

MEMORANDUM



CITY OF DALLAS

DATE February 1, 2010

TO Honorable Mayor and Members of the City Council

SUBJECT **2009 Annual Report for Permit and License Appeal Board**

The members of the Permit & License Appeal Board are pleased to submit to the City Council the Annual Report of activities for 2009.

We appreciate the opportunity to serve on this very important Board and welcome an opportunity to discuss the report with individual Councilmembers or the entire City Council.

A handwritten signature in cursive script that reads "Roland Anderson".

Roland Anderson, Chair
Permit and License Appeal Board

c: Deborah Watkins, City Secretary

PERMIT AND LICENSE APPEAL BOARD



ANNUAL REPORT 2009

TABLE OF CONTENTS

<u>SECTION</u>	<u>TABS</u>
BOARD MEMBERS.....	1
STAFF	2
MISSION STATEMENT	3
GUIDING PRINCIPLES.....	4
ACTIVITY SUMMARY	5
ACTIVITY DETAIL.....	6
BOARD MEETINGS	7
BOARD TRAINING.....	8
ATTENDANCE RECORD.....	9
APPEAL HEARINGS HEARD BY PLAB.....	10
APPEAL HEARINGS NOT HEARD BY PLAB	11
PERMIT AND LICENSE APPEAL BOARD CITY CODE.....	12
DALLAS CITY CODE, Chapter 2, Article IX, Section 94-99	

TAB 1

CURRENT BOARD MEMBERS

Board Member	Position	Original Appointment Date	Current Status
Roland Anderson Chairman	13	10-24-01	Holdover
Eladio Martinez	01	09-23-09	Appointed
Wilma Avalos	02	03-25-09	Reappointed
Darryl Baker	03	03-25-09	Holdover
Carolyn Ann Johnson	04	10-22-08	Reappointed
Ricardo Medrano	05	08-06-08	Reappointed
Tony Hinojosa, Jr.	06	10-10-07	Reappointed
Vacant	07	—	—
James Kanaman	08	12-12-07	Holdover
James A. Morris	09	12-02-09	Appointed
Edward “Ryan” Bowles	10	01-09-08	Reappointed
Carol Vesey	11	10-14-09	Appointed
Vacant	12	—	—
Claire Swann	14	04-16-08	Holdover
Brent M. Rosenthal	15	02-18-04	Holdover

OTHER BOARD MEMBERS SERVING IN 2009

Board Member	Position	Original Appointment Date	Current Status
Maridel Hoagland Vice-Chair	11	11-15-06	Term Ended
Richard “Keith” Walters	01	02-14-07	Term Ended
Lori Ashmore Peters	09	01-09-08	Resigned 08-12-09
Walter Laidlaw	12	12-05-05	Resigned 12-03-09

TAB 2

STAFF MEMBERS

◆ CITY SECRETARY'S OFFICE

- Deborah Watkins, City Secretary
- Rosa A. Rios, Assistant City Secretary
- Daniel Soliz, Boards and Commissions Manager
- Marvia Pippin, PLAB Board Coordinator [January 1, 2009-October 1, 2009]
- Sandra E. Du Bose, Board Coordinator [Beginning October 1, 2009]

◆ CITY ATTORNEY'S OFFICE

- Obeng Opoku-Acheampong, Assistant City Attorney, PLAB Counsel

TAB 3

MISSION STATEMENT

The Permit and License Appeal Board is committed to fulfill its mission as a quasi-judicial body, to hear the evidence offered by any interested persons during appeal hearings of city department director's actions pertaining to the denial, suspension or revocation of a license or permit issued by the city and to make an informed decision on the basis of a preponderance of the evidence presented at the hearing and in accordance with the provisions of Chapter 2, Article IX, Sections 95 through 99 of the Dallas City Code.

TAB 4

GUIDING PRINCIPLES

Authority: Dallas City Code, Chapter 2, Article IX Permit and License Appeal Board (PLAB), Section 2-96

Members: 15 members, one board member appointed by each City Council member

Qualifications: No special qualifications for membership

Officers: Mayor appoints the chair; and the full city council appoints the vice-chair

Hearings: PLAB shall hear appeals from denial, suspension or revocation of a license or permit issued by a city department director and filed in accordance with Section 2-96 of the City Code. A hearing of the permit and license appeal board may proceed if a quorum of the board is present. The decision of the permit and license appeal board is final, and no rehearing may be granted; but the appellant may appeal to the state district court.

The following are the areas in which PLAB hears appeals of license and permit suspensions, revocations and denials, in accordance with the provisions of the Code:

Animals	Chapter 7
Aviation	Chapter 5
Billiard Halls	Chapter 9A
Bus & Shuttles.....	Chapter 10
Dance Halls.....	Chapter 14
Food Establishments.....	Chapter 17
Health & Sanitation	Chapter 19
Massage Establishments	Chapter 25A
Motor Vehicle	Chapter 28
Secondary Metals Recyclers.....	Chapter 40B
Sexually Oriented Business	Chapter 41A
Parks & Water Reservoirs.....	Chapter 32
Special Events	Chapter 42A
Taxicabs.....	Chapter 45
Consumer Affairs	Chapter 50
Gas Drilling and Production.....	Chapter 51A Part II, Article XII

And any other matters delegated to PLAB by City Code

Attendance: PLAB member attendance is governed under the rules and procedures of Chapter 8, Section 20, 20.1 and 21 of the Dallas City Code (Boards and Commissions).

PLAB hearings are held on the first Thursday of each month. A member can expect to devote one day a month to board service or more as the responsibilities of the board necessitate. A final decision is usually made by the board on the same day the appeal is heard unless a continuance is granted by the board.

Special Meetings: Special Meetings may be held in accordance with Chapter 8.3 of the Dallas City Code.

TAB 5

ACTIVITY SUMMARY

The following is a summary of activity within the period January 2009 through December 2009. A detailed summary of all hearings is located behind **TABS 10 & 11** of the report.

- I. 18** Scheduled Hearing Days:
- 11 days Appeal hearings conducted
 - 7 days No hearings held
- II. 17** Appeal Requests Received in the City Secretary's Office and Scheduled for PLAB Hearing:
- 10 Appeal requests considered and judgments rendered
 - 5 Appeal hearing requests reset, considered and judgments rendered
 - 2 Appeal hearing requests withdrawn by request at hearing
- III. 17** Appeal Requests Received in the City Secretary's Office and not heard by PLAB:
- 14 Appeal hearing requests withdrawn by appellant prior to scheduled hearing date
 - 1 Appeal hearing requests withdrawn by city department prior to scheduled hearing date
 - 2 Appeal requests not received before the appeal deadline

TAB 6

ACTIVITY DETAIL

I. Total Number of Appeal Requests Received and Processed in the City Secretary's Office

<i>Requests</i>	<i>License / Permit / Designation</i>	<i>Appeal Hearing Disposition</i>			<i>Appeal Hearing Not Held</i>	
		<i>Denied</i>	<i>Granted</i>	<i>Withdrawn During Hearing</i>	<i>Withdrawn</i>	<i>Untimely</i>
<i>Appeals</i>	<i>Description</i>					
1	Animal Registration Revocation and Denial	1	0	0	0	0
5	Dance Hall License	0	3	1	1	0
3	Dance Hall Late-Hours Permit	0	3	0	0	0
21	Mandatory Crime Reduction Program	4	1	1	13	2
2	Motor Vehicle Tow Service License	1	0	0	1	0
1	Secondary Metals Recyclers License	1	0	0	0	0
1	Taxicab Driver's License	1	0	0	0	0
Total 34		8	7	2	15	2

II. Council District Breakdown of Appeal Request Hearings **Heard** by PLAB

District	Number of Cases
01	2
02	7
03	0
04	3
05	0
06	0
07	1
08	0
09	0
10	0
11	0
12	0
13	0
14	2
15*	2
Total	17

* City Wide (taxicab license, wrecker service license, etc.)

TAB 7

BOARD MEETINGS

A special meeting of the PLAB was held **January 15, 2009** to discuss the following issues:

- ◆ Approval of the Minutes for the Special Meeting held January 17, 2008
RESULT: Minutes signed by Roland Anderson, PLAB Chair, and filed as a permanent record in the City Secretary's Office
- ◆ Review and approval of the 2008 Annual Report
RESULT: PLAB approved the 2008 Annual Report for submission to the City Council

A special meeting of the PLAB was held **February 19, 2009** to discuss the following issues:

- ◆ Approval of the Minutes for the Special Meeting held January 15, 2009
RESULT: Minutes signed by Roland Anderson, PLAB Chair, and filed as a permanent record in the City Secretary's Office
- ◆ Discussion regarding "Scheduled Meetings" as related to meeting attendance by PLAB members.
RESULT: PLAB consensus was that Boardmembers Laidlaw and Swann draft a recommendation regarding PLAB changing the regular PLAB meeting schedule from a bi-weekly to a monthly hearing schedule to present to PLAB for consideration at a future meeting.

A special meeting of the PLAB was held **March 5, 2009** to discuss the following issues:

- ◆ Approval of the Minutes for the Special Meeting held January 15, 2009
RESULT: Minutes to be presented to PLAB for approval at the next special meeting
- ◆ Consideration of a Resolution changing PLAB regular meeting schedule from a bi-weekly to a monthly hearing schedule
RESULT: The regular PLAB meeting schedule was changed from a bi-weekly to a monthly hearing schedule.
- ◆ The Board reviewed the PLAB Guiding Principles and discussed changes and additions. (See PLAB Guiding Principles behind Tab 4)
RESULT: The following changes to the Guiding Principles were unanimously adopted PLAB:

1. Add the phrase, "And any other matters delegated to the PLAB by the City Code" at the end of the appeal listings.
2. Strikeout the sentence, "No more than four appeals are scheduled on each hearing day."
3. Remove the last paragraph, which currently reads, " PLAB does not have scheduled meetings; however, special meetings can be called by the Chair at any time and shall be called by the chair upon written request of members comprising at least one-third of the board."

TAB 8

BOARD TRAINING

The City Secretary's Office provided training for newly appointed members serving terms ending September 30, 2009 and September 30, 2011.

Training sessions were as follows:

MEMBER		MEMBERS FOR TERM 2009-2011			
Name	Position	New Appointment	Reappointment	Training	Observed Hearing
Eladio Martinez	01	09-23-09		12-03-09	11-05-09
Wilma Avalos	02	03-25-09	10-28-09	04-09-09	04-16-09
Darryl Baker	03	03-25-09	Holdover	5-19-09	06-18-09
James A. Morris	09	12-02-09		12-03-09	TBA*
Carol Vesey	11	10-14-09		12-03-09	TBA*

* Hearing observation scheduled in 2010

TAB 9

**PLAB ATTENDANCE RECORD
JANUARY 2009 THROUGH DECEMBER 2009**

HEARING DATES		01/01/09 1 st	01/15/09 2 nd	02/05/09 3 rd	02/19/09 4 th	03/05/09 5 th	04/02/09 6 th
Pos.	Chair						
13	Roland Anderson	<u>NHS</u>	<u>P</u>	<u>RH</u>	<u>P</u>	<u>P</u>	<u>AW</u>
	<u>Vice-Chair</u>						
11	Maridel Hoagland	<u>NHS</u>	<u>P</u>	<u>RH</u>	<u>P</u>	<u>P</u>	<u>AW</u>
	<u>Board Members</u>						
01	Richard (Keith) Walters	<u>NHS</u>	<u>P</u>	<u>RH</u>	<u>P</u>	<u>P</u>	<u>AW</u>
02	Wilma Avalos	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>NM</u>
03	Darryl Baker	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>NM</u>
04	Carolyn A. Johnson	<u>NHS</u>	<u>P</u>	<u>RH</u>	<u>P</u>	<u>P</u>	<u>AW</u>
05	Ricardo Medrano	<u>NHS</u>	<u>P</u>	<u>RH</u>	<u>P</u>	<u>P</u>	<u>AW</u>
06	Tony Hinojosa, Jr.	<u>NHS</u>	<u>P</u>	<u>RH</u>	<u>P</u>	<u>P</u>	<u>AW</u>
07	VACANT	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>
08	J. R. Kanaman	<u>NHS</u>	<u>P</u>	<u>RH</u>	<u>P</u>	<u>P</u>	<u>AW</u>
09	Lori Ashmore Peters	<u>NHS</u>	<u>P</u>	<u>RH</u>	<u>P</u>	<u>P</u>	<u>AW</u>
10	Edward (Ryan) Bowles	<u>NHS</u>	<u>P</u>	<u>RH</u>	<u>P</u>	<u>P</u>	<u>AW</u>
12	Walter Laidlaw	<u>NHS</u>	<u>P</u>	<u>RH</u>	<u>P</u>	<u>P</u>	<u>AW</u>
14	Claire Swann	<u>NHS</u>	<u>P</u>	<u>RH</u>	<u>P</u>	<u>P</u>	<u>AW</u>
15	Brent M. Rosenthal	<u>NHS</u>	<u>P</u>	<u>RH</u>	<u>P</u>	<u>P</u>	<u>AW</u>

Special Meeting: 01-15-09 (all members present)

Special Meeting: 02-19-09 (all members present)

Special Meeting: 03-05-09 (all members present)

Legend:

A–Absent; AW–Appeal Withdrawn; AWVT–Absent When Vote Taken; CON–Conflict; CR–Council Recess; NM–New Member (N/A); NHS–No Hearings Scheduled; NQ–No Quorum; OH–Observe Hearing; P–Present; R–Resigned; RH–Reset Hearing; V–Vacant

PLAB ATTENDANCE RECORD
 JANUARY 2009 THROUGH DECEMBER 2009
 PAGE 2 of 3

HEARING DATES 04/16/09 05/07/09 06/04/09 06/18/09 07/02/09 08/06/09
 7th 8th 9th 10th 11th 12th

<u>Pos.</u>	<u>Chair</u>						
13	Roland Anderson	<u>P</u>	<u>P</u>	<u>NHS</u>	<u>P</u>	<u>CR</u>	<u>AW</u>
<u>Vice-Chair</u>							
11	Maridel Hoagland	<u>P</u>	<u>A</u>	<u>NHS</u>	<u>P</u>	<u>CR</u>	<u>AW</u>
<u>Board Members</u>							
01	Richard (Keith) Walters	<u>P</u>	<u>P</u>	<u>NHS</u>	<u>P</u>	<u>CR</u>	<u>AW</u>
02	Wilma Avalos	<u>OH</u>	<u>P</u>	<u>NHS</u>	<u>P</u>	<u>CR</u>	<u>AW</u>
03	Darryl I Baker	<u>NM</u>	<u>NM</u>	<u>NHS</u>	<u>OH</u>	<u>CR</u>	<u>AW</u>
04	Carolyn A. Johnson	<u>P</u>	<u>P</u>	<u>NHS</u>	<u>P</u>	<u>CR</u>	<u>AW</u>
05	Ricardo Medrano	<u>P</u>	<u>P</u>	<u>NHS</u>	<u>P</u>	<u>CR</u>	<u>AW</u>
06	Tony Hinojosa, Jr.	<u>P</u>	<u>P</u>	<u>NHS</u>	<u>P</u>	<u>CR</u>	<u>AW</u>
07	VACANT	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>
08	J. R. Kanaman	<u>P</u>	<u>P</u>	<u>NHS</u>	<u>P</u>	<u>CR</u>	<u>AW</u>
09	Lori Ashmore Peters	<u>P</u>	<u>P</u>	<u>NHS</u>	<u>P</u>	<u>CR</u>	<u>R</u>
10	Edward (Ryan) Bowles	<u>P</u>	<u>P</u>	<u>NHS</u>	<u>P</u>	<u>CR</u>	<u>AW</u>
12	Walter Laidlaw	<u>P</u>	<u>P</u>	<u>NHS</u>	<u>P</u>	<u>CR</u>	<u>AW</u>
14	Claire Swann	<u>P</u>	<u>P</u>	<u>NHS</u>	<u>P</u>	<u>CR</u>	<u>AW</u>
15	Brent M. Rosenthal	<u>P</u>	<u>P</u>	<u>NHS</u>	<u>P</u>	<u>CR</u>	<u>AW</u>

Legend:

A–Absent; AW–Appeal Withdrawn; AWT–Absent When Vote Taken; CON–Conflict; CR–Council Recess; NM–New Member (N/A); NHS–No Hearings Scheduled; NQ–No Quorum; OH–Observe Hearing; P–Present; R–Resigned; RH–Reset Hearing; V–Vacant

PLAB ATTENDANCE RECORD
 JANUARY 2009 THROUGH DECEMBER 2009
 PAGE 3 of 3

HEARING DATES		09/03/09 13 th	09/24/09 14 th	10/01/09 15 th	10/15/09 16 th	11/05/09 17 th	12/03/09 18 th
Pos.	Chair						
13	Roland Anderson	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
	<u>Vice-Chair</u>						
11	Maridel Hoagland	<u>A</u>	<u>A</u>	<u>P</u>	<u>P</u>	—	—
	<u>Board Members</u>						
01	Richard (Keith) Walters	<u>P</u>	<u>P</u>	<u>P</u>	—	—	—
01	Eladio Martinez	—	—	<u>NM</u>	<u>NM</u>	<u>OH</u>	<u>AW</u>
02	Wilma Avalos	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
03	Darryl Baker	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
04	Carolyn A. Johnson	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
05	Ricardo Medrano	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>P</u>	<u>AW</u>
06	Tony Hinojosa, Jr.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
07	VACANT	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>
08	J. R. Kanaman	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
09	James A. Morris	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>NM</u>
10	Edward (Ryan) Bowles	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
11	Carol Vesey	—	—	—	—	<u>NM</u>	<u>NM</u>
12	Walter Laidlaw	<u>P</u>	<u>A</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
14	Claire Swann	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
15	Brent M. Rosenthal	<u>P</u>	<u>A</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>

Legend:

A—Absent; AW—Appeal Withdrawn; AWVT—Absent When Vote Taken; CON—Conflict; CR—Council Recess; NM—New Member (N/A); NHS—No Hearings Scheduled; NQ—No Quorum; OH—Observe Hearing; P—Present; R—Resigned; RH—Reset Hearing; V—Vacant

TAB 10

APPEALS HEARD BY PLAB JANUARY 2009 THROUGH DECEMBER 2009

This report is a summary of all scheduled hearings held by the Permit and License Appeal Board.

1. DENIAL OF A DANCE HALL LATE HOURS PERMIT

Application for a Dance Hall Late Hours Permit under Section 14-3.1 (A) (2) of the Dallas City Code

Hearing Date: January 15, 2009
Appellant: Gregory N. Kilhoffer
Representative: Martin J. Sweeney
Business Name: BLUE ANGEL, INC. d/b/a STATION 4
Location: 3911 Cedar Springs Road
Denial: Business is within 1,000 feet of a property line devoted to a residential use.

Issuing Department: DPD
Date Filed with SEC: December 30, 2008
Council District: 2
Disposition: Appeal Granted / two (2) year exemption
Vote: 12-0 (all members present)
SEC File: 09-5061

2. DENIAL OF A DANCE HALL LATE HOURS PERMIT

Application for a Dance Hall Late Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date: February 19, 2009
Appellant: Edward C. Rose
Representative: Roger Albright
Business Name: MAMBO CAFÉ, EL NUEVO RITMO TROPICAL
Location: 2020 N. Lamar Street
Denial: Establishment is located within 1,000 feet of the West End Station Apartments, 800 Ross Avenue and within 1,000 feet of residences in the 1001 block of Ross Avenue.

Issuing Department: DPD
Date Filed with SEC: January 13, 2009
Council District: 2
Reset 02-05-09 Hearing: Requested by Appellant's Representative on 01-21-09; granted by City Secretary
Disposition: Appeal Granted / one (1) year exemption
Vote: 12-0 (all members present)
SEC File: 09-5063

3. DENIAL OF A MOTOR VEHICLE TOW SERVICE LICENSE

Application for a Motor Vehicle Tow Service License under Chapter 48A-6(b) and 48A-9(a) of the Dallas City Code

Hearing Date: April 16, 2009
Appellant: Scott Mosser
Representative: James C. Mosser
Business Name: CHAMPION TOWS, L.L.C.
Location: 8035 East RL Thornton, Suite 518D
Denial: (1) Application for a vehicle tow service license is not signed by the person who will own, control, or operates the proposed vehicle tow service. (2) Appellant intentionally or knowingly made false statements as to material matters in the application. (3) Appellant or licensee under the submitted application has had a vehicle tow service license revoked within two years prior to the date of the application.
Issuing Department: PWT
Date Filed with SEC: February 17, 2009
Council District: 15 (City-wide)
Disposition: Appeal Denied
Vote: 12-0 (all members present)
SEC File: 09-5087

4. DENIAL OF A DANCE HALL LATE HOURS PERMIT

Application for a Dance Hall Late Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date: May 7, 2009
Appellant: Gregory N. Kilhoffer
Representative: Martin J. Sweeney
Business Name: THE MINING COMPANY
Location: 3903 Cedar Springs Road
Denial: Business is within 1,000 feet of the boundary line of a lot devoted to a residential use.
Issuing Department: DPD
Date Filed with SEC: March 17, 2009
Council District: 2
Disposition: Appeal Granted / two (2) year exemption
Vote: 12-0 (1 member absent)
SEC File: 09-5127

5. REVOCATION OF TAXICAB DRIVER'S LICENSE

Revocation of a Taxicab Driver's License under Chapter 45 of the Dallas City Code

Hearing Date:	June 18, 2009
Appellant:	ABDELA ABZA
Representative:	N/A
Business Name:	N/A
Location:	5555 Spring Valley Rd. (appellant's address)
Denial:	Acted in an unsafe manner while operating a taxicab for hire. Assault of Transportation Regulation Investigators with abusive language and hand gestures. Citations and records of counseling for violation of Chapter 27 of the Dallas City Code since July 10, 2006.
Issuing Department:	PWT
Date Filed with SEC:	May 29, 2009
Council District:	15 (City Wide)
Disposition:	Appeal Denied
Vote:	12-0 (all members present)
SEC File:	09-5158

6. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date:	September 3, 2009
Appellant:	Jim Jackowski
Representative:	N/A
Business Name:	JACRY APARTMENTS
Location:	3823 Bonnie View Rd.
Notice:	Violation of the Crime Risk Threshold
Issuing Department:	DPD
Date Filed with SEC:	July 9, 2009
Council District:	4
Disposition:	Withdrawn before PLAB by City Attorney's Office
SEC File:	09-03-09 09-5174

7. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date: September 3, 2009
Appellant: Sid Sharma / MQM Investments, Inc.
Representative: N/A
Business Name: THE GRAND APARTMENTS
Location: 2502 Grand Avenue
Notice: Violation of the Crime Risk Threshold
Issuing Department: DPD
Date Filed with SEC: July 2, 2009
Council District: 7
Disposition: Appeal Denied
Vote: 10-0 (3 members absent)
SEC File: 09-5181

8. DESIGNATION TO PARTICIPATE IN THE MANDATORY CRIME REDUCTION PROGRAM

Participation in the Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date: September 24, 2009
Appellant: Marlin Rivera d/b/a Rivera Group
Representative: George Bryant
Business Name: LAKE PLACID APARTMENTS
Location: 808 Blaylock
Notice: Violation of the Crime Risk Threshold
Issuing Department: DPD
Date Filed with SEC: August 20, 2009
Council District: 1
Disposition: Appeal Denied
Vote: 9-1 (3 members absent)
SEC File: 09-5201

9. DENIAL OF A DANCE HALL LICENSE

Application for a Dance Hall License under Section 14-3 of the Dallas City Code

Hearing Date: October 1, 2009
Appellant: Reza Dibaje
Representative: Roger Albright
Business Name: G.P. PULSE LOUNGE, INC. d/b/a KINKI
Location: 3606 Greenville, Suite B
Denial: Citation issued May 23, 2009 for operating a dance hall without a license.

Issuing Department: DPD
Date Filed with SEC: June 5, 2009
Council District: 14
Reset: Appellant requested reschedule of 08-06-09 appeal hearing; granted by City Secretary

Disposition: Appeal Granted / two (2) year exemption
Vote: 12-0 (1 member absent)
SEC File: 09-5168

10. DENIAL OF A DANCE HALL LICENSE

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date: October 1, 2009
Appellant: Pedro Mendoza
Representative: Roger Albright
Business Name: 039 NIGHT CLUB
Location: 1820 W. Mockingbird Lane, #34
Denial: Business is within 1,000 feet of the boundary line of a lot devoted to a residential use.

Issuing Department: DPD
Date Filed with SEC: August 21, 2009
Council District: 2
Reset: Appellant requested reschedule of 09-24-09 appeal hearing; granted by City Secretary

Disposition: Appeal Granted / one (1) year exemption
Vote: 12-0 (1 member absent)
SEC File: 09-5199

11. DENIAL OF A DANCE HALL LICENSE

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date: October 1, 2009
Appellant: Justin Buchert
Representative: N/A
Business Name: THE DALLAS EAGLE
Location: 5740 Maple Avenue
Denial: Business is within 1,000 feet of the boundary line of a lot devoted to a residential use.
Issuing Department: DPD
Date Filed with SEC: August 7, 2009
Council District: 2
Disposition: Withdrawn before PLAB by Appellant 10-01-09
SEC File: 09-5190

12. DESIGNATION TO PARTICIPATE IN THE MANDATORY CRIME REDUCTION PROGRAM

Participation in the Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date: October 15, 2009
Appellant: Jerry Palmer
Representative: Janet Bachman
Business Name: DEVONSHIRE REAL ESTATE AND ASSET MANAGEMENT d/b/a PARK TOWNE VILLAS
Location: 7117 Holly Hill
Notice: Violation of the Crime Risk Threshold
Issuing Department: DPD
Date Filed with SEC: September 3, 2009
Council District: 14
Reset: Appellant requested reschedule of 10-01-09 appeal hearing; granted by PLAB
Disposition: Appeal Granted
Vote: 6-4 (2 members absent)
SEC File: 09-5204

13. SUSPENSION OF SECONDARY METAL RECYCLER'S LICENSE

Appeal the Suspension of a Secondary Metals Recyclers license under Chapter 40B of the Dallas City Code

Hearing Date:	October 15, 2009
Appellant:	Rene DeLos Santos
Representative:	Larry Finstrom
Business Name:	MID-CITY RECYCLING
Location:	503 South Industrial Boulevard
Denial:	18 Violations of Chapter 40B of the Dallas City Code within a two-month period
Issuing Department:	DPD
Date Filed with SEC:	September 14, 2009
Council District:	2
Disposition:	Appeal Denied / 15 Day Suspension Exemption
Vote:	10-0 (2 members absent)
SEC File:	09-5206

14. DENIAL OF A DANCE HALL LICENSE

Application for a Dance Hall Late-Hours Permit under Section 14-3.1 of the Dallas City Code

Hearing Date:	October 15, 2009
Appellant:	Gregory N. Kilhoffer
Representative:	Martin J. Sweeney
Business Name:	ISAC CORP. d/b/a SUE ELLEN'S
Location:	3014 Throckmorton
Denial:	Business is within 1,000 feet of the boundary line of a lot devoted to a residential use.
Issuing Department:	DPD
Date Filed with SEC:	September 11, 2009
Council District:	2
Disposition:	Appeal Granted / two (2) year exemption
Vote:	10-0 (2 members absent)
SEC File:	09-5207

15. REVOCATION AND DENIAL OF ANIMAL REGISTRATIONS

Revocation and denial of animal registrations under Chapter 7, Section 7-4.3, of the Dallas City Code

Hearing Date: November 5, 2009
Appellant: RAANEL STEEL
Representative: Michael Levine
Business Name: N/A
Location: 3508 Oak Creek Circle (residence)
Notice: Two citations for animal violations
Issuing Department: Animal Services/Code Compliance
Date Filed with SEC: September 3, 2009
Council District: 4
Reset: City Attorney's Office requested reschedule of 09-24-09 appeal hearing; granted by City Secretary
Disposition: Appeal Denied
Vote: 10-1 (all members present)
SEC File: 09-5203

16. DESIGNATION TO PARTICIPATE IN THE MANDATORY CRIME REDUCTION PROGRAM

Participation in the Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date: November 5, 2009
Appellant: Conrad Seghers
Representative: Glen Leach
Business Name: CEDAR LAKE APARTMENTS
Location: 3810 Cedar Lake Dr.
Notice: Violation of the Crime Risk Threshold
Issuing Department: DPD
Date Filed with SEC: August 17, 2009
Council District: 4
Reset: Appellant requested reschedule of 10-01-09 appeal hearing; granted by City Secretary
Disposition: Appeal Denied
Vote: 11-0 (all members present)
SEC File: 09-5202

17. DESIGNATION TO PARTICIPATE IN THE MANDATORY CRIME REDUCTION PROGRAM

Participation in the Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date:	November 5, 2009
Appellant:	Viviana Amzel
Representative:	N/A
Business Name:	AMZEL GARDENS APARTMENTS
Location:	3027 South Blvd
Notice:	Violation of the Crime Risk Threshold
Issuing Department:	DPD
Date Filed with SEC:	October 7, 2009
Council District:	7
Disposition:	Appeal Denied
Vote:	11-0 (all members present)
SEC File:	09-5233

TAB 11

APPEALS NOT HEARD BY PLAB JANUARY 2009 THROUGH DECEMBER 2009

This report is a summary of all appeal hearings scheduled but not held by the Permit and License Appeal Board.

1. DENIAL OF A MOTOR VEHICLE TOW SERVICE LICENSE

Application for a Motor Vehicle Tow Service License under Chapter 48A-6(b) and 48A-9(a) of the Dallas City Code

Hearing Date:	April 2, 2009 [RESET/WITHDRAWN]
Appellant:	Loyd H. Robertson
Representative:	N/A
Business Name:	IDEAL TOWING OF DALLAS, L.L.C.
Location:	8035 East RL Thornton, Suite 235
Denial:	(1) Application for a vehicle tow service license is not signed by the person who will own, control, or operates the proposed vehicle tow service. (2) Appellant intentionally or knowingly made false statements as to material matters in the application. (3) Appellant or licensee under the submitted application has had a vehicle tow service license revoked within two years prior to the date of the application.
Issuing Department:	PWT
Date Filed with SEC:	February 3, 2009
Reset:	City Attorney's Office requested reschedule of 03-19-09 appeal hearing; granted by City Secretary
Council District:	15 (City-wide)
Disposition:	Withdrawn by appellant 03-30-09
SEC File:	09-5064

2. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date:	August 6, 2009 [WITHDRAWN]
Appellant:	Linda Albertano, Frank Lutz
Representative:	N/A
Business Name:	CAROL ANN APARTMENTS
Location:	316 N. Carroll Avenue
Notice:	Violation of the Crime Risk Threshold
Issuing Department:	DPD
Date Filed with SEC:	July 1, 2009
Council District:	2
Disposition:	Withdrawn by appellant 07-15-09
SEC File:	09-5166

3. DENIAL OF A DANCE HALL LICENSE

Application for a Dance Hall License under Section 14-3 of the Dallas City Code

Hearing Date: June 18, 2009 [CONTINUANCE/RESET/WITHDRAWN]
Appellant: Blanca L. Ramirez
Representative: James N. Vasilas / David C. Hill
Business Name: Triple D's Enterprises, L.L.C. d/b/a
El Indomable Night Club
Location: 4430 Main Street
Denial: Citation issued for operating a dance hall without a license.
Issuing Department: DPD
Date Filed with SEC: May 22, 2009
Council District: 2
Reset: Appellant requested continuance of 06-18-09 appeal hearing; granted by PLAB
Disposition: Withdrawn by appellant 08-04-09
SEC File: 09-5168

4. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date: September 3, 2009 [WITHDRAWN]
Appellant: Ruel Hamilton
Representative: James M. Wortman
Business Name: SIENNA SPRINGS APARTMENTS
Location: 9455 Skillman Street
Notice: Violation of the Crime Risk Threshold
Issuing Department: DPD
Date Filed with SEC: July 17, 2009
Council District: 10
Disposition: Withdrawn from MCRP by DPD 08-06-09
SEC File: 09-5182

5. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date:	September 3, 2009 [WITHDRAWN]
Appellant:	Phyllis Munves
Representative:	Daniel Paz
Business Name:	SHADOWS APARTMENTS
Location:	4322 Bowser Avenue
Notice:	Violation of the Crime Risk Threshold
Issuing Department:	DPD
Date Filed with SEC:	August 7, 2009
Council District:	14
Disposition:	Withdrawn from MCRP by DPD 08-31-09
SEC File:	09-5187

6. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date:	September 24, 2009 [WITHDRAWN]
Appellant:	David Moore
Representative:	N/A
Business Name:	CHATEAUX FAIR APARTMENTS
Location:	2728 Holmes Street
Notice:	Violation of the Crime Risk Threshold
Issuing Department:	DPD
Date Filed with SEC:	August 20, 2009
Council District:	7
Disposition:	Withdrawn by appellant 08-04-09
SEC File:	09-5198

7. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date: September 24, 2009 [WITHDRAWN]
Appellant: David Moore
Representative: N/A
Business Name: GRAND PLAZA II APARTMENTS
Location: 1810 Grand Avenue
Notice: Violation of the Crime Risk Threshold
Issuing Department: DPD
Date Filed with SEC: August 20, 2009
Council District: 7
Disposition: Withdrawn by appellant 08-04-09
SEC File: 09-5197

8. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date: September 24, 2009 [WITHDRAWN]
Appellant: David Moore
Representative: N/A
Business Name: COLONIAL MANSION APARTMENTS
Location: 2808 Gould Street
Notice: Violation of the Crime Risk Threshold
Issuing Department: DPD
Date Filed with SEC: August 20, 2009
Council District: 7
Disposition: Withdrawn by appellant 08-04-09
SEC File: 09-5196

9. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date: September 24, 2009 [WITHDRAWN]
Appellant: David Moore
Representative: N/A
Business Name: 2727 CLEVELAND STREET APARTMENTS
Location: 2727 Cleveland Street
Notice: Violation of the Crime Risk Threshold
Issuing Department: DPD
Date Filed with SEC: August 27, 2009
Council District: 7
Disposition: Withdrawn by appellant 08-04-09
SEC File: 09-5192

10. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date: October 1, 2009 [WITHDRAWN]
Appellant: Vijay Sharma
Representative: N/A
Business Name: 418-422 LANCASTER APARTMENTS
Location: 418-422 Lancaster Avenue
Notice: Violation of the Crime Risk Threshold
Issuing Department: DPD
Date Filed with SEC: August 19, 2009
Council District: 1
Disposition: Withdrawn by appellant 09-30-09/Withdrawn from MCRP by DPD 10-01-09
SEC File: 09-5200

11. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date:	October 15, 2009 [WITHDRAWN]
Appellant:	Azfar Khan
Representative:	N/A
Business Name:	3310 DOUGLAS AVENUE APARTMENTS
Location:	3310 Douglas Avenue
Notice:	Violation of the Crime Risk Threshold
Issuing Department:	DPD
Date Filed with SEC:	September 1, 2009
Council District:	14
Disposition:	Withdrawn by appellant 10-06-09
SEC File:	09-5211

12. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date:	November 5, 2009 [WITHDRAWN]
Appellant:	Hughy Paul Daniels
Representative:	N/A
Business Name:	CARRIER ARMS APARTMENTS
Location:	3510 Colonial Avenue
Notice:	Violation of the Crime Risk Threshold
Issuing Department:	DPD
Date Filed with SEC:	October 9, 2009
Council District:	7
Disposition:	Withdrawn by appellant 11-03-09
SEC File:	09-5235

13. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date:	November 5, 2009 [WITHDRAWN]
Appellant:	Hughy Paul Daniels d/b/a D & D Properties
Representative:	N/A
Business Name:	SAXONY APARTMENTS
Location:	2811 Holmes Street
Notice:	Violation of the Crime Risk Threshold
Issuing Department:	DPD
Date Filed with SEC:	October 9, 2009
Council District:	7
Disposition:	Withdrawn by appellant 11-03-09
SEC File:	09-5234

14. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date:	November 5, 2009 [WITHDRAWN]
Appellant:	Juanita Couch d/b/a Golden C Enterprises
Representative:	James Powell
Business Name:	MILES END APARTMENTS
Location:	3719 Miles Street
Notice:	Violation of the Crime Risk Threshold
Issuing Department:	DPD
Date Filed with SEC:	September 25, 2009
Council District:	14
Disposition:	Withdrawn by appellant 11-05-09
SEC File:	09-5231

15. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date:	December 3, 2009 [WITHDRAWN]
Appellant:	Brenda Albarran d/b/a GGL Family Limited Partnership
Representative:	N/A
Business Name:	WESTCHESTER APARTMENTS
Location:	209 E. Tenth Street
Notice:	Violation of the Crime Risk Threshold
Issuing Department:	DPD
Date Filed with SEC:	October 23, 2009
Council District:	1
Disposition:	Withdrawn by appellant 11-30-09
SEC File:	09-5239

16. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date:	N/A [UNTIMELY]
Appellant:	Dan Barnett d/b/a Abovo Corporation
Representative:	N/A
Business Name:	SEVILLE APARTMENTS
Location:	4510 Metropolitan
Notice:	Violation of the Crime Risk Threshold
Issuing Department:	DPD
Date Filed with SEC:	October 26, 2009
Council District:	7
Disposition:	Appeal not requested within the required time
SEC File:	09-5361

17. DESIGNATION TO PARTICIPATE IN A MANDATORY CRIME REDUCTION PROGRAM

Participation in a Mandatory Crime Reduction Program under Article VIII, Chapter 27 of the Dallas City Code

Hearing Date:	N/A [UNTIMELY]
Appellant:	Antonio Gipson d/b/a JoGip Property
Representative:	N/A
Business Name:	CEDAR OAKS APARTMENTS
Location:	2401 Berwick Avenue
Notice:	Violation of the Crime Risk Threshold
Issuing Department:	DPD
Date Filed with SEC:	November 3, 2009
Council District:	1
Disposition:	Appeal not requested within the required time
SEC File:	09-5361

TAB 12

(b) This section applies to any alleged breach of contract by the city occurring on or after January 30, 2006.

(c) A person may not file or maintain a lawsuit or alternative dispute resolution proceeding to recover damages for the city's breach of a city contract unless, as a condition precedent and a jurisdictional prerequisite to the filing of the lawsuit or proceeding:

(1) the person files a notice of claim with the city manager in writing, in the form prescribed in Subsection (d) of this section, not later than 180 days after the date of occurrence of the event that gives rise to the breach of contract claim; and

(2) the city council, or the city manager in the case where a change order or contract amendment may be authorized by administrative action or administrative change order, neglects or refuses to pay all or part of the claim on or before the 90th day after the date of presentation of written notice in accordance with this section.

(d) The written notice of claim required under Subsection (c) must:

(1) state the facts giving rise to the alleged breach;

(2) state the legal theory justifying recovery for the alleged breach;

(3) state the amount the person seeks in damages; and

(4) include supporting documentation indicating how those damages were calculated.

(e) The city attorney is authorized to investigate, evaluate, and recommend settlement or disposition of any breach of contract claim made against the city pursuant to this section.

(f) The city manager and the director shall assist the city attorney in the investigation, evaluation, and recommendation processes related to the settlement and disposition of a breach of contract claim made against the city pursuant to this section.

(g) The delegation of authority conferred under Subsection (e) or (f) does not include the authority to waive any requirements of this section.

(h) Nothing in this section supersedes, modifies, or excuses compliance with any other requirement for notices established by any city contract, law, or equity.

(i) A person filing a claim under this section is not entitled to recover attorney's fees, either as a part of the damages calculated in the notice of claim or in any subsequent lawsuit or alternative dispute resolution proceeding.

(j) Nothing in this section may be construed as waiving the city's governmental immunity from suit or liability.

(k) The provisions of this section are incorporated by reference into all existing and future city contracts.

(l) The city manager may, with the concurrence of the city attorney, elect to treat a notice received pursuant to this section as a demand for nonbinding mediation. If the city manager treats the notice as a demand for nonbinding mediation, the city manager shall, within a reasonable time, notify the person filing the claim of that election and of the applicable procedures to be followed. The notice of nonbinding mediation extends by 60 days the applicable period for responding to a claim notice set forth in Subsection (c)(2). (Ord. 26225)

SECS. 2-87 THRU 2-94. RESERVED. (Ord. Nos. 20527; 26225)

ARTICLE IX.

PERMIT AND LICENSE APPEAL BOARD.

SEC. 2-95. PERMIT AND LICENSE APPEAL BOARD - CREATED; FUNCTION; TERMS.

(a) There is hereby created the permit and license appeal board of the city, which shall be

composed of 15 members. Each city council member shall appoint one member to the board. The mayor shall appoint the board chair, and the full city council shall appoint the vice-chair.

(b) The permit and license appeal board shall hear appeals of department directors' actions on licenses and permits issued by the city filed in accordance with Section 2-96 of this chapter and requests for exemptions from locational restrictions filed in accordance with Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies.

(c) All members shall be appointed for a term to expire on September 1, 1985. Subsequent appointments will be made in August of each odd-numbered year for a two-year term beginning on September 1. All members shall serve until their successors are appointed and qualified. (Ord. Nos. 18200; 21153; 21514; 22259; 23386; 25002)

SEC. 2-95.1. TRAINING.

(a) Every person appointed as a member of the permit and license appeal board must attend a one-day training course before hearing an appeal under Section 2-96 of this chapter or a request for an exemption from locational restrictions under Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies. The training course will include, but not be limited to:

(1) an orientation session concerning the powers and duties of the permit and license appeal board and the procedures and requirements for hearing appeals and requests for exemptions from locational restrictions;

(2) instruction in the city's ordinances governing the various licenses and permits issued by the city that may be involved in appeals to the permit and license appeal board;

(3) instruction concerning locational restrictions contained in Chapters 14 and 41A of this code and the procedures and requirements for obtaining exemptions from those restrictions; and

(4) a mock hearing or an observation of an actual hearing.

(b) A person who fails to attend the one-day training course within 90 days from the date of appointment as a member of the permit and license appeal board shall forfeit that position with the city, and that position becomes vacant. (Ord. Nos. 23386; 23736; 25002)

SEC. 2-96. APPEALS FROM ACTIONS OF DEPARTMENT DIRECTORS.

(a) If the director of a city department denies, suspends, or revokes a license or permit over which the director has regulatory authority, and no appeal is provided by ordinance to another city board, the action is final unless the applicant, licensee, or permittee files a written appeal to the permit and license appeal board with the city secretary within 10 calendar days after the date of receiving notice of the director's action.

(b) If a written request for an appeal hearing is filed with the city secretary within the 10-day limit, the permit and license appeal board shall hear the appeal. The city secretary shall set a date for the hearing within 60 days after the date the appeal is filed.

(c) The permit and license appeal board shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply. The permit and license appeal board shall decide the appeal on the basis of a preponderance of the evidence presented at the hearing if there is a dispute of fact, otherwise the board shall decide the appeal in accordance with the provisions of this code. The board shall affirm, reverse, or modify the action of the director by a majority vote. Failure to reach a majority decision on a motion leaves the director's decision unchanged. A hearing of the permit and license appeal board may proceed if a quorum of the board is present. The decision of the permit and license appeal board is final as to administrative remedies, and no rehearing may be granted. (Ord. Nos. 18200; 20279; 21185; 23386; 25002)

**SEC. 2-97. RESETS AND CONTINUANCES
OF HEARINGS BEFORE THE
PERMIT AND LICENSE APPEAL
BOARD.**

(a) A request for a reset or continuance of an appeal hearing or of a hearing on an exemption from a locational restriction must be granted by the city secretary if the request is received in writing by the city secretary not less than 10 days before the scheduled hearing date.

(b) The city secretary may not grant any request for a reset or continuance received less than 10 days before a scheduled hearing date, unless the city secretary, after notifying all parties to the appeal or exemption hearing of the request, determines that:

[Text of § 2-97 continues on p. 45.]

(1) exigent, compelling, or exceptional circumstances exist that:

(A) were unforeseen by and beyond the control of the person requesting the reset or continuance; and

(B) require immediate action or attention by the person requesting the reset or continuance; and

(2) no opposing party will be unreasonably damaged or inconvenienced by the reset or continuance.

(c) Notwithstanding Subsection (a) of this section, a party that has been granted one reset of a scheduled hearing may not be granted another reset of any scheduled hearing for the same appeal or request for an exemption unless the city secretary makes the determinations required by Subsection (b) of this section. (Ord. Nos. 23386; 25002)

SEC. 2-98. PUBLIC NOTICE REQUIREMENTS FOR HEARINGS ON EXEMPTIONS FROM LOCATIONAL RESTRICTIONS.

If a permit or license is denied because of a locational restriction and the applicant is seeking an exemption to the locational restriction from the permit and license appeal board, a nonrefundable public notice fee of \$100 must be paid to the director of development services at the time the written request for the exemption hearing is filed. Not less than 10 days before the hearing date, the director of development services shall publish notice of the hearing in a newspaper of general circulation and provide written notice of the hearing to all neighborhood associations registered with the department of development services to receive zoning notices for the area in which the subject of the exemption is located. The director of development services may waive the \$100 public notice fee upon receipt of an affidavit from the applicant showing financial hardship. (Ord. Nos. 23386; 25002; 25047)

SEC. 2-99. APPEALS TO STATE DISTRICT COURT.

Once the decision of the permit and license appeal board is final under Section 2-96 of this chapter for an appeal of a department director's action on a license or permit or under Section 14-2.3, 14-2.4, or 41A-14 of this code, whichever applies, for a request for an exemption from a locational restriction, the decision may be appealed to the state district court by the city, by the applicant, licensee, or permittee, or by any other person aggrieved by the decision. An appeal to the state district court must be filed within 20 days after the date of the board's final decision. An appeal to the state district court is limited to a hearing under the substantial evidence rule. (Ord. Nos. 18200; 20279; 21185; 23386; 25002)

SEC. 2-100. RESERVED.

ARTICLE X.

PUBLIC ART PROGRAM.

SEC. 2-101. PURPOSE.

The city recognizes the importance of expanding the opportunities for its citizens to experience public art and other projects resulting from the creative expression of its visual artists in public places of the city. The city further recognizes the substantial economic benefits to be gained in the form of increased tourism through enhancement of public spaces and consequent retail activity throughout the city. A policy is established in this article to include works of art and design services of artists in certain city capital improvement projects. (Ord. Nos. 20064; 20267)

SEC. 2-102. DEFINITIONS.

(1) **ANNUAL PUBLIC ART PROJECTS PLAN** means a prioritized list, to be recommended by the cultural affairs commission and approved by the city council, of visual projects, including budgets and recommended design approaches, developed by the arts committee in consultation with city departments anticipating capital improvement projects.