

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, AUGUST 20, 2008

08-2190

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

PRESENT: [15] Leppert (10:10), Garcia, Caraway, Medrano, Neumann, Hill, Salazar,
Davis, Atkins, Kadane, Allen, Koop, Natinsky, Rasansky, Hunt

ABSENT: [0]

The meeting was called to order at 9:02 a.m.

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

The invocation was given by Andrew Paley, Senior Rabbi of Temple Shalom.

Councilmember Salazar 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 5:58 p.m.

Mayor

ATTEST:

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, AUGUST 20, 2008

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
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EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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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.

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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: Rodney Owens, 1904 Corinth
REPRESENTING: Sanitation Workers
SUBJECT: Low pay, bad working conditions

SPEAKER: Tim Simpson, 2445 Jonesboro Ave.
REPRESENTING: Sanitation Workers
SUBJECT: A living wage for employees of contractors

SPEAKER: Anthony Anderson, 5408 Victor St.
REPRESENTING: Concerned Citizens for Jenny
SUBJECT: Jenny the Elephant – Dallas Zoo

SPEAKER: B. J. Brantley, 6304 Elder Grove Dr.
SUBJECT: Trying to help troubled youth in the southern sector

SPEAKER: Stella Singleton, 6304 Elder Grove Dr.
SUBJECT: Trying to help troubled youth in the southern sector

OPEN MICROPHONE – END OF MEETING :

Mayor Leppert allow the following individuals to address the council on the subject “Jenny the Elephant” for 15 minutes.

SPEAKER: Don Glendenning, 3401 Lee Parkway
REPRESENTING: Dallas Zoological Society
SUBJECT: Dallas Zoo

SPEAKER: Mary McDermott-Cook, 10840 Strait Ln.
REPRESENTING: Dallas Zoological Society
SUBJECT: The Zoo

OPEN MICROPHONE – END OF MEETING :
(Continued)

Mayor Leppert allow the following individuals to address the council on the subject “Jenny the Elephant” for 15 minutes. (continued)

SPEAKER: Rudy Rodriguez, 1445 Ross Ave.
REPRESENTING: Dallas Zoological Society
SUBJECT: Dallas Zoo

SPEAKER: Michael Meadow, 650 S. R.L. Thornton Frwy.
REPRESENTING: Dallas Zoological Society
SUBJECT: Dallas Zoo

SPEAKER: Donald D. Feare, 721 W. Division St., **Arlington, TX**
REPRESENTING: Concerned Citizens for Jenny
SUBJECT: Jenny the Elephant – Dallas Zoo

SPEAKER: Terr Dahl Ruben, 4600 Courtyard Trail, **Plano, TX**
REPRESENTING: Concerned Citizens for Jenny
SUBJECT: Jenny the Elephant – Dallas Zoo

SPEAKER: Charles Hess, 16816 Davenport Court
REPRESENTING: Concerned Citizens for Jenny
SUBJECT: Jenny the Elephant – Dallas Zoo

SPEAKER: Melissa Farago, 502 Valencia St.
REPRESENTING: Concerned Citizens for Jenny
SUBJECT: Jenny the Elephant – Dallas Zoo

OPEN MICROPHONE – END OF MEETING

SPEAKER: Paul Black, 3303 Wendelkin
REPRESENTING: Sanitation Department
SUBJECT: Performance pay system for civil employees

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

SPEAKER: Ozumba Lnuk-X, 4106 Vineyard Dr.
SUBJECT: Corrupt Dallas Police Officer, corrupt DART Police Officer, code compliance supervisor, past DA prosecuting attorney, and Dallas is a racist city

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

SPEAKER: Gwain Wooten, 4625 Bryan St.
REPRESENTING: R.A.W. (Real American Women)
SUBJECT: Let the truth be told

SPEAKER: B. M. Randolph, P.O. Box 210315
REPRESENTING: Making a Difference FJC (For Jesus Christ) and Helping People
SUBJECT: DISD suggestions

SPEAKER: Se-Gwen Tyler, 1816 Prairie View Dr.
REPRESENTING: Arlington Park
SUBJECT: Arlington Park Community

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Council Committee Update

This item was not briefed.

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Item 1: Approval of Minutes of the August 6, 2008 City Council Meeting.

Councilmember Neumann moved approval of the minutes.

Motion seconded by Councilmember Salazar and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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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)

There were no consideration of appointments to boards and commissions.

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Item 3: An ordinance **(1)** appointing 10 full-time municipal judges and 18 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2010; **(2)** designating an administrative municipal judge for the City of Dallas municipal court of record for a two-year term ending May 31, 2010; and **(3)** establishing the annual salary for the full-time and associate municipal judges and the administrative municipal judge - Financing: No cost consideration to the City

Councilmember Hunt moved to approve the ordinance and accept the 10 full-time municipal judges and 18 associates (part-time) municipal judges to preside over the City of Dallas Municipal Court of Record for a term ending May 31, 2010 recommended by Legislative Ad Hoc Committee – Judicial Appointments.

Motion seconded by Councilmember Hill.

Later in the Meeting, Councilmember Salazar moved to substitute Councilmember Hunt's motion to accept the 10 full-time municipal judges and 18 associates (part-time) municipal judges to preside over the City of Dallas Municipal Court of Record for a term ending May 31, 2010 recommended by the Judicial Nominating Commission.

Motion seconded by Mayor Pro Tem Garcia.

After discussion, Mayor Leppert, prior to the vote for full-time and associates (part-time) Municipal Judges, requested the designation of an Administrative Municipal Judge for the City of Dallas Municipal Court of Record for a two year term ending May 31, 2010 be considered first.

Councilmember Hunt moved to appoint Victor Lander, Administrative Judge, for the City of Dallas Municipal Court Record for a two year term ending May 31, 2010.

Motion seconded by Councilmember Hill.

After further discussion, Mayor Leppert called for a vote on Councilmember Hunt's motion to appoint Victor Lander, Administrative Judge, for a term to expire May 31, 2010.

Mayor Leppert declared the motion adopted on a divided vote, with Councilmembers Neumann, Allen and Rasansky voting "No".

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Later in the meeting, Mayor Leppert called the vote on Councilmember Salazar's substitute motion to accept the 10 full-time and 18 associates (part-time) Municipal Judges to preside over the City of Dallas Municipal Court of Record for a term ending May 31, 2010 recommended by the Judicial Nominating Commission.

Voting Yes: [4] Garcia, Caraway, Medrano, Salazar
Voting No: [11] Leppert, Neumann, Hill, Davis, Atkins, Kadane, Allen, Koop, Natinsky, Rasansky, Hunt

Mayor Leppert declared the motion failed.

Mayor Leppert called for a vote on Councilmember Hunt's motion to approve the ordinance and accept the 10 full-time and 18 associates (part-time) municipal judges to preside over the City of Dallas Municipal Court of Record for a term ending May 31, 2010 recommended by Legislative Ad Hoc Committee – Judicial Appointments.

Mayor Leppert declared the motion adopted on a divided vote, with Mayor Pro Tem Garcia and Councilmember Salazar voting "No".

Assigned ORDINANCE NO. 27289.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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08-2197

Item 4: Authorize the execution of a Memorandum of Understanding with Matthews Holdings Southwest, Inc. to develop a convention center hotel adjacent to the Dallas Convention Center on the site commonly known as the Chavez site - Financing: No cost consideration to the City

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

The following individuals addressed the city council regarding the item:

Arnulso De La Cruz, 4001 Ross Ave. representing SEIU
CiCi Rojas, 6551 Prairie Flower Trail, representing Greater Dallas Hispanic Chamber
Steve Taylor, 15923 Archwood Ln., representing North Dallas Chamber of Commerce
Dvorah Evan, 7253 Charles Court, representing Dallas Black Chamber
Philip Jones, 325 N Saint Paul St., representing Dallas Convention and Visitors Bureau

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Salazar.

After discussion, Mayor Leppert called the vote on Councilmember Natinsky's motion to approve the item:

Voting Yes: [11] Leppert, Caraway, Medrano, Neumann, Salazar, Davis, Atkins, Kadane, Allen, Koop, Natinsky

Voting No: [2] Hill, Hunt

Abstain: [2] Garcia, Rasansky

Mayor Leppert declared the motion adopted.

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08-2198

Item 5: Authorize (1) establishment of a local government corporation, the Dallas Convention Center Hotel Development Corporation (the "Corporation"), for the purpose of financing the Convention Center Headquarters Hotel (the "Hotel"), (2) approval of the Corporation's articles of incorporation and bylaws, (3) appointment of the Corporation's initial Board of Directors, and (4) the City Manager to file the Corporation's articles of incorporation with the Secretary of State - Financing: No cost consideration to the City

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

The following individuals addressed the city council regarding the item:

Arnulso De La Cruz, 4001 Ross Ave. representing SEIU
CiCi Rojas, 6551 Prairie Flower Trail, representing Greater Dallas Hispanic Chamber
Steve Taylor, 15923 Archwood Ln., representing North Dallas Chamber of Commerce
Dvorah Evan, 7253 Charles Court, representing Dallas Black Chamber
Philip Jones, 325 N Saint Paul St., representing Dallas Convention and Visitors Bureau

Councilmember Natinsky moved to approve the item.

Motion seconded by Councilmember Salazar.

After discussion, Mayor Leppert called the vote on Councilmember Natinsky's motion to approve the item:

Voting Yes: [11] Leppert, Caraway, Medrano, Neumann, Salazar, Davis, Atkins,
Kadane, Allen, Koop, Natinsky
Voting No: [2] Hill, Hunt
Abstain: [2] Garcia, Rasansky

Mayor Leppert declared the motion adopted.

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08-2199

Item 6: Authorize **(1)** a public hearing to be held on September 10, 2008 to receive comments concerning the early renewal of the Prestonwood Public Improvement District for a period of seven years in accordance with Chapter 372 of the Texas Local Government Code, for the Prestonwood Public Improvement District for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and **(2)** at the close of the hearing, consideration of a resolution authorizing the early renewal of the Prestonwood Public Improvement District for a period of seven years; approval of the 2009-2015 Service Plan; designating the Prestonwood Homeowners Association, Inc., as the management entity for the District; approving and filing the tax roll, and providing an effective date – Financing: No cost consideration to the City

Councilmember Natinsky moved to approve the item.

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

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08-2200

Item 7: A public hearing to receive comments on the proposed use of subsurface parkland for natural gas drilling and mineral production at Arcadia Park, Arlington Park, Bachman Lake Park, Brownwood Park, California Crossing Park, Cedar Ridge Preserve, City Paupers Cemetery, Crown Park, Elm Fork Greenbelt, Emerald Lake Park, Emma Carter Park, Escarpment Greenbelt, Fox Haven Park, Fox Hollow Park, Grauwlyer Park, L.B. Houston Park, Marcus Park, Mountain Creek Lake Park, Mountain Valley Park, Overlake Park, Pegasus Park, Sleepy Hollow Park, and Trinity Park; and, at the close of the hearing, consideration of a resolution authorizing the use - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the item:

Pat Cole, 7120 San Mateo
John Fulton, 7120 San Mateo
Gwain Wooten, 4625 Bryan St. representing R. A. W. (Real American Women)
Se Gwen Taylor, 1816 Prairie View Dr., representing Arlington Park
Michael King, 2433 E. Kiest Blvd.

Councilmember Atkins moved to close the public hearing and approve the resolution.

Motion seconded by Councilmember Hill.

After discussion, Mayor Leppert called the vote on Councilmember Atkin's motion:

Voting Yes: [10] Leppert, Garcia, Medrano, Neumann, Hill, Atkins, Kadane, Allen,
Koop, Natinsky

Voting No: [1] Hunt

Absent: [4] Caraway, Salazar, Davis, Rasansky

Mayor Leppert declared the motion adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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08-2201

Briefings: A. "Once-Weekly Service" for Garbage and Recycling

The city manager briefed the council on this item.

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08-2202

Briefings: B. 2009 Employee/Retiree Health Benefit Plans

The briefing of this item was postponed.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

AUGUST 20, 2008

08-2203

Briefings: C. Good Faith Effort Program Update

The city manager briefed the council on this item

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Closed Session
[08-2204; HELD]

6ES

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

- Legal issues regarding RSR Superfund site
- Jay Cooper v. City of Dallas, Texas, Civil Action No. 3:04-CV-1663-M
- Robert Crider v. City of Dallas, Cause No. 07-03885-J
- Terrell Bolton v. City of Dallas, Texas, et al., Appeal Number 07-10999
- BCCA Appeal Group v. City of Houston, Cause No. 2008-09399
- Elijah Arredondo, Sr., et al. v. City of Dallas, Cause No. 07-05173-D
- Celestino Guzman, Jr. v. City of Dallas, Cause No. 07-12512-A
- United States of America v. City of Dallas, Texas,
Civil Action No. 3:08-CV-1063-K
- Legal issues regarding potential claim by Audubon Dallas, City of Dallas, and
County of Dallas concerning Cedar Ridge Preserve

At 10:55 a.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.)

- Legal issues regarding RSR Superfund site
- Jay Cooper v. City of Dallas, Texas, Civil Action No. 3:04-CV-1663-M
- Robert Crider v. City of Dallas, Cause No. 07-03885-J
- Terrell Bolton v. City of Dallas, Texas, et al., Appeal Number 07-10999
- BCCA Appeal Group v. City of Houston, Cause No. 2008-09399
- Elijah Arredondo, Sr., et al. v. City of Dallas, Cause No. 07-05173-D
- Celestino Guzman, Jr. v. City of Dallas, Cause No. 07-12512-A
- United States of America v. City of Dallas, Texas,
Civil Action No. 3:08-CV-1063-K
- Legal issues regarding potential claim by Audubon Dallas, City of Dallas, and
County of Dallas concerning Cedar Ridge Preserve

Mayor Leppert reconvened the city council meeting after the closed session at 1:30 p.m. No other matters were discussed during the closed session.

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EXHIBIT C