

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2568

Briefings: C. Proposed Amendments to the City Council Rules of Procedure and the Plan and Zoning Commission Rules of Procedure Concerning Zoning and Land Use Matters (Mayor Miller)

The city manager briefed the city council on the item.

The following individuals of the city plan and zoning commission addressed the city council on this item:

Bruce Wilke, chair
Carol Brandon, vice chair
Angela Marshall
Bill "Bulldog" Cunningham
Carol Scott
Neil Emmon
Clarence Gray
David Neumann

**GOVERNMENT
EXHIBIT
3231
3:07-CR-0289-M**

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COD_DS0003560

OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

Memorandum



CITY OF DALLAS

Date: September 2, 2005
 To: The Honorable Members of the Dallas City Council
 Subject: Re: September 7, 2005 Joint meeting between Dallas City Council & City Plan Commission

As you recall, when we came back from summer break I passed out a chart showing how other cities organize their Plan Commissions, and the manner in which commissioners are appointed.

Most large cities appoint Plan Commissioners at-large. Although there is virtually no support on the City Council to make such a change, we have had small group meetings over the past month with City Council members and Plan Commissioners to develop other recommendations that would open up the current process and assure homeowners, business owners and zoning applicants that our zoning process is open and transparent.

I want to thank you for your ideas and your input. Based on our meetings, a set of proposals have been developed for discussion at our joint City Council/CPC meeting on Sept 7. These proposals include changes that would affect both the City Council and the City Plan Commission.

The discussion will take place at 2:00 p.m. in the briefing room once the council has convened after lunch. We will discuss the reform proposal first, and then take up the Neighborhood Stabilization Overlay.

I would like to place the reform measures on the Sept. 14 City Council Agenda for approval by the Council. If approved, the changes would be incorporated into current city ordinances and rules of procedure and would take affect immediately.

It is my hope that the Neighborhood Stabilization Overlay proposal can be the subject of a public hearing at a City Council meeting in the near future so that the public can weigh in on this important and sensitive issue.

Laura Miller
 Mayor

cc: Mary K. Suhm, City Manager
 Shirley Acy, City Secretary
 Tom Perkins, City Attorney
 Paul Garner, Interim City Auditor
 Judge Jay Robinson, Judiciary
 Dave Cook, CFO/Interim Assistant City Manager
 Ramon Miguez, Assistant City Manager
 Ryan Evans, Assistant City Manager
 Charles Daniels, Assistant City Manager
 Jill Jordan, Assistant City Manager

Proposed Amended CPC Procedures

The City Plan Commission Rules of Procedure and, where necessary, Chapter 51 A shall be amended to reflect the following policy decisions by City Council.

052568

- A. The following matters shall be considered of city-wide significance and should be analyzed by all City Plan Commissioners with respect to city-wide impacts:
1.
 - a. The Comprehensive Plan
 - b. Land Use studies
 - c. Development code amendments
 - d. Any project receiving incentives, abatements, or other subsidies of any form.
 - e. Any zoning matter affecting the following areas
 1. Greater Downtown
 2. Trinity River Corridor
 3. Area Airports (Love Field, Dallas Executive, Hensley Field, Addison)
 4. White Rock Lake
 5. Fair Park
 6. Hospitals
 7. Universities, Colleges and ISD sites
 8. Inland port
 9. Regional Retail Centers
 - i) Southwest Center Mall / Wheatland / Hampton
 - ii) Galleria / Valley View
 - iii) NorthPark / Park Lane
 2. In addition to the items listed above, the following types of zoning applications shall be considered to be of city-wide significance:
 - a. Any zoning application which allows greater than 18 units to the acre or more than 300 dwelling units.
 - b. Any zoning application which doubles allowed FAR or allows an FAR of 4.0 or greater.
 - c. Any zoning application which increases allowed height to 60 ft or greater or 6 stories or greater.
 - d. Any zoning application greater than 1 acre within 1000 ft of a DART rail station or proposed station.
 - f. Any zoning application which allows more than 150,000 square feet of mixed use or retail.
 - g. Any zoning application that reduces the supply of land zoned for single-family uses.
 - h. Any zoning application that receives more than 20% opposition from affected properties.
- B. The Department of Development Services is directed to prepare agenda materials for the City Council and City Plan Commission to indicate if the request qualifies as a project of city-wide significance.

Proposed Amended CPC Procedures

The City Plan Commission Rules of Procedure and, where necessary, Chapter 51 A shall be amended to reflect the following policy decisions by City Council.

- C. All members of the City Plan Commission are directed to participate in and evaluate projects of city-wide significance.
- D. For projects of city-wide significance, the Chair of the City Plan Commission is directed to appoint a committee of at least two City Plan Commissioners including the district Commission to meet with interested parties and staff during CPC consideration of a project.
- E. The Department of Development Services is directed to schedule routine bus tours for the City Plan Commission for cases identified as projects of city-wide significance.
- F. The Chair of the City Plan Commission shall read into the record of every Plan Commission meeting that Plan Commissioners have a civic responsibility to consider the best interests of the City as a whole and give due consideration to all zoning cases on both a city-wide perspective and neighborhood perspective. All Commissioners shall feel free to participate in any zoning case, regardless of location.
- G. The appointees of the Mayor, Mayor Pro Tem, and Deputy Mayor Pro Tem to the City Plan Commission are directed to participate in and evaluate all zoning applications, regardless of where the property is located.
- H. The Department of Development Services is directed to institute a formalized training program (through the North Texas Council of Governments) and schedule semi-annual training sessions for the City Plan Commission.
- I. The Department of Development Services is directed to process appeals of the Landmark Commission and four way stop appeals through the Board of Adjustment.
- J. The Department of Development Services is directed to schedule bi-annual joint meetings of the City Council and the City Plan Commission for the purposes of discussion of the policies, practices, and procedures of the City Council and the City Plan Commission in relation to zoning and land use matters.
- K. All members of the City Plan Commission are directed to make inquiries on zoning cases (other than those questions that may be asked during a CPC meeting) only to the Director or Assistant Director of the Department of Development Services.

Proposed Amended CPC Procedures

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The City Plan Commission Rules of Procedure and, where necessary, Chapter 51 A shall be amended to reflect the following policy decisions by City Council.

- L. The staff of the Department of Development Services shall maintain an independent and objective position on all matters before the City Plan Commission and shall not be influenced by any elected or appointed official.
- M. The chairman of the Plan Commission may have any item placed on the agenda if the request is provided to city staff by 8:00 a.m. of the Monday preceding the meeting and the City Plan Commission is notified. Any City Plan Commissioner may have any item placed on the agenda only when that Commissioner has secured the written signatures of four additional Commissioners in agreement with that item being scheduled for consideration.
- N. Action by the Commission to overturn the staff recommendation on a project of city-wide significance requires a super-majority (3/4) of the members present and voting.
- O. The City Plan Commission rules and procedures shall be amended to eliminate all standing committees with the exception of the Subdivision Review Committee and the **Zoning Ordinance Advisory Committee**.^{*} All other committees may exist as an ad hoc committee. Appointments to these committees shall be made by the City Plan Commission in accordance with existing procedures. Two-year term limits for these positions will be imposed. (Members may be reappointed after they're off the committee for one two-year term) No one may serve more than 8 years total.

***ZOAC**

Re-constitute ZOAC into a nine member citizen committee appointed by the Mayor and City Council. The Committee shall be a non-political body that will function to provide a thorough technical review and recommendation of ordinance amendments to the Zoning and Subdivision Regulations. Members of the committee will serve in specific areas of technical expertise, as follows: real estate attorney, architect, engineer, landscape architect, land use planner, urban designer, non-profit developer and 2 citizens at-large to represent homeowner interests.

COD_DS0003564

Proposed City Council Procedures on Zoning and Land Use Matters 052568

The following will be codified by Council Resolution and included in the Council's bi-weekly zoning materials. It will also be distributed to all zoning applicants and any citizen who requests it.

A. The following matters shall be considered of city-wide significance and should be analyzed by all Council members with respect to city-wide impacts:

1. a. The Comprehensive Plan
- b. Land Use studies
- c. Development code amendments
- d. Any project receiving incentives, abatements, or other subsidies of any form.
- e. Any zoning matter affecting the following areas
 1. Greater Downtown
 2. Trinity River Corridor
 3. Area Airports (Love Field, Dallas Executive, Hensley Field, Addison)
 4. White Rock Lake
 5. Fair Park
 6. Hospitals
 7. Universities, Colleges and ISD sites
 8. Inland port
 9. Regional Retail Centers
 - i) Southwest Center Mall / Wheatland / Hampton
 - ii) Galleria / Valley View
 - iii) NorthPark / Park Lane

2. In addition, the following types of zoning applications shall be considered citywide:

- a. Any zoning application which allows greater than 18 units to the acre or more than 300 dwelling units.
- b. Any zoning application which doubles allowed FAR or allows an FAR of 4.0 or greater.
- c. Any zoning application which increases allowed height to 60 ft or greater or 6 stories or greater.
- d. Any zoning application greater than 1 acre within 1000 ft of a DART rail station or proposed station.
- f. Any zoning application which allows more than 150,000 square feet of mixed use or retail.
- g. Any zoning application that reduces the supply of land zoned for single-family uses.
- h. Any zoning application that receives more than 20% opposition from affected property owners.

COD_DS0003565

Proposed City Council Procedures on Zoning and Land Use Matters

- B. The Department of Development Services is directed to prepare agenda materials for the City Council to indicate whether the project qualifies as a project of city-wide significance.
- C. All members of the City Council are directed to participate in and evaluate projects of city-wide significance.
- D. For projects of city-wide significance, the Mayor shall appoint at least two City Councilmembers to meet with interested parties and staff during consideration of a project.
- E. The Mayor shall read into the record that City Councilmembers should have equal input into all zoning cases on both a city-wide perspective and neighborhood perspective.
- F. All zoning applicants should feel free to contact any Council Member or the Mayor to seek support, and anyone opposed to the application should feel free to do the same.
- G. The Mayor, Mayor Pro Tem, and Deputy Mayor Pro Tem are advised to participate in and evaluate all zoning applications, regardless of where the property is located.
- H. The Department of Development Services is directed to schedule annual joint meetings of the City Council and the City Plan Commission for the purposes of discussion of the policies, practices, and procedures of the City Council and the City Plan Commission in relation to zoning and land use matters.
- I. All members of the City Council are directed to make inquiries on zoning cases and land use matters only to the Director or Assistant Director of the Department of Development Services.
- J. The staff of the Department of Development Services shall maintain an independent and objective position on all zoning and land use matters before the City Council and shall not be influenced by any elected or appointed official.
- K. The Mayor and the City Councilmembers shall refrain from involvement in zoning and land use matters until such time as the City Plan Commission has concluded its deliberations and made its recommendation to the City Council.

Alternate Proposal

- Menu options
 - ◆ Front yard setbacks
 - ◆ Interior setbacks
 - ◆ Corner side yard setback
 - ◆ Garage access, location and connection
 - ◆ Impervious coverage – front and corner side yards
 - ◆ Height

COD_DS0003567



City Council – September 7, 2005

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Alternate Proposal

- Prevailing Standards
 - ◆ Eliminate
- Minimum area for an overlay
 - ◆ Original subdivision or minimum of 50 homes in a contiguous and compact area
 - ◆ Differing blockfaces may have differing standards

COD_DS0003568

Alternate Proposal

- Petition requirement
 - ◆ 67% to 75%
- Timing
 - ◆ Signatures valid for 60 to 90 days
- Processing time 90 days
 - ◆ Understanding that 30-day postponements may occur at CPC and City Council

COD_DS0003569



City Council – September 7, 2005

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- Street Condition Inventory
- Employee/Retiree Health Care

The briefing of this item was postponed.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2568

Briefings:C. Proposed Amendments to the City Council Rules of Procedure and the Plan and Zoning Commission Rules of Procedure Concerning Zoning and Land Use Matters (Mayor Miller)

The city manager briefed the city council on the item.

The following individuals of the city plan and zoning commission addressed the city council on this item:

Bruce Wilke, chair

Carol Brandon, vice chair

Angela Marshall

Bill "Bulldog" Cunningham

Carol Scott

Neil Emmon

COD_DS0003570

Clarence Gray

David Neumann

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2569

Briefings:D. Neighborhood Stabilization Overlay

The city manager briefed the city council on the item.

The following individuals addressed the city on the item.

Michael Jung,

Paul Cadero

Mayor Miller appointed a five member task force committee:

Deputy Mayor Pro Tem Elba Garcia

Councilmember Ed Oakley

Councilmember Leo Chaney

Councilmember Bill Blaydes

Councilmember Angela Hunt

COD_DS0003571

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2570

Closed Session

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

- In the Matter of the City of Dallas, Docket Nos. CWA-06-2004-1911 and RCRA-06-2004-0907

- Ann Tenison Hereford Webb; Lizann Tenison Webb; Bryon James Webb; Camille Elizabeth Webb Sewell v. City of Dallas, Texas; City of Dallas Parks and Recreation Department; City of Dallas Parks and Recreation Board; Paul Dyer, Director, City of Dallas Parks and Recreation Department, Appeal No. 04-10031

- Bernadine Thompson, et al. v. City of Dallas, et al., Civil Action No. 3:04-CV-1147-G

- Victor Alvarado DeLeon, et al. v. City of Dallas, et al., Civil Action No. 3:02-CV-1097-K

- L. Dwaine Lord v. City of Dallas, et al., Civil Action No. 3:02-CV-1636-P

- AsteriaWofford v. City of Dallas, Cause No. 04-08062-L

- Environmental Conservation Organization v. City of Dallas, No. 3:03-CV-2951-BD

A closed session was held as authorized by Chapter 551, "OPEN MEETINGS," of the (Texas Open Meetings Act) to discuss the following matters:

COD_DS0003572

- Ann Tenison Hereford Webb; Lizann Tenison Webb; Bryon James Webb; Camille Elizabeth Webb Sewell v. City of Dallas, Texas; City of Dallas Parks and Recreation Department; City of Dallas Parks and Recreation Board; Paul Dyer, Director, City of Dallas Parks and Recreation Department, Appeal No. 04-10031

- Bernadine Thompson, et al. v. City of Dallas, et al., Civil Action No. 3:04-CV-1147-G

- Victor Alvarado DeLeon, et al. v. City of Dallas, et al., Civil Action No. 3:02-CV-1097-K
- L. Dwaine Lord v. City of Dallas, et al., Civil Action No. 3:02-CV-1636-P
- AsteriaWofford v. City of Dallas, Cause No. 04-08062-L

No other matters were discussed during the closed session.

Updated: September 21, 2005
the **next meeting minutes** in the series,
the **previous meeting minutes** in the series,
and **agenda for this meeting**

Dallas City Council meeting minutes
are prepared under the authority of
the City Secretary, Deborah Watkins
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COD_DS0003573



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MINUTES OF THE DALLAS CITY COUNCIL

WEDNESDAY, SEPTEMBER 7, 2005

05-2560

CITY COUNCIL BRIEFING

CITY HALL, ROOM 6ES

MAYOR MILLER, PRESIDING

PRESENT:[15] Miller, Hill, Garcia, Medrano, Oakley, Thornton Reese, Chaney, Salazar, Fantroy, Griffith, Blaydes, Koop, Natinsky, Rasansky, Hunt

ABSENT: [0]

The meeting was called to order at 9:27 a.m.

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

Mayor Miller asked all members of the city council and the audience to stand for a moment of silence.

COD_DS0003574

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 7:12 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.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2561

Special Presentations

COD_DS0003575

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.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2562

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: Richard Sheridan, [REDACTED]

SUBJECT: The homeless; the Dallas Mirror

SPEAKER: Erma Dodd, [REDACTED]

REPRESENTING: North Texas Community Development Association (NTCDA)

SUBJECT: Overlay process; Process none response to home alarms

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Hasnukvhai Patel, [REDACTED]

SUBJECT: Donation to hurricane victims

The following individuals were in support of the subject matter but did not speak:

SPEAKER: Hash Patel, [REDACTED]

COD_DS0003576

SUBJECT: Donation to hurricane victims

SPEAKER: Bharat Patel, [REDACTED]

SUBJECT: Donation to hurricane victims

SPEAKER: Parimal Patel, [REDACTED]

SUBJECT: Donation to hurricane victims

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Ken Lampton, [REDACTED]

SUBJECT: Neighborhood stabilization overlay

SPEAKER: Wendy Segrest, [REDACTED]

SUBJECT: Proposed neighbor overlay

SPEAKER: Nancy Moore, [REDACTED]

SUBJECT: Teardown residential

SPEAKER: Danielle Arvanitis, [REDACTED]

SUBJECT: Support of neighborhood stabilization overlay

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2563

COD_DS0003577

Item 1: Approval of Minutes of the August 3 and August 17, 2005 City Council Meetings

Councilmember Oakley approve the minutes.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Salazar, Chaney absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2564

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)

There were no consideration of appointments to boards and commissions.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2565

COD_DS0003578

Item 3: Consideration of the removal of D'Angelo Lee from the City Plan and Zoning Commission (Mayor Miller)

No action was taken on this item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2566

Briefings: A. Recommended Procedures for Appointments to Boards and Commissions for 2005-2007

The city secretary briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2567

Briefings: B. 2005-06 Budget Workshop

- Public Safety

COD_DS0003579

Public Notice

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DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

September 7, 2005

DATE

(FOR GENERAL INFORMATION AND RULES OF COURTESY PLEASE SEE OPPOSITE SIDE.) COD_DS0003580

(LA INFORMACIÓN GENERAL Y REGLAS DE CORTESÍA QUE DEBEN OBSERVARSE

DURANTE LAS ASAMBLEAS DEL CONSEJO MUNICIPAL APARECEN EN EL LADO OPUESTO, FAVOR DE LEERLAS.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on AT&T CityCable Channel 6B. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 before 9:00 a.m. on the meeting date. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. The Council agenda is available in alternative formats upon request.

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Informacion General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación AT&T CityCable Canal 6B. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 9 de la mañana del día de la asamblea. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

AGENDA
CITY COUNCIL BRIEFING
WEDNESDAY, SEPTEMBER 7, 2005
CITY HALL
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am	Moment of Silence and Pledge of Allegiance	6ES
9:05 am	Special Presentations	6ES
	Open Microphone Speakers	6ES

VOTING AGENDA 6ES

1. Approval of Minutes of the August 3, and August 17, 2005 City Council Meetings
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)

ITEMS FOR INDIVIDUAL CONSIDERATION

ITEMS FOR FURTHER CONSIDERATION

3. Consideration of the removal of D'Angelo Lee from the City Plan and Zoning Commission (Mayor Miller)

Briefings 6ES

- A. Recommended Procedures for Appointments to Boards and Commissions for 2005-2007
- B. 2005-06 Budget Workshop
 - Public Safety
 - Street Condition Inventory
 - Employee/Retiree Health Care

Lunch

AGENDA
CITY COUNCIL BRIEFING
WEDNESDAY, SEPTEMBER 7, 2005

Briefings (Continued)

6ES

- C. Proposed Amendments to the City Council Rules of Procedure and the Plan and Zoning Commission Rules of Procedure Concerning Zoning and Land Use Matters (Mayor Miller)
- D. Neighborhood Stabilization Overlay

Closed Session

6ES

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

- In the Matter of the City of Dallas, Docket Nos. CWA-06-2004-1911 and RCRA-06-2004-0907
- Ann Tenison Hereford Webb; Lizann Tenison Webb; Bryon James Webb; Camille Elizabeth Webb Sewell v. City of Dallas, Texas; City of Dallas Parks and Recreation Department; City of Dallas Parks and Recreation Board; Paul Dyer, Director, City of Dallas Parks and Recreation Department, Appeal No. 04-10031
- Bernadine Thompson, et al. v. City of Dallas, et al., Civil Action No. 3:04-CV-1147-G
- Victor Alvarado DeLeon, et al. v. City of Dallas, et al., Civil Action No. 3:02-CV-1097-K
- L. Dwaine Lord v. City of Dallas, et al., Civil Action No. 3:02-CV-1636-P
- Asteria Wofford v. City of Dallas, Cause No. 04-08062-L
- Environmental Conservation Organization v. City of Dallas, No. 3:03-CV-2951-BD

Open Microphone Speakers

6ES

Adjournment

6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

PUBLIC MEETINGS FOR SEPTEMBER 1 - SEPTEMBER 15, 2005

Thursday, September 1, 2005

Community Development Commission
6:00 p.m.
City Hall
Room 6ES

Thursday, September 8, 2005

Police & Fire Pension System
8:30 a.m.
2301 N. Akard Street
1st Floor Conference Room

Monday, September 12, 2005

Civil Service Board
8:30 a.m.
City Hall
1CS Conference Room

Thursday, September 15, 2005

Cultural Affairs Commission
4:30 p.m.
The International Museum of Cultures
7500 W. Camp Wisdom Road



CITY OF DALLAS

AGENDA
CITY PLAN COMMISSION BRIEFING
JOINT MEETING WITH CITY COUNCIL
Wednesday, September 7, 2005

BRIEFINGS:

6ES

2:00 p.m.

Theresa O'Donnell, Director
David Cossum, Assistant Director of Current Planning

BRIEFINGS:

The City Plan Commission is present to respond to questions from the City Council on the following items.

- A. Proposed Amendments to the City Council Rules of Procedure and the Plan and Zoning Commission Rules of Procedure Concerning Zoning and Land Use Matters
- B. Neighborhood Stabilization Overlay

Adjournment

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 7, 2005

05-2560

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

PRESENT: [15] Miller, Hill, Garcia, Medrano, Oakley, Thornton Reese, Chaney,
Salazar, Fantroy, Griffith, Blaydes, Koop, Natinsky, Rasansky,
Hunt

ABSENT: [0]

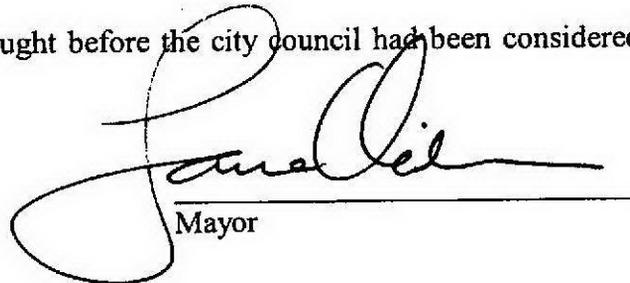
The meeting was called to order at 9:27 a.m.

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

Mayor Miller asked all members of the city council and the audience to stand for a moment of silence.

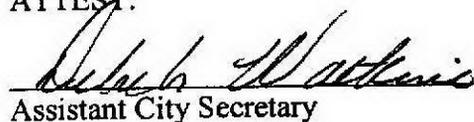
The meeting agenda, which was posted in accordance with Chapter 551, "OPEN MEETINGS," of the Texas Government Code, was presented.

After all business properly brought before the city council had been considered the city council adjourned at 7:12 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.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

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MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 7, 2005

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

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AGENDA
CITY COUNCIL BRIEFING
WEDNESDAY, SEPTEMBER 7, 2005
CITY HALL
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am	Moment of Silence and Pledge of Allegiance [05-2560]	6ES
9:05 am	Special Presentations [05-2561]	6ES
	Open Microphone Speakers [05-2562]	6ES

VOTING AGENDA 6ES

1. Approval of Minutes of the August 3, and August 17, 2005 City Council Meetings [05-2563; APPROVED]
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) [NO BOARD APPOINTMENTS]

ITEMS FOR INDIVIDUAL CONSIDERATION

ITEMS FOR FURTHER CONSIDERATION

3. Consideration of the removal of D'Angelo Lee from the City Plan and Zoning Commission (Mayor Miller) [05-2566; NO ACTION TAKEN]

Briefings 6ES

- A. Recommended Procedures for Appointments to Boards and Commissions for 2005-2007 [05-2567; BRIEFED]
- B. 2005-06 Budget Workshop [05-2568; BRIEFING POSTPONED]
 - Public Safety
 - Street Condition Inventory
 - Employee/Retiree Health Care

Lunch

AGENDA
CITY COUNCIL BRIEFING
WEDNESDAY, SEPTEMBER 7, 2005

Briefings (Continued)

6ES

- C. Proposed Amendments to the City Council Rules of Procedure and the Plan and Zoning Commission Rules of Procedure Concerning Zoning and Land Use Matters (Mayor Miller) **[05-2569; BRIEFED]**
- D. Neighborhood Stabilization Overlay **[05-2570; BRIEFED]**

Closed Session [05-2571; CLOSED SESSION HELD]

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

- In the Matter of the City of Dallas, Docket Nos. CWA-06-2004-1911 and RCRA-06-2004-0907
- Ann Tenison Hereford Webb; Lizann Tenison Webb; Bryon James Webb; Camille Elizabeth Webb Sewell v. City of Dallas, Texas; City of Dallas Parks and Recreation Department; City of Dallas Parks and Recreation Board; Paul Dyer, Director, City of Dallas Parks and Recreation Department, Appeal No. 04-10031
- Bernadine Thompson, et al. v. City of Dallas, et al., Civil Action No. 3:04-CV-1147-G
- Victor Alvarado DeLeon, et al. v. City of Dallas, et al., Civil Action No. 3:02-CV-1097-K
- L. Dwaine Lord v. City of Dallas, et al., Civil Action No. 3:02-CV-1636-P
- Asteria Wofford v. City of Dallas, Cause No. 04-08062-L
- Environmental Conservation Organization v. City of Dallas, No. 3:03-CV-2951-BD

Open Microphone Speakers **[05-2562]**

6ES

Adjournment

6ES

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 7, 2005

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2561

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.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2562

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: Richard Sheridan, [REDACTED]
SUBJECT: The homeless; the Dallas Mirror

SPEAKER: Erma Dodd, [REDACTED]
REPRESENTING: North Texas Community Development Association (NTCDA)
SUBJECT: Overlay process; Process none response to home alarms

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Hasnukvhai Patel, [REDACTED]
SUBJECT: Donation to hurricane victims

The following individuals were in support of the subject matter but did not speak:

SPEAKER: Hash Patel, [REDACTED]
SUBJECT: Donation to hurricane victims

SPEAKER: Bharat Patel, [REDACTED]
SUBJECT: Donation to hurricane victims

SPEAKER: Parimal Patel, [REDACTED]
SUBJECT: Donation to hurricane victims

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Ken Lampton, [REDACTED]
SUBJECT: Neighborhood stabilization overlay

SPEAKER: Wendy Segrest, [REDACTED]
SUBJECT: Proposed neighbor overlay

BRIEFING MEETING OF THE DALLAS CITY COUNCIL
05-2562

SPEAKER: Nancy Moore, [REDACTED]
SUBJECT: Teardown residential

SPEAKER: Danielle Arvanitis, [REDACTED]
SUBJECT: Support of neighborhood stabilization overlay

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2563

Item 1: Approval of Minutes of the August 3 and August 17, 2005 City Council Meetings

Councilmember Oakley approve the minutes.

Motion seconded by Deputy Mayor Pro Tem Garcia and unanimously adopted. (Salazar, Chaney absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2564

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)

There were no consideration of appointments to boards and commissions.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2565

Item 3: Consideration of the removal of D'Angelo Lee from the City Plan and Zoning Commission (Mayor Miller)

No action was taken on this item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2566

Briefings: A. Recommended Procedures for Appointments to Boards and Commissions
for 2005-2007

The city secretary briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2567

- Briefings: B. 2005-06 Budget Workshop
- Public Safety
 - Street Condition Inventory
 - Employee/Retiree Health Care

The briefing of this item was postponed.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2568

Briefings: C. Proposed Amendments to the City Council Rules of Procedure and the Plan and Zoning Commission Rules of Procedure Concerning Zoning and Land Use Matters (Mayor Miller)

The city manager briefed the city council on the item.

The following individuals of the city plan and zoning commission addressed the city council on this item:

Bruce Wilke, chair
Carol Brandon, vice chair
Angela Marshall
Bill "Bulldog" Cunningham
Carol Scott
Neil Emmon
Clarence Gray
David Neumann

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2569

Briefings: D. Neighborhood Stabilization Overlay

The city manager briefed the city council on the item.

The following individuals addressed the city on the item.

Michael Jung, [REDACTED]
Paul Cadero

Mayor Miller appointed a five member task force committee:

Deputy Mayor Pro Tem Elba Garcia
Councilmember Ed Oakley
Councilmember Leo Chaney
Councilmember Bill Blaydes
Councilmember Angela Hunt

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

September 7, 2005

05-2570

Closed Session

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

- In the Matter of the City of Dallas, Docket Nos. CWA-06-2004-1911 and RCRA-06-2004-0907
- Ann Tenison Hereford Webb; Lizann Tenison Webb; Bryon James Webb; Camille Elizabeth Webb Sewell v. City of Dallas, Texas; City of Dallas Parks and Recreation Department; City of Dallas Parks and Recreation Board; Paul Dyer, Director, City of Dallas Parks and Recreation Department, Appeal No. 04-10031
- Bernadine Thompson, et al. v. City of Dallas, et al., Civil Action No. 3:04-CV-1147-G
- Victor Alvarado DeLeon, et al. v. City of Dallas, et al., Civil Action No. 3:02-CV-1097-K
- L. Dwaine Lord v. City of Dallas, et al., Civil Action No. 3:02-CV-1636-P
- Asteria Wofford v. City of Dallas, Cause No. 04-08062-L
- Environmental Conservation Organization v. City of Dallas, No. 3:03-CV-2951-BD

A closed session was held as authorized by Chapter 551, "OPEN MEETINGS," of the (Texas Open Meetings Act) to discuss the following matters:

- Ann Tenison Hereford Webb; Lizann Tenison Webb; Bryon James Webb; Camille Elizabeth Webb Sewell v. City of Dallas, Texas; City of Dallas Parks and Recreation Department; City of Dallas Parks and Recreation Board; Paul Dyer, Director, City of Dallas Parks and Recreation Department, Appeal No. 04-10031
- Bernadine Thompson, et al. v. City of Dallas, et al., Civil Action No. 3:04-CV-1147-G
- Victor Alvarado DeLeon, et al. v. City of Dallas, et al., Civil Action No. 3:02-CV-1097-K
- L. Dwaine Lord v. City of Dallas, et al., Civil Action No. 3:02-CV-1636-P
- Asteria Wofford v. City of Dallas, Cause No. 04-08062-L

No other matters were discussed during the closed session.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, SEPTEMBER 7, 2005

EXHIBIT C

050037
RECORDED

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on September 15, 2005, with the briefing starting at 11:27 a.m. in Room 5ES and the public hearing at 1:59 p.m. in the City Council Chambers of City Hall. Presiding were Bruce Wilke, Chair and Carol Brandon, Vice Chair. The following Commissioners were present during the hearing: Dave Neumann, Jeff Strater, Clarence Gary, Angela Marshall, Bulldog Cunningham, Bill Avery, Carol Scott and Neil Emmons. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Melvin Traylor. There are four vacancies, District 5, District 6, District 12 and Place 15.

The City Plan Commission was briefed by staff on each item on the agenda and a question and answer period followed each briefing.

A variety of dockets, requests and briefings were presented to the Commission during the open public hearing. The applicants or their representatives presented their arguments, citizen comments were heard, and using the information and staff recommendations in the hearing dockets, the Commission took the following actions.

NOTE: For more detailed information on discussion on any issue heard during this briefing and public hearing, refer to the tape recording retained on file in the Department of Development Services.

PUBLIC HEARINGS:

Subdivision Docket

Planner: George Campbell

Pursuant to Texas Local Government Code Section 212.009(e) these minutes and recording of the hearing certify the reasons for denial of any plat application.

Preliminary Plats - Consent Items

(1) **S045-333**

Motion: It was moved to approve an application to replat lot 1, Block B/7005 in order to dedicate access, drainage, water and wastewater easements at the northeast corner of Noel Road and Southern Boulevard, subject to the conditions listed in the docket.

Maker: Marshall

Second: Scott

Result: Carried: 10 to 0

For: 10 - Strater, Neumann, Gary, Marshall, Brandon, Cunningham*, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Traylor

Vacancy: 4 - District 5, District 6, District 12, Place 15

*out of the room, shown voting in favor

Speakers: None

(2) S045-334

Motion: It was moved to approve an application to replat part of lot 2, Block A/7557 into one, 1.15 acre lot on Old Hickory Trail, south of W. Wheatland road, subject to the conditions listed in the docket.

Maker: Marshall
Second: Scott

Result: Carried: 10 to 0
For: 10 - Strater, Neumann, Gary, Marshall, Brandon, Cunningham*, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Traylor
Vacancy: 4 - District 5, District 6, District 12, Place 15

*out of the room, shown voting in favor

Speakers: None

(3) S045-335

Motion: It was moved to approve an application to plat a 0.43 acre tract of land in Block J/1846 into 3 lots on Penelope Street, southwest of Gertrude Street, subject to conditions listed in the docket.

Maker: Marshall
Second: Scott

Result: Carried: 10 to 0
For: 10 - Strater, Neumann, Gary, Marshall, Brandon, Cunningham*, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Traylor
Vacancy: 4 - District 5, District 6, District 12, Place 15

*out of the room, shown voting in favor

Speakers: None

(4) S045-309R

Motion: It was moved to approve an application to revise a previously approved preliminary plat, S45-309, in order to plat tracts of land in Block A/73 and abandoned alley Rights-Of Way into one, 2.75 acre lot bounded by S. Field Street, Wood Street, S. Akard Street and Young Street, subject to conditions listed in the docket.

Maker: Marshall
Second: Scott
Result: Carried: 10 to 0
For: 10 - Strater, Neumann, Gary, Marshall, Brandon, Cunningham*, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Traylor
Vacancy: 4 - District 5, District 6, District 12, Place 15

*out of the room, shown voting in favor

Speakers: None

(5) S045-338

Motion: It was moved to approve an application to plat abandoned Hobbs Avenue R.O.W. and tracts of land in Blocks D/2659, B/2208 and 2657 into one, 3.12 acre lot between S. Haskell Avenue and Alpine Street, east of Beeman Avenue, subject to the conditions listed in the docket.

Maker: Marshall
Second: Scott
Result: Carried: 10 to 0
For: 10 - Strater, Neumann, Gary, Marshall, Brandon, Cunningham*, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Traylor
Vacancy: 4 - District 5, District 6, District 12, Place 15

*out of the room, shown voting in favor

Speakers: None

Amending Plat

(6) S045-149

Motion: It was moved to approve an application to amend the Woolfolk Addition in order to amend the Floodway Easement on lot 1C, Block A/7463, on Grovedale Drive, north of Churchill Way, subject to conditions listed in the docket.

Maker: Marshall
Second: Scott
Result: Carried: 10 to 0
For: 10 - Strater, Neumann, Gary, Marshall, Brandon, Cunningham*, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Traylor
Vacancy: 4 - District 5, District 6, District 12, Place 15

*out of the room, shown voting in favor

Speakers: None

Individual Items – Residential Replat

(7) S045-332

Motion: It was moved to approve an application to replat lots 12 and 13, Block H/7590 into one, 1.39 acre lot at the northwest corner of Springfield Avenue and Willoughby Boulevard, subject to compliance with the conditions listed in the docket with an added condition that the applicant submit a revised plat showing the remainder of Lots 14 and 15 combined as a single lot fronting on Springfield Avenue.

Maker: Brandon
Second: Marshall
Result: Carried: 7 to 3
For: 7 - Strater, Marshall, Brandon, Cunningham, Wilke, Scott, Emmons

Against: 3 - Neumann, Gary, Avery
Absent: 1 - Traylor
Vacancy: 4 - District 5, District 6, District 12, Place 15

Speakers: For: Don Davis, [REDACTED] Duncanville, TX, 75137
Against: None

(8) S045-336

Motion: It was moved to approve an application to replat lots 5 and 6, Block 4/5650 into one, 0.82 acre lot on Stonegate Drive west of Devonshire Drive, subject to the conditions listed in the docket.

Maker: Scott
Second: Cunningham
Result: Carried: 9 to 1
For: 9 - Strater, Gary, Marshall, Brandon, Cunningham,
Avery, Wilke, Scott, Emmons

Against: 1 - Neumann
Absent: 1 - Traylor
Vacancy: 4 - District 5, District 6, District 12, Place 15

Speakers: None

(9) S034-337

Motion: It was moved to approve an application to replat 4A, Block 3/5522 into one, 1.33 acre lot and one, 1.0 acre lot on Harry's Lane, east of Lennox Lane, subject to the conditions listed in the docket.

Maker: Scott
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Marshall, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Traylor
Vacancy: 4 - District 5, District 6, Traylor 12, Place 15

Speakers: None

(A) S045-085R

Motion: It was moved to approve an application to amend the previously approved and recorded plat to reduce the 18 foot building line to a 10 foot building line on Lots 1B thru 1F in City Block H/573 on Thomas Avenue between Clay Alley and Allen Street, subject to conditions listed in the docket.

Maker: Gary
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Marshall, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
 Absent: 1 - Traylor
 Vacancy: 4 - District 5, District 6, District 12, Place 15

Speakers: For: Ed Simons, [REDACTED] Dallas, TX, 75225
 Against: Jack Irwin, [REDACTED], Dallas, TX, 75204
 Staff: Leif Sandberg, Development Services Department

Miscellaneous Docket

W045-009

Motion: It was moved to deny a waiver of the two-year waiting period to submit an application to amend the Planned Development District to reduce the number of parking spaces and number of site trees required on property bounded by Berridge Lane, St. Francis Avenue, Trace Road and Chariot Drive.

Maker: Marshall
 Second: Brandon
 Result: Carried: 10 to 0
 For: 10 - Neumann, Strater, Gary, Marshall, Brandon,
 Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
 Absent: 1 - Traylor
 Vacancy: 4 - District 5, District 6, District 12, Place 15

Speakers: None

Zoning Cases - Consent

The Commission heard Z045-270(MM) at the beginning of the Consent docket.

1. Z045-260 (WE)

Planner: Warren Ellis

Motion: In considering an application for a Planned Development District for a public school other than an open-enrollment charter school and R-16(A) Single Family District uses on property zoned an R-16(A) Single Family District, located on the southeast corner of Nuestra Drive and Wozencraft Drive it was moved to hold this case under advisement until September 22, 2005.

Maker: Emmons
 Second: Brandon
 Result: Carried: 9 to 0
 For: 9 - Neumann, Strater, Gary, Marshall, Brandon,
 Cunningham, Avery, Wilke, Emmons

Against: 0
Absent: 2 - Traylor, Scott**
Vacancy: 4 - District 5, District 6, District 12, Place 15

* Commissioner Scott left, before vote taken.

Notices: Area: 500 Mailed: 219
Replies: For: 14 Against: 14

Speakers: For: Santos Martinez, [REDACTED] Dallas, TX, 75202
Sylvia Acuff, [REDACTED], Dallas, TX, 75230
Against: Dr. Robert Prince, [REDACTED], Dallas, TX, 75230
Max Glauben, [REDACTED] Dallas, TX, 75230
Barbara Lord Watkins, [REDACTED], Dallas, TX, 75230
James Hardin, [REDACTED] Dallas, TX, 75230

2. Z045-270 (MM)

Planner: Maureen Meredith

Motion: It was moved to recommend approval of an O-2 Office Subdistrict on property zoned an O-1 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, with deed restrictions volunteered by the applicant on the east corner of the intersection of McKinney Avenue and Elizabeth Street.

Maker: Emmons
Second: Marshall
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Marshall, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Traylor
Vacancy: 4 - District 5, District 6, District 12, Place 15

Notices: Area: 200 Mailed: 74
Replies: For: 2 Against: 0

Speakers: None

3. Z045-271 (WE)

Planner: Warren Ellis

Motion: It was moved to recommend approval of an amendment to Planned Development District No. 344 for a commercial amusement (inside and outside) to reconfigure the equestrian center, provide additional parking spaces and other related uses (including height), subject to a development plan and conditions on the north side of Park Lane, northwest of Abrams Road.

Maker: Cunningham
Second: Marshall
Result: Carried: 8 to 0
For: 8 - Neumann, Gary, Marshall, Brandon*,
Cunningham, Avery, Wilke, Emmons

Against: 0
Absent: 3 - Strater**, Traylor, Scott
Vacancy: 4 - District 5, District 6, District 12, Place 15

*out of the room, shown voting in favor
** Commissioner Strater left, before vote taken.

Notices: Area: 500 Mailed: 200
Replies: For: 0 Against: 0

Speakers: For: Robert Reeves, [REDACTED], Dallas, TX, 75202
Against: Margaret Cottingham, [REDACTED], Dallas, TX, 75248
Saeed Mahboubi, [REDACTED] Dallas, TX, 75229

Zoning Cases – Under Advisement

4. Z045-257 (JP)

Planner: Jennifer Pitner

Motion: It was moved to recommend approval of a MF-2(A) Multifamily District with modified deed restrictions (deleting the language "In addition, the Property is located within the flight path of Love Field Airport." and references to "overhead flights".) and an avigation easement volunteered by the applicant on property zoned an IR Industrial Research District on the northeast side of Maple Avenue, northwest of Kimsey Drive.

Maker: Emmons
Second: Marshall
Result: Carried: 8 to 0
For: 8 - Neumann, Gary, Marshall, Brandon,
Cunningham, Avery, Wilke, Emmons

Against: 0
Absent: 3 - Strater, Traylor, Scott
Vacancy: 4 - District 5, District 6, District 12, Place 15

Notices: Area: 400 Mailed: 58
Replies: For: 10 Against: 4

Speakers: For: Robert Baldwin, [REDACTED], Dallas, TX, 75226
Against: Gabriela Cailide, [REDACTED], Dallas, TX, 75251

A. Z045-233 (RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of an amendment to the conceptual plan and conditions for Planned Development District No. 143, for Office uses and a Plant nursery subject to a new conceptual plan (Conceptual Plan B), a revised existing conceptual plan (Conceptual Plan A), and revised conditions volunteered by the applicant with the exception of the no build zone around the pond on the northwest corner of LBJ Freeway and Valley View Lane.

Maker: Emmons
Second: Brandon
Result: Carried: 8 to 0
For: 8 - Neumann, Gary, Marshall, Brandon, Cunningham, Avery, Wilke, Emmons
Against: 0
Absent: 3 - Strater, Traylor, Scott
Vacancy: 4 - District 5, District 6, District 12, Place 15

Notices: Area: 500 Mailed: 43
Replies: For: 4 Against: 10

Speakers: For: Kirk Williams, [redacted] Dallas, TX, 75270
Keith Koop, [redacted] Dallas, TX, 75229
Against: Michael Jung, [redacted] Dallas, TX, 75202

Zoning Cases – Individual Items

5. Z045-272 (WE)

Planner: Warren Ellis

Motion: It was moved to recommend **denial** of a Specific Use Permit for a child-care facility on property zoned an R-7.5(A) Single Family District on the east line of Greenspan Avenue, south of Midvale Drive and north of High Fall Drive.

Maker: Marshall
Second: Brandon
Result: Carried: 6 to 0
For: 6 - Neumann, Gary, Marshall, Brandon, Wilke, Emmons
Against: 2 - Cunningham, Avery
Absent: 3 - Strater, Traylor, Scott
Vacancy: 4 - District 5, District 6, District 12, Place 15

City Plan Commission
September 15, 2005

Notices: Area: 200 Mailed: 30
Replies: For: 4 Against: 1

Speakers: For: Shirley Turner Ray, [REDACTED], DeSoto, TX, 75115
Larry Ray, [REDACTED], DeSoto, TX, 75115
Against: None

Development Code Amendment

DCA 045-012

Planner: David Cossum

Motion: It was moved to recommend approval of amending Chapter 51 to establish Handicapped Group Dwelling Unit & Group Residential Facility uses to be consistent with the use provisions of Chapter 51A.

Maker: Cunningham
Second: Marshall
Result: Carried: 8 to 0
For: 8 - Neumann, Gary, Marshall, Brandon,
Cunningham, Avery, Wilke, Emmons

Against: 0
Absent: 3 - Strater, Traylor, Scott
Vacancy: 4 - District 5, District 6, District 12, Place 15

Speakers: None

The Commission convened into Executive Session at 5:43 p.m.

* Chairman Wilke left, before the beginning of Executive Session

The Commission reconvened into Open Session at 6:17 p.m.

Other Matters

CPC Rules of Procedure Consideration of proposed amendment to the Commission's rules of procedure

Motion I: In considering a recommendation to the Commission on proposed amendments to the Commission's rules of procedure it was moved to hold this matter under advisement until September 22, 2005.

Maker: Avery
Second: Emmons
Result: Failed: 8 to 0
For: 8 - Neumann, Gary, Marshall, Brandon,
Cunningham, Avery, Wilke, Emmons

Against: 0
Absent: 3 - Strater, Traylor, Scott
Vacancy: 4 - District 5, District 6, District 12, Place 15

Speakers: None

The CPC Rules Committee agreed to meet in room 5ES on Thursday, September 22, 2005; at 9:00 a.m.

Minutes

Motion: It was moved to approve the minutes of the September 8, 2005 meeting, subject to corrections.

Maker: Cunningham
Second: Marshall
Result: Carried: 8 to 0

For: 8 - Neumann, Gary, Marshall, Brandon,
Cunningham, Avery, Wilke, Emmons

Against: 0
Absent: 3 - Strater, Traylor, Scott
Vacancy: 4 - District 5, District 6, District 12, Place 15

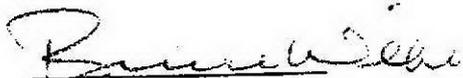
Adjournment

Motion: It was moved to adjourn the hearing at 6:26 p.m.

Maker: Cunningham
Second: Marshall
Result: Carried: 8 to 0

For: 8 - Neumann, Gary, Marshall, Brandon,
Cunningham, Avery, Wilke, Emmons

Against: 0
Absent: 3 - Strater, Traylor, Scott
Vacancy: 4 - District 5, District 6, District 12, Place 15


Bruce Wilke, Chair

Public Notice

051009

POSTED CITY SECRETARY
DALLAS, TX



CITY OF DALLAS

CITY PLAN COMMISSION
RULES COMMITTEE
Wednesday, September 14, 2005
Agenda

RECEIVED

2005 SEP -9 PM 4: 46

CITY SECRETARY
DALLAS, TEXAS

DISCUSSIONS: City Hall Conference Room-5BN 7:00 p.m.

Theresa O'Donnell, Director
David Cossum, Assistant Director of Current Planning

1. Consideration of proposed amendments to the Commission's rules of procedure
-

Other Matters

Adjournment

CITY PLAN COMMISSION RULES COMMITTEE REPORT AND MINUTES
September 14, 2005

The Rules Committee held a special meeting on September 14, 2005, with the discussion starting at 7:20 p.m. in room 5BN in City Hall. Presiding was Bill Avery, Chair and Carol Brandon, Vice Chair. The following members were also present during the meeting: Neil Emmons, Angela Marshall and Dave Neumann.

Staff present were, David Cossum from Development Services and John Rogers from the City Attorney's Office. Two members from the public were also present, Jeri Arbuckle, representing the Dallas Homeowners League, and Esther Gebhardt, representing the Greater Dallas Chamber of Commerce

The committee began the meeting by taking testimony from any member of the public present that desired to speak. Jeri Arbuckle spoke before the committee and distributed a letter stating concerns of the Dallas Homeowners League board of directors with the proposal. That letter is attached and made part of this report.

The committee then began discussion on the proposal taking each issue in the order that it appeared on the document distributed for the September 7, 2005 joint briefing between the City Council and City Plan Commission.

The Committee met again on September 22, 2005, convening at 9:13 a.m., to approve this report and minutes. Presiding was Bill Avery, Chair and Carol Brandon, Vice Chair. The following members were also present during the meeting: Neil Emmons and Dave Neumann. Staff present were, David Cossum from Development Services and Kathy Glegg from the City Attorney's Office.

A. Matters to be considered of city wide significance.

The first item the committee discussed was whether it would be appropriate to establish a category of cases which would be considered of "city wide" significance. This category would trigger procedures to identify cases which would require enhanced participation by designated commissioners and cases which would benefit from bus tours.

Each committee member spoke on this topic. Concern was expressed on whether such a category would diminish the significance of other cases, which, by definition, would not be "city wide" in scope or consideration. One implication would be that those cases were not worthy of the same level of review and deliberation by the commission. It might further be implied that it would be proper to grant undue deference to commissioners on non-city wide cases in their districts. All commissioners indicated they believed there was proper discussion and participation on cases today by all commissioners. There was additional discussion on the practical difficulties of properly distinguishing cases of city wide significance. In summary, the committee believed the proposal, although laudable in intent, could have unintended, negative consequences and would be the wrong message to send to a questioning public.

Motion: It was moved to not create a special category of "city wide" significance.

Motion was approved unanimously.

Due to the approved motion to not create a special category of city wide significance, the committee did not discuss what types of projects should be considered of city wide significance.

- B. The Department of Development Services is directed to prepare agenda materials for the City Council and City Plan Commission to indicate if the request qualifies as a project of city-wide significance.**

Due to the previous motion, a motion to not forward this item was approved unanimously.

- C. All members of the City Plan Commission are directed to participate in and evaluate projects of city-wide significance.**

Due to the original motion, a motion to not forward this item was approved unanimously. It was noted that this was the practice of the commission on all cases today and adopting such a rule would imply that this should not be the case.

- D. For projects of city-wide significance, the chair of the City Plan Commission is directed to appoint a committee of at least two City Plan Commissioners including the district Commissioner to meet with interested parties and staff during CPC consideration of a project.**

Due to the original motion, a motion to not forward this item was approved unanimously. It was noted that there are currently in the Rules allowances for the Commission to appoint ad-hoc committees as needed, and this has in fact been the practice of the commission on some controversial cases. It was also stated that it was not uncommon for commissioners to work together on cases on an informal basis, making themselves available to both applicants and neighborhoods. The proposal could empower a chair to unduly influence the process by who was selected, with no review by the commission, to serve on a committee. Constraints on commissioner's time was also discussed as a potential issue if these committees were established on a regular basis.

- E. The Department of Development Services is directed to schedule routine bus tours for the City Plan Commission for cases identified as projects of city-wide significance.**

The committee voted unanimously to recommend a rule change to adopt a proposal for scheduling bus tours. The committee recommended that bus tours could be initiated by the director, the chairman or by majority vote of the commission.

- F. The Chair of the City Plan Commission shall read into the record of every Plan Commission meeting that Plan Commissioners have a civic responsibility to consider the best interests of the City as a whole and give due consideration to all zoning cases on both a city-wide perspective and neighborhood perspective. All Commissioners shall feel free to participate in any zoning case, regardless of location.**

The committee voted unanimously to recommend not putting this in the rules but that staff should be directed to develop a statement to be attached to or printed on all hearing agendas. In addition, information should be given on procedures for speaking before the commission, and the locations of restrooms and the cafeteria.

- G. The appointees of the Mayor, Mayor Pro Tem, and Deputy Mayor Pro Tem to the City Plan Commission are directed to participate in and evaluate all zoning applications, regardless of where the property is located.**

Due to the original motion, a motion to not forward this item was approved unanimously. It was noted that it was currently the practice of all commissioners to participate in discussions on all cases and adopting such a rule would imply that this should not be the case.

- H. The Department of Development Services is directed to institute a formalized training program (through the North Texas Council of Governments) and schedule semi-annual training sessions for the City Plan Commission.**

The committee unanimously recommended adopting a proposal to institute a formalized, systematic, training program (although not necessarily semi-annual or through NTCOG) and stated it should be incorporated into a resolution directive from City Council.

- I. The Department of Development Services is directed to process appeals of the Landmark Commission and four way stop appeals through the Board of Adjustment.**

The rules committee took no action on this item noting that it would require a code amendment to accomplish and would require additional input from other stake holders.

- J. The Department of Development Services is directed to schedule bi-annual joint meetings of the City Council and the City Plan Commission for the purposes of discussion of the policies, practices, and procedures of the City Council and the City Plan Commission in relation to zoning and land use matters.**

The committee took no action on this item noting that the mayor currently has the authority to schedule such meetings as evidenced by the September 7th meeting.

- K. All members of the City Plan Commission are directed to make inquiries on zoning cases (other than those questions that may be asked during a CPC meeting) only to the Director or Assistant Director of the Department of Development Services**

This item was not discussed as it was announced at the September 7, 2005 joint briefing that this item was no longer under consideration.

- L. The staff of the Department of Development Services shall maintain an independent and objective position on all matters before the City Plan Commission and shall not be influenced by any elected or appointed official**

The committee voted unanimously to recommend not putting this in the rules. It was noted that a similar rule was already in the rules of procedure. It was also noted that appointed or elected officials may be able to furnish valuable information that may assist staff. The committee agreed that outside of information, in no circumstance should any pressure or influence be put on staff in an attempt to direct staff to make a specific recommendation.

- M. The chairman of the Plan Commission may have any item placed on the agenda if the request is provided to city staff by 8:00 a.m. of the Monday preceding the meeting and the City Plan Commission is notified. Any City Plan Commissioner may have any item placed on the agenda only when that Commissioner has secured the written signatures of four additional Commissioners in agreement with that item being scheduled for consideration.**

The committee voted unanimously that no change should be made to the existing process for placing an item on the agenda. It was noted that any item placed on an agenda still had to be ultimately voted on by all members of the commission.

- N. Action by the Commission to overturn the staff recommendation on a project of city-wide significance requires a super-majority (3/4) of the members present and voting.**

This item was not discussed as it was announced at the September 7, 2005 joint briefing that this item was no longer under consideration.

- O. The City Plan Commission rules and procedures shall be amended to eliminate all standing committees with the exception of the Subdivision Review Committee and the Zoning Ordinance Advisory Committee.* All other committees may exist as an ad hoc committee. Appointments to these committees shall be made by the City Plan Commission in accordance with existing procedures. Two-year term limits for these positions will be imposed. (Members may be reappointed after they're off the committee for one two-year term) No one may serve more than 8 years total.**

City Plan Commission Rules Committee Minutes
September 14, 2005

The committee voted unanimously that no change should be made to the existing rules for committees. It was noted that both sign committees would require a code amendment to abolish. Concern was expressed that shortening term limits to be less than the current limit of 8 consecutive years would not allow for institutional memory on ZOAC which could negatively impact their deliberations.

Adjournment: September 14, 2005, 9:20 p.m.
Adjournment: September 22, 2005, 9:50 a.m.



CITY OF DALLAS

CITY PLAN COMMISSION
RULES COMMITTEE
Thursday, September 22, 2005
Agenda

RECEIVED

2005 SEP 16 PM 4: 25

CITY SECRETARY
DALLAS, TEXAS

DISCUSSIONS: City Hall Room-5ES 9:00 a.m.

* All meeting rooms and chambers are located in Dallas City Hall, 1500 Marilla, Dallas, Texas

Theresa O'Donnell, Director
David Cossum, Assistant Director of Current Planning

1. Consideration of proposed amendments to the Commission's rules of procedure

Other Matters

Minutes: September 14, 2005

Adjournment

Public Notice

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POSTED CITY SECRETARY
DALLAS, TX

CITY PLAN COMMISSION RULES COMMITTEE REPORT AND MINUTES
September 14, 2005

The Rules Committee held a special meeting on September 14, 2005, with the discussion starting at 7:20 p.m. in room 5BN in City Hall. Presiding was Bill Avery, Chair and Carol Brandon, Vice Chair. The following members were also present during the meeting: Neil Emmons, Angela Marshall and Dave Neumann.

Staff present were David Cossum from Development Services and John Rogers from the City Attorney's Office. Two members from the public were also present, Jeri Arbuckle, representing the Dallas Homeowners League, and Esther Gebhardt, representing the Greater Dallas Chamber of Commerce

The committee began the meeting by taking testimony from any member of the public present that desired to speak. Jeri Arbuckle spoke before the committee and distributed a letter stating concerns of the Dallas Homeowners League board of directors with the proposal. That letter is attached and made part of this report.

The committee then began discussion on the proposal taking each issue in the order that it appeared on the document distributed for the September 7, 2005 joint briefing between the City Council and City Plan Commission.

A. Matters to be considered of city wide significance.

The first item the committee discussed was whether it would be appropriate to establish a category of cases which would be considered of "city wide" significance. This category would trigger procedures to identify cases which would require enhanced participation by designated commissioners and cases which would benefit from bus tours.

Each committee member spoke on this topic. Concern was expressed on whether such a category would diminish the significance of other cases, which, by definition, would not be "city wide" in scope or consideration. One implication would be that those cases were not worthy of the same level of review and deliberation by the commission. It might further be implied that it would be proper to grant undo deference to commissioners on non-city wide cases in their districts. All commissioners indicated they believed there was proper discussion and participation on cases today by all commissioners. There was additional discussion on the practical difficulties of properly distinguishing cases of city wide significance. In summary, the committee believed the proposal, although laudable in intent, could have unintended, negative consequences and would be the wrong message to send to a questioning public.

Motion: It was moved to not create a special category of "city wide" significance.

Motion was approved unanimously.

Due to the approved motion to not create a special category of city wide significance, the committee did not discuss what types of projects should be considered of city wide significance.

- B. The Department of Development Services is directed to prepare agenda materials for the City Council and City Plan Commission to indicate if the request qualifies as a project of city-wide significance.**

Due to the previous motion, a motion to not forward this item was approved unanimously.

- C. All members of the City Plan Commission are directed to participate in and evaluate projects of city-wide significance.**

Due to the original motion, a motion to not forward this item was approved unanimously. It was noted that this was the practice of the commission on all cases today and adopting such a rule would imply that this should not be the case.

- D. For projects of city-wide significance, the chair of the City Plan Commission is directed to appoint a committee of at least two City Plan Commissioners including the district Commissioner to meet with interested parties and staff during CPC consideration of a project.**

Due to the original motion, a motion to not forward this item was approved unanimously. It was noted that there are currently in the Rules allowances for the Commission to appoint ad-hoc committees as needed, and this has in fact been the practice of the commission on some controversial cases. It was also stated that it was not uncommon for commissioners to work together on cases on an informal basis, making themselves available to both applicants and neighborhoods. In a worst case scenario, the proposal could empower a chair to unduly influence the process by who was selected, with no review by the commission, to serve on a committee. Furthermore, in the event of wrongdoing by one of the appointed commissioners, without the knowledge of the other, then the other commissioner could be unjustly tainted, i.e., "guilt by association." Constraints on commissioner's time was also discussed as a potential issue if these committees were established on a regular basis.

- E. The Department of Development Services is directed to schedule routine bus tours for the City Plan Commission for cases identified as projects of city-wide significance.**

The committee voted unanimously to recommend a rule change to adopt a proposal for scheduling bus tours. The committee recommended that bus tours could be initiated by the director, the chairman or by majority vote of the commission.

- F. The Chair of the City Plan Commission shall read into the record of every Plan Commission meeting that Plan Commissioners have a civic responsibility to consider the best interests of the City as a whole and give due consideration to all zoning cases on both a city-wide perspective and neighborhood perspective. All Commissioners shall feel free to participate in any zoning case, regardless of location.**

The committee voted unanimously to recommend not putting this in the rules but that staff should be directed to develop a statement to be attached to or printed on all hearing agendas. In addition, information should be given on procedures for speaking before the commission, and the locations of restrooms and the cafeteria.

- G. The appointees of the Mayor, Mayor Pro Tem, and Deputy Mayor Pro Tem to the City Plan Commission are directed to participate in and evaluate all zoning applications, regardless of where the property is located.**

Due to the original motion, a motion to not forward this item was approved unanimously. It was noted that it was currently the practice of all commissioners to participate in discussions on all cases and adopting such a rule would imply that this should not be the case.

- H. The Department of Development Services is directed to institute a formalized training program (through the North Texas Council of Governments) and schedule semi-annual training sessions for the City Plan Commission.**

The committee unanimously recommended adopting a proposal to institute a formalized, systematic, training program (although not necessarily semi-annual or through NTCOG) and stated it should be incorporated into a resolution directive from City Council.

- I. The Department of Development Services is directed to process appeals of the Landmark Commission and four way stop appeals through the Board of Adjustment.**

The rules committee took no action on this item noting that it would require a code amendment to accomplish and would require additional input from stake holders such as Preservation Dallas and other groups.

- J. The Department of Development Services is directed to schedule bi-annual joint meetings of the City Council and the City Plan Commission for the purposes of discussion of the policies, practices, and procedures of the City Council and the City Plan Commission in relation to zoning and land use matters.**

The committee took no action on this item noting that the mayor currently has the authority to schedule such meetings as evidenced by the September 7th meeting.

- K. All members of the City Plan Commission are directed to make inquiries on zoning cases (other than those questions that may be asked during a CPC meeting) only to the Director or Assistant Director of the Department of Development Services**

This item was not discussed as it was announced at the September 7, 2005 joint briefing that this item was no longer under consideration.

- L. The staff of the Department of Development Services shall maintain an independent and objective position on all matters before the City Plan Commission and shall not be influenced by any elected or appointed official**

The committee voted unanimously to recommend not putting this in the rules. It was noted that a similar rule was already in the rules of procedure. It was also noted that appointed or elected officials may be able to furnish valuable information that may assist staff. The committee agreed that outside of information, in no circumstance should any pressure or influence be put on staff in an attempt to direct staff to make a specific recommendation.

- M. The chairman of the Plan Commission may have any item placed on the agenda if the request is provided to city staff by 8:00 a.m. of the Monday preceding the meeting and the City Plan Commission is notified. Any City Plan Commissioner may have any item placed on the agenda only when that Commissioner has secured the written signatures of four additional Commissioners in agreement with that item being scheduled for consideration.**

The committee voted unanimously that no change should be made to the existing process for placing an item on the agenda. It was noted that any item placed on an agenda still had to be ultimately voted on by all members of the commission.

- N. Action by the Commission to overturn the staff recommendation on a project of city-wide significance requires a super-majority (3/4) of the members present and voting.**

This item was not discussed as it was announced at the September 7, 2005 joint briefing that this item was no longer under consideration.

- O. The City Plan Commission rules and procedures shall be amended to eliminate all standing committees with the exception of the Subdivision**

Review Committee and the Zoning Ordinance Advisory Committee.* All other committees may exist as an ad hoc committee. Appointments to these committees shall be made by the City Plan Commission in accordance with existing procedures. Two-year term limits for these positions will be imposed. (Members may be reappointed after they're off the committee for one two-year term) No one may serve more than 8 years total.

The committee voted unanimously that no change should be made to the existing rules for committees. It was noted that both sign committees would require a code amendment to abolish. Concern was expressed that changing term limits beyond the current limit of 8 consecutive years would not allow for institutional memory on ZOAC which could negatively impact their deliberations.

Adjournment: 9:20 p.m.

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on September 22, 2005, with the briefing starting at 10:58 a.m. in Room 5ES and the public hearing at 1:51 p.m. in the City Council Chambers of City Hall. Presiding were Bruce Wilke, Chair and Carol Brandon, Vice Chair. The following Commissioners were present during the hearing: Dave Neumann, Jeff Strater, Clarence Gary, Michael Miranda, Bulldog Cunningham, Bill Avery, Carol Scott and Neil Emmons. The following Commissioner was absent from this hearing as defined in the City Plan Commission rules: Angela Marshall. There are four vacancies, District 5, District 7, District 12 and Place 15.

The City Plan Commission was briefed by staff on each item on the agenda and a question and answer period followed each briefing.

A variety of dockets, requests and briefings were presented to the Commission during the open public hearing. The applicants or their representatives presented their arguments, citizen comments were heard, and using the information and staff recommendations in the hearing dockets, the Commission took the following actions.

NOTE: For more detailed information on discussion on any issue heard during this briefing and public hearing, refer to the tape recording retained on file in the Department of Development Services.

PUBLIC HEARINGS:

Subdivision Docket

Planner: Paul Nelson

Pursuant to Texas Local Government Code Section 212.009(e) these minutes and recording of the hearing certify the reasons for denial of any plat application.

Preliminary Plats - Consent Items

(1) **S045-319R**

Motion: It was moved to approve an application to replat Lots 1 thru 4 in City Block B/1474 into a 15 lot residential development on a 0.6657 acre tract of land bordered by La Vista Avenue, S. Matilda Street, Lewis Street, and Hope Street, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Brandon

Result: Carried: 10 to 0

For: 10 - Strater, Neumann, Gary, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Marshall

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(2) S045-339

Motion: It was moved to approve an application to replat Lot 8 in City Block B/7206 into one 9.925 acre lot and one 2.652 acre lot from a 12.577 acre lot on Chalk Hill Road south of Interstate 30, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Brandon

Result: Carried: 10 to 0

For: 10 - Strater, Neumann, Gary, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Marshall

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(3) S045-340

Motion: It was moved to approve an application to replat all of lots 1A, 1B, 1C, and Lot 2 and a 3.09 acre tract of land in City Block 8412 into one 17.1910 acre lot on Forest Lane west of Abrams Road and IH-635 east, subject to conditions listed in the docket.

Maker: Avery

Second: Cunningham

Result: Carried: 10 to 0

For: 10 - Strater, Neumann, Gary, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Marshall

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: For: James Hall, [REDACTED] Dallas, TX, 75251
Against: Thomas Hendricks, [REDACTED] Dallas, TX, 75243
Steve Stolte, [REDACTED] Dallas, TX, 75243
Rick Gonzales, [REDACTED] Dallas, TX, 75209

(4) S045-341

Motion: It was moved to approve an application to replat part of City Block M/7940 into one, 1.0422 acre lot on Hollow Brook Lane at IH-35E, southeast corner, subject to conditions listed in the docket.

Maker: Miranda
 Second: Brandon
 Result: Carried: 10 to 0
 For: 10 - Strater, Neumann, Gary, Miranda, Brandon,
 Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
 Absent: 1 - Marshall
 Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(5) S045-342

Motion: It was moved to approve an application to replat a 9.7011 acre tract of land in City Block A/8071 into one 3.1821 acre lot and one 6.5189 acre lot on Dilworth Road between Pagemill Road and Hillguard Road, subject to the conditions listed in the docket.

Maker: Cunningham
 Second: Brandon
 Result: Carried: 10 to 0
 For: 10 - Strater, Neumann, Gary, Miranda, Brandon,
 Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
 Absent: 1 - Marshall
 Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(6) S045-343

Motion: It was moved to approve an application to replat Lots 45 thru 59 in City Block 1/2340 into one, 1.9972 acre lot on Cedarplaza Lane between Cedar Springs Road and Lemmon Avenue, subject to conditions listed in the docket.

Maker: Cunningham
 Second: Brandon
 Result: Carried: 10 to 0
 For: 10 - Strater, Neumann, Gary, Miranda, Brandon,
 Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
 Absent: 1 - Marshall
 Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(7) S045-344

Motion: It was moved to approve an application to create one, 9,075 square foot lot from a tract of land in City Block 737 on Swiss Avenue at Moreland Avenue.

Maker: Cunningham

Second: Brandon

Result: Carried: 10 to 0

For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Marshall

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(8) S045-346

Motion: It was moved to approve an application to create one 3.251 acre lot from part of City Block A/7735 on Park Central Place between Merit Drive and Churchill Way, subject to the conditions listed in the docket.

Maker: Cunningham

Second: Brandon

Result: Carried: 10 to 0

For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0

Absent: 1 - Marshall

Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(9) S045-347

Motion: It was moved to approve an application to replat Lots 14, 15 and 16 in City Block 2/674 into one 7,520 sq. ft. lot and one 16,480 sq. ft. lot on Fitzhugh Avenue east of Monarch Street, subject to the conditions listed in the docket.

Maker: Strater

Second: Brandon

Result: Carried: 10 to 0

For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

City Plan Commission
September 22, 2005

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: For: Ed Simons, [REDACTED], Dallas, TX, 75202
Against: None

(10) S045-349

Motion: It was moved to approve an application to replat Lots 5, 6 and part of Lot 7 in City Block 33/1235 into one 0.810 acre lot on 4615, 4619 & 4703 E. Grand Avenue southwest of Caldwell Street, subject to the conditions listed in the docket.

Maker: Cunningham
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(11) S045-350

Motion: It was moved to approve an application to replat all of Lots 1, 2 and 3 in City Block 9/1919 into one 8,640 sq. ft. lot, one 6,600 sq. ft. lot, and one 5,760 sq. ft. lot on Greenville Avenue and Vickery Boulevard, southeast corner, subject to the conditions listed in the docket.

Maker: Emmons
Second: Cunningham
Result: Carried: 9 to 1
For: 9 - Strater, Gary, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons

Against: 1 - Neumann
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

(12) S045-351

Motion: It was moved to approve an application to replat Lots 9, 10, 11, and 12 into one 0.8228 acre lot in City Block 4/1339 on Fairmount Street at Shelby Avenue, east corner, subject to the conditions listed in the docket.

Maker: Strater
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Individual Items – Residential Replat

(13) S045-345

Motion: It was moved to approve an application to replat all of Lot 1 and a tract of land in City Block 6734 into 7 lots on Lake June Road at Cheyenne Road, northeast corner, subject to the conditions listed in the docket.

Maker: Scott
Second: Cunningham
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, Traylor 12, Place 15

Speakers: None

(14) S012-072R1

Motion: It was moved to approve a replat of "Mountain Creek Lake, Installment No. 1 Addition"; to appeal the requirement of placing an "Avigation Easement and Release" on the face of the plat; to amend the plat by adding a 3 foot wide barrier easement along the east line of Hardy Rd., provide corner clips and certain building lines on lots, and add certain utility easements on lots in City Blocks 206A/6113, 206B/6113, 206C/6113, 206D/6113, 206E/6113, and 206F/6113 on Hardy Rd, north of the north line of Marshall Dr., if extended, subject to conditions listed in the docket with a note on the final plat that states: "The owner applied for a wavier of the requirement that it provide an avigation easement and release which the City Plan Commission granted."

Maker: Gary
 Second: Brandon
 Result: Carried: 10 to 0
 For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
 Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
 Absent: 1 - Marshall
 Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Miscellaneous Docket

D045-026

Motion: It was moved to approve a development plan and landscape plan for Planned Development District No. 438, on the west side of Calumet Avenue, north of Meredith Street.

Maker: Gary
 Second: Brandon
 Result: Carried: 10 to 0
 For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
 Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
 Absent: 1 - Marshall
 Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

D045-035

Motion: It was moved to approve a development plan for Planned Development District No. 525, on the northeast corner of Davis Street and Cockrell Hill Road.

Maker: Gary
 Second: Brandon
 Result: Carried: 10 to 0
 For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
 Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
 Absent: 1 - Marshall
 Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Z045-239(WE)

Motion: It was moved to approve deed restrictions volunteered by the applicant submitted in conjunction with an application for an R-10(A) Single Family District on property zoned an A(A) Agricultural District and R-10(A) Single Family District on the north side of Middlefield Road, east of St. Augustine Road.

Maker: Gary
 Second: Brandon
 Result: Carried: 10 to 0
 For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
 Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
 Absent: 1 - Marshall
 Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Zoning Cases – Consent**1. Z045-277 (RB)**

Planner: Richard Brown

Motion: It was moved to recommend approval to create a new subarea within the Area 5 portion of Planned Development District No. 465, the Arlington Park Special Purpose District, to permit a Special Residential Use, subject to revised conditions on the southwest corner of Chattanooga Place and Lee Hall Drive with the retention of Specific Use Permit No. 897 for a convent.

Maker: Strater
 Second: Cunningham
 Result: Carried: 10 to 0

For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
 Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
 Absent: 1 - Marshall
 Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 500 Mailed: 69
 Replies: For: 4 Against: 0

Speakers: None

2. Z045-281 (DW)

Planner: David Whitley

Motion: In considering an application for a Specific Use Permit for a Bank or Savings and Loan Office with Drive-in window service on property zoned an C Heavy Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southeast side of McKinney Avenue, southwest of Maple-Routh Connection it was moved to hold this case under advisement until September 29, 2005.

Maker: Emmons
 Second: Scott
 Result: Carried: 10 to 0

For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
 Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
 Absent: 1 - Marshall
 Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 300 Mailed: 14
 Replies: For: 0 Against: 0

Speakers: None

Zoning Cases – Under Advisement

A. Z045-260 (WE)

Planner: Warren Ellis

Motion: It was moved to recommend approval of a Planned Development District for a public school other than an open-enrollment charter school and R-16(A) Single Family District uses, subject to a development plan and conditions on property zoned an R-16(A) Single Family District, located on the southeast corner of Nuestra Drive and Wozencraft Drive.

Maker: Scott
Second: Cunningham
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 500 Mailed: 219
Replies: For: 14 Against: 15

Speakers: For: Santos Martinez, [REDACTED], Dallas, TX, 75202
 Against: None

3. Z045-265 (MM)

Planner: Maureen Meredith

Motion: In considering an application to amend Specific Use Permit No. 405 for a child-care facility and private school on property zoned an R-16(A) Single Family District on the southeast corner of Northaven Road and Quincy Lane it was moved to hold this case under advisement until September 29, 2005.

Maker: Scott
Second: Brandon
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 300 Mailed: 25
Replies: For: 3 Against: 2

Speakers: None

Zoning Cases – Individual Items

4. Z045-278 (RB)

Planner: Richard Brown

Motion: It was moved to recommend **approval** of a Planned Development District for a child-care facility and R-16(A) Single Family District uses on property zoned an R-16(A) Single Family District, with retention of Specific Use Permit No. 49, on the west line of Midway Road, north of Royal Lane, subject to a revised development plan and conditions to return on a future miscellaneous docket.

Maker: Scott
Second: Cunningham
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Notices: Area: 500 Mailed: 62
Replies: For: 5 Against: 12

Speakers: For: Kirk Williams, [REDACTED] Dallas, TX, 75270
Max Tanner, Jr., [REDACTED] Dallas, TX, 75229
Mary Ann Green, [REDACTED], Dallas, TX, 75231
Gary Cunningham, [REDACTED], Dallas, TX, 7520
Against: Frank Yantis, [REDACTED], Dallas, TX, 75229

5. Z045-287 (DW)

Planner: David Whitley

Motion: It was moved to recommend **approval** of a Planned Development District for MU-3 Mixed Use District uses on property zoned an MU-3 Mixed Use District, on the north side of Forest Lane, west of Abrams Road, subject to a development plan, landscape plan and conditions to return on the September 29, 2005, miscellaneous docket.

Maker: Avery
Second: Cunningham
Result: Carried: 9 to 1
For: 9 - Strater, Gary, Miranda, Brandon, Cunningham,
Avery, Wilke, Scott, Emmons

Against: 1 - Neumann
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

City Plan Commission
September 22, 2005

Notices: Area: 500 Mailed: 236
Replies: For: 6 Against: 1

Speakers: For: John Christon, [REDACTED], Dallas, TXS, 75243
Charles Sebesta, [REDACTED], Dallas, TX, 75243
James Christon, [REDACTED], Addison, TX, 75001
James Hall, [REDACTED], Dallas, TX, 75251
Against: Julie Noel, [REDACTED], Dallas, TX, 75243
Emery Powell, [REDACTED], Dallas, TX, 75243
Rick Gonzales, [REDACTED], Dallas, TX, 75209
Thomas Hendricks, [REDACTED], Dallas, TX, 75243
Nicole Christofilis, [REDACTED], Dallas, TX, 75243
Steve Stolte, [REDACTED], Dallas, TX, 75243

Authorization of Hearing

Motion: It was moved to authorize a public hearing to determine the proper zoning on property zoned an R-5(A) and R-7.5(A) Single Family Districts, on property bounded by Mountain Creek Lake/Mountain Creek, Dallas City Limits, Marshall Drive in Grand Prairie and Interstate 20.

Maker: Gary
Second: Emmons
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Other Matters

CPC Rules of Procedure Consideration of proposed amendment to the Commission's rules of procedure

Motion: It was moved to approve the City Plan Commission report of recommended proposed amendments to the Commission's rules of procedure.

Maker: Scott
Second: Gary
Result: Carried: 10 to 0
For: 10 - Neumann, Strater, Gary, Miranda, Brandon,
Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Speakers: None

Chairman Wilke informed the Commission that all appointments to Committees are in a holdover status.

Chairman Wilke made the following appointment to the Zoning Ordinance Advisory Committee: David S. Neumann

Minutes

Motion: It was moved to approve the minutes of the September 8, 2005 meeting, subject to corrections.

Maker: Cunningham

Second: Brandon

Result: Carried: 10 to 0

For: 10 - Neumann, Starter, Gary, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15

Adjournment

Motion: It was moved to adjourn the hearing at 7:07 p.m.

Maker: Brandon

Second: Cunningham

Result: Carried: 10 to 0

For: 10 - Neumann, Strater, Gary, Miranda, Brandon, Cunningham, Avery, Wilke, Scott, Emmons

Against: 0
Absent: 1 - Marshall
Vacancy: 4 - District 5, District 7, District 12, Place 15


Bruce Wilke, Chair

RECEIVED

050037

September 16, 2005

2005 SEP 22 PM 2:16

CITY SECRETARY
DALLAS, TEXAS

Mr. David Cossum
Assistant Director,
Planning and Development Services
1500 Marilla St. Room 5BN
Dallas, Texas 75201

Dear Mr. Cossum:

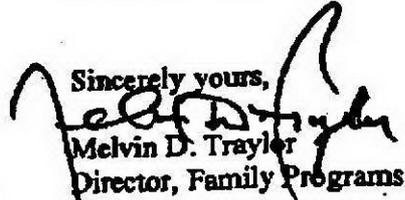
In a telephone conversation with Ms. Neva Dean last week, she informed me that I needed to write a letter of resignation from the plan commission of the city of Dallas. I want to apologize for not doing so earlier, but when Mr. Chaney informed me and others last week that he had named Ms. Bagley as his plan commissioner, I didn't know that I was required to officially resign; I just assumed that his decision was final and there was nothing else for me to do. Plus the fact, I've been extremely busy assisting the evacuees in getting settled into apartments and schools.

Mr. Cossum, I wish to thank you and your very efficient staff for your support and guidance during my tenure as plan commissioner, each of you consistently perform your assignments at a very high level of competence.

Also, I wish to thank Chairman Wilke and each of the Plan Commissioners for their support and assistance. You taught me so much and I learned immensely from your expertise and passion for doing what is right and best for the city of Dallas.

Finally, it is difficult to resign under the conditions implicated; but God and I know that I am "clean", Therefore, we will move forward and continue to provide quality service and promote educational opportunities for the children in our after school programs in Dallas and elsewhere. By the way, the news media got it wrong again; I did not agree to and will not serve on any library board.

Thanks again, and if I can assist in any way, please let me know. May God continue to bless each of you.

Sincerely yours,

Melvin D. Traylor
Director, Family Programs

Cc: Theresa O'Donnell
Bruce Wilke
Leo Chaney Jr.

