

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, DECEMBER 3, 2008

08-3270

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

PRESENT: [15] Leppert, Garcia, Caraway (*9:16), Medrano, Neumann, Hill, Salazar, Davis, Atkins (*9:16), Kadane, Allen, Koop, Natinsky, Rasansky, Hunt

ABSENT: [0]

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

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

The invocation was given by Major Mark Brown, DFW Metroplex Commander, Salvation Army.

Mayor Pro Tem Garcia 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 6:18 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.**

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EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
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EXHIBIT B

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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: Cora Canady, 4113 S. Cockrell Hill
REPRESENTING: ACORN
SUBJECT: Voice of the people need to be heard

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

SPEAKER: Ozumba Lnuke-X, 4106 Vineyard Dr.
SUBJECT: Dallas Police, DART Police & racism

SPEAKER: Gwain Wooten, 4625 Bryan
REPRESENTING: Real American Women
SUBJECT: City Council Agenda

SPEAKER: Jewel Floyd, 3815 Myrtle
SUBJECT: Trinity River Projects & East Dallas

SPEAKER: Randy Whatley, 605 Branch Hollow Cir., **Garland, TX**
SUBJECT: Drugs, Homeless, Rebuilding Dallas

SPEAKER: Marvin Crenshaw, 5124 Malcolm X Blvd.
REPRESENTING: The J.B. Jackson, Jr. Institute
SUBJECT: Merry Christmas

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Item 1: Approval of Minutes of the November 19, 2008 City Council Meeting and the
November 19, 2008 Special Community Meeting

Councilmember Neumann moved approval of the minutes.

Motion seconded by Mayor Pro Tem Garcia and unanimously adopted.

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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)

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 December 3, 2008.

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

Councilmember Hill requested the vote be divided so the vote on the Youth Commission could be voted on separately.

Mayor Leppert ordered the vote divided, there being no objections raised to Councilmember Hill's request.

Councilmember Koop moved to appoint Peter Hill, Chair, to the Youth Commission.

Motion seconded by Deputy Mayor Pro Tem Caraway and unanimously adopted. (Hill abstain)

Councilmember Natinsky moved to appoint D. Stephen Toback, Engineering, to the Commission on Productivity and Innovation.

Motion seconded by Councilmember Medrano and unanimously adopted. (Hill absent when vote taken)

Councilmember Natinsky moved to appoint all 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 September 30, 2009.

Motion seconded by Councilmember Medrano and unanimously adopted. (Hill absent when vote taken)

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

08-5293	CPI	COMMISSION ON PRODUCTIVITY AND INNOVATION
08-5294	CSX	CIVIL SERVICE BOARD ADJUNCT MEMBERS
08-5295	PAR	PARK AND RECREATION BOARD
08-5296		BOARD OFFICERS

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Briefing A: Form Based Zoning

The city manager briefed the city council on the item.

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Lunch - Trinity (formerly Fast Track) Overlook Ribbon Cutting at 12:00 Noon.

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08-3277

Briefing B: Agreement for the Development, Operation and Maintenance of the “Health & Wellness Institute at the Juanita J. Craft Recreation Center”

The city manager and Joel Allison, President, Baylor Medical Care Systems, briefed the city council on the item.

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Briefing C: Smoking Ordinance

Councilmember Medrano, Chair of Quality of Life & Government Service Council Committee, briefed the city council on the item.

The following individuals addressed the city council on the item:

Ken Benson, 325 N. St. Paul, representing Ken Benson and Associates
John Dunn, 401 Rocky Hill Rd., **Brownwood, TX**
Nick Alexander, 3101 Cornell Ave., representing Plex Billards
Mike Olander, 1813 Port Isabel Dr., **Allen, TX**, representing Fox and Hound Restaurant Group
John Warner, 5939 Harry Hines, representing UT Southwestern Medical Center
Sharon Barlow, 301 Rocky Springs Rd., **Wimberly, TX**
Claudia Rodas, 6300 Richmond, **Houston, TX**
Marvin Crenshaw, 5134 Malcolm X Blvd.
Ozumba Lnuk-X, 4106 Vineyard Dr.

Mayor Leppert allowed the following individuals to state their names and addresses on the item for the record:

Jared Biocca, 2557 Corbeau, **Irving, TX**
John Barton, 723 Westridge Dr., **Duncanville, TX**
Nell Scarborough, P.O. Box 665, **Terrell, TX**, representing Copper Spur Saloon
Kevin Christensen, 627 N. Rosemont Ave., representing Absinthe Lounge
Traci Rugely, 1409 Lamar, representing Absinthe Lounge
Julie Adams, 5661 Saddleback Rd., **Garland, TX**
Peter Irestone, 5737 Goodwin Ave., representing Copper Spur
Ryan Bowles, 4911 Haverwood Ln., representing Fox and Hound
Gwain Wooten, 4625 Bryan, representing Real American Women
Matt Markowitz, 4909 Haverwood, representing Fox and Hound
Bob Allen, 4320 Holland, representing West End Pub/The West End Association
Don Dawson, 629 Timbercrest Cir., **Lewisville, TX**, representing Post Time Club
Thomas Kirkland, 4808 Clubview, **Mesquite, TX**, representing Lone Star Café and Club

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Mayor Leppert allowed the following individuals to state their names and addresses on the item for the record: (continued)

Alan Pierce, 3912 Cedar Springs, representing Round-Up Saloon

Heather Anderson, 4414 Cedar Springs Rd., representing American Cancer Society

Karen Hoyt-Potasznik, 7626 Fisher Rd.

Judith Waldrop, 3993 Beechwood Ln.

Brendan Burns, **Austin, TX**, representing Lance Armstrong Foundation

Melinda Little, 12403 Boheme Dr., **Houston, TX**, representing Campaign for Tobacco Free Kids

John Carlo, 2901 City Place West End, representing Dallas County Health & Human Services

Douglas Dunsavage, 986 N. Rustic Cir., representing American Heart Association

Marilyn Herrick, 3707 Taurus Dr., **Garland, TX**, representing March of Dimes

Tracy Casto, 704 Gunnison Ct., **Arlington, TX**, representing Dallas County Medical Society

Gregg Kilhoffer, 5509 Longview St.

Jamee Green, 6550 Shady Brook Ln., representing Greater Dallas Restaurant Association

Tim Hauter, 4455 LBJ Freeway, representing American Heart Association

Debbie Durten, 7617 Seascape Dr., **Rowlett, TX**

Kay Kamm, 1207 Rock Springs, **Duncanville, TX**, representing American Cancer Society

Cathey Wright, 914 Greencove Dr., **Garland, TX**, representing American Cancer Society

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Item 3: DEVELOPMENT CODE AMENDMENTS - UNDER ADVISEMENT - INDIVIDUAL

A public hearing to receive comments regarding consideration of amendments to Chapter 51A of the Dallas City Code to add an Article XIII creating new "Form Districts" for walkable, mixed use developments at a range of densities and an ordinance granting the amendments

(The staff recommended approval of staff alternative recommendations and city plan commission recommended approval of attached ordinance)

Note: This item was considered by the City Council at public hearings on October 22 and November 10, 2008, and was held under advisement until December 3, 2008, with the public hearing open.

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

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

Neal Sleeper, 3232 McKinney Ave.
John Mullen, 5365 Montrose Dr.
Melanie Vanlandingham, 6311 Lakeshore Dr., representing Dallas Homeowners League
Larry Duncan, 5415 Banting Way
Pam Conley, 901 N. Madison Ave.
Scott Potter, 4843 Junius St., representing Preservation Dallas
Virginia McAlester, 5703 Swiss Ave.
Macey Davis, 5430 LBJ Freeway
Joanna Hampton, 4924 Tremont, representing The Munger Place Historic District

Mayor Leppert allowed the following individuals appearing in favor of the city plan commission's recommendation to state their names and addresses on the item for the record:

Pat White, 4714 Wildwood Rd.
Tim Howells, 6005 Swiss Ave., representing Swiss Avenue Historical District
Frederick Taggart, 7019 Lindsley Ave., representing Hollywood Santa Monica Neighborhood Association
Patricia Carr, 5843 Vanderbilt Ave.

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Mayor Leppert allowed the following individuals appearing in favor of the city plan commission's recommendation to state their names and addresses on the item for the record: (continued)

Joyce Lockley, 4718 Wateka Dr., representing North Park/Lovefield Neighborhood Association

Joanne Rhone, 5821 Vickery Blvd.

Katherine Homan, 1629 Handley Dr.

Ed Hickson, 3932 Kiest Meadow Dr., representing Neighborhood Homeowners Association

Campbell Reed, 5839 Monticello

Eric Johnson, 5218 Chalet Ln

Judy Smith Hearst, 2512 Thomas Ave.

Gay Hopkins, 6030 Monticello Ave.

Su Van Doan, 1617 N. Haskell

Cara Bush, 607 Monte Vista Dr.

Barbara Weinstein, 16131 Red Cedar Trl.

Ann Piper, 9052 Stone Creek Place

Charles Pankey, 1515 Reynoldston Ln.

Barbara Barbee, 303 N. Barnett, representing Old Oak Cliff Conservation League

J. W. Brasher, 4811 Swiss Ave.

John Mckee, 3030 McKinney Ave.

Liz Wally, 5528 Victor St.

Karin Michele Anderson, 723 Parkmont

Renee Schmidt, 715 Parkmont, representing Junius Heights Historic District

Helen Manning, 5403 Victor St.

Michael Fitzgerald, 2427 Allen St.

Peggy Allen, 4224 N. Cresthaven Rd.

Pam Ventouras, 1517 Gano St.

Terri M. Raith, 1518 Abrams

Jeri Arbuckle, 4800 Victor St., representing Peaks Addiction

Bob Harris, 4925 Junius St., representing The Munger Place Historic District

Anne Mullen, 5365 Montrose

Mitch Paradise, 6264 Martel Ave., representing The Real Estate Council

Michelle Corson, 2102 Vaquero Club Dr., **Westlake, TX**, representing TREC

Eric Krueger, 6474 Orchid Lane, representing The Real Estate Council

Susan Grundy, 1406 Tranquilla Dr.

P. Michael Jung, 7143 Fisher Rd., representing Dallas Homeowners League

Carol Luna, 1211 Crosscreek Ln., **Seagoville, TX**

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The following individuals addressed the city council regarding the item:

Lauren Odell, 300 Crescent Court

Luis Salcedo, 2511 Wedglea Dr., representing Oak Cliff Chamber of Commerce

Ed Oakley, 3216 Mapleleaf Cir., representing Oak Cliff Chamber of Commerce

Bob Stimson, 707 Tenna Loma Ct., representing Oak Cliff Chamber of Commerce

Mayor Pro Tem Garcia moved to close the public hearing and hold under advisement until the December 10, 2008 voting agenda meeting of the city council.

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

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Closed Session

[08-3280; HELD]

6ES

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

- William Holeman v. City of Dallas, Cause No. 07-13666-M
- Atmos Energy Corporation, Mid-Tex Division's Statement of Intent to Increase Gas Utility Rates within the Incorporated Areas of the City of Dallas
- R. B. Barton et al. v. Jeffrey Nelson et al., Civil Action No. 3:08-CV-1151-B
- Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-B
- United States of America v. City of Dallas, Texas, Civil Action No. 3:08-CV-1063-K

At 5:38 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:

Closed Session

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

- William Holeman v. City of Dallas, Cause No. 07-13666-M
- R. B. Barton et al. v. Jeffrey Nelson et al., Civil Action No. 3:08-CV-1151-B
- Carson Dunlap v. Rodney Hood, et al., Civil Action No. 3:07-CV-2147-B
- United States of America v. City of Dallas, Texas, Civil Action No. 3:08-CV-1063-K

City Attorney Thomas P. Perkins, Jr. announced he had a conflict of interest on the following item and would abstain from participating in any discussion. City Attorney Perkins, left the executive session.

- Atmos Energy Corporation, Mid-Tex Division's Statement of Intent to Increase Gas Utility Rates within the Incorporated Areas of the City of Dallas

Mayor Leppert reconvened the city council meeting after the closed session at 5:58 p.m. No other matters were discussed during the closed session.

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EXHIBIT C