

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 19, 2012

12-2320

CITY COUNCIL BRIEFING
CITY HALL, ROOM 6ES
MAYOR MICHAEL RAWLINGS, PRESIDING

PRESENT: [15] Rawlings, Medrano, Atkins (*9:18 a.m.), Jasso, Griggs, Caraway, Hill, Alonzo, Davis, Kadane, Allen, Koop, Greyson (*9:13 a.m.), Margolin, Hunt (*9:13 a.m.)

ABSENT: [0]

The meeting was called to order at 9:07 a.m.

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

The invocation was given by Councilmember Margolin

Councilmember Jasso 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 3:07 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
WEDNESDAY, SEPTEMBER 19, 2012

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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12-2321

Special Presentations

At the beginning of each briefing meeting of the city council a time is set aside for the mayor and city council 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

SEPTEMBER 19, 2012

12-2322

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:

There were no speakers.

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Debbie Castilleja, N/A
SUBJECT: Housing discriminating within City of Dallas

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

SPEAKER: Otis Fagan, 2247 Scotland Dr.
REPRESENTING: Clean Association for Environmental Justice
SUBJECT: Defendant unpaid public health program

SPEAKER: Trina Triche, 1818 Corsicana St.
SUBJECT: Government contract bidding

SPEAKER: Richard Sheridan, 3022 Forest Ln.
REPRESENTING: West Dallas
SUBJECT: Where is the RSR lead superfund?

SPEAKER: Robert Ceccarelli, 2218 Norwood Dr.
SUBJECT: Homelessness/last speech

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: State Voter ID Law/KKK

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 19, 2012

12-2323

Item 1: Approval of Minutes of the August 27, 2012 Budget Workshop and the September 5, 2012 City Council Meeting

Councilmember Kadane moved to adopt the minutes of the August 27, 2012 Budget Workshop and the September 5, 2012 City Council Meeting.

Motion seconded by Councilmember Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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12-2324

12-2325

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 board and commission appointments for the 2011-2013 board term updated through SEPTEMBER 19, 2012.

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

Mayor Pro Tem Medrano moved to appoint Brett A. Johansson, employee of person to the Cypress Waters Municipal Management District; Jill B. Louis, Dallas County Resident, to the Reinvestment Zone Four Board (Cedars Area); and Kyle Ward, Dallas County Resident, to the Reinvestment Zone Sixteen Board (Davis Garden).

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

Mayor Pro Tem Medrano moved to appoint a nominee to an "individual appointment" position in the report who met all qualifications for service to the boards and commissions of the city for the term ending September 30, 2013.

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

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

12-5244	CDC	COMMUNITY DEVELOPMENT COMMISSION
12-5245	CYP	CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT
12-5246	RZ04	REINVESTMENT ZONE FOUR BOARD (CEDARS AREA)
12-5247	RZ16	REINVESTMENT ZONE SIXTEEN BOARD (DAVIS GARDEN)

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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12-2326

Item 3: Final reading and adoption of appropriation ordinances for the proposed FY 2012-13 City of Dallas Operating, Grants and Trusts, and Capital Budgets - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Caraway and unanimously adopted.

Assigned ORDINANCE NOS. 28789 and 28790

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 19, 2012

12-2327

Item 4: An ordinance setting the tax rate at 79.70¢ per \$100 valuation and levying ad valorem taxes for the City of Dallas, Texas for FY 2012-13 - Financing: No cost consideration to the City

Mayor Pro Tem Medrano read the following statement:

State law specifies particular language for the motion to adopt the FY2013 tax rate. The tax rate for each \$100 of property value remains unchanged from FY2012 to FY2013, but the city will receive increased property tax revenues due to the growth in the overall tax base.

Mayor Pro Tem Medrano moved to adopt the property tax rate of 79.70¢, which is effectively a 0.75% increase in the tax rate.

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

Later in the meeting, the assistant city secretary announced State law requires a record vote for this item.

Mayor Rawlings called the vote on Mayor Pro Tem Medrano's motion to adopt the property tax rate of 79.70¢, which is effectively a 0.75% increase in the tax rate:

Voting Yes:	[15]	Rawlings, Medrano, Atkins, Jasso, Griggs, Caraway, Hill, Alonzo, Davis, Kadane, Allen, Koop, Greyson, Margolin, Hunt
Voting No:	[0]	
Absent when vote taken:	[0]	
Absent:	[0]	

The assistant city secretary declared the motion passed.

Assigned ORDINANCE NO. 28791

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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12-2328

Item 5: Ratify the increase in property tax revenues, resulting from increased property valuations with the same property tax rate as in the prior fiscal year, reflected in the FY 2012-13 Budget - Revenue: \$13,453,165

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Davis and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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12-2329

Item 6: An ordinance amending Chapters 24 and 28 of the Dallas City Code to: **(1)** establish an interlibrary loan fee; **(2)** provide for the payment of metered parking by use of a telephone or the Internet and establish a convenience fee for such payment; **(3)** establish a metered parking area and an hourly parking rate for Klyde Warren Park; **(4)** establish an hourly parking rate for certain portions of the Woodall Rodgers Freeway Service Roads; and **(5)** revise the hourly rate for parking on certain portions of Lamar Street - Estimated Revenue: \$233,750

Councilmember Koop moved to adopt the item.

Motion seconded by Councilmember Caraway.

After discussion, Councilmember Hunt asked Councilmember Koop if she would accept a friendly amendment to withdraw Subsections 3 and 4 out of the ordinance and delay consideration of those subsections for a couple of weeks.

Mayor Rawlings asked Councilmember Hunt to clarify her friendly amendment.

Councilmember Koop accepted Councilmember Hunt's friendly amendment to withdraw Subsections 3 and 4 out of the ordinance as part of her original motion.

Councilmember Caraway who seconded the original motion also accepted the friendly amendment.

Mayor Rawlings called the vote on the item to approve Subsections 1, 2 and 5 with Subsections 3 and 4 to return on October 10, 2012 voting agenda meeting of the city council.

Mayor Rawlings declared the motion adopted.

Assigned ORDINANCE NO. 28792

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 19, 2012

12-2330

Item 7: An ordinance appointing two full-time municipal judges and one associate (part-time) municipal judge to preside over the City of Dallas municipal court of record for a term ending May 31, 2014 - Financing: This action has no cost consideration to the City

Councilmember Caraway moved to adopt the item and pass the ordinance with Cheryl D. Williams and Timoteo F. Gonzalez as full-time municipal judges and Ruth Catherine Logan as associate municipal judge.

Motion seconded by Deputy Mayor Pro Tem Atkins.

Councilmember Caraway requested a record vote.

Mayor Rawlings called the vote on Councilmember Caraway's motion to adopt the item and pass the ordinance with Cheryl D. Williams and Timoteo F. Gonzalez as full-time municipal judges and Ruth Catherine Logan as associate municipal judge:

Voting Yes:	[7] Medrano, Atkins, Jasso, Caraway, Hill, Alonzo, Davis
Voting No:	[8] Rawlings, Griggs, Kadane, Allen, Koop, Greyson, Margolin, Hunt
Absent when vote taken:	[0]
Absent:	[0]

The assistant city secretary declared the motion failed.

Deputy Mayor Pro Tem Atkins moved to appoint Cheryl D. Williams as a full-time municipal judge.

Motion seconded by Councilmember Caraway.

Councilmember Alonzo inquired of Deputy Mayor Pro Tem Atkins if he would accept a friendly amendment to include Timoteo F. Gonzalez as a full-time municipal judge in addition to Cheryl D. Williams.

Deputy Mayor Pro Tem Atkins did not accept the friendly amendment as part of his motion.

Councilmember Alonzo moved a substitute motion to appoint Cheryl D. Williams and Timoteo F. Gonzalez as full-time municipal judges.

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Discussion continued and no second was forthcoming to Councilmember Alonzo's substitute motion to appoint Cheryl D. Williams and Timoteo F. Gonzalez as full-time municipal judges.

Councilmember Allen asked Deputy Mayor Pro Tem Atkins if he would accept a friendly amendment to delay this item for 60 days to allow further discussion on the matter.

Deputy Mayor Pro Tem Atkins did not accept the friendly amendment as part of his motion.

Councilmember Caraway called the question.

Mayor Rawlings presented Councilmember Caraway's call of the question to the city council by a show of hands.

Following a show of hands, Mayor Rawlings stated Councilmember Caraway's call on the question as failed and discussion on the matter continued.

Mayor Rawlings called the vote on Deputy Mayor Pro Tem Atkins' motion to appoint Cheryl D. Williams as a full-time municipal judge:

Voting Yes:	[8]	Rawlings, Medrano, Atkins, Jasso, Caraway, Hill, Alonzo, Davis
Voting No:	[7]	Griggs, Kadane, Allen, Koop, Greyson, Margolin, Hunt
Absent when vote taken:	[0]	
Absent:	[0]	

The assistant city secretary declared the motion passed.

Councilmember Hill moved to appoint Timoteo F. Gonzalez as a full-time municipal judge.

Councilmember Alonzo who had initially moved a substitute motion to appoint Timoteo F. Gonzalez as a full-time municipal judge agreed to allow Councilmember Hill's motion to be considered by the city council.

Motion seconded by Councilmember Davis.

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Mayor Rawlings called the vote on Councilmember Hill's motion to appoint Timoteo F. Gonzalez as a full-time municipal judge:

Voting Yes:	[7]	Medrano, Atkins, Jasso, Caraway, Hill, Alonzo, Davis
Voting No:	[8]	Rawlings, Griggs, Kadane, Allen, Koop, Greyson, Margolin, Hunt
Absent when vote taken:	[0]	
Absent:	[0]	

The assistant city secretary declared the motion failed.

Councilmember Hill moved to appoint Ruth Catherine Logan as an associate municipal judge.

Motion seconded by Councilmember Davis.

Councilmember Kadane inquired of Councilmember Hill if she would accept a friendly amendment to include Tony Martin as an associate municipal judge.

Following discussion, Councilmember Hill accepted the friendly amendment as part of her motion.

Councilmember Davis, who seconded Councilmember Hill's motion, also accepted Councilmember Kadane's friendly amendment as part of her second.

After discussion, Councilmember Kadane withdrew his friendly amendment to include Tony Martin as an associate municipal judge.

Councilmember Hill accepted the withdrawal of the friendly amendment by Councilmember Kadane.

Councilmember Davis who seconded Councilmember's Hill motion also agreed to the withdrawal of Councilmember Kadane's friendly amendment.

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Mayor Rawlings called the vote on Councilmember Hill's motion to appoint Ruth Catherine Logan as an associate municipal judge:

Voting Yes: [7] Medrano, Atkins, Jasso, Caraway, Hill, Alonzo, Davis
Voting No: [8] Rawlings, Griggs, Kadane, Allen, Koop, Greyson,
Margolin, Hunt
Absent when vote taken: [0]
Absent: [0]

The assistant city secretary declared the motion failed.

Councilmember Kadane moved to appoint Tony Martin as an associate municipal judge.

Motion seconded by Deputy Mayor Pro Tem Atkins.

Mayor Rawlings called the vote on Councilmember Kadane's motion to appoint Tony Martin as an associate municipal judge:

Voting Yes: [6] Atkins, Griggs, Kadane, Allen, Greyson, Hunt
Voting No: [9] Rawlings, Medrano, Jasso, Caraway, Hill, Alonzo, Davis,
Koop, Margolin
Absent when vote taken: [0]
Absent: [0]

The assistant city secretary declared the motion failed.

Assigned ORDINANCE NO. 28793

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 19, 2012

12-2331

- Item 8: Authorize **(1)** approval of the proposed plan design changes effective January 1, 2013; and **(2)** approval of the proposed health coverage contribution and premium rates - Total cost based on the number of employee/retiree participants in the plan - Financing: Employee Benefits Current Funds (subject to appropriations)

Deputy Mayor Pro Tem Atkins moved to adopt the item.

Motion seconded by Councilmember Caraway and unanimously adopted.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 19, 2012

12-2332

Item 9: Authorize (1) position changes; (2) approval of revised salary schedules for fiscal year 2012-13; (3) elimination of the remaining four Mandatory City Leave days for civilian employees; (4) elimination of the three Mandatory City Leave days for Police and Fire uniform executive staff; (5) a 3% increase for Police and Fire Uniformed Executives; and (6) elimination of the Mandatory City Leave days and authorize a 3% increase for Police and Fire uniform staff according to the Meet and Confer Agreement - Financing: This action has no cost consideration to the City

Councilmember Caraway moved to adopt the item.

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

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 19, 2012

12-2333

Item 10: An ordinance amending Chapter 34 of the Dallas City Code to: **(1)** include the city auditor's office and the city secretary's office in the definition of "non-civil service employee" in conformance with the city charter; **(2)** grant police and fire chiefs any additional holidays granted to other police and fire personnel under a meet and confer or collective bargaining agreement; and **(3)** clarify that workplace violence is a type of disturbance constituting unacceptable conduct - Financing: No cost consideration to the City

Councilmember Caraway moved to adopt the item.

Motion seconded by Mayor Pro Tem Medrano and unanimously adopted.

Assigned ORDINANCE NO. 28794

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 19, 2012

12-2334

Item 11: An ordinance amending Chapter 49 of the Dallas City Code to establish and adjust certain rates, charges and fees relating to water and wastewater services for Dallas and customer cities, effective October 1, 2012 (fee list attached) - Estimated Revenue: \$22,981,749

Councilmember Davis moved to adopt the item.

Motion seconded by Councilmember Caraway and unanimously adopted.

Assigned ORDINANCE NO. 28795

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 19, 2012

12-2335

Briefing A: City Hall Security Table Top Exercises

Mayor Rawlings called a recess of the city council meeting at 1:57 p.m. as authorized by Section 551.076, Deliberations Regarding Security Devices or Security Audits, of the Texas Open Meetings Act for security exercises.

Mayor Rawlings reconvened the city council meeting after the closed session at 3:07 p.m. No other matters were discussed during the executive session.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

SEPTEMBER 19, 2012

12-2336

Closed Session

6ES

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

- Legal services relating to federal healthcare reform legislation.
- Legal issues regarding gas drilling and production.

At 12:39 a.m., Mayor Rawlings 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 services relating to federal healthcare reform legislation.
- Legal issues regarding gas drilling and production.

Mayor Rawlings reconvened the city council meeting after the closed session at 1:33 p.m. No other matters were discussed during the closed session.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 19, 2012

EXHIBIT C