

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 15, 2014

14-0150

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

PRESENT: [15] Rawlings, Atkins, Alonzo, Griggs, Medrano, Hill, Caraway (*10:02 a.m.), Callahan, Davis (*9:17 a.m.), Kadane, Allen, Kleinman, Greyson (*9:22 a.m.), Gates, Kingston

ABSENT: [0]

The meeting was called to order at 9:08 a.m.

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

The invocation was given by Reverend Earnest C. Wilson of Griggs Chapel Missionary Baptist Church.

Mayor Rawlings 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, Mayor Rawlings announced the meeting adjourned at 4:36 p.m.

Mayor

ATTEST:

City Secretary

The annotated 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, JANUARY 15, 2014

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 and city council 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: Brian Wilk, 4026 Adrian Dr.
SUBJECT: Love Field Noise Abatement

SPEAKER: Robert Plessinger, 4026 Adrian Dr.
SUBJECT: Love Field Noise Abatement

SPEAKER: Zac Trahan, 4005 N. Hall St.
REPRESENTING: Texas Campaign for the Environment
SUBJECT: Plastic Bags Ordinance

SPEAKER: Kermit Mitchell, 5659 Marblehead Dr. (handout provided)
SUBJECT: Dallas Convention Center Hotel

SPEAKER: Travis Stewart, 6136 Yellow Rock Trl. (handout provided)
REPRESENTING: The Academy
SUBJECT: Service project/Big Deed

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

SPEAKER: Albert Navifar, 15889 Preston Rd.
SUBJECT: Taxi companies

SPEAKER: Thomas Bill Ray, 1822 Young St.
SUBJECT: Overcrowded

SPEAKER: Edward Porter, 511 N. Akard St.
SUBJECT: Equal justice/Camera civilian

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

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: The FBI/poverty in Dallas

SPEAKER: Marvin Crenshaw, 5134 Malcolm X Blvd.
REPRESENTING: Malcolm X Community Council
SUBJECT: Snake

SPEAKER: Robert Ceccarelli, 1822 Young St.
SUBJECT: DISD/Homeless

SPEAKER: LaKolya London, 1873 Mockingbird Ln.
REPRESENTING: The People
SUBJECT: Apartment complexes/Housing

SPEAKER: Deloris Phillips, P.O. Box 530236 (handout provided)
REPRESENTING: Humanity
SUBJECT: DPD corruption/Green Oaks

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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14-0153

Item 1: Approval of Minutes of the December 4, 2013 City Council Meeting

Councilmember Kadane moved to adopt the minutes of the December 4, 2013 City Council Meeting.

Motion seconded by Councilmember Davis and unanimously adopted. (Allen absent when vote taken)

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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 city secretary distributed a report showing all nominations and re-nominations received for city board and commission appointments for the 2013-2015 board term, with term ending September 30, 2015, updated through JANUARY 15, 2014 and noted the report indicated nominees and re-nominees for officer appointments.

Councilmember Medrano moved to appoint the following:

- Patricia M. Cody, General Public, to the Animal Shelter Commission; Anita M. Childress to the Civil Service Board; Daniel L. Powell, Registered Voter, to the Reinvestment Zone Three Board (Oak Cliff Gateway); Arman Rupani to the Reinvestment Zone Seven Board (Sports Arena); Pat Priest, Registered Voter, to the Reinvestment Zone Eight Board (Design District); Dustin P. Thibodeaux to the Reinvestment Zone Fifteen Board (Fort Worth Avenue); and
- Anita M. Childress, Chair to the Civil Service Board.

Motion seconded by Councilmember Caraway and unanimously adopted.

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

14-5150	ARC	AUTOMATED RED LIGHT ENFORCEMENT COMMISSION
14-5151	ASC	ANIMAL SHELTER COMMISSION
14-5152	CDC	COMMUNITY DEVELOPMENT COMMISSION
14-5153	CPR	DALLAS CITIZENS POLICE REVIEW BOARD
14-5154	CSB	CIVIL SERVICE BOARD
14-5155	PLA	PERMIT AND LICENSE APPEAL BOARD
14-5156	RZ03	REINVESTMENT ZONE THREE BOARD (OAK CLIFF GATEWAY)
14-5157	RZ07	REINVESTMENT ZONE SEVEN BOARD (SPORTS ARENA)
14-5158	RZ08	REINVESTMENT ZONE EIGHT BOARD (DESIGN DISTRICT)
14-5159	RZ15	REINVESTMENT ZONE FIFTEEN BOARD (FORT WORTH AVENUE)
14-5160	SAC	SENIOR AFFAIRS COMMISSION
14-5161		BOARD OFFICERS

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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14-0155

Briefing A: D/FW International Airport Board of Directors Nomination/Appointment
Process

The city secretary briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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14-0156

Item 3: Consideration of appointments to the Dallas/Fort Worth International Airport Board of Directors for Places 4, 6 and 9 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (List of nominees in the City Secretary's Office)

Councilmember Hill requested to make her motion in two parts; there was no objection voiced to her request.

Councilmember Hill moved to re-appoint the following individuals to the Dallas/Fort Worth International Airport Board, with the term to begin February 1, 2014 and expire January 31, 2016:

- Sam Coats
- Bernice Washington

Motion seconded by Mayor Pro Tem Atkins.

Deputy Mayor Pro Tem Alonzo requested to go into executive session to address legal questions regarding the item.

Mayor Rawlings called a recess of the city council meeting at 10:18 a.m. as authorized by Section 551.071, Consultations with Attorney, of the Texas Open Meetings Act to confer with the city attorney on this item.

Mayor Rawlings reconvened the city council meeting after the closed session at 10:24 a.m. No other matters were discussed during the closed session.

Councilmember Hill restated her motion, having been seconded by Mayor Pro Tem Atkins, to re-appoint the following individuals to the Dallas/Fort Worth International Airport Board, with the term to begin February 1, 2014 and expire January 31, 2016:

- Sam Coats
- Bernice Washington

Councilmember Greyson moved a substitute motion to have a ballot vote on all four nominees and rank the nominees, similar to the vote taken at the Transportation and Trinity River Corridor Project Committee.

Motion seconded by Councilmember Davis.

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Following discussion, Councilmember Greyson moved to amend her substitute motion to have a ballot vote on all four nominees and for the top 3 ranked nominees to be appointed to the Dallas/Fort Worth International Airport Board to include that Robert Hsueh continue to serve as a member of the Dallas/Fort Worth International Airport Board in holdover capacity until June 30, 2014, with whatever nominee comes in third as the person who will replace Mr. Hsueh with a term effective July 1, 2014 and ending January 31, 2016.

Councilmember Davis, who seconded the substitute motion, also accepted the amendment.

Mayor Rawlings stated the vote would be taken by a show of hands; there was no objection voiced to his statement.

Mayor Rawlings called for a show of hands on Councilmember Greyson's amended substitute motion to have a ballot vote on all four nominees and for the top 3 ranked nominees to be appointed to the Dallas/Fort Worth International Airport Board to include that Robert Hsueh continue to serve as a member of the Dallas/Fort Worth International Airport Board in holdover capacity until June 30, 2014, with whatever nominee comes in third as the person who will replace Mr. Hsueh with a term effective July 1, 2014 and ending January 31, 2016.

By a show of hands, with the majority having been raised in favor, Mayor Rawlings declared the amended substitute motion adopted.

The city secretary distributed ballots to the city council for the casting of votes. In order to allow the City Secretary's Office time to calculate the results of the balloting, the item was held until later in the meeting.

Later in the meeting, at the request of Mayor Rawlings, the city secretary announced the following candidates received votes cast as follows:

- Sam Coats – 15
- Bernice Washington – 14
- William Tsao – 7
- Theresa Flores – 7

Councilmember Greyson moved to reconsider the ballot results taken on all four nominees due to a misunderstanding of how ballots were filled out as the result/totals reported by the city secretary clearly did not provide total votes that would result had the ranking been fully conducted.

Motion seconded by Councilmember Kingston.

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Mayor Rawlings called for a show of hands on Councilmember Greyson's motion to reconsider the ballot results taken on all four nominees due to a misunderstanding of how ballots were filled out as the result/totals reported by the city secretary clearly did not provide total votes that would result had the ranking been fully conducted.

By a show of hands, with the minority being raised in favor, Mayor Rawlings declared the motion to reconsider the ballot results taken on all four candidates due to a misunderstanding of how ballots were filled out, failed.

Following additional review of the ballots, the city secretary announced the ballots were incorrect due to a misunderstanding of how ballots were filled out as not all the ballots were cast in accordance to Councilmember Greyson's amended substitute motion to rank the nominees with some council members having ranked the nominees while others selected their top 3.

Councilmember Greyson requested new ballots be distributed to allow casting of votes in accordance with her amended substitute motion.

Mayor Rawlings moved to reconsider Councilmember Greyson's amended substitute motion to have a ballot vote on all four nominees and for the top 3 ranked nominees to be appointed to the Dallas/Fort Worth International Airport Board to include that Robert Hsueh continue to serve as a member of the Dallas/Fort Worth International Airport Board in holdover capacity until June 30, 2014, with whatever nominee comes in third as the person who will replace Mr. Hsueh with a term effective July 1, 2014 and ending January 31, 2016.

Motion seconded by Councilmember Hill.

Councilmember Callahan called for a point of order.

Councilmember Caraway moved a substitute motion to vote individually and separately for each nominee by show of hands.

Motion seconded by Councilmember Hill.

After discussion, Mayor Rawlings moved to withdraw his motion to reconsider Councilmember Greyson's amended substitute motion to have a ballot vote on all four nominees and for the top 3 ranked nominees to be appointed to the Dallas/Fort Worth International Airport Board to include that Robert Hsueh continue to serve as a member of the Dallas/Fort Worth International Airport Board in holdover capacity until June 30, 2014, with whatever nominee comes in third as the person who will replace Mr. Hsueh with a term effective July 1, 2014 and ending January 31, 2016, which would allow Councilmember Caraway's substitute motion to be considered.

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Councilmember Hill who seconded the motion, also withdrew her second to the motion.

Councilmember Griggs called for a point of order, from a parliamentary perspective, in that a motion had been made and voted on, and with now two conflicting motions, in order for most motions to be reconsidered, the motion to reconsider has to be made from someone on the prevailing side with a second to that motion.

Councilmember Callahan clarified his point of order, voiced earlier in the meeting, to note the original motion was not heard for a ranking and that this is an incorrect ballot and incorrect process.

Councilmember Gates moved a substitute motion to not vote on the third nominee (place) until the point in time when Robert Hsueh's holdover term expires (June 30, 2014).

Motion seconded by Councilmember Greyson.

Upon Mayor Rawlings' inquiry as to the certifiability of the balloting, the city secretary announced the ballots were not certifiable.

Mayor Rawlings stated that both Councilmember Gates' and Councilmember Caraway's substitute motions died due to the ballots being uncertifiable.

After discussion, Mayor Rawlings moved to reconsider Councilmember Greyson's amended substitute motion to have a ballot vote on all four nominees and for the top 3 ranked nominees to be appointed to the Dallas/Fort Worth International Airport Board to include that Robert Hsueh continue to serve as a member of the Dallas/Fort Worth International Airport Board in holdover capacity until June 30, 2014, with whatever nominee comes in third as the person who will replace Mr. Hsueh with a term effective July 1, 2014 and ending January 31, 2016.

Motion seconded by Mayor Pro Tem Atkins.

Councilmember Griggs called for a point of order that if there is a parliamentary dispute that comes up about this certification, because it wasn't certified correctly, if that invalidates the certification or the city secretary puts the ballots back out, then procedurally, the city council should have a majority vote on whether to amend the motion.

The City Attorney's Office clarified reconsideration of Councilmember Greyson's amended substitute motion was allowed as presented by Mayor Rawlings.

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At Deputy Mayor Pro Tem Alonzo's request, the city attorney confirmed that as the ballots had not been cast in accordance to the motion adopted by the city council, the city secretary could not certify the ballots, and the ballots are therefore null and void and need to be redone as the process was incorrectly done and the ballots could be destroyed.

Councilmember Greyson again requested new ballots be distributed by the city secretary to allow casting of votes in accordance with her amended substitute motion.

Councilmember Davis called the question to allow consideration of Mayor Rawlings' motion, having been seconded by Councilmember Hill, to reconsider Councilmember Greyson's amended substitute motion to have a ballot vote on all four nominees and for the top 3 ranked nominees to be appointed to the Dallas/Fort Worth International Airport Board with Robert Hsueh to hold over as a member of the Dallas/Fort Worth International Airport Board until June 30, 2014, with the nominee receiving the lowest ranking to receive the partial term effective July 1, 2014 through January 31, 2016, adopted.

By a show of hands, with the minority being raised in favor, as a 2/3 vote in favor is required, Mayor Rawlings declared the call for question failed.

By a show of hands, with the majority being raised in favor, Mayor Rawlings declared his motion, having been seconded by Councilmember Hill, to reconsider Councilmember Greyson's amended substitute motion to have a ballot vote on all four nominees and for the top 3 ranked nominees to be appointed to the Dallas/Fort Worth International Airport Board with Robert Hsueh to hold over as a member of the Dallas/Fort Worth International Airport Board until June 30, 2014, with the nominee receiving the lowest ranking to receive the partial term effective July 1, 2014 through January 31, 2016, adopted.

The city attorney clarified that at this time, Councilmember Greyson could now make her motion.

Councilmember Greyson moved to do this selection by ballot with the ranking as done in Transportation and Trinity River Corridor Project Committee with the addition that Robert Hsueh continue to serve as a member of the Dallas/Fort Worth International Airport Board in holdover capacity until June 30, 2014, with whoever wins in third place appointed in Mr. Hsueh's place effective July 1, 2014 through January 31, 2016.

Motion seconded by Councilmember Kingston.

By a show of hands, with the minority being raised in favor, Mayor Rawlings declared Councilmember Greyson's motion to do this selection by ballot with the ranking as done in Transportation and Trinity River Corridor Project Committee with the addition that Robert Hsueh continue to serve as a member of the Dallas/Fort Worth International Airport Board in holdover capacity until June 30, 2014, with whoever wins in third place appointed in Mr. Hsueh's place effective July 1, 2014 through January 31, 2016, failed.

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Councilmember Hill reiterated her original motion, having been seconded by Mayor Pro Tem Atkins, to re-appoint Sam Coats and Bernice Washington to the Dallas/Fort Worth International Airport Board, with the terms to begin February 1, 2014 and expire January 31, 2016.

Deputy Mayor Pro Tem Alonzo moved a substitute motion to appoint Sam Coats, Bernice Washington, and Theresa Flores to the Dallas/Fort Worth International Airport Board with one of them to serve the 1½ year term.

Motion seconded by Councilmember Medrano.

Councilmember Caraway moved another substitute motion to appoint Sam Coats and Bernice Washington to the Dallas/Fort Worth International Airport Board, with the terms to begin February 1, 2014 and expire January 31, 2016, and appoint William Tsao to serve the 1½ year term to begin July 1, 2014 and expire January 31, 2016, with Robert Hsueh to hold over until June 30, 2014.

Motion seconded by Councilmember Hill.

Councilmember Callahan called for a point of order to reclarify, as stated during previous discussions by Councilmember Griggs, that the substitute motions are actually amendments.

Mayor Rawlings called for a show of hands on Councilmember Caraway's substitute motion to appoint Sam Coats and Bernice Washington to the Dallas/Fort Worth International Airport Board, with the terms to begin February 1, 2014 and expire January 31, 2016, and appoint William Tsao to serve the 1½ year term to begin July 1, 2014 and expire January 31, 2016, with Robert Hsueh to hold over until June 30, 2014.

By a show of hands, with the majority being raised in favor, Mayor Rawlings declared Councilmember Caraway's substitute motion to appoint Sam Coats and Bernice Washington to the Dallas/Fort Worth International Airport Board, with the terms to begin February 1, 2014 and expire January 31, 2016, and appoint William Tsao to serve the 1½ year term to begin July 1, 2014 and expire January 31, 2016, with Robert Hsueh to hold over until June 30, 2014, adopted.

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

14-5162 DFW DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 15, 2014

14-0157

Item 4: Authorize the creation of and the appointment of members to the Charter Review Commission - Financing: This action has no cost consideration to the City

Mayor Pro Tem Atkins moved to appoint all 16 nominees submitted.

Motion seconded by Deputy Mayor Pro Tem Alonzo.

The city secretary read the following names into the record:

Rafael M. Anchia
Jane (Jan) H. Black
Mary E. Cedillo-Pereira
Robert A. Chereck
Levi H. Davis
M. Eva Elvove
Lois G. Finkelman
Michael Northrup
Thomas P. Perkins Jr.
Jeanne L. Phillips
Diane Ragsdale
Paul D. Rich
Robert R. Stimson
Mary K. Suhm
Walter A. Walne
Max W. Wells

Councilmember Kingston moved a substitute motion to allow each council member, including the Mayor, to appoint one member to the Charter Review Commission, subject to confirmation by the full city council, as done with other Charter Review Commissions.

Motion seconded by Councilmember Medrano.

Mayor Rawlings stated the vote would be taken by a show of hands; there was no objection voiced to his statement.

Mayor Rawlings called for a show of hands on Councilmember Kingston's substitute motion to allow each council member, including the Mayor, to appoint one member to the Charter Review Commission, subject to confirmation by the full city council, as done with other Charter Review Commissions.

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By a show of hands, the minority having been raised in favor, Mayor Rawlings declared the substitute motion to allow each council member, including the Mayor, to appoint one member to the Charter Review Commission, subject to confirmation by the full city council, as done with other Charter Review Commissions, failed.

After discussion, Councilmember Kingston moved another substitute motion to appoint all 16 nominees as presented, and include Angela Hunt as a nominee for appointment to the Charter Review Commission.

Motion seconded by Councilmember Medrano.

Mayor Rawlings called for a show of hands on Councilmember Kingston's substitute motion to appoint all 16 nominees as presented, and include Angela Hunt as a nominee for appointment to the Charter Review Commission.

By a show of hands, the minority having been raised in favor, Mayor Rawlings declared the substitute motion to appoint all 16 nominees as presented, and include Angela Hunt as a nominee for appointment to the Charter Review Commission, failed.

After further discussion, Mayor Rawlings called for a show of hands on Mayor Pro Tem Atkins' original motion to appoint all 16 nominees as originally presented.

By a show of hands, the majority having been raised in favor, Mayor Rawlings declared the motion adopted.

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

14-5300 CRC CHARTER REVIEW COMMISSION

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 15, 2014

14-0158

Briefing B: Continued Discussion on Carryout Bags

The interim city manager briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JANUARY 15, 2014

14-0159

Briefing C: Purchasing Process Overview

The interim city manager briefed the city council on the item.

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

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14-0160

Closed Session

6ES

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

- Paul Heller et al., v. City of Dallas, Cause No. 13-CV-4000-L, and proposed amendments to Section 28-158.1 of the Dallas City Code.

At 11:47 a.m., Mayor Rawlings announced the closed session of the city council authorized by Chapter 551, "OPEN MEETINGS," of the (Texas Open Meetings Act) to discuss the following matter:

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

- Paul Heller et al., v. City of Dallas, Cause No. 13-CV-4000-L, and proposed amendments to Section 28-158.1 of the Dallas City Code.

Mayor Rawlings reconvened the city council meeting after the closed session at 1:20 p.m. No other matters were discussed during the closed session.

MINUTES OF THE DALLAS CITY COUNCIL
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EXHIBIT C