, located near the intersection of Walnut Hill Lane and North Central Expressway - Revenue: \$5,400, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 30389

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0508

Item 36: An ordinance abandoning a drainage easement and two water easements to Quiktrip Corporation, the abutting owner, containing a total of approximately 6,270 square feet of land, located near the intersection of Buckner and Samuell Boulevards - Revenue: \$5,400, plus the \$20 ordinance publication fee

Adopted as part of the consent agenda.

Assigned ORDINANCE NO. 30390

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0509

Item 37: Authorize **(1)** the rejection of bids for Erosion Control Improvements Group 10; and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0510

Item 38: Authorize **(1)** the rejection of bids for Erosion Control Improvements Group 11; and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0511

Item 39: Authorize Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. for additional surveying, environmental services and preparation of a Municipal Setting Designation and the Final Plat for the Dallas Floodway - Not to exceed \$179,818, from \$640,498 to \$820,316 - Financing: 1998 Bond Funds (\$52,258) and Stormwater Drainage Management Current Funds (\$127,560)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0512

Item 40: Authorize an amendment to an Interlocal Agreement between the City of Dallas, City of Grapevine and the Dallas County Park Cities Municipal Utility District, to extend the term of the contract by ten-years, with four ten-year extension options, for continuation of the reimbursement to the City of Grapevine for Dallas' cost share for the administration of the Lake Grapevine Reservoir Accounting Plan - Not to exceed \$60,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0513

Item 41: 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 nominations received for the 2015-2017 board term, ending September 30, 2017 and noted the report indicated all nominees met qualifications for service.

The city secretary announced individual and full council appointments would be presented for consideration prior to the consideration of the officer appointment; there was no objection voiced by the city council.

Mayor Pro Tem Alonzo moved to appoint the following:

- Arthur Santa-Maria to the Board of Adjustment;
- Anthony Rios and Ken Montgomery to the Civil Service Board Adjunct Members;
- Chris D. Thompson, Business Development, to the South Dallas/Fair Park Trust Fund Board;
- Royce B. West II to the Ethics Advisory Commission;
- Jim Harp to the Housing Finance Corporation Board;
- John P. Allender, Historical Preservation, to the Landmark Commission Alternate Members;
- Grady Buddy Jordan Jr. and Greg Johnson to the North Texas Education Finance Corporation;
- Deborah K. Carpenter, Dallas County Resident, to the Reinvestment Zone Fifteen Board (Fort Worth Avenue); and
- Luis Basalo, Collin County Resident, to the Reinvestment Zone Sixteen Board (Davis Garden).

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

Councilmember Young moved to appoint the following:

- Robert Abtahi, Chair, to the Park and Recreation Board.

Motion seconded by Deputy Mayor Pro Tem Wilson.

Mayor Rawlings called the vote and declared the motion adopted on a divided vote with Councilmembers Griggs, Medrano, Clayton and Kingston voting "No."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

17-0513

Page 2

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

| | | |
|----------------|-------------|--|
| 17-5703 | BOA | BOARD OF ADJUSTMENT |
| 17-5704 | CSX | CIVIL SERVICE BOARD ADJUNCT MEMBERS |
| 17-5705 | EAC | ETHICS ADVISORY COMMISSION |
| 17-5706 | HFC | HOUSING FINANCE CORPORATION BOARD |
| 17-5707 | LMX | LANDMARK COMMISSION ALTERNATE MEMBERS |
| 17-5708 | NFC | NORTH TEXAS EDUCATION FINANCE CORPORATION |
| 17-5709 | RZ15 | REINVESTMENT ZONE FIFTEEN BOARD (FORT WORTH AVENUE) |
| 17-5710 | RZ16 | REINVESTMENT ZONE SIXTEEN BOARD (DAVIS GARDEN) |
| 17-5711 | SDF | SOUTH DALLAS/FAIR PARK TRUST FUND BOARD |
| 17-5712 | | BOARD OFFICER |

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0514

Item 42: A resolution designating absences by Councilmember Casey Thomas, Councilmember Carolyn King Arnold and Councilmember Tiffinni A. Young as being for "Official City Business" - Financing: No cost consideration to the City

The city secretary announced Councilmembers Thomas, Arnold and Young had a conflict of interest on the item and would abstain from voting or participating in any discussion. Councilmembers Thomas, Arnold and Young left the city council chamber.

Councilmember Kingston moved to adopt the item.

Motion seconded by Councilmember Medrano and unanimously adopted. (Thomas, Arnold, Young abstain)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0515

Item 43: An ordinance amending Chapter 2, "Administration," Chapter 12A, "Code of Ethics," and Chapter 15A, "Elections," of the Dallas City Code; **(1)** adding city officials and former city officials to purchase by certain persons prohibited; **(2)** providing that city officials have a fiduciary duty to the city; **(3)** adding standards of behavior and civility of city officials; **(4)** clarifying and adding definitions; **(5)** expanding the definition of official or city official to include the chief financial officer, department directors' supervisors, and citizen volunteers on committees or task forces formed by boards and commissions; **(6)** providing for a general recusal and disclosure provision that is applicable to Article II of Chapter 12A; **(7)** providing for disclosure of conflicts on zoning applications; **(8)** changing provisions that are outdated; **(9)** adding additional reporting provisions related to gifts received by city officials or employees; **(10)** providing rules regarding donations; **(11)** clarifying provisions relating to the representation of private interests of a city official or employee before the city; **(12)** regulating the use of public property and resources for campaign expenditures; **(13)** providing for restrictions on the use of electronic devices and social media during executive sessions; **(14)** prohibiting city officials and city employees from receiving tax credits or grants unless the incentive is available to the general public; **(15)** adding a duty to report a violation of Chapter 12A; **(16)** providing for restrictions on lobbying before city council, any city department, board or commission; **(17)** providing that no former city official or city employee shall knowingly disclose to a member of the public any discussion that was lawfully closed to the public; **(18)** adding persons who are required to register as lobbyists; **(19)** providing that any protest given to or received from bidders on pending contracts will be shared with city councilmembers; **(20)** providing restrictions on ex parte communications; **(21)** requiring the Chief Financial Officer and executive general managers to complete a financial disclosure report; **(22)** broadening the jurisdiction of the ethics advisory commission; **(23)** providing the ethics advisory commission the power to issue subpoenas for an evidentiary hearing; **(24)** providing for a provision regarding complaints received by the City Auditor's Office; **(25)** providing factors to take into consideration in determining sanctions; **(26)** imposing additional types of sanctions; **(27)** creating a violation if any person interferes with an investigation of an alleged violation; **(28)** providing for an ethics pledge that all city officials shall sign and file with the city secretary; **(29)** creating a City Ethics Officer to promote culture of ethics within the city; **(30)** requiring all new city officials and new city employees to receive ethics training within 30 days after being appointed to office or hired by the city; **(31)** requiring all current city officials and current city employees to receive training at least once every two years; and **(32)** adding a new article regarding the permissible and impermissible expenses of city-funded officeholder accounts - Financing: No cost consideration to the City

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

17-0515

Page 2

Mayor Rawlings announced a motion would be accepted to propose adoption of the ordinance with the changes noted/presented. Following that, individual amendments to proposed changes would be considered after which a final vote would be taken incorporating all preliminary adopted amendments to the original motion; there was no objection voiced by the city council.

Councilmember Greyson moved to adopt the ordinance with the following amendment:

Subject 24 – Complaints/Preliminary Panel – Chapter 12A § 12A-26

- After a complaint comes in, the preliminary panel shall make a finding within 45 days.

Amending motion seconded by Councilmember Kingston.

Councilmember Griggs moved the following amendment:

Subject 9 – Political Endorsements – Chapter 12A § 12A-10

- A city council member is not prohibited from using the title of “Honorable” in connection with any election for public office.

Amending motion seconded by Councilmember Greyson.

Mayor Rawlings called a record vote on Councilmember Griggs’s amending motion on Subject 9:

Voting Yes: [11] Rawlings, Wilson, Griggs, Medrano, Thomas, Callahan,
Young, Clayton, McGough, Greyson, Kingston

Voting No: [4] Alonzo, Arnold, Kleinman, Gates

The city secretary declared the amending motion adopted.

Councilmember Medrano moved the following amendment:

Subject 5 – Gifts – Chapter 12A § 12A-5

- A city official or employee shall not solicit, accept, or agree to accept any gift or benefit. Gifts do not include:
 1. Reimbursement of reasonable expenses for travel authorized in accordance with city policies;
 2. A public award or reward for meritorious service or professional achievement, provided that the award or reward is reasonable in light of the occasion;
 3. A loan from a lending institution made in its regular course of business on the same terms generally available to the public;
 4. A scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants;or
 5. Admission to an event in which the city official or employee is participating in connection with official duties.

Amending motion seconded by Councilmember Griggs.

After discussion ended, Mayor Rawlings called a record vote on Councilmember Medrano's amending motion on Subject 5:

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

Voting No: [11] Rawlings, Alonzo, Wilson, Thomas, Arnold, Callahan, Young, McGough, Kleinman, Greyson, Gates

The city secretary declared the amending motion failed.

Councilmember Medrano moved the following amendment:

Subject 8 – Public property and resources; no grants or loans – Grants or Loans –
Chapter 12A § 12A-9 (in part)

- City officials and their parent, child, spouse, or other family member within the second degree of consanguinity or affinity may not apply for or obtain any incentives offered by the city, including grants, loans, tax abatements, and tax credits for themselves or any entity or property in which they have an economic interest.

Amending motion seconded by Councilmember Griggs.

Following discussion, Councilmember Griggs moved a friendly amendment to exclude Tax Increment Financing (TIF) Boards.

Councilmember Medrano accepted Councilmember Griggs' friendly amendment.

At the request of Mayor Rawlings, John Rogers, Chair of the Ethics Advisory Commission addressed the city council on this amendment.

After discussion ended, Mayor Rawlings called a record vote on Councilmember Medrano's amending motion, as modified by Councilmember Griggs's friendly amendment, on Subject 8:

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

Voting No: [11] Rawlings, Alonzo, Wilson, Thomas, Arnold, Callahan,
Young, Clayton, McGough, Kleinman, Gates

The city secretary declared the amending motion failed.

Councilmember Medrano moved the following amendment:

Subject 12 – Recusal and disclosure – Chapter 12A § 12A-12.1

- City officials must affirmatively avoid conflicts of interest. Upon the occurrence of the fifth recusal for a conflict of interest, the city official shall be referred to the Ethics Advisory Commission to consider recommending sanctions.

Amending motion seconded by Councilmember Kingston.

Mayor Rawlings called a record vote on Councilmember Medrano’s amending motion on Subject 12:

Voting Yes: [3] Griggs, Medrano, Kingston

Voting No: [12] Rawlings, Alonzo, Wilson, Thomas, Arnold, Callahan, Young, Clayton, McGough, Kleinman, Greyson, Gates

The city secretary declared the amending motion failed.

Councilmember McGough moved the following amendment:

Subject 7 – Disclosure of a closed meeting; no electronic devices – Chapter 12A § 12A-6

- Prohibits disclosure of certain information from a closed meeting to members of the public; ~~prohibits use of electronic devices during the closed meeting.~~

Amending motion seconded by Councilmember Kingston.

Mayor Rawlings called a record vote on Councilmember McGough’s amending motion on Subject 7:

Voting Yes: [12] Alonzo, Wilson, Griggs, Medrano, Thomas, Callahan, Young, Clayton, McGough, Kleinman, Gates, Kingston

Voting No: [3] Rawlings, Arnold, Greyson

The city secretary declared the amending motion adopted.

Councilmember Griggs moved the following amendment:

Subject 18 – Campaign managers – Chapter 12A § 12A-15.8

- The following persons may not (either personally or through a representative, employee, or agency) lobby a city council member or a city official for one year after the date of the city council election:
 - a) a city campaign manager;
 - b) anyone receiving compensation from a city campaign within one year of a city council election date;
 - c) a manager of a political committee, as defined in Chapter 251 of the Texas Election Code [known as a PAC], or a direct campaign expenditure only committee [known as a Super PAC], as defined by the Texas Ethics Commission, if that committee contributed to a city council candidate or city measure within one year of a city council election or measure date; and
 - d) a person who received compensation from a political committee or direct campaign expenditure only committee within one year of a city council election date.”

Amending motion seconded by Councilmember Medrano.

Councilmember Kleinman requested the subject be held to later in the meeting to allow reading of the proposed amendment; there was no objection voiced by the city council.

Later in the meeting, discussion on the item continued.

During discussion, Mayor Pro Tem Alonzo called the question.

Mayor Rawlings called a record vote on Mayor Pro Tem Alonzo’s calling the question on Subject 18:

Voting Yes: [6] Rawlings, Alonzo, Arnold, Callahan, Young, Kleinman

Voting No: [9] Wilson, Griggs, Medrano, Thomas, Clayton, McGough, Greyson, Gates, Kingston

The city secretary declared the call failed.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

17-0515

Page 7

After discussion ended, Mayor Rawlings called a record vote on Councilmember Griggs's amending motion on Subject 18:

Voting Yes: [7] Griggs, Medrano, Callahan, Clayton, McGough, Greyson, Kingston

Voting No: [8] Rawlings, Alonzo, Wilson, Thomas, Arnold, Young, Kleinman, Gates

The city secretary declared the amending motion failed.

Councilmember McGough moved the following motion:

Subject 20 – Ex parte communications – Chapter 12A § 12A-18

- Remove the proposed change that prohibits ex parte communication with a city official who is a member of a quasi-judicial board or commission.

After the city attorney's office clarified ex-parte communication was already a violation and the proposal provided it be an ethics violation, Councilmember McGough withdrew his motion.

Councilmember Callahan moved an amendment that the entire ordinance become effective July 1, 2017.

Amending motion seconded by Councilmember Kingston.

After discussion ended, Mayor Rawlings called a record vote on Councilmember Callahan's amending motion providing an effective date to the ordinance of July 1, 2017:

Voting Yes: [8] Medrano, Thomas, Arnold, Callahan, Young, McGough, Kleinman, Kingston

Voting No: [7] Rawlings, Alonzo, Wilson, Griggs, Clayton, Greyson, Gates

The city secretary declared the amending motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

17-0515

Page 8

After all amending preliminary motions had been considered on the item, Councilmember Greyson amended her original motion to adopt the ordinance with amendments to the following:

- Subject 7 – Chapter 12A § 12A-6 – removing the restriction of using electronic devices during closed session;
- Subject 9 – Chapter 12A § 12A-10 – a city council member is not prohibited from using the title of “Honorable” in connection with any election for public office;
- Subject 24 – Chapter 12A § 12A-26 – the preliminary panel shall make a preliminary finding within 45 days after a complaint comes in; and
- An effective date of July 1, 2017 to the entire ordinance.

Councilmember Kingston, who seconded Councilmember Greyson’s original amending motion, accepted the amendments.

Mayor Rawlings called a record vote on Councilmember Greyson’s amended motion to pass the ordinance with the changes preliminarily adopted during earlier discussion:

Voting Yes: [15] Rawlings, Alonzo, Wilson, Griggs, Medrano, Thomas, Arnold, Callahan, Young, Clayton, McGough, Kleinman, Greyson, Gates, Kingston

Voting No: [0]

The city secretary declared the amended item unanimously adopted.

Assigned ORDINANCE NO. 30391

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0516

Item 44: A resolution adopting policy guidelines regarding the solicitation, acceptance, and reporting of gifts by city employees - Financing: No cost consideration to the City

Councilmember Greyson moved to adopt the item.

Motion seconded by Councilmember Griggs and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0517

Item 45: A resolution adopting the City's Federal Legislative Program for the 115th Session of the United States Congress - Financing: No cost consideration to the City

Councilmember Kleinman moved to adopt the item.

Motion seconded by Councilmember Callahan.

Councilmember Griggs moved an amending motion to Councilmember Kleinman's motion to present for consideration the "welcoming resolution" as submitted by Councilmember Medrano at the next voting agenda meeting of the city council as an addition to the legislative package.

Amending motion seconded by Councilmember Kingston.

At Mayor Rawlings' inquiry if Councilmember Griggs's amending motion was in order, the city attorney clarified the [welcoming] resolution was not germane to the federal legislative agenda; therefore, it would require being properly posted and considered at a future meeting so it would not violate the Texas Open Meetings Act. As a result, Councilmember Griggs's amending motion was not in order, thus the original motion to adopt as presented was still in place as originally moved by Councilmember Kleinman and seconded by Councilmember Callahan.

Following discussion, Mayor Pro Tem Alonzo moved a primary substitute motion to adopt the item with the following directive:

- The city manager, through his newly announced Office of Welcoming Communities and Immigrant Affairs, to study and report back to the Ad Hoc Legislative Committee with options for City Council to consider regarding federal and state immigrant affairs.

Primary substitute motion seconded by Deputy Mayor Pro Tem Wilson.

Councilmember Griggs moved a secondary substitute motion to strike from the legislative agenda any item regarding asset forfeiture until the Public Safety Committee had been briefed on that issue.

Secondary substitute motion seconded by Councilmember Kingston.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

17-0517

Page 2

After discussion, Mayor Rawlings called a record vote on Councilmember Griggs's secondary substitute motion to strike from the legislative agenda any item regarding asset forfeiture until the Public Safety Committee had been briefed on the issue:

Voting Yes: [8] Griggs, Medrano, Thomas, Arnold, Young, Clayton, Greyson, Kingston

Voting No: [7] Rawlings, Alonzo, Wilson, Callahan, McGough, Kleinman, Gates

The city secretary declared the secondary substitute motion adopted.

Mayor Rawlings called the vote on Mayor Pro Tem Alonzo's primary substitute motion to adopt the item with the following directive:

- The city manager, through his newly announced Office of Welcoming Communities and Immigrant Affairs, to study and report back to the Ad Hoc Legislative Committee with options for City Council to consider regarding federal and state immigrant affairs.

Councilmember Kingston moved a friendly amendment to Mayor Pro Tem Alonzo's primary substitute motion to include Councilmember Griggs' previously approved secondary substitute motion "to strike from the legislative agenda any item regarding asset forfeiture until the Public Safety Committee has been briefed on the issue."

Mayor Pro Tem Alonzo accepted Councilmember Kingston's friendly amendment.

Deputy Mayor Pro Tem Wilson, who seconded Mayor Pro Tem Alonzo's primary substitute motion, also accepted Councilmember Kingston's friendly amendment.

Mayor Rawlings called the vote and declared Mayor Pro Tem Alonzo's amended primary substitute motion unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0518

Item 46: Authorize a resolution condemning violence and hate speech and expressing solidarity with Muslims and all those targeted for their ethnicity, race or religion - Financing: No cost consideration to the City (via Council Members Griggs, Medrano, ~~Young~~, Thomas, Clayton, Kingston)

The following individuals addressed the city council on the item:

Marvin Crenshaw, 5134 S. Malcolm X Blvd.
Anita Zusman Eddy, 7800 Northaven Rd.

The city secretary announced the item was a result of a five-signature memo and should be corrected to reflect Councilmember Thomas as one of the signers instead of Councilmember Young; there was no objection voiced by the city council.

Councilmember Callahan moved to adopt the item.

Motion seconded by Councilmember Clayton.

After discussed ended, Mayor Rawlings called the vote and declared the item unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0519

The consent zoning docket consisted of agenda items 47-50.

Agenda item 47: Zoning Case Z156-278(WE)
Agenda item 48: Zoning Case Z156-337(SH)
Agenda item 49: Zoning Case Z167-139(OTH)
Agenda item 50: Zoning Case Z167-142(PD)

Prior to presentation of the consent zoning docket, consent zoning agenda item 47 was removed for separate action.

Therefore, the consent zoning docket, consisting of agenda items 48-50, was presented for consideration.

Agenda item 48: Zoning Case Z156-337(SH)
Agenda item 49: Zoning Case Z167-139(OTH)
Agenda item 50: Zoning Case Z167-142(PD)

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

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

Councilmember Medrano 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 Kingston and unanimously adopted. (Arnold absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0520

Item 47: Zoning Case Z156-278(WE) [Consent Zoning Docket]

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and an expansion of, Planned Development Subdistrict No. 111 for LC Light Commercial Subdistrict uses on property zoned an LC Light Commercial Subdistrict and Planned Development Subdistrict No. 111 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest line of McKinney Avenue, northeast of Bowen Street.

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

Prior to presentation of the consent zoning docket and item being read into the record, Councilmember Kingston moved to continue the public hearing and defer the item to the April 12, 2017 voting agenda meeting of the city council. Therefore, no speakers were called on the item.

Motion seconded by Deputy Mayor Pro Tem Wilson and unanimously deferred. (Arnold absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0521

Item 48: Zoning Case Z156-337(SH)

The consent zoning docket, consisting of agenda items 48-50, was presented for consideration.

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Tower/Antenna for Cellular Communication on property zoned an R-7.5(A) Single Family District on the east side of Namur Street, south of Scyene 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, elevation, 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. 30392

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0522

Item 49: Zoning Case Z167-139(OTH)

The consent zoning docket, consisting of agenda items 48-50, 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. 2142 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 100,000 square feet or more on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay on the north side of Samuell Boulevard, west of South Buckner Boulevard.

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

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 30393

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0523

Item 50: Zoning Case Z167-142(PD)

The consent zoning docket, consisting of agenda items 48-50, 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. 2019 for an alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial amusement (inside) limited to a live music venue on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District on the south side of Elm Street, east of North Good Latimer Expressway.

Recommendation of Staff and CPC: Approval for a three-year period, 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. 30394

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0524

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

Item 51: Zoning Case Z156-310(OTH)

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2099 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-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions on the southwest corner of Great Trinity Forest Way and North Jim Miller Road.

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

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

Note: This item was considered by the City Council at public hearings on January 11, 2017, February 8, 2017 and February 22, 2017 and was held under advisement until March 22, 2017, with the public hearing open.

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

Deputy Mayor Pro Tem Wilson moved to continue the public hearing and hold the item under advisement until the May 24, 2017 voting agenda meeting of the city council.

Motion seconded by Councilmember Callahan and unanimously held under advisement.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0525

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

Item 52: Zoning Case Z167-104(WE)

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of Great Trinity Forest Way (Loop 12) and Jim Miller Road.

Recommendation of Staff: Approval 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 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 February 8, 2017, and was deferred until March 22, 2017, with the public hearing open.

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

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

Walt McMennamy, 105 YMCA Dr., Waxahachie, TX., representing the applicant

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

Motion seconded by Councilmember Kingston.

After discussion ended, Mayor Rawlings called the vote and declared the item adopted on a divided vote with Councilmember Callahan voting "No."

Assigned ORDINANCE NO. 30395

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0526

DESIGNATED ZONING CASES - INDIVIDUAL

Item 53: Zoning Case Z167-148(DL)

A public hearing to receive comments regarding an application for and an ordinance granting the creation of new subareas within Neighborhood Stabilization Overlay No. 7 (the Woodland Drive NSO) on property zoned an R-10(A) Single Family District and on both sides of Deloache Avenue, between Preston Road and Edgemere Road.

Recommendation of Staff and 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," the city secretary 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:

Stephen Brookshire, 6141 Deloache Ave.

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

- For Subarea 2, front yard setback is 87 feet; and
- For Subarea 3, front yard setback is 62 feet

"These measurements reflect the setback as measured from the property line instead of from back of the curb";

and pass the ordinance.

Motion seconded by Councilmember Young and Councilmember Kingston and unanimously adopted as amended.

Assigned ORDINANCE NO. 30396

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0527

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 0.788 acres of the current 7.298 acres of land, located at 1717 West Northwest Highway, within the floodplain of Elm Fork of the Trinity River, Fill Permit 15-06
- Financing: No cost consideration to the City

No one addressed the city council on the item.

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

Motion seconded by Councilmember Greyson and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0528

MISCELLANEOUS HEARINGS

Item 55: A public hearing to receive comments to amend the City of Dallas Central Business District Streets and Vehicular Circulation Plan to delete Live Oak Street from Harwood Street to Pacific Avenue/Saint Paul Street; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

The following individual addressed the city council on the item:

Todd Awe, 2200 Victory Ave.

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

Motion seconded by Councilmember Kingston and unanimously adopted.

Assigned ORDINANCE NO. 30397

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0529

MISCELLANEOUS HEARINGS

Item 56: A public hearing to receive comments to amend the City of Dallas Central Business District Streets and Vehicular Circulation Plan to reduce the right-of-way on **(1)** Harwood Street between Commerce Street and Jackson Street from 85 feet of right-of-way to 64 feet of right-of-way; and **(2)** Harwood Street between Jackson Street and IH-30 from 78-130 feet of right-of-way to 64-68 feet of right-of-way; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

No one addressed the city council on the item.

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

Motion seconded by Councilmember Kingston and unanimously adopted.

Assigned ORDINANCE NO. 30398

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0530

MISCELLANEOUS HEARINGS

Item 57: A public hearing to receive comments on the FY 2017-18 Operating, Capital, and Grant/Trust budgets - Financing: No cost consideration to the City

No one addressed the city council on the item.

Deputy Mayor Pro Tem Wilson moved to close the public hearing.

Motion seconded by Councilmember Kingston.

Mayor Rawlings called the vote and declared the public hearing closed on a divided vote with Councilmember Kleinman voting "No."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0531

MISCELLANEOUS HEARINGS

Item 58: A public hearing to receive comments on the Proposed Reprogramming Budget No. 1 to the FY 2016-17 Action Plan for U.S. Department of Housing and Urban Development Grant Funds - Financing: No cost consideration to the City

No one addressed the city council on the item.

Deputy Mayor Pro Tem Wilson moved to close the public hearing.

Motion seconded by Mayor Pro Tem Alonzo.

Following discussion, Mayor Rawlings called the vote and declared the public hearing unanimously closed.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0532

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Item 59: A public hearing 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 \$7,705,000 with tax exempt bonds in the approximate amount of \$15,000,000 to be issued by the City of Dallas Housing Finance Corporation (DHFC) for the Silver Gardens Apartments, an existing senior apartment community comprised of 202 units for seniors, located at 2620 Ruidosa Avenue, Dallas, Texas, 75228 and, at the close of the public hearing, authorize: (1) DHFC to issue the tax exempt bonds in an amount not to exceed \$15,000,000 in Multi-family Housing Mortgage Revenue Bonds Series 2017 to finance the acquisition and rehabilitation of 202 units for seniors by Dominion Development & Acquisition, LLC (“Dominium”), on behalf of Dallas Leased Housing Associates IV, LLP (the “Applicant”), referred to as the Silver Gardens; and (2) a resolution to support the TDHCA’s award of Low Income Housing Tax Credits for the acquisition and rehabilitation of the existing Silver Gardens housing development located at 2620 Ruidosa Avenue, Dallas, Texas by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 Texas Administrative Code (TAC) §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3(a-g) and §11.4 (c)(1) of the 2017 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors - 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,” the city secretary read the following certification into the record:

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

The following individuals addressed the city council on the item:

- Myrna Gorchoff, 2620 Ruidosa Ave.
- Lauren Osterman, 5827 Mercedes Ave.

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

Motion seconded by Deputy Mayor Pro Tem Wilson and Councilmember Kingston.

After discussion ended, Mayor Rawlings called the vote and declared the item unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0533

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Note: Agenda Item Nos. 60, 61 and 62 must be considered collectively.

Item 60: A public hearing to receive comments concerning an application with the Texas Department of Housing and Community Affairs (TDHCA) for 4% tax credits in the approximate amount of \$7,579,038 with tax exempt bonds in the approximate amount of \$15,000,000 to be issued by the City of Dallas Housing Finance Corporation (DHFC) for the tentatively designated as Flora Street Lofts, a new construction apartment community comprised of 52 units for families, located at 2121 Flora Street, and at the close of the public hearing, authorization will be granted for: (1) DHFC to issue the tax exempt bonds in an amount not to exceed \$15,000,000 in Multi-family Housing Mortgage Revenue Bonds Series 2017 to finance the acquisition and new construction of 52 units for families by La Reunion TX and GREENarc Corp, Flora Street Lofts, Ltd. (the "Applicant"), tentatively designated as the Flora Street Lofts; and (2) to provide a resolution supporting the TDHCA's award of Low Income Housing Tax Credits for the acquisition and new construction of the Flora Street Lofts development located at 2121 Flora Street, 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 Texas Administrative Code (TAC) §10.204(4)(B) and pursuant to §11.3(a-g) and §11.4 (c)(1) of the 2017 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors - 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," the city secretary read the following certification into the record:

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

The following individuals addressed the city council on the item:

- Ronnie Mestas, 3215 Rutz St.
- Catherine Cuellar, 1777 N. Record St., (handout provided)
- Sarah Jane Semrad, 108 S. Rosemont Ave.
- Jill Magnuson, 4318 Beechwood Ln.
- Amy Lewis Hofland, 7278 Williamson Cir.
- Kevin Moriarty, 400 N. Ervay St.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

17-0533

Page 2

Councilmember Kingston moved to close the public hearing and adopt agenda items 61 and 62.

Motion seconded by Councilmember Callahan and Councilmember Greyson.

After discussion ended, Mayor Rawlings called the vote and declared the public hearing closed and agenda items 61 and 62 adopted on a divided vote with Councilmember Arnold voting “No.”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0534

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Note: Agenda Item Nos. 60, 61 and 62 must be considered collectively.

Item 61: Authorize a development agreement with Flora Street Lofts, Ltd. and Green Arc Corporation, its limited partner, to assist the development of the Flora Lofts Project located at 2121 Flora Street in the Arts District - Not to exceed \$4,577,916 in the form of a TIF grant supporting affordable housing - Financing: City Center TIF District Funds (subject to future appropriations from future tax increments)

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

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

The following individuals addressed the city council on agenda item 60:

- Ronnie Mestas, 3215 Rutz St.
- Catherine Cuellar, 1777 N. Record St., (handout provided)
- Sarah Jane Semrad, 108 S. Rosemont Ave.
- Jill Magnuson, 4318 Beechwood Ln.
- Amy Lewis Hofland, 7278 Williamson Cir.
- Kevin Moriarty, 400 N. Ervay St.

Councilmember Kingston moved to close the public hearing on agenda item 60 and adopt agenda items 61 and 62.

Motion seconded by Councilmember Callahan and Councilmember Greyson.

After discussion ended, Mayor Rawlings called the vote and declared the public hearing closed on agenda item 60 and agenda items 61 and 62 adopted on a divided vote with Councilmember Arnold voting "No."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0535

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Note: Agenda Item Nos. 60, 61 and 62 must be considered collectively.

Item 62: Authorize a conditional grant agreement with Flora Street Lofts, Ltd. for construction of Flora Lofts, a 52-unit multifamily new construction project located at 2121 Flora Street, conditioned upon 2017 4% LIHTC award - Not to exceed \$2,500,000 - Financing: General Obligation Commercial Paper Funds

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

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

The following individuals addressed the city council on agenda item 60:

- Ronnie Mestas, 3215 Rutz St.
- Catherine Cuellar, 1777 N. Record St., (handout provided)
- Sarah Jane Semrad, 108 S. Rosemont Ave.
- Jill Magnuson, 4318 Beechwood Ln.
- Amy Lewis Hofland, 7278 Williamson Cir.
- Kevin Moriarty, 400 N. Ervay St.

Councilmember Kingston moved to close the public hearing on agenda item 60 and adopt agenda items 61 and 62.

Motion seconded by Councilmember Callahan and Councilmember Greyson.

After discussion ended, Mayor Rawlings called the vote and declared the public hearing closed on agenda item 60 and agenda items 61 and 62 adopted on a divided vote with Councilmember Arnold voting "No."

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0536

MISCELLANEOUS HEARINGS - UNDER ADVISEMENT

Item 63: A benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements, and alley paving for Project Group 12-3004; and at the close of the hearing, authorize an ordinance levying benefit assessments; ~~and a construction contract with MACVAL Associates, LLC, lowest responsible bidder of five (list attached) — Not to exceed \$873,052 - Financing: No cost consideration to the City 2012 Bond Funds (\$712,610), Water Utilities Capital Construction Funds (\$96,681) and Water Utilities Capital Improvement Funds (\$63,761)~~

No one addressed the city council on the item.

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

Motion seconded by Councilmember Callahan.

Councilmember Clayton moved a friendly amendment to Councilmember Kleinman's motion as follows:

- Close the public hearing for citizen comments on street paving, drainage, water and wastewater main improvements, and alley paving for Project Group 12-3004;
- Remove the sidewalk for Stevens Street from the project (Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street);
- Reduce the total assessment levied to reflect the cancellation of the sidewalk portion only; and
- Authorize an ordinance levying assessments for the remaining street and alley project.

Councilmember Kleinman accepted Councilmember Clayton's friendly amendment.

Councilmember Callahan, who seconded Councilmember Kleinman's motion, also accepted Councilmember Clayton's friendly amendment.

After discussion ended, Mayor Rawlings called the vote and declared the public hearing closed and the item unanimously amended.

Assigned ORDINANCE NO. 30399

Note: There are two resolutions with this item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0537

Closed Session

The following item was posted for discussion in closed session:

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

- Legal issues related to the Dallas Police & Fire Pension System.

The closed session was not held.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0538

Addendum Addition 1: A resolution authorizing the conveyance of approximately 5,500 square feet of City-owned land to CADG Property Holdings I, LLC located near the intersection of Harwood and Jackson Streets in exchange for approximately 162,610 square feet of land owned by CADG Property Holdings I, LLC located near the intersection of Camp Wisdom and Lancaster Roads - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0539

Addendum Addition 2: An ordinance granting a private license to Arts District Properties, Ltd., for the use of a total of approximately 15,694 square feet of land to install, maintain, and utilize landscape with irrigation, planters with appurtenances, thirty-three trees, twenty-three bollards, decorative pavers and eleven pole lights along portions of Pearl, Flora, and Olive Streets rights-of-way, near their intersection
- Revenue: \$600 one-time fee, plus the \$20 ordinance publication fee

The city secretary announced Councilmember Kingston had deferred consideration of the item to the April 12, 2017 voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure prior to the meeting.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0540

Addendum Addition 3: An ordinance abandoning aerial portions of Pearl and Flora Streets and a subsurface portion of Flora Street to Arts District Properties, Ltd., the abutting owner, containing a total of approximately 2,628 square feet of land, located near the intersection of Flora and Olive Streets, and authorizing the quitclaim - Revenue: \$286,811, plus the \$20 ordinance publication fee

The city secretary announced Councilmember Kingston had deferred consideration of the item to the April 12, 2017 voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure prior to the meeting.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

MARCH 22, 2017

17-0541

Addendum Addition 4: An ordinance abandoning a portion of a sidewalk and drainage easement to Arts District Properties, Ltd., the abutting owner, containing approximately 252 square feet of land, located near the intersection of Pearl and Flora Streets - Revenue: \$46,053, plus the \$20 ordinance publication fee

The city secretary announced Councilmember Kingston had deferred consideration of the item to the April 12, 2017 voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure prior to the meeting.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 22, 2017

EXHIBIT C