

MINUTES OF THE DALLAS CITY COUNCIL
MONDAY, DECEMBER 5, 2005

05-3360

CITY COUNCIL BRIEFING
CITY HALL, ROOM 6ES
MAYOR LAURA MILLER, PRESIDING

PRESENT: [14] Miller, Hill, Garcia, Medrano, Oakley, Salazar, Chaney, Fantroy,
Griffith, Blaydes, Koop, Natinsky, Rasansky, Hunt
ABSENT: [1] Thornton Reese

The meeting was called to order at 9:23 a.m.

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

Mayor Miller asked all members of the city council and the audience to stand for a moment of silence.

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

After all business properly brought before the city council had been considered the city council adjourned at 5:40 p.m.

Mayor

ATTEST:

Assistant 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.

MINUTES OF THE DALLAS CITY COUNCIL
MONDAY, DECEMBER 5, 2005

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
MONDAY, DECEMBER 5, 2005

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3361

Special Presentations

At the beginning of each briefing meeting of the city council a time is set aside for the mayor to recognize special individuals or groups, to read mayoral proclamations, to confer honorary citizenships, and to make special presentations.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3362

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: Rich Sheridan, 3022 Forest Lane
SUBJECT: Christmas our universal holiday

SPEAKER: Joyce Curtiss, 4529 Sycamore St.
SUBJECT: 4408-4410 Second Ave.

SPEAKER: Sonya Gomez, 6170 Vickery Blvd.
SUBJECT: Briefing B - Neighborhood Stabilization Overlay Process

Councilmember Rasansky moved to suspend the rules to allow a speaker to speaker.

Motion seconded by Councilmember Hunt and unanimously adopted.

SPEAKER: Ammie Jacobie Smith, 1500 Barber Lane.
SUBJECT: Property at 2525 Whitecliff

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Vincent Jones, 3602 Hamilton Rd.
REPRESENTING: Dallas Restoration Church
SUBJECT: Police harassment

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3363

Item 1: Approval of Minutes of the November 2, 2005 and November 16, 2005 City Council Meeting

Councilmember Oakley moved to approve the minutes.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Hill absent when vote taken; Thornton Reese absent)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3364

05-3365

Item 2: 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 assistant city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2005-2007 board term updated through December 5, 2005.

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

Councilmember Oakley moved to appoint Gail Terrell, Interested Citizen, to the Cultural Affairs Commission, and Virginia Sue Meyers Riley, to the Senior Affairs Commission.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Hill absent when vote taken; Thornton Reese absent)

Councilmember Oakley moved to reappoint Steve Sanderfer, to the Civil Service Board, John Peavy III, to the Employees' Retirement Fund Board of Trustees, and Erma J. Dodd and Monique Allen, to the Housing Finance Corporation Board.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Hill absent when vote taken; Thornton Reese absent)

Councilmember Oakley moved to appoint all the nominees to "individual appointment" positions in the report who meet all qualifications for service to the boards and commissions of the city for the term ending August 31, 2007.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Hill absent when vote taken; Thornton Reese absent)

Councilmember Oakley moved to appoint Michael W. Anglin, chair, to the Reinvestment Zone Three Board, Myron Mims, chair, to the Reinvestment Zone Five (City Center) and Reinvestment Zone Eleven Board, (Downtown Connection), Don Plunk, chair, to the Reinvestment Zone Seven Board, (Sports Arena) and Dale Litton, chair, to the Building Inspection Advisory, Examination and Appeals Board.

Motion seconded by Councilmember Blaydes and unanimously adopted. (Hill absent when vote taken; Thornton Reese absent)

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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Councilmember Oakley moved to appoint Roland C. Anderson, chair, to the Permit and License Appeals Board, and Dallas Cothrum, vice chair, to the Permit and License Appeals Board.

Motion seconded by Councilmember Salazar and unanimously adopted. (Hill absent when vote taken; Thornton Reese absent)

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

05-3380	BOA	BOARD OF ADJUSTMENT
05-3381	CAC	CULTURAL AFFAIRS COMMISSION
05-3382	CDC	COMMUNITY DEVELOPMENT COMMISSION
05-3383	CPC	CITY PLAN AND ZONING COMMISSION
05-3384	CPR	DALLAS CITIZENS POLICE REVIEW BOARD
05-3385	CSB	CIVIL SERVICE BOARD
05-3386	EHC	ENVIRONMENTAL AND HEALTH SERVICE COMMISSION
05-3387	ERF	EMPLOYEES' RETIREMENT FUND BOARD OF TRUSTEES
05-3388	HFC	HOUSING FINANCE CORPORATION BOARD
05-3389	MLB	MUNICIPAL LIBRARY BOARD
05-3390	PAR	PARK AND RECREATION BOARD
05-3391	PLA	PERMIT AND LICENSE APPEAL BOARD
05-3392	SAC	SENIOR AFFAIRS COMMISSION
05-3393		Board Officers

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3366

Item 3: A motion to reconsider Agenda Item No. 56, previously approved on November 9, 2005, which approved Ordinance No. 26159 granting a Planned Development District for MU-3 Mixed Use District uses on property zoned an MU-3 Mixed Use District on the north side of Forest Lane, west of Abrams Road – Z045-287 (DW) – Financing: No cost consideration to the City

Note: If Agenda Items No. 3 passed, Council will consider Agenda Items No. 4.

Councilmember Blaydes made to reconsider agenda item 56 previously approved on November 9, 2005.

Motion seconded by Councilmember Oakley and unanimously adopted. (Hill absent when vote taken; Thornton Reese absent)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3367

Item 4: An application for an ordinance granting a Planned Development District for MU-3 Mixed Use District uses on property zoned an MU-3 Mixed Use District on the north side of Forest Lane, west of Abrams Road

(The city plan commission recommended approval, subject to a development plan, landscape plan, elevations and conditions.)

Councilmember Blaydes moved to approve the change of zoning subject to the conditions of the development plan, the landscape plan and elevations as approved on November 9, 2005, with the ordinance to come back on the January 11, 2006 voting agenda meeting.

Motion seconded by Councilmember Oakley.

After discussion, Mayor Miller called the vote on the motion.

Mayor Miller declared the motion adopted on a divided voice vote, with Mayor Miller voting "No". (Hill absent when vote taken; Thornton Reese absent)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3368

Item 5: An ordinance approving the transfer of the cable television franchise from Comcast Cable of Dallas, Inc. to C-Native Exchange III, LP, a wholly owned subsidiary of Comcast Corporation, and further providing for the transfer of control of C-Native Exchange III, LP from Comcast Corporation to Time Warner Cable, Inc. – Financing: No cost consideration to the City

Deleted on the addendum to the agenda.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3369

Item 6: Authorize a correction to Zoning District Map No. F-5 to reflect that Specific Use Permit No. 85 includes a certain tract of real property – Financing: No cost consideration to the City

Councilmember Oakley moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Hill, Salazar absent when vote taken; Thornton Reese absent)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3370

Briefings: A. Verified Alarm Response Options

Deputy Mayor Pro Tem Hill and Councilmember Fantroy announced they had a conflict of interest and would abstain from participating in any discussion. Deputy Mayor Pro Tem Hill and Councilmember Fantroy left the briefing room.

The following individual addressed the city council regarding the item:

Chris Russell, 3115 Grapevine, Carrollton, representing North Texas Alarm Association

The city manager briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3371

Briefings: B. Neighborhood Stabilization Overlay Process

The briefing of this item was postponed.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3372

Briefings: C. Automated Red Light Running Enforcement

The briefing of this item was postponed.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3373

Briefings: D. Project Status for Homeless Services

- Day Resource Center
- Homeless Assistance Center

The following individuals addressed the city council regarding the item:

Mike Rawlins, Homeless Czar

Mike Faggett, chairman of Homeless Committee, Greater Chamber of Commerce

Tom Dunning, chair, Homeless Task Force

The city manager briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3374

Item 7: Authorize a professional services contract with CamargoCopeland Architects, LLP to provide schematic design, design development, preparation of construction bid documents, bid evaluation and construction administration for the Homeless Assistance Center to be located near the intersection of St. Louis Street and St. Paul Street - \$1,638,234 – Financing: 2003 Bond Funds

The following individual addressed the city council on the item:

Charles Edward Scott, 901 S. Ervay St.

Councilmember Chaney moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Hill, Blaydes absent when vote taken; Thornton Reese absent)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3375

Closed Session

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

- Victor Alvarado DeLeon v. Mark DeLaPaz, et al., Civil Action No. 3:02-CV-1097-K
- Dora Saucedo-Falls V. David Kunkle, Randy Hampton, and City of Dallas. Civil Action No. 3:05-CV-0730-N
- Kevin Ellis, et al. v. Eddie Crawford, et al., Civil Action No. 3:03-CV-2416-D
- Shametria Spencer and Michael Franks V. City of Dallas and Eddie Wallace. Cause No. 04-10140-A
- Goldie Runnels as Next Friend of Marcus Runnels v. The City of Dallas, Eddie Saenz, Individually and Stanton Chambers, Individually. Civil Action No. 3:05-CV-0358-B
- Betty Jenkins v. City of Dallas, et al., Civil Action No. 3:03-CV-0649-K
- Jamie Chavez, et al. v. city of Dallas, et al., Civil Action No. 3:04-CV-0510-K
- Rudy Martinez v. City of Dallas. Cause No. cc-04-13354-b
- Legal issues involving Supplemental Agreement No. 1 to the professional services contract with Carrington Coleman Sloman & Blumenthanl, L.L.P. involving aviation law matters
- Legal issues involving Supplemental Agreement No. 1 to the professional services contract with Thompson & Knight, L.L.P. involving acquisition of property related to the Mercantile Complex in the Downtown Connection TIF District
- Legal issues relating to FCC memorandum opinion and order granting Comcast of Dallas L.P. petition to deregulate cable TV rates
- Legal issues involving other political subdivisions' proposed exercises of eminent domain to acquire properties within the City's corporate boundaries near North Lake
- Legal issues involving culpable mental state amendment to Chapter 1 of the Dallas City Code

A closed session was held as authorized by Chapter 551; "OPEN MEETINGS," of the Texas Open Meetings Act) to discuss the following matters:

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

- Legal issues involving other political subdivisions' proposed exercises of eminent domain to acquire properties within the City's corporate boundaries near North Lake
- Legal issues involving culpable mental state amendment to Chapter 1 of the Dallas City Code

Mayor Miller and Councilmember Griffith announced they had a conflict of interest and would abstain from participating in any discussion. Mayor Miller and Councilmember Griffith left the briefing room.

- Legal issues relating to FCC memorandum opinion and order granting Comcast of Dallas L.P. petition to deregulate cable TV rates

No other matters were discussed during the closed session.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3376

Addendum addition 1: A resolution (1) denying the transfer of the cable television franchise from Comcast of Dallas, L.P. to C-Native Exchange III, LP, a wholly owned subsidiary of Comcast Corporation, and, (2) further denying the transfer of control of the franchise from Comcast Corporation to Time Warner Cable, Inc. - Financing: No cost consideration to the City

Note: If Addendum Item No. 1 passes, Council will consider Addendum Item No. 2.

Mayor Miller and Councilmember Griffith announced they had a conflict of interest and would abstain from voting or participating in any discussion. Mayor Miller and Councilmember Griffith left the briefing room.

Councilmember Rasansky moved to approve the resolution.

Motion seconded by Councilmember Koop and unanimously adopted. (Miller, Griffith abstain; Thornton Reese absent)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3377

Addendum addition 2: An ordinance approving the transfer of control of the cable television franchisee, Comcast of Dallas, L.P. from Comcast Corporation to Time Warner Cable, Inc. - Financing: No cost consideration to the City

Mayor Miller and Councilmember Griffith announced that they had a conflict of interest and would abstain from voting or participating in any discussion. Mayor Miller and Councilmember Griffith left the briefing room.

The following individuals addressed the city council regarding the item:

John Fogarty, 4300 W. Royal Ln., representing Time Warner
Sandra Rusher, 6927 Vivian Ave.
Mike LoVuolo, 616 Cristler Ave.
Darryl Russell, 648 Nora Ln., DeSoto
Rosa Lewis, 2706 Fordham Rd.
Charles Stovall, 1816 Routh St.

Councilmember Fantroy moved to pass the ordinance.

Motion seconded by Councilmember Koop.

After discussion, Deputy Mayor Pro Tem Garcia called the vote on the motion.

Deputy Mayor Pro Tem Garcia declared the motion adopted on a divided voice vote, with Councilmember Medrano, Hunt, and Rasansky voting "No". (Miller, Griffith abstain; Hill absent when vote taken; Thornton Reese absent)

Assigned ORDINANCE NO. 26167.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3378

Addendum addition 3: A resolution supporting the need to develop a seamless regional rail transit system to serve the greater North Texas Region and endorsing the Dallas Area Rapid Transit report entitled, "DART's Role in the Development of the Regional Rail Network for North Texas" as a guide for the development of an organizational structure and funding mechanism for the implementation of regional rail transit services - Financing: No cost consideration to the City

Councilmember Koop moved to approve the resolution.

Motion seconded by Councilmember Natinsky.

After discussion, Mayor Miller called the vote on the motion.

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmembers Chaney and Fantroy voting "No". (Hill, Salazar absent when vote taken; Thornton Reese absent)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 5, 2005

05-3379

Briefings: E. Cotton Bowl Potential Improvements and Funding Strategies

Paul Dyer, director of Park and Recreation, briefed the city council on the item.

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EXHIBIT C

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