

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 7, 2010

10-0828

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

PRESENT: [15] Leppert, Caraway (*9:11 a.m.), Medrano, Jasso (*9:40 a.m.),
Neumann, Hill, Salazar (*9:10 a.m.), Davis, Atkins, Kadane, Allen,
Koop, Natinsky, Margolin, Hunt (*9:40 a.m.)

ABSENT: [0]

The meeting was called to order at 9:03 a.m.

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

The invocation was given by Councilmember Hill.

Councilmember Davis 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 5:36 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 meeting called to order.**

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 7, 2010

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 7, 2010

EXHIBIT B

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0829

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

APRIL 7, 2010

10-0830

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: Mitch Goldmind, 5200 Keller Springs Rd.
SUBJECT: Disabled Dallas Police Reserve Officer

SPEAKER: Roy Lee, 1818 Engle Rd.
SUBJECT: Police withholding information

SPEAKER: James Dunn, 3635 Blue Ridge Blvd.
SUBJECT: Hidden pedophiles in Dallas schools

SPEAKER: Jim Reid, 1529 Seegar St.
SUBJECT: Southern Dallas Coaches Program

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Roberta Morgan, 9505 Royal Ln.
SUBJECT: HOA insurance, poverty, etc.

SPEAKER: Elijah McGrew, 2879 Fordham Rd.
SUBJECT: Dallas auto pound

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

SPEAKER: Ozumba Lluk-X, 4106 Vineyard Dr.
REPRESENTING: Alpha & Omega (God)
SUBJECT: Arrogant, racist and unjust with greed

SPEAKER: Gwain Wooten, 1000 Grigsby Ave.
SUBJECT: "Reconstruction of the apartheid by Black Leaders"

SPEAKER: Leslie Allen Davis, 3035 E. Ledbetter Ave.
REPRESENTING: Public at large
SUBJECT: Change

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0831

Item 1: Approval of Minutes of the March 3, 2010 City Council Meeting

Councilmember Neumann moved to approve the minutes.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0832

10-0833

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 city secretary distributed a report showing all nominations and re-nominations received for city boards and commissions appointments for the 2009-2011 board term updated through APRIL 7, 2010.

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

Councilmember Neumann moved to appoint Rebecca Kornblum, General Public, to the Animal Shelter Commission; Anastais "Tasie" Semos, Science, to the Cultural Affairs Commission; W. Brian Keith, Urban Planner, to the Landmark Commission; Thomas Burleson, Registered Voter, to the Reinvestment Zone Two Board (Cityplace Area); Carole Twitmyer, Don Raines Jr. and Dwight F. Williams, Registered Voters, to the Reinvestment Zone Three Board (Oak Cliff Gateway); Stewart Clancy, Registered Voter, to the Reinvestment Zone Six Board (Farmers Market); Scott T. Griggs and Pam Williams, Registered Voters, to the Reinvestment Zone Fifteen Board (Fort Worth Avenue); Jenni Stolarski and Kathy Hewitt, Registered Voters, to the Reinvestment Zone Sixteen Board (Davis Garden); Maninder (Jesse) Khurana, Business at Large, to the South Dallas/Fair Park Trust Fund Board.

Motion seconded Deputy Mayor Pro Tem Medrano and unanimously adopted.

Councilmember Neumann 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, 2011.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

10-0832

10-0833

Page 2

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

10-5179	ASC ANIMAL SHELTER COMMISSION
10-5180	BOA BOARD OF ADJUSTMENT
10-5181	CAC CULTURAL AFFAIRS COMMISSION
10-5182	CDC COMMUNITY DEVELOPMENT COMMISSION
10-5183	CPR DALLAS CITIZENS POLICE REVIEW BOARD
10-5184	CSB CIVIL SERVICE BOARD
10-5185	EHC ENVIRONMENTAL HEALTH COMMISSION
10-5186	HFC HOUSING FINANCE CORPORATION BOARD
10-5187	LMC LANDMARK COMMISSION
10-5188	MLK MARTIN LUTHER KING JR COMMUNITY CENTER BOARD
10-5189	PLA PERMIT AND LICENSE APPEAL BOARD
10-5190	RZ02 REINVESTMENT ZONE TWO BOARD (CITYPLACE AREA)
10-5191	RZ03 REINVESTMENT ZONE THREE BOARD (OAK CLIFF GATEWAY)
10-5192	RZ06 REINVESTMENT ZONE SIX BOARD (FARMERS MARKET)
10-5193	RZ15 REINVESTMENT ZONE FIFTEEN BOARD (FORT WORTH AVENUE)
10-5194	RZ16 REINVESTMENT ZONE SIXTEEN BOARD (DAVIS GARDEN)
10-5195	SDF SOUTH DALLAS/FAIR PARK TRUST FUND BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0834

Item 3: A resolution designating absences by Councilmember Delia Jasso and Councilmember Ron Natinsky as being for "official city business" -
Financing: No cost consideration to the city

Councilmember Neumann moved to approve the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0835

Item 4: A public hearing to receive comments on the proposed use of a portion of Fair Park property located at 1620 First Avenue (Science Place II Building) for a Head Start early childhood education program; and at the close of the hearing, consideration of a resolution authorizing the use - Financing: No cost consideration to the City

No one addressed the city council regarding the item.

Councilmember Kadane moved to close the public hearing and approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0836

Briefing A: FY2010-11 Budget Workshop #4 - Setting the Price of Government

The city manager briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0837

Briefing B: City Charter Amendment Process

The city attorney briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0838

LUNCH

The Mayor recessed the meeting at 11:25 a.m. and reconvened the meeting at 1:31 p.m.

The City Council attended the Dallas Regional Chamber luncheon at the Sheraton Dallas Ballroom.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0839

Briefing C: Local Option Elections

The city attorney briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0840

Briefing D: Proposed Amendments to Lobbyist Registration Ordinance

The city attorney briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0841

Briefing E: Amendments to Gift Policies for Councilmembers and Board and
Commission Members

The city attorney briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0842

Item 5: An ordinance amending Chapter 13 of the Dallas City Code to: **(1)** eliminate specific qualifications for members of the judicial nominating commission; **(2)** prohibit members of the judicial nominating commission from practicing law in or before the municipal courts of the city; and **(3)** update the commission's appointment and term commencement dates to be consistent with the city charter - Financing: No cost consideration to the City

During discussion, Mayor Leppert called a recess of the city council briefing at 10:11 a.m. as authorized by section 551.074, Personal Matters, of the Texas Open Meetings Act to deliberate on the judicial nominating commission.

Mayor Leppert reconvened the city council briefing after the executive session at 11:02 a.m. No other matters were discussed during the executive session.

The following individuals addressed the city council on the item:

Teresa Guerra-Snelson, 6764 Winterwood Ln.
Elizabeth Wilson, 2732 Gaston Ave.
Hope Shimabuku, 5509 Lake Windermere, **Flower Mound, TX**

Councilmember Neumann moved to approve the item and pass the ordinance.

Motion seconded by Councilmember Natinsky.

After discussion, Councilmember Natinsky asked Councilmember Neumann if he would accept a friendly amendment to adopt the proposed ordinance, renumbering of Sections 2 through 4 of the proposed ordinance and Sections 3 through 5 and add a new Section 2 to read as follows:

“Section 2 – That the prohibition on Judicial Nominating Commission members practicing law in the city's municipal courts contained in new section 13-5.1(f) of the Dallas City Code as set forth in this ordinance does not apply to any member serving on the Judicial Nominating Commission on the passage date of the ordinance until the expiration of their current term.”

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

10-0842

Page 2

Councilmember Neumann agreed to accept the friendly amendment as part of his motion to adopt the proposed ordinance, renumbering of Sections 2 through 4 of the proposed ordinance and Sections 3 through 5 and add a new Section 2 to read as follows:

“Section 2 – That the prohibition on Judicial Nominating Commission members practicing law in the city’s municipal courts contained in new section 13-5.1(f) of the Dallas City Code as set forth in this ordinance does not apply to any member serving on the Judicial Nominating Commission on the passage date of the ordinance until the expiration of their current term.”

Later in the meeting, Mayor Leppert called for a vote on the motion.

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

Assigned ORDINANCE NO. 27833

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0843

Item 6: An ordinance amending Chapter 13 of the Dallas City Code to: **(1)** increase the membership of the judicial nominating commission; **(2)** modify the qualifications for appointment to the commission; **(3)** prohibit members of the judicial nominating commission from practicing law in or before the municipal courts of the city; and **(4)** update the commission's appointment and term commencement dates to be consistent with the city charter - Financing: No cost consideration to the City

This item was not considered by the city council.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0844

Item 7: An ordinance amending Chapters 2 and 13 of the Dallas City Code to: **(1)** eliminate the judicial nominating commission of the city and transfer its duties and responsibilities to the ad hoc legislative committee of the city council; **(2)** provide for the ad hoc legislative committee to interview administrative law judge candidates and municipal judge candidates and recommend nominees to the full city council; and **(3)** authorize the ad hoc legislative committee to periodically review and make recommendations regarding the pay structures of the administrative law judges and municipal judges - Financing: No cost consideration to the City

This item was not considered by the city council.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0845

Item 8: An ordinance amending Chapter 12A of the Dallas City Code to: **(1)** provide an exception from the definition of “lobbying” for oral responses to specific questions from city officials; and **(2)** allow a lobbying firm that is not required to register as a lobbyist to so register if it has multiple employees who would otherwise be required to register individually as lobbyists - Financing: No cost consideration to the City

Councilmember Natinsky moved to approve the ordinance.

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

Assigned ORDINANCE NO. 27834

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0846

Item 9: An ordinance amending Chapter 12A of the Dallas City Code to provide an exception to lobbyist registration and reporting requirements for chambers of commerce, charitable organizations, and certain other organizations exempt from taxation under the Internal Revenue Code - Financing: No cost consideration to the City

Councilmember Neumann moved to pass the ordinance.

Motion seconded by Mayor Pro Tem Caraway.

After discussion, Mayor Leppert called the vote on the motion:

Voting Yes:	[5]	Jasso, Neumann, Hill, Salazar, Atkins
Voting No:	[9]	Leppert, Caraway, Davis, Kadane, Allen, Koop, Natinsky, Margolin, Hunt
Absent when vote taken:	[1]	Medrano

Mayor Leppert declared the motion failed.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0847

Item 10: A resolution clarifying and amending the reporting requirements for councilmembers and city officials who are board and commission members regarding gifts, tickets, meals, travel, lodging, entertaining, and honoraria - Financing: No cost consideration to the City

Councilmember Margolin moved to deny the item.

Motion died for lack of a second.

After discussion, Councilmember Salazar moved to approve the item.

Motion seconded by Councilmember Hill.

After further discussion, Mayor Leppert called the vote on the motion.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

10-0848

Item 11: Authorize **(1)** the creation of a grant program, pursuant to Chapter 380 of the Local Government Code, under the Public/Private Partnership Program guidelines and criteria to allow the use of City funds to support the Dallas Football Classic Bowl Game and associated events at Fair Park; and **(2)** an escrow and contingent grant agreement with Comerica Bank providing for escrow of game revenues and a contingent 380 grant from game revenues pursuant to such program - Revenue: \$400,000

Councilmember Margolin announced she had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Margolin left the briefing room.

Mayor Pro Tem Caraway moved to approve the item.

Motion seconded by Councilmember Atkins and unanimously adopted. (Margolin abstain)

Note: Councilmember Margolin submitted memorandum dated April 14, 2010 stating, after consulting with her financial advisor she realized she did not have a conflict of interest even though she left the briefing room during the discussion of item 11.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

APRIL 7, 2010

Closed Session [**10-0849; HELD**]

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

- Serapio Lara and Claudia Jaramillo, Plaintiffs, and Eric Lee Pogue, Intervenor v. City of Dallas, Cause No. 08-12910-I
- Leanne Siri v. City of Dallas, Civil Action No. 3:10-CV-00036-M, and Helen Watts v. City of Dallas, Cause No. 08-13000-A, and claims made against the City on behalf of city employees Sherrie Lopez, Sheila Schulte-De Albrecht, Diana Salinas and Cheryl Hill
- City of Dallas v. Kenneth E. Albert, et al., Case No. 05-03-01297-CV
- Victor Alvarado Deleon v. City of Dallas, et al., Civil Action No. 3:02-CV-1097-K
- Leonard Jones v. City of Dallas, Case No. 05-08-01296-CV
- Phil Hillis, Individually and as Personal Representative of The Estate of Taylor Hillis, Deceased, et ux. v. Dallas Police Department et al., Cause No. 08-03205-A

Economic Development Deliberations (Sec. 551.087 T.O.M.A.)

- Comerica Bank Escrow and Contingent Grant Agreement

At 10:11 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:

Agenda item 5 - Judicial Nominating Commission (Sec. 551.071 Consultation with Attorney)

Councilmember Margolin announced she had a conflict of interest on the following item and would abstain from participating in any discussion. Councilmember Margolin left the executive session.

Economic Development Deliberations (Sec. 551.087 Deliberation regarding Economic Development Negotiations)

- Comerica Bank Escrow and Contingent Grant Agreement

Note: Councilmember Margolin submitted memorandum dated April 14, 2010, stating after consulting with her financial advisor she realized she did not have a conflict of interest even though she left the executive session during the discussion of the item.

Mayor Leppert reconvened the city council meeting after the closed session at 11:02 a.m. No other matters were discussed during the closed session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL
Closed Session [**10-0849; HELD**]
(Continue)

At 4:38 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:

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

- Serapio Lara and Claudia Jaramillo, Plaintiffs, and Eric Lee Pogue, Intervenor v. City of Dallas, Cause No. 08-12910-I
- Leanne Siri v. City of Dallas, Civil Action No. 3:10-CV-00036-M, and Helen Watts v. City of Dallas, Cause No. 08-13000-A, and claims made against the City on behalf of city employees Sherrie Lopez, Sheila Schulte-De Albrecht, Diana Salinas and Cheryl Hill
- City of Dallas v. Kenneth E. Albert, et al., Case No. 05-03-01297-CV
- Victor Alvarado Deleon v. City of Dallas, et al., Civil Action No. 3:02-CV-1097-K
- Phil Hillis, Individually and as Personal Representative of The Estate of Taylor Hillis, Deceased, et ux. v. Dallas Police Department et al., Cause No. 08-03205-A

Councilmember Hill announced she had a conflict of interest on the following item and would abstain from participating in any discussion. Councilmember Hill left the executive session.

- Leonard Jones v. City of Dallas, Case No. 05-08-01296-CV

Mayor Leppert reconvened the city council meeting after the closed session at 5:36p.m. No other matters were discussed during the closed session.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 7, 2010

EXHIBIT C