

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 19, 2011

11-0232

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

PRESENT: [15] Leppert, Caraway, Medrano, Jasso, Neumann, Hill, Salazar (*9:06 a.m.), Davis (*9:06 a.m.), Atkins (*9:06 a.m.), Kadane, Allen (*9:06 a.m.), Koop, Natinsky, Margolin, Hunt

ABSENT: [0]

The meeting was called to order at 9:04 a.m.

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

The invocation was given by Councilmember Hill.

Councilmember Margolin 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 4:24 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 meeting called to order.**

MINUTES OF THE DALLAS CITY COUNCIL
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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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11-0233

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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11-0234

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: Danny Augustus, 6803 Kenwell St.
REPRESENTING: Coco Realty
SUBJECT: Historic district abuses

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

SPEAKER: Robert Ceccarelli, 2524 E. Ann Arbor Ave.
SUBJECT: Homelessness

SPEAKER: Leslie Allen Davis, 3035 E. Ledbetter Dr.
SUBJECT: Change

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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11-0235

Item 1: Approval of Minutes of the January 5, 2011 City Council Meeting

Councilmember Neumann moved to adopt the minutes.

Motion seconded by Councilmember Kadane and unanimously adopted. (Hill, Hunt absent when vote taken)

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11-0236

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 2009-2011 board term updated through January 19, 2011.

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 Davis moved to appoint nominees to an “individual appointment” position 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 Councilmember Jasso and unanimously adopted.

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

11-5076 RDC REDISTRICTING COMMISSION

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11-0237

Item 3: Consideration of appointments to the Dallas/Fort Worth International Airport Board of Directors for Places 1, 5 and 11 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (List of nominees in the City Secretary's Office)

The assistant city secretary distributed a report showing the renominees/nominees for the 2011-2013 board term for the Dallas/Forth Worth International Airport Board of Directors.

Councilmember Hill moved to reappoint/appoint the following individuals to the Dallas/Fort Worth International Airport Board of Directors for 2011-2013 term to expire January 31, 2013:

Place 01	Betty Culbreath
Place 05	Ben Muro

Motion seconded by Mayor Pro Tem Caraway and unanimously adopted.

The assistant city secretary announced ballots would be distributed to vote for one of the two nominees for Place 11 on the Dallas/Fort Worth International Airport Board of Directors.

Later in the meeting, Mayor Leppert received the results from the assistant city secretary of the balloting for Place 11 to the Dallas/Fort Worth International Airport Board.

Mayor Leppert announced the following results of the balloting for Place 11 and announced that Brenda E. Reyes received the majority of the vote to be appointed to Place 11 to the Dallas/Fort Worth International Airport Board of Directors:

Brenda E. Reyes

Mayor Leppert
Mayor Pro Tem Caraway
Councilmember Jasso
Councilmember Neumann
Councilmember Kadane
Councilmember Allen
Councilmember Koop
Councilmember Natinsky
Councilmember Margolin

Jesus G. Garcia

Deputy Mayor Pro Tem Medrano
Councilmember Hill
Councilmember Salazar
Councilmember Davis
Councilmember Atkins
Councilmember Hunt

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Mayor Leppert announced that Brenda E. Reyes received nine (9) votes and Jesus G. Garcia received six (6) votes.

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11-0238

Item 4: Authorize an amendment to the Oil and Gas Lease dated February 27, 2008 between the City of Dallas, “Lessor”, and XTO Energy, Inc., “Lessee” by: **(1)** extending the primary lease term by 30 months; **(2)** modifying Exhibit A and Exhibit B of the Oil and Gas Lease to describe a total of approximately 703 acres of land; **(3)** modifying Paragraph 5 by limiting drill sites to a maximum of three sites, each of which will not contain more than four acres; and **(4)** adding a provision requiring the pre-disclosure of all chemicals that would be used at the drill sites - Financing: No cost consideration to the City

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

The following individual addressed the city council on the item:

Patricia Major, 5916 Jim Miller Rd.

Councilmember Allen moved to adopt the item with the following change:

- Section 2 (2) should be amended to include Tract 6, so it would read “Exhibit A and Exhibit B of the Oil and Gas Lease are modified by eliminating all tracts except Tracts 1, 2, 3, 4, 5, 6, 7, 8, and 9 for a total acreage of approximately 720.545 acres of land, located at Hensley field.

Motion seconded by Councilmember Atkins.

After discussion, Mayor Leppert called the vote on Councilmember Allen’s motion.

Mayor Leppert declared the motion adopted on a divided vote, with Mayor Pro Tem Caraway and Councilmember Davis voting “No.” (Natinsky abstain)

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11-0239

Briefing A: Budget Workshop #2: FY 2011-12 Preliminary Outlook

The city manager briefed the city council on the item.

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11-0240

Briefing B: Objectives and Strategies for FY 2011-12

- Key Focus Area Team Presentations
 1. Public Safety
 2. Economic Vibrancy
 3. Clean, Healthy Environment
 4. Culture, Arts & Recreation
 5. Educational Enhancements
 6. E³ Government

The city manager briefed the city council on the item.

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11-0241

Briefing C: Radio Technology Overview

The city manager briefed the city council on the item.

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11-0242

Item 5: Zoning Case Z090-211(WE) – UNDER ADVISEMENT - INDIVIDUAL

A public hearing was called on zoning case Z090-211(WE), regarding an application for and an ordinance granting a Specific Use Permit for gas drilling and production on property zoned an IR Industrial Research District on the south side of Jefferson Boulevard, east of Hardy Road adjacent to the water canal in the westernmost quadrant of the Hensley Field Airport and Naval Base

Theresa O'Donnell, director of sustainable development and construction , reminded the city council that in accordance with subparagraphs (c)(2)(A) and (c)(2)(B) of Section 51A-4.701 of the development code, council approval of the application would require the favorable vote of three-fourths of all members of the city council in that the application for a change in zoning had been recommended for approval by the city plan commission, and a written protest against the change in zoning had been signed by the owners of 20 percent or more of either the land in the area of the request or land within 200 feet of the area of the request, and the protest had been filed with the director of sustainable development and construction.

In accordance with Section 7.13 of the City Council Rules of Procedures, "Motions to Approve Designated Zoning Cases and Designated Public Subsidy Matters", Mayor Leppert read the following certification into the record:

"By making and seconding this motion, the councilmembers represent they have undertaken sufficient examination and involvement, beyond reviewing the agenda materials, to be knowledgeable of both the facts and the circumstances of the case and to be able to develop an opinion based on such an examination of the various factors and issues involved."

(The staff recommended Approval for a ten-year period with eligibility for automatic renewal of additional ten-year periods, subject to an existing site plan, operation plan for drilling, operation plan for production and conditions and city plan commission recommended Denial without prejudice)

Note: This item was considered by the City Council at a public hearing on January 12, 2011, and was taken under advisement until January 19, 2011 with the public hearing open.

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

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

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

Marc McCord, 7660 La Bolsa Dr.
Lawrence Cottle, 5086 Matilda St., representing Private Citizen
Raymond Crawford, 2647 Southwood Dr., representing Dallas Area Residence for
Responsible Drilling
Jeffery Gacoby, 5920 La Vista Dr., representing Texas Campaign for the
Environment
Shanna Caughey, 6808 Eastridge Dr.
Molly Rooke, 5825 Palm Ln.
Erica Peterson, 4421 Worth St.
Marilyn Hamaker, 1139 Haines Ave.
Julian Fernandez, 3826 Holliday Rd.
Jennifer Land, 3905 Weeburn Dr.

Councilmember Neumann moved to continue the public hearing and hold under advisement until the October 12, 2011 voting agenda meeting of the city council.

Motion seconded by Councilmember Salazar and Councilmember Allen.

After discussion, Mayor Leppert called the vote on Councilmember Neumann's motion.

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

Later in the meeting, Councilmember Neumann moved to reconsider the previous vote on the item to allow him to amend the motion.

Motion seconded by Councilmember Kadane.

Mayor Leppert declared the motion to reconsider adopted and item 5 was before the city council for reconsideration.

Councilmember Neumann moved to continue the public hearing and hold under advisement until the October 26, 2011 voting agenda meeting of the city council.

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

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Closed Session [**11-0243; HELD**]

6ES

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

- Legal issues regarding Larry Bankston Trial Board Hearing
- Eneida Martinez, Claim No. 10271686
- Benjamin Booker III v. City of Dallas, Cause No. 10-04250-H
- Marcus Wood, et al. v. Tom Leppert, et al., Cause No. 10-14835-M

At 2:11 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:

Attorney Briefings (Sec. 551.074 T.O.M.A.)

- "Agenda Item 3 - Consideration of appointments to the Dallas/Fort Worth International Airport Board of Directors for Places 1, 5 and 11 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (List of nominees in the City Secretary's Office)"

Mayor Leppert reconvened the city council meeting after the closed session at 2:40 p.m. No other matters were discussed during the closed session.

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EXHIBIT C