

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 6, 2008

08-0350

CITY COUNCIL BRIEFING
CITY HALL, ROOM 6ES
MAYOR TOM LEPPERT, PRESIDING

PRESENT: [15] Leppert, Garcia, Caraway, Medrano, Neumann, Hill, Salazar, Davis,
Atkins, Kadane, Allen, Koop, Natinsky, Rasansky, Hunt (*9:25 a.m.)

ABSENT: [0]

The meeting was called to order at 9:00 a.m.

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

The invocation was given by Deacon Charles Stump, Director of Pastoral Services Catholic Diocese of Dallas.

Councilmember Koop led the Pledge of Allegiance.

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

After all business properly brought before the city council had been considered the city council adjourned at 5:22 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.

*** Indicates arrival time after invocation and pledge of allegiance.**

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 6, 2008

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
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EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 6, 2008

08-0351

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.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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08-0352

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: Campbell Read, 5839 Monticello Ave.
SUBJECT: Animal cruelty

SPEAKER: Calvin Burkley, 2500 Martin Luther King, Jr. Blvd.
REPRESENTING: Forest Avenue Baptist Church
SUBJECT: Old Forest Avenue Hospital Building next to church

SPEAKER: Luverta Hunter, 2510 Southland St.
REPRESENTING: South Dallas ACORN
SUBJECT: South asking for ramps

SPEAKER: Presley Pitre, 4605 Village Fair Dr.
REPRESENTING: Crescent Ventures Inc.
SUBJECT: City services and code enforcement

SPEAKER: Chris Head, 9339 San Fernando Way
REPRESENTING: Texas Public Workers Association
SUBJECT: City of Dallas Overview on Workforce Strategies–Briefing Item B

SPEAKER: William David Waddy, 2823 Holmes St.
SUBJECT: Appreciation to mayor, crime watch in South Dallas a more pervasive citizens crime watch

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

SPEAKER: Michelle Frey, 1518 Columbia Dr., Glen Heights, TX
REPRESENTING: Steelworkers
SUBJECT: Employee concerns

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
SUBJECT: Corrupt Dallas Police Officer, past DA Prosecuting Attorney, corrupt Code Compliance Supervisor, and Dallas is a racist city

SPEAKER: Frank Ward, P.O. Box 50694,
REPRESENTING: The Trinity Reunion Church and The Community At Large
SUBJECT: Revelation: The Kingdom of God is Here, The Kingdom of Heaven Now. Dreams, Vision, Purpose, Journey and Destiny.

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: J.B. Jackson, Jr. Institute
SUBJECT: History of 14-1

SPEAKER: Leslie Davis, 3035 E. Ledbetter Dr.
REPRESENTING: Citizens of Dallas
SUBJECT: New police chief, pollution, crime, and character of the city council

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Racism against the city council, Mayor of Dallas, and the Trinity River Plan

SPEAKER: Gwain Wooten, 4625 Bryan St.
REPRESENTING: R.A.W.
SUBJECT: Robert E. Lee and his freed slaves

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 6, 2008

08-0353

Item 1: Approval of Minutes of the January 16, 2008 City Council Meeting

Mayor Pro Tem Garcia moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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08-0354

08-0355

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 2007-2009 board term updated through February 6, 2008.

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

Councilmember Medrano moved to appoint Mark D. Gonzales to the Housing Finance Corporation Board; Neal Sleeper to the Reinvestment Zone Two Board (Cityplace Area); Theresa A. Flores, Dallas Member, to the Reinvestment Zone Seven Board (Sports Arena); Richard P. Garza to the Reinvestment Zone Sixteen Board (Twelve Hills); Ariel Tovar Freshman at Adamson High School, Pricilla Barbour, Sophomore at Townview Center High School, Amanda Beamon, Sophomore at Townview Center High School, Jinelle Jackson, Sophomore at Skyline Center High School, Paulina Romero, Junior at Adamson High School, Gustavo Angulo, Junior at Middle College High School, Aileen Mokuria, Junior at Skyline Center High School, and Phillip Alexander Tarpley, Senior at Cistercian Preparatory School, to the Youth Commission.

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

Councilmember Medrano moved to appoint all nominees to "individual appointment" positions in the report who meet all qualifications for service to the boards and commissions at the city for the term ending September 30, 2009.

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

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08-0355

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

08-0366	CSX CIVIL SERVICE BOARD ADJUNCT MEMBERS
08-0367	HFC HOUSING FINANCE CORPORATION BOARD
08-0368	MLK MARTIN LUTHER KING JR COMMUNITY CENTER BOARD
08-0369	RZ02 REINVESTMENT ZONE TWO BOARD (CITYPLACE AREA)
08-0370	RZ07 REINVESTMENT ZONE SEVEN BOARD (SPORTS ARENA)
08-0371	RZ16 REINVESTMENT ZONE BOARD SIXTEEN (TWELVE HILLS)
08-0372	YAC YOUTH COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 6, 2008

08-0356

Briefings: A. City of Dallas Gas Drilling & Production Leases

The city manager briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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08-0357

Item 3: Authorize **(1)** a thirty-six-month lease agreement for City of Dallas south properties (list attached) with XTO Energy, Inc., in the amount of \$14,380,867 and a 26% royalty on hydrocarbons produced, **(2)** a thirty-six-month lease agreement, with one thirty-six-month renewal option, for City of Dallas north/Trinity River properties (list attached) with Trinity East Energy, LLC, in the amount of \$19,045,376 and a 25% royalty on hydrocarbons produced, and **(3)** a thirty-six-month lease agreement, with one thirty-six-month renewal option, for City of Dallas Love Field properties (list attached) with Trinity East Energy, LLC, in the amount of \$1,455,072 and a 15% royalty on hydrocarbons produced for natural gas drilling and production lease rights, most advantageous proposers of two - Estimated Revenue \$34,881,315

Councilmember Hunt moved to defer the item for 90 days to allow community meetings on the matter.

Motion seconded by Councilmember Rasansky.

Prior to the vote, based upon the provisions in the Dallas City Charter, Chapter III, Section 10 and Council Rules of Procedure, Section 4.5., Councilmember Hill stated her consent to vote on the item.

After discussion, Mayor Leppert called the vote on Councilmember Hunt's motion to defer the item for 90 days:

Voting Yes: [2] Rasansky, Hunt
Voting No: [12] Leppert, Garcia, Caraway, Medrano, Neumann, *Hill,
Salazar, Atkins, Kadane, Allen, Koop, Natinsky
Absent when vote taken: [1] Davis

Mayor Leppert declared the motion failed.

By consensus, the city council requested the city manager bring the item back for consideration within a timeframe agreed upon by the city council.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 6, 2008

08-0358

Item 4: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Moses, Palmer & Howell, L.L.P., for additional legal services necessary in connection with oil and gas leasing activities - Not to exceed \$20,000, from \$25,000 to \$45,000 - Financing: Current Funds

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Natinsky.

Prior to the vote, Councilmember Rasansky requested the item be held until after the briefing.

Mayor Leppert stated the item would be considered after the briefing.

Later in the meeting, agenda item 4 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Salazar.

After discussion, Mayor Leppert called for the vote on Councilmember Neumann's motion to approve the item.

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Rasansky and Councilmember Hunt voting "No." (Davis absent when vote taken)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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08-0359

Item 5: Authorize a professional services contract with the law firm of Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C. for legal services in matters related to the Railroad Commission of Texas Gas Utilities Docket (GUD) No. 9762, Atmos Energy Corp., Mid-Tex Division Environs Case and Petition for De Novo Review from Dallas City Council action taken on January 23, 2008, on Atmos Dallas Municipal Gas Distribution Rate Statement of Intent dated September 20, 2007 - Not to exceed \$200,000 - Financing: Current Funds (The full amount is reimbursable by Atmos Gas Corporation subject to approval by the Railroad Commission of Texas)

Councilmember Atkins moved to approve the item.

Motion seconded by Councilmember Natinsky and unanimously adopted. (Garcia, Caraway, Hill, Davis, Hunt absent when vote taken)

Note: The city attorney notified the assistant city secretary he had a conflict of interest on the item and left the city council briefing during the discussion and vote.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 6, 2008

08-0360

Item 6: Authorize Supplemental Agreement No. 1 to the professional services contract with Diversified Utility Consultants, Inc., for expert consulting services and testimony in matters related to the statement of intent of Atmos Energy to change rates dated September 20, 2007 - Not to exceed \$90,000, from \$70,000 to \$160,000 - Financing: Current Funds (to be fully reimbursed by Atmos Energy)

Mayor Pro Tem Garcia moved to approve the item.

Motion seconded by Councilmember Natinsky.

Prior to the vote, Councilmember Rasansky requested the item be held until after the briefing on the item.

Mayor Leppert stated the item would be considered after the briefing.

Later in the meeting, agenda item 6 was brought up for consideration.

Councilmember Neumann moved to approve the item.

Motion seconded by Councilmember Salazar.

After discussion, Mayor Leppert called for the vote on Councilmember Neumann's motion to approve the item.

Mayor Leppert declared the motion adopted on a divided vote, with Councilmember Rasansky and Councilmember Hunt voting "No." (Davis absent when vote taken)

Note: The city attorney notified the assistant city secretary he had a conflict of interest on the item and left the city council briefing during the discussion and vote.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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08-0361

Briefings: B. City of Dallas' Philosophy / Overview on Workforce Strategies

The city manager briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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08-0362

Briefings: C. Oncor Maintenance Overview

Debbie Dennis, Vice President of Oncor Customer Relations, briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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08-0363

Briefings: D. Police Department Property Room: Issues, Status & Timelines

The city manager briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

FEBRUARY 6, 2008

08-0364

Briefings: E. FY 2007-08 Community Development Block Grant Extensions and
Reprogramming

The city manager briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

FEBRUARY 6, 2008

Closed Session
[08-0365; HELD]

6ES

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

- Theron Green v. Ronald Matlock, Civil Action No. 3:07-CV-0016-N
- City of Dallas v. Weir Brothers Partnership, Cause No. cc-04-07686-c
- City of Dallas v. Weir Brothers Partners, L.L.C., et al., Cause No. 05-06517-J
- City of Dallas v. TCI West End, Inc., Cause No. 06-04868-H
- Legal issues involving the possible acquisition, including the exercise of eminent domain if necessary, of part or all of tracts of land totaling approximately 1,418 acres north and south of S. Loop 12 immediately east of the Trinity River owned by Metropolitan Sand & Gravel Co., LLC.
- City of Dallas v. Horace Elam, et al., Cause No. 05-06467-B
- Meredith and William Barnes et al. v. City of Dallas, Cause No. 06-06917-C

Real Property Deliberations (Sec. 551.072 T.O.M.A.)

- Legal issues involving the possible acquisition, including the exercise of eminent domain if necessary, of part or all of tracts of land totaling approximately 1,418 acres north and south of S. Loop 12 immediately east of the Trinity River owned by Metropolitan Sand & Gravel Co., LLC.

At 12:22 p.m. Mayor Leppert announced the closed session of the city council authorized by Chapter 551, "OPEN MEETING," of the (Texas Open Meetings Act) to discuss the following matters:

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

- Theron Green v. Ronald Matlock, Civil Action No. 3:07-CV-0016-N
- City of Dallas v. Weir Brothers Partnership, Cause No. cc-04-07686-c
- City of Dallas v. Weir Brothers Partners, L.L.C., et al., Cause No. 05-06517-J
- City of Dallas v. TCI West End, Inc., Cause No. 06-04868-H
- Legal issues involving the possible acquisition, including the exercise of eminent domain if necessary, of part or all of tracts of land totaling approximately 1,418 acres north and south of S. Loop 12 immediately east of the Trinity River owned by Metropolitan Sand & Gravel Co., LLC.
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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

FEBRUARY 6, 2008

Closed Session

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Real Property Deliberations (Sec. 551.072 T.O.M.A.)

- Legal issues involving the possible acquisition, including the exercise of eminent domain if necessary, of part or all of tracts of land totaling approximately 1,418 acres north and south of S. Loop 12 immediately east of the Trinity River owned by Metropolitan Sand & Gravel Co., LLC.

Mayor Leppert reconvened the city council meeting after the closed session at 2:22 p.m. No other matters were discussed during the closed session.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, FEBRUARY 6, 2008

EXHIBIT C