

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 25, 2012

12-0262

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

PRESENT: [15] Rawlings, Medrano, Atkins (*9:08 a.m.), Jasso (*9:10 a.m.), Griggs, Caraway, Hill, Alonzo, Davis, Kadane, Allen (*9:28 a.m.), Koop, Greyson (*9:11 a.m.), Margolin, Hunt (*9:17 a.m.)

ABSENT: [0]

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

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

The invocation was given by Randy Skinner, Director of Greater Dallas Justice Revival.

Councilmember Kadane led the pledge of allegiance.

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

After all business properly brought before the city council had been considered, the city council adjourned at 4:01 p.m.

Mayor

ATTEST:

Acting City Secretary

The meeting 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, JANUARY 25, 2012

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 25, 2012

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0263

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, 3022 Forest Ln.
REPRESENTING: Some Citizens
SUBJECT: Constitutional paper balloting is required in all elections

SPEAKER: Tom Gibbons, 5029 Live Oak St.
SUBJECT: Improvement in Police

SPEAKER: B. J. Brantley, 3811 Black Oak Dr.
SUBJECT: Stop teen violence

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

SPEAKER: Robert Ceccarelli, 5302 Harry Hines Blvd.
SUBJECT: Homelessness

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: J. B. Jackson Jr. Institute
SUBJECT: All the way with Elsie Faye (Strong Mayor)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0264

Item 1: Approval of Minutes of the January 11, 2012 City Council Meeting

Councilmember Caraway moved to adopt the minutes.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0265

CONSENT AGENDA

The consent agenda, consisting of agenda items 2-40, and addendum addition consent agenda items 1-10, was presented for consideration.

Councilmember Caraway requested that addendum addition consent agenda item 10 be considered as an individual item. Mayor Rawlings stated that addendum addition consent agenda item 10 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Caraway's request.

Councilmember Caraway moved to adopt all items on the consent agenda with the exception of addendum addition consent agenda item 10 which would be considered later in the meeting.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0266

Item 2: Authorize a three-year service contract for on-site service and repair of hydraulic hoses for city vehicles and equipment - JBL Hose Service LLC. dba Pirtek Love Field, lowest responsible bidder of two - Not to exceed \$441,873 - Financing: Current Funds (\$352,400), Water Utilities Current Funds (\$85,473) and Stormwater Drainage Management Current Funds (\$4,000) (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0267

Item 3: Authorize a three-year service contract for the removal and disposal of water and debris from storage tanks and containment vaults - Agricultural Services, Inc., lowest responsible bidder of six - Not to exceed \$277,249 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0268

Item 4: Authorize a one-year master agreement for the purchase of twenty-four pieces of fleet equipment - The Around the Clock Freightliner Group, LLC. Dallas Freightliner-Western Star in the amount of \$1,798,234, Southwest International Trucks, Inc. in the amount of \$1,202,683 and B&C Body Company in the amount of \$300,747, lowest responsible bidders of twelve - Total not to exceed \$3,301,664 - Financing: Municipal Lease Agreement Funds (\$2,561,169) and 2010 Equipment Acquisition Notes (\$740,495)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0269

Item 5: Authorize a two-year master agreement for sodium hypochlorite - Petra Chemical Company, lowest responsible bidder of four - Not to exceed \$259,040
- Financing: Current Funds (\$51,800) and Water Utilities Current Funds (\$207,240)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0270

Item 6: Authorize a three-year master agreement for janitorial supplies - Zep Manufacturing Co. in the amount of \$1,463,189, Pollock Paper Co. in the amount of \$1,356,016, Eagle Brush & Chemical, Inc. in the amount of \$667,593, Empire Paper Co. in the amount of \$623,868, Jan Pak in the amount of \$147,889, MANS Distributors, Inc. in the amount of \$23,537, Reclaimed Textiles, Co. in the amount of \$18,826, Nationwide Supplies, LP in the amount of \$6,660 and Be At Ease Medical Equipment, Inc. in the amount of \$1,564, lowest responsible bidders of fifteen - Total not to exceed \$4,309,142 - Financing: Current Funds (\$3,224,197), Aviation Current Funds (\$549,553) and Water Utilities Current Funds (\$535,392)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0271

Item 7: Authorize a three-year concession contract for the operation of the snack vending at City facilities - DeSoto Vending for revenue share of 25%, DFW AmeriTex Vending Company for revenue share of 23% and Six Grand Vending for revenue share of 27.5%, highest responsible bidders of four - Estimated Annual Revenue: \$25,000

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0272

**Edison/Hi Line Sustainable Development
Infrastructure Project**

Note: Item Nos. 8 and 9
must be considered collectively.

- Item 8: Authorize (1) an agreement with the North Central Texas Council of Governments and the State of Texas to obtain funding to reimburse a private developer, Lower Oak Lawn Investment, LP for the costs of design and construction of the Edison/Hi Line Sustainable Development Infrastructure Project; and (2) the receipt and deposit of funds in the amount of \$1,151,063 from the North Central Texas Council of Governments - Not to exceed \$1,151,063 - Financing: North Central Texas Council of Governments Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0273

**Edison/Hi Line Sustainable Development
Infrastructure Project**

Note: Item Nos. 8 and 9
must be considered collectively.

Item 9: Authorize **(1)** a development agreement with Lower Oak Lawn Investment, LP for reimbursement of the costs of design and construction of the Edison/Hi Line Sustainable Development Infrastructure Project; and **(2)** the establishment of appropriations in the amount of \$1,151,063 in the COG Sustainable Development Program Fund - Not to exceed \$1,151,063 - Financing: North Central Texas Council of Governments Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0274

Item 10: Authorize **(1)** acceptance of the Clean Fleets North Texas Project Grant from the North Central Texas Council of Governments (NCTCOG); and **(2)** execution of the grant agreement - Not to exceed \$28,000 - Financing: Texas Department of Transportation Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0275

Item 11: Authorize **(1)** acceptance of a sub-grant from the University of Washington (Seattle) - Office of Sponsored Programs as funded by the United States Department of Health and Human Services' Center for Disease Control for the Health Promotion Research Center Project for the period September 30, 2011 through September 29, 2012; and **(2)** execution of the subcontract agreement - Not to exceed \$109,500 - Financing: University of Washington (Seattle)/CDC Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0276

Item 12: Authorize a standard Memorandum of Agreement between the City and various Texas Emergency Medical Service training programs to provide students seeking State Emergency Medical Technician certification with the required pre-hospital clinical hours of training - Estimated Annual Revenue: \$50,000

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0277

Item 13: Authorize **(1)** the acceptance of an agreement for resignation and mutual release with Intermedix from the existing Emergency Medical Service (EMS) billing and collection contract; and **(2)** a two-year collection contract, with three one-year extension options, for the billing, collection and reporting of emergency ambulance fees with the option to include hardware maintenance - Digitech Computer, Inc., through an Interlocal Purchasing Agreement with The City of Plano, Texas - Estimated Net Annual Revenue: \$19,010,000

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0278

Item 14: Authorize an increase in the payment to the Texas Commission on Fire Protection for annual certification and testing of uniformed Dallas Fire-Rescue Department personnel as required by the Texas Commission on Fire Protection for the period October 1, 2011 through September 30, 2014 - Not to exceed \$376,000, from \$188,000 to \$564,000 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0279

Item 15: Authorize **(1)** acceptance of the second extension of an HIV/AIDS Health Improvement for Re-entering Ex-Offenders Initiative Grant (HIRE) from the U.S. Department of Health and Human Services to continue coordinating a pre- and post-release system for 525 HIV/AIDS diagnosed Impact Offenders in the City of Dallas for the period September 1, 2011 through August 31, 2012; and **(2)** execution of the grant agreement - Not to exceed \$247,311 - Financing: U.S. Department of Health and Human Services Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0280

Item 16: Authorize a professional services contract with Good, Fulton & Farrell Architects for schematic design through construction administration services for a new livestock arena at Fair Park located at 1419 South Washington Avenue - Not to exceed \$869,465 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0281

Item 17: Authorize a professional services contract with Kevin Sloan Studio, LLC for site analysis and a park development plan at Exposition Plaza between Exposition and Canton Streets - Not to exceed \$35,000 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0282

Item 18: Authorize a five-year maintenance agreement, with one five-year renewal option, with the Friends of Buckner Park for maintenance at Buckner Park located at 4550 Worth Street - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0283

Item 19: Authorize a decrease in the contract with Wall Enterprises to reflect a credit for removal of asphalt paving and for additional bollards at the parking lot, trees and sidewalk replacement at Danieldale Park located at 500 West Wheatland Road - Not to exceed (\$8,320), from \$402,254 to \$393,934 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0284

Item 20: Authorize an increase in the contract with C. Green Scaping, LP for additional landscaping, irrigation and bleacher renovation at Randall Park located at 100 South Glasgow Drive - Not to exceed \$41,164, from \$1,990,347 to \$2,031,511 - Financing: 2006 Bond Funds (\$20,582) and Capital Gifts, Donation and Development Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0285

Item 21: Authorize an increase in the contract with Rogers-O'Brien Construction Company, Ltd. for waste haul-off and additional materials handling resulting from site grading at Elm Fork Athletic Complex located at 2100 Walnut Hill Lane - Not to exceed \$662,316, from \$15,712,123 to \$16,374,439 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0286

Item 22: Authorize an increase in the contract with Wadsworth Golf Construction Company for various improvements to include a new fire lane, fencing and gates, additional backflow preventer, and other code requirement items at Stevens Park Golf Course located at 1005 North Montclair Avenue - Not to exceed \$66,839, from \$8,465,177 to \$8,532,016 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0287

Item 23: Authorize Supplemental Agreement No. 1 to the professional services contract with Jacobs Engineering Group, Inc. for additional electrical lighting design for implementation of the White Rock Lake Lighting Master Plan at White Rock Lake East Lawther Trail - Not to exceed \$91,090, from \$294,375 to \$385,465 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0288

Item 24: Authorize Supplemental Agreement No. 11 to the design-build contract with Heery International, Inc. to establish the Guaranteed Maximum Price No. 11 for design services to include evaluation of domestic water system, review of existing sound system coverage, analysis of pre-wired cabling system and evaluation of electrical system, including recommended solutions and associated costs, at the Cotton Bowl Stadium in Fair Park located at 3750 Midway Plaza - Not to exceed \$190,390, from \$57,500,333 to \$57,690,723 - Financing: Fair Park Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0289

Item 25: Authorize **(1)** an application for and acceptance of the Criminal Justice Division NIBIN Program Coverdell Grant from the Office of the Governor, to provide aid in finding crime linkages and provide additional resources to the NIBIN Program, for the period of October 1, 2011 through June 30, 2012; and **(2)** execution of the grant agreement - Not to exceed \$275,185 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0290

Item 26: Authorize **(1)** the application for and acceptance of the 2011 Project Safe Neighborhood/Anti-Gang initiative grant in the amount of \$5,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for Gang Unit officer overtime reimbursement to combat gangs, guns and drug activity for the period January 1, 2012 through February 28, 2013; **(2)** an In-Kind contributions match in the amount of \$1,448; and **(3)** execution of the grant agreement - Total not to exceed \$6,448 - Financing: U.S. Department of Justice Grant Funds (\$5,000) and Current Funds (\$1,448)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0291

Item 27: Authorize approval of the recommended plan for the proposed alignment of North Beckley Avenue at West Commerce Street, from its current alignment to the proposed alignment - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0292

Item 28: Authorize transfer of crossing identification 414823N and crossing identification 414822G, located on Oak Downs Avenue and Walters Lane respectively, from the North Central Texas Council of Governments' Regional Railroad Crossing Banking Program from the City of Dallas to Collin County for the purpose of establishing a new railroad crossing on Collin County's Outer Loop Segment 1 - Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0293

Item 29: Authorize a contract with C.D. Henderson Construction Group, LLC, best value proposer of thirteen, for the construction of renovations to the Polk Wisdom Branch Library located at 7151 Library Lane - Not to exceed \$2,915,000 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0294

Item 30: Authorize an increase in the construction services contract with DMI Corp., Decker Mechanical to supply and install a replacement emergency generator at the Northeast Police Station located at 9915 East Northwest Highway - Not to exceed \$71,652, from \$476,250 to \$547,902 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0295

Item 31: Authorize an increase in the construction services contract with DMI Corp., Decker Mechanical to provide water filtration for the chilled water loop at the Dallas Convention Center - Not to exceed \$83,254, from \$1,402,328 to \$1,485,582 - Financing: 2009 Convention Center Revenue Bonds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0296

Item 32: Authorize an increase in the construction services contract with Lee Lewis Construction, Inc. for waterproofing, structural, mechanical, electrical, plumbing, fire proofing, and interior material enhancements to the construction of the Upper Level D Meeting Rooms at the Dallas Convention Center - Not to exceed \$325,669, from \$14,115,836 to \$14,441,505 - Financing: 2009 Convention Center Revenue Bonds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0297

Item 33: Authorize **(1)** street paving, storm drainage, water and wastewater main improvements for Riseden Drive from Winding Rose Trail to Hillcrest Road; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on March 28, 2012, to receive comments - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0298

Item 34: Authorize **(1)** street paving, storm drainage, water and wastewater main improvements for Street Group 06-451; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on March 28, 2012, to receive comments (list attached) - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0299

Item 35: Authorize settlement in lieu of proceeding with condemnation of two tracts of land containing a total of approximately 6,800 square feet improved with a single-family dwelling from Catalina Zuniga located near the intersection of Peabody Avenue and Edgewood Street for Fire Station No. 6 - Not to exceed \$39,500 (\$38,000 plus closing costs and title expenses not to exceed \$1,500) - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0300

Item 36: Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 16,470 square feet from Sorcey Mountain Creek Joint Venture, located near the intersection of Sorcey Road and Mountain Creek Parkway for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$58,590 (\$55,000 plus closing costs and title expenses not to exceed \$3,590) - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0301

Item 37: Authorize a professional services contract with Nathan D. Maier Consulting Engineers, Inc. for the engineering design of various storm drainage improvements in the West Dallas Eagle Ford Sump Basin area - Not to exceed \$421,950 - Financing: 2006 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0302

Item 38: Authorize an Interlocal Agreement with Dallas County Park Cities Municipal Utility District (“DCPCMUD”) and the City of Grapevine (Grapevine) for the sharing of cost to perform a volumetric survey on Grapevine Lake - Not to exceed \$4,524 - Financing: Water Utilities Current Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0303

Item 39: Authorize Utility Adjustment Agreement Amendment No. 2 with LBJ Infrastructure Group LLC and Trinity Infrastructure, LLC for additional work associated with water and wastewater main relocations and adjustments in Interstate Highway 635 (Lyndon B. Johnson Freeway) from Luna Road to U.S. Highway 75 (Central Expressway) and in Interstate Highway 35E (Stemmons Freeway) from Northwest Highway to Valwood Parkway, in Segments 1, 2, and 3, for the Interstate Highway 635 Managed Lanes Project - Not to exceed \$91,204 - Financing: Water Utilities Current Funds (\$48,004) (to be reimbursed by LBJ Infrastructure Group LLC and Trinity Infrastructure, LLC) and Water Utilities Capital Improvement Funds (\$43,200)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0304

Item 40: Authorize a professional services contract with Jacobs Engineering Group Inc. to provide engineering services for the rehabilitation of the Central Wastewater Treatment Plant White Rock Primary Clarifiers 1 - 6 and the wastewater collection system Five Mile Junction Structure - Not to exceed \$2,710,286 - Financing: Water Utilities Capital Improvement Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0305

12-0306

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 acting city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2011-2013 board term updated through January 25, 2012.

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

Councilmember Hill moved to approve the appointments of Sylvia Hougland, Cultural Institution Management, to the Cultural Affairs Commission and Anita M. Childress to the Civil Service Board.

Motion seconded by Councilmember Margolin and unanimously adopted.

Councilmember Hill moved to appoint Mary H. Spencer, Chair, to the Animal Shelter Commission; Joe Alcantar, Chair, to the City Plan and Zoning Commission; Anita M. Childress, Chair, to the Civil Service Board; Katherine D. Seale, Chair, to the Landmark Commission; James E. Palmer, Chair, to the Municipal Library Board; Brent M. Rosenthal, Chair, to the Permit and License Appeal Board; Daisy Gafford, Vice-Chair, to the Cultural Affairs Commission; Johnny Clark, Vice-Chair, to the Civil Service Board; Michael P. LoVuolo, Vice-Chair, to the Community Development Commission; Jacqueline Staley, Vice-Chair, to the Citizens Police Review Board; Marissa Anchia, Vice-Chair, to the Municipal Library Board; and Gerald Lee Larson, Vice-Chair, to the South Dallas/Fair Park Trust Fund Board.

Motion seconded by Councilmember Margolin and unanimously adopted.

Councilmember Hill moved to appoint nominees to an "individual appointment" position in the report who met all qualifications for service to the boards and commissions of the city for the term ending September 30, 2013.

Motion seconded by Councilmember Margolin and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-0305

12-0306

Page 2

Two nominees were submitted for Vice-Chair to the City Plan and Zoning Commission and Park and Recreation Board. Therefore, the city council was provided a ballot and subsequently cast their votes for Gloria Tarpley or Sally B. Wolfish as Vice-Chair to the City Plan and Zoning Commission and Gail Terrell or Gabriel Soto as Vice-Chair to the Park and Recreation Board. In order to allow the city secretary's office to calculate the results of the balloting, the item was held for action later in the meeting.

Later in the meeting, the acting city secretary provided Mayor Rawlings the results of the balloting for Vice-Chair of the City Plan and Zoning Commission and Park and Recreation Board.

Mayor Rawlings announced the balloting results were that Gloria Tarpley received 10 votes and Sally B. Wolfish received 5 votes; and Gabriel Soto received 9 votes and Gail Terrell received 6 votes.

Mayor Pro Tem Medrano moved to appoint Gloria Tarpley as Vice-Chair to the City Plan and Zoning Commission and Gabriel Soto as Vice-Chair to the Park and Recreation Board.

Motion seconded by Councilmember Kadane and unanimously adopted.

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

12-5085	BOA	BOARD OF ADJUSTMENT
12-5086	CAC	CULTURAL AFFAIRS COMMISSION
12-5087	CSB	CIVIL SERVICE BOARD
12-5088	MLB	MUNICIPAL LIBRARY BOARD
12-5089	PAR	PARK AND RECREATION BOARD
12-5090	PLA	PERMIT AND LICENSE APPEAL BOARD
12-5091		BOARD OFFICERS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0307

Item 42: A resolution waiving the board and commission term-limit restriction in Section 8-1.5 of Chapter 8 of the Dallas City Code that prevents Gail Sachson from being re-nominated to the Cultural Affairs Commission Adjunct Panel due to the number of consecutive terms already served - Financing: No cost consideration to the City

Councilmember Hunt moved to table the item indefinitely.

Motion seconded by Councilmember Koop and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0308

Dallas/Fort Worth International Airport Board of Directors

Note: If Agenda Item Nos. 43, 44, 45 & 46 pass, Council will not consider Agenda Item No. 47.

Item 43: Consideration of Appointment No. 1 to the Dallas/Fort Worth International Airport Board of Directors (two-year term ending January 31, 2014) (Closed Session, if necessary, Personnel, Sec. 551 .074, T.O.M.A.) (List of nominees in the City Secretary's Office)

This item was not considered.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0309

Dallas/Fort Worth International Airport Board of Directors

Note: If Agenda Item Nos. 43, 44, 45 & 46 pass, Council will not consider Agenda Item No. 47.

Item 44: Consideration of Appointment No. 2 to the Dallas/Fort Worth International Airport Board of Directors (two-year term ending January 31, 2014) (Closed Session, if necessary, Personnel, Sec. 551 .074, T.O.M.A.) (List of nominees in the City Secretary's Office)

This item was not considered.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0310

Dallas/Fort Worth International Airport Board of Directors

Note: If Agenda Item Nos. 43, 44, 45 & 46 pass, Council will not consider Agenda Item No. 47.

Item 45: Consideration of Appointment No. 3 to the Dallas/Fort Worth International Airport Board of Directors (two-year term ending January 31, 2014) (Closed Session, if necessary, Personnel, Sec. 551 .074, T.O.M.A.) (List of nominees in the City Secretary's Office)

This item was not considered.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0311

Dallas/Fort Worth International Airport Board of Directors

Note: If Agenda Item Nos. 43, 44, 45 & 46 pass, Council will not consider Agenda Item No. 47.

Item 46: Consideration of Appointment No. 4 to the Dallas/Fort Worth International Airport Board of Directors (an unexpired two-year term ending January 31, 2013) (Closed Session, if necessary, Personnel, Sec. 551.074, TO.M.A.) (List of nominees in the City Secretary's Office)

This item was not considered.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0312

Dallas/Fort Worth International Airport Board of Directors

Note: If Agenda Item Nos. 43, 44, 45 & 46 pass, Council will not consider Agenda Item No. 47.

Item 47: Consideration of appointments to the Dallas/Fort Worth International Airport Board of Directors for Places 1, 4, 6 and 9 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (List of nominees in the City Secretary's Office)

Councilmember Koop moved to appoint Robert W. Hsueh, Bernice Washington and Sam Coats to Places 1, 4 and 6 each for the 2-year term, with the vote on the tie position for Place 9 with a 1-year term to be considered separately.

The motion represented the recommendation of the Transportation and Environment Committee.

Motion seconded by Deputy Mayor Pro Tem Atkins.

Councilmember Alonzo made a substitute motion to appoint Forrest Smith, Robert W. Hsueh, and Bernice Washington for Places 1, 4 and 6.

Motion seconded by Councilmember Davis.

Mayor Rawlings clarified the appointments to be considered were for Places 4, 6 and 9 and not Places 1, 4 and 6 and that the tie vote position was for Place 1.

Councilmember Koop, who made the original motion, and Deputy Mayor Pro Tem Atkins, who seconded the original motion, as well as Councilmember Alonzo, who made the substitute motion, and Councilmember Davis, who seconded the substitute motion, agreed their motions would incorporate the correction noted by Mayor Rawlings to consider the nominees in their original/substitute motions for appointment to Places 4, 6 and 9, all of which include a 2-year term and that the tie vote position was for Place 1.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-0312

Page 2

Councilmember Alonzo requested a record vote on her substitute motion.

Mayor Rawlings called the vote on Councilmember Alonzo's substitute motion to appoint Forrest Smith, Robert W. Hsueh, and Bernice Washington to Places 4, 6 and 9 each for a 2-year term.

Voting Yes: [7] Medrano, Atkins, Griggs, Caraway, Alonzo, Davis, Kadane

Voting No: [8] Rawlings, Jasso, Hill, Allen, Koop, Greyson, Margolin, Hunt

Absent when vote taken: [0]

Absent: [0]

Mayor Rawlings declared the motion failed.

Mayor Rawlings called the vote on Councilmember Koop's original motion to appoint Robert W. Hsueh, Bernice Washington and Sam Coats to Places 4, 6 and 9 each for a 2-year term.

Voting Yes: [15] Rawlings, Medrano, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo, Davis, Kadane, Koop, Allen, Greyson, Margolin, Hunt

Voting No: [0]

Absent when vote taken: [0]

Absent: [0]

Mayor Rawlings declared the motion adopted.

Specific to Place 1, the Transportation and Environment Committee had a tie vote between nominees Alice Rodriguez and Forrest Smith. The recommendation was before the City Council to break the tie and consider one appointment to Place 1 for a one-year term. Therefore, the city council was provided a ballot and subsequently cast their votes for Alice Rodriguez or Forrest Smith. In order to allow the city secretary's office time to calculate the results of the balloting, the item was held for action later in the meeting.

Later in the meeting, the acting city secretary provided Mayor Rawlings the results of the balloting received for Place 1.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-0312

Page 3

Mayor Rawlings announced Forrest Smith received 9 votes and Alice Rodriguez received 6 votes.

Mayor Pro Tem Medrano moved to appoint Forrest Smith to the Dallas/Fort Worth International Airport Board of Directors, Place 1, with a 1-year term.

Motion seconded by Councilmember Kadane and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0313

Item 48: Authorize settlement of a claim filed by Maria Cardenas, Claim No. 08208894 -
Not to exceed \$9,700 - Financing: Current Funds

Councilmember Hill moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0314

- Item 49: Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Auto Latin, Inc. of approximately 20,643 square feet of land located near the intersection of Walton Walker Boulevard and Keeneland Parkway for the Fire Station No. 50 Project - Not to exceed \$214,855 (\$212,155 plus closing costs and title expenses not to exceed \$2,700) ~~\$209,656 (\$207,156, plus closing costs and title expenses not to exceed \$2,500)~~ - Financing: 2006 Bond Funds

Corrected on the addendum to the agenda.

The acting city secretary announced the item requires a motion that the City Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain to acquire a tract of land containing approximately 20,643 square feet of land located near the intersection of Walton Walker Boulevard and Keeneland Parkway in City of Dallas Block 7665, and more fully described in Exhibit A of the proposed written resolution for this item, for the Fire Station No. 50 Project.

Councilmember Hill moved to adopt item 49 with the following language “authorize acquisition from Auto Latin Inc. of approximately 20,643 square feet of land located near the intersection of Walton Walker Boulevard and Keeneland Parkway for the Fire Station No. 50 project as negotiate and settle between the parties.”

Motion seconded by Councilmember Jasso.

Councilmember Alonzo requested clarification from the City Attorney on the wording and if the item would require a record vote.

Councilmember Hill withdrew her motion to adopt the item.

Councilmember Jasso, who seconded the motion, also withdrew her second.

Following clarification from the City Attorney’s Office, Councilmember Alonzo moved to adopt the item with the following amendment:

“That the City Council of the City of Dallas adopt the item to acquire a tract of land containing approximately 20,643 square feet of land located near the intersection of Walton Walker Boulevard and Keeneland Parkway in City of Dallas Block 7665, and more fully described in Exhibit A of the proposed written resolution from Auto Latin Inc. for this item, for the Fire Station No. 50 Project in the amount of \$214,855 and that this item does not require a record vote.”

Motion seconded by Councilmember Caraway and unanimously adopted.

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OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0315

DESIGNATED PUBLIC SUBSIDY MATTERS

Fort Worth Avenue TIF District

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

Item 50: Authorize **(1)** a development agreement with The Park at Kessler, LP and/or its affiliates in an amount not to exceed \$7,500,000 payable from future Fort Worth Avenue TIF District funds in consideration of the development of The Collective 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 \$7,500,000 from future Fort Worth Avenue TIF revenues in accordance with the development agreement - Not to exceed \$7,500,000 - Financing: Fort Worth Avenue TIF District Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Acting 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 Griggs moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0316

DESIGNATED PUBLIC SUBSIDY MATTERS

Fort Worth Avenue TIF District

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

Item 51: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Fifteen (Fort Worth Avenue TIF District) to reimburse The Park at Kessler, LP and/or its affiliates for eligible expenditures pursuant to the development agreement up to \$7,500,000 for certain improvements related to the development of The Collective in the Fort Worth Avenue TIF District - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Acting 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 Griggs moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0317

DESIGNATED PUBLIC SUBSIDY MATTERS

Progressive Steel and Wire LLC

Note: Item Nos. 52 and 53
must be considered collectively.

Item 52: Authorize a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Progressive Steel and Wire LLC associated with the location/expansion of the company's operation in Dallas - Not to exceed \$40,000 - Financing: Public/Private Partnership Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Acting 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 Atkins moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0318

DESIGNATED PUBLIC SUBSIDY MATTERS

Progressive Steel and Wire LLC

Note: Item Nos. 52 and 53
must be considered collectively.

Item 53: Authorize a 50 percent business personal property tax abatement agreement for five years with Progressive Steel and Wire LLC and Master Halco, Inc., both subsidiaries of PrimeSource Building Products, located at 8330 Lovett Avenue in Dallas - Revenue: First year revenue estimated at \$11,995; five-year revenue estimated at \$59,775 (Estimated revenue foregone for five-year business personal property tax abatement estimated at \$59,775)

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Acting 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 Atkins moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0319

DESIGNATED PUBLIC SUBSIDY MATTERS

TRT Holdings, Inc.

Note: Item Nos. 54 and 55
must be considered collectively.

Item 54: Authorize a real property tax abatement agreement with TRT Holdings, Inc. and/or its affiliates and subsidiaries located at 4001 Maple Avenue in the amount of 90 percent on the added value to the real property for ten years in accordance with the City's Public/Private Partnership Program - Revenue: First year revenue estimated at \$25,504; ten-year revenue estimated at \$255,040 (Estimated revenue forgone for a ten-year new real property abatement estimated at \$2,295,360)

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Acting 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 Atkins moved to adopt the item.

Motion seconded by Mayor Pro Tem Medrano and Councilmember Kadane and unanimously adopted. (Davis, Jasso absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0320

DESIGNATED PUBLIC SUBSIDY MATTERS

TRT Holdings, Inc.

Note: Item Nos. 54 and 55
must be considered collectively.

Item 55: Authorize a Chapter 380 economic development grant agreement with TRT Holdings, Inc. and/or its affiliates and subsidiaries related to the relocation of its corporate headquarters to 4001 Maple Avenue, Dallas, Texas 75219, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Not to exceed \$200,000 - Financing: Public/Private Partnership Funds

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Acting 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 Atkins moved to adopt the item.

Motion seconded by Mayor Pro Tem Medrano and Councilmember Kadane and unanimously adopted. (Davis, Jasso absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0321

CONSENT ZONING DOCKET

The consent zoning docket, consisting of agenda items 56-65, was presented for consideration.

Agenda items 58, 59, 60, 62 and 63 were removed from the consent zoning docket, to be considered as an individual hearings.

Agenda item 56: Zoning Case Z101-258(MG)

Agenda item 57: Zoning Case Z101-352(MG)

~~Agenda item 58: Zoning Case Z101-355(RB)~~ **[considered individually]**

~~Agenda item 59: Zoning Case Z101-359(MG)~~ **[considered individually]**

~~Agenda item 60: Zoning Case Z101-387(RB)~~ **[considered individually]**

Agenda item 61: Zoning Case Z101-395(MW)

~~Agenda item 62: Zoning Case Z112-101(WE)~~ **[considered individually]**

~~Agenda item 63: Zoning Case Z112-102(JH)~~ **[considered individually]**

Agenda item 64: Zoning Case Z112-104(MW)

Agenda item 65: Zoning Case Z112-113(RB)

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

Mayor Pro Tem 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 Kadane and unanimously adopted. (Caraway, Davis absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0322

Item 56: Zoning Case Z101-258(MG)

The consent zoning docket, consisting of agenda items 56-65, was presented for consideration.

A public hearing was called on zoning case Z101-258(MG), 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 use of less than 3,500 square feet on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay on the south corner of Forney Road and Lawnview Avenue

(The staff recommended Approval for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions and city plan commission recommended Approval for a two-year period, subject to a site plan and conditions)

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NO. 28528

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0323

Item 57: Zoning Case Z101-352(MG)

The consent zoning docket, consisting of agenda items 56-65, was presented for consideration.

A public hearing was called on zoning case Z101-352(MG), 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 use of less than 3,500 square feet on property zoned a MU-1 Mixed Use District with a D Liquor Control Overlay on the southwest corner of South Zang Boulevard and West Suffolk Avenue

(The staff and city plan commission recommended Approval of the D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions)

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

Adopted as part of the consent zoning docket.

Assigned ORDINANCE NOS. 28529 AND 28530

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0324

Item 58: Zoning Case Z101-355(RB)

The consent zoning docket, consisting of agenda items 56-65, was presented for consideration.

Councilmember Alonzo requested that zoning consent item 58 be considered as an individual item. Mayor Rawlings stated that zoning consent item 58 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Alonzo's request.

A public hearing was called on zoning case Z101-355(RB), an application for and an ordinance granting a Specific Use Permit for a bail bonds office on property within the Mixmaster Riverfront Subarea of Planned Development District No. 784, the Trinity River Corridor Special Purpose District, at the west corner of Riverfront Boulevard and Bessemer Street

(The staff and city plan commission recommended Approval, for a two-year period with eligibility for automatic renewal for additional two-year periods, subject to a site plan and conditions)

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

Appearing in favor of the city plan commission's recommendation:

Robert Baldwin, 3904 Elm St., representing the applicant

Councilmember Alonzo requested that zoning consent agenda item 58 be held until later in the meeting in order to have her questions answered by staff.

Later in the meeting, zoning consent agenda item 58 was presented for further discussion and consideration.

Councilmember Alonzo moved to continue the public hearing and hold under advisement until the February 8, 2012 voting agenda meeting of the city council.

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

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CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0325

Item 59: Zoning Case Z101-359(MG)

The consent zoning docket, consisting of agenda items 56-65, was presented for consideration.

Councilmember Alonzo requested that zoning consent item 59 be considered as an individual item. Mayor Rawlings stated that zoning consent item 59 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Alonzo's request.

A public hearing was called on zoning case Z101-359(MG), an application for and an ordinance granting the amendment to and renewal of Specific Use Permit No. 1653 for an outside industrial potentially incompatible use on property zoned an IM Industrial Manufacturing District with deed restrictions, on the north side of Mañana Street, west of Newkirk Street

(The staff and city plan commission recommended Approval, for a three-year period, subject to a site plan and conditions)

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

Councilmember Alonzo moved to continue the public hearing and hold under advisement until the February 8, 2012 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0326

Item 60: Zoning Case Z101-387(RB)

The consent zoning docket, consisting of agenda items 56-65, was presented for consideration.

Councilmember Alonzo requested that zoning consent item 60 be considered as an individual item. Mayor Rawlings stated that zoning consent item 60 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Alonzo's request.

A public hearing was called on zoning case Z101-387(RB), an application for and an ordinance granting a Specific Use Permit for a Child-care facility on property zoned an D(A) Duplex District, on the northwest corner of Webb Chapel Road and Park Lane

(The staff and city plan commission recommended Approval for a three-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions)

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

Appearing in favor of the city plan commission's recommendation:

Michael Coker, 2700 Swiss Ave., representing the applicant

Councilmember Alonzo moved to continue the public hearing and hold under advisement until the February 8, 2012 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0327

Item 61: Zoning Case Z101-395(MW)

The consent zoning docket, consisting of agenda items 56-65, was presented for consideration.

A public hearing was called on zoning case Z101-395(MW), an application for and an ordinance granting an amendment the conditions of Subdistrict 1 within Planned Development District No. 691 on the northwest corner of Greenville Avenue and Lewis Street

(The staff and city plan commission recommended Approval)

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. 28531

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0328

Item 62: Zoning Case Z112-101(WE)

The consent zoning docket, consisting of agenda items 56-65, was presented for consideration.

Councilmember Greyson requested that zoning consent item 62 be considered as an individual item. Mayor Rawlings stated that zoning consent item 62 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Greyson's request.

A public hearing was called on zoning case Z112-101(WE), an application for and an ordinance granting a Specific Use Permit for an open enrollment charter school on property zoned an MC-3 Multiple Commercial District, on the north side of Frankford Road between Coit Road and Waterview Parkway

(The staff and city plan commission recommended Approval for a five-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, revised traffic management plan and conditions)

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

Councilmember Greyson moved to close the public hearing and approve the Specific Use Permit No. 1937 with the following changes:

- 1) Maximum number of classrooms is 40.
- 2) Before the issuance of a certificate of occupancy for the open-enrollment charter school, a right turn/deceleration lane must be provided in accordance with TxDOT standards on the eastbound frontage road of the President George Bush Turnpike for the driveway entrance shown on the attached site plan.

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

Assigned ORDINANCE NO. 28532

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0329

Item 63: Zoning Case Z112-102(JH)

The consent zoning docket, consisting of agenda items 56-65, was presented for consideration.

Councilmember Margolin requested that zoning consent item 63 be considered as an individual item. Mayor Rawlings stated that zoning consent item 63 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Margolin's request.

A public hearing was called on zoning case Z112-102(JH), an application for and an ordinance granting an amendment to Planned Development District No. 280, on the east side of North Central Expressway, south of Walnut Hill Lane

(The staff and city plan commission recommended Approval, subject to a development plan and conditions)

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

Councilmember Margolin moved to close the public hearing and approve the amendments to Planned Development District No. 280 subject to the revised development plan.

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

Assigned ORDINANCE NO. 28533

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0330

Item 64: Zoning Case Z112-104(MW)

The consent zoning docket, consisting of agenda items 56-65, was presented for consideration.

A public hearing was called on zoning case Z112-104(MW), an application for and an ordinance granting a Specific Use Permit for a Community Service Center and Group Residential Facility on property zoned Planned Development District No. 539 for CR Community Retail District uses and a Group Residential Facility by Specific Use Permit on the northeast corner of Graham Avenue and Philip Avenue

(The staff and city plan commission recommended Approval for a five-year period with eligibility for additional five-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. 28534

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0331

Item 65: Zoning Case Z112-113(RB)

The consent zoning docket, consisting of agenda items 56-65, was presented for consideration.

A public hearing was called on zoning case Z112-113(RB), an application for and an ordinance granting a Specific Use Permit for an open enrollment charter school on property zoned an R-7.5(A) Single Family District, on the southeast corner of Military Parkway and Delafield Lane

(The staff and city plan commission recommended Approval for a three-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan, traffic management plan, and conditions)

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. 28535

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0332

Item 66: Zoning Case Z101-342(WE) - INDIVIDUAL

Theresa O'Donnell, 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 the 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 director of sustainable development and construction.

A public hearing was called on zoning case Z101-342(WE), an application for and an ordinance granting for a Planned Development District for a public school other than an open-enrollment charter school and D(A) Duplex District uses on property zoned an D(A) Duplex District and a CS Commercial Service District on the south corner of South Barry Avenue and Philip Avenue, and certain lots in an area generally bounded by South Fitzhugh Avenue, Philip Avenue, South Barry Avenue and Gurley Avenue

(The staff and city plan commission recommended Approval, subject to a development plan, landscape plan, traffic management plan and conditions)

Appearing in opposition to the city plan commission's recommendation:

Norma Hernandez, 5019 Phillip Ave., (handouts provided)
Shawn Busari, 4906 Gurley Ave.
Tina Del Rio, 1015 S. Barry Ave.
Claudia Lozano, 4939 Phillip Ave.
Jewel Floyd, 4939 Gurley Ave.
Esteban Gonnett, 1115 Meandering Way, Mesquite, TX, (handouts provided)
Olivia Lopez, 4834 Gurley Ave.
Iris Ramirez, 5023 Phillip Ave.
Ovidia Amaya, 1405 S. Fitzhugh Ave.
Le'Ana Henderson, 3705 Ambassador Way, Balch Springs, TX
Anette Chavez Valencia, 5328 Lindsley Ave.
Karl Crawley, 900 Jackson St., representing Dallas Independent School District
Larry Zerby, 2501 Timber Ridge Dr., Garland, TX, Director of Design for Construction Services

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-0332

Page 2

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

Mayor Pro Tem Medrano moved to close the public hearing, accept the recommendation of the staff and pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Atkins.

After discussion, Mayor Pro Tem Medrano moved to withdraw her motion to close the public hearing, accept the recommendation of the staff and pass the ordinance.

Deputy Mayor Pro Tem Atkins, who seconded the motion, also withdrew his second to the motion.

After further discussion, Mayor Pro Tem Medrano moved to continue the public hearing and hold under advisement until the February 22, 2012 voting agenda meeting of the city council.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0333

Item 67: Zoning Case Z090-258(WE) – UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z090-258(WE), an application for and an ordinance granting a Specific Use Permit for an open enrollment charter school or private school on property zoned an R-10(A) Single Family District on the northwest corner of South Westmoreland Road and Blue Ridge Boulevard

(The staff recommended Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan/traffic management plan and conditions and city plan commission recommended Approval for a three-year period, subject to a site plan/traffic management plan and conditions)

Note: This item was considered by the City Council at a public hearing on December 14, 2011, and was taken under advisement until January 25, 2012, with the public hearing open.

Appearing in opposition to the city plan commission's recommendation:

David Marquis, 3110 W. Kiest Blvd.
Johnny Crowder, 4039 Oak Arbor Dr., representing Kimball Estates Neighborhood Association (passed out handouts)
Charletta Compton, 3709 Pomeroy Dr., representing Kimball Estates Neighborhood Association
LaTeya Riley, 3222 Cedarcroft Ln., representing Kiest Forest Neighborhood Association
Nancy and Carlton Moffett, 3114 Mapleleaf Dr., representing Kimball East Neighborhood Association
Mary Hasan, 3425 Hacienda Dr.

Appearing in favor of the city plan commission's recommendation:

Santos T. Martinez, 900 Jackson St., representing Centro de Adoracion, (passed out handouts)
Beverly A. Beau, 502 McLemore Dr., Garland, TX
Jesse Valero, 1011 W. Red Oak, the applicant
Reyna Rodriguez, 3903 Moler St.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
12-0333
Page 2

Councilmember Griggs moved to close the public hearing and deny with prejudice.

Motion seconded by Councilmember Hill.

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

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0334

Item 68: Zoning Case Z101-321(MW) - DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-321(MW), an application for and an ordinance granting a Planned Development District for Multifamily District uses on property zoned an MF-2(A) Multifamily District on the southeast side of Capitol Avenue between Garrett Avenue and Bennett Avenue

(The staff and city plan commission recommended Approval, subject to a development plan and conditions)

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

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

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

Appearing in favor of the city plan commission's recommendation:

Karl Crawley, 900 Jackson St., representing the applicant
Diane Collier, 5205 Capital Ave., representing Henderson Neighborhood Association

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

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

Assigned ORDINANCE NO. 28536

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0335

Item 69: Zoning Case Z101-354(MG) - DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z101-354(MG), an application for and an ordinance granting for a Planned Development District for MU-3 Mixed Use District uses on property zoned an IM Industrial Manufacturing District, MU-2 Mixed Use District and Planned Development District No. 547, on the northeast line of Forest Park Road, northwest of Stutz Drive

(The staff and city plan commission recommended Approval, subject to a conceptual plan and conditions)

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Acting 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.

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

Motion seconded by Councilmember Greyson and Councilmember Hunt and unanimously adopted. (Atkins, Jasso, Davis absent when vote taken)

Assigned ORDINANCE NO. 28537

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0336

Item 70: Zoning Case Z112-106(WE) - DESIGNATED ZONING CASES - INDIVIDUAL

A public hearing was called on zoning case Z112-106(WE), regarding an application for and an ordinance granting of a Planned Development Subdistrict for multiple family uses on property zoned an O-2 Office Subdistrict in Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest line of Carlisle Street, southwest of Bowen Street

(The staff and city plan commission recommended Approval, subject to a development plan, landscape plan and condition)

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

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

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

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

Appearing in favor of the city plan commission's recommendation:

P. Michael Jung, 900 Main St., representing The Mansion Residence on Turtle Creek
Matt Segrest, 2808 Fairmount St., representing Alamo Manhattan
Matt Lucas, 2828 Dyer St., representing Friends of the Katy Trail (passed out handout)
Phillip Henderson, 3131 Maple Ave., representing Friends of the Katy Trail
Karl Crawley, 900 Jackson St., representing Alamo Manhattan

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

12-0336

Page 2

Councilmember Hunt moved to close the public hearing, follow the city plan commission's recommendation for approval with the following changes:

- A minimum setback of 51 feet is required from the edge of the pedestrian pathway of the Katy Trail.
- The maximum number of habitable stories containing dwelling units is six.
- Pedestrian entrances on Carlisle Street must be provided in the locations indicated on the landscape plan. A minimum of four dwelling units must have direct access to the sidewalk adjacent to Carlisle Street.

and pass the ordinance.

Motion seconded by Mayor Pro Tem Medrano and Councilmember Koop and unanimously adopted. (Atkins, Jasso, Davis absent when vote taken)

Assigned ORDINANCE NO. 28538

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0337

Item 71: MISCELLANEOUS HEARING – DESIGNATED PUBLIC SUBSIDY MATTERS

A public hearing to receive comments on the proposed City of Dallas submission of an application to the U.S. Department of Housing and Urban Development (HUD) for a Community Development Block Grant (CDBG) Section 108 Guarantee Loan Program loan in an amount not to exceed \$13,350,000 to fund a loan for PC LH Land Partners, LP, its affiliates or assigns, for construction of commercial buildings and parking structure, sitework, loan interest reserve, and financing costs for public offering for development of Phase I of the Lake Highlands Town Center Project including approximately 165,000 square feet of commercial space located in the 7140 to 7160 blocks of Skillman Street; and at the close of the public hearing, authorize (1) submission of an application to HUD for a CDBG Section 108 Guarantee Loan Program loan for PC LH Land Partners, LP in an amount not to exceed \$13,350,000; and (2) the City Manager to submit the application and take necessary actions in connection with the application submission - Financing: No cost consideration to the City

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Acting 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 Allen moved to close the public hearing and adopt the item.

Motion seconded by Councilmember Kadane and Councilmember Koop and unanimously adopted. (Atkins, Jasso, Davis absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

Closed Session [**12-0338; NOT HELD**]

6ES

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

- Phyllis Lister Brown v. City of Dallas, Texas, et al., Cause No. D-11-14290-E.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0339

Addendum addition 1: Authorize a five-year service contract for alternate sites for disaster recovery services for critical communications and information systems - SunGard Availability Services LP, most advantageous proposer of two - Not to exceed \$1,072,620 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0340

Addendum addition 2: Authorize a five-year service contract with Gaylord Information Systems, Inc. dba Polaris Library Systems for maintenance and support of the Polaris Integrated Library Systems to extend the contract term through October 15, 2016, Sole Source - Not to exceed \$1,067,960 - Financing Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0341

Addendum addition 3: Authorize **(1)** a decrease in the service contract with CES Network Services, Inc. to remove from the award the purchase, installation and maintenance of video surveillance cameras for the Central Business District in an amount not to exceed (\$750,000), from \$1,207,000 to \$457,000; and **(2)** a three-year service contract, with two one-year renewal options, for the purchase, installation and maintenance of video surveillance equipment for the Central Business District - Bearcom Group, Inc. in the amount of \$750,000 - Total not to exceed \$750,000 - Financing: Current Funds (subject to annual appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0342

Addendum addition 4: Authorize execution of an agreement requiring the City to repay the Department of the Army (U.S. Army Corps of Engineers) \$7,000,000 of \$15,000,000 that was disbursed without authorization by the Army to the City and additionally requiring the City to repay some or all of the remaining \$8,000,000 disbursed without authorization, if after an independent audit, it is determined that the City is entitled to a credit of less than \$8,000,000 for its design and construction of the Central Wastewater Treatment Plant and Rochester Park levees - Not to exceed \$7,000,000 - Financing: U. S. Army Corps of Engineers Project Cooperation Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0343

Addendum addition 5: Authorize Supplemental Agreement No. 6 to the service contract with Advantaged Solutions (HCL-AXON, Inc. as agent), through the Federal General Services Administration (GSA), to provide technical support of the SAP billing and collection system for a seventeen-month term beginning February 29, 2012 and ending July 31, 2013 - Not to exceed \$7,400,000, from \$13,706,009 to \$21,106,009 - Financing: Current Funds (subject to appropriations)

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0344

Addendum addition 6: Authorize a compensation agreement for the General Manager of WRR Municipal Radio, Sarah B. Colmark, for the period February 2012 through January 2017 - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0345

Addendum addition 7: Authorize the acceptance of a grant from the U.S. Department of Homeland Security under the Emergency Management Performance Grant Program for the period October 1, 2010 through March 31, 2012 - Not to exceed \$207,389 - Financing: U.S. Department of Homeland Security Grant Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0346

Addendum addition 8: Authorize a contract with Z Floor Company, Ltd. for Dance Studio 204 floor replacement for the Dallas Black Dance Theatre - Not to exceed \$50,595 - Financing: 2003 Bond Funds

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0347

Addendum addition 9: A resolution authorizing the conveyance of an easement containing approximately 900 square feet of land to Oncor Electric Delivery Company, LLC for the purpose of providing additional electric service to the Dallas Arboretum and Botanical Garden property through construction and maintenance of electric facilities across City-owned land, located near the intersection of Garland Road and Timplemore Drive - Financing: No cost consideration to the City

Adopted as part of the consent agenda.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 25, 2012

12-0348

Addendum addition 10: Authorize a contract with Estrada Concrete Company, LLC, lowest responsible bidder of eight, for the reconstruction of alley paving, storm drainage, water and wastewater main improvements for Alley Reconstruction Group 06-2027A (list attached) - Not to exceed \$626,672 - Financing: 2006 Bond Funds (\$466,285), Water Utilities Capital Improvement Funds (\$145,647) and Water Utilities Capital Construction Funds (\$14,740)

Councilmember Caraway requested that addendum addition consent agenda item 10 be considered as an individual item. Mayor Rawlings stated that addendum addition consent agenda item 10 would be considered as an individual item later in the meeting, there being no objection voiced to Councilmember Caraway's request.

Later in the meeting addendum addition consent agenda item 10 was brought up for consideration.

Councilmember Caraway moved to postpone the item until the February 8, 2012 voting agenda meeting of the city council.

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

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 25, 2012

EXHIBIT C