

**MEMORANDUM**



DATE February 1, 2011

TO Honorable Mayor and Members of the City Council

SUBJECT **2010 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 2010.

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.



Roland Anderson, Chair  
Permit and License Appeal Board

c: Mary Suhm, City Manager  
Deborah Watkins, City Secretary

# **PERMIT AND LICENSE APPEAL BOARD**



## **ANNUAL REPORT 2010**

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# **TAB 1**

## CURRENT BOARD MEMBERS

Board Member	Position	Original Appointment Date	Current Status
<b>Roland Anderson, Chairman</b>	13	10-24-01	Holdover
<b>Ricardo Medrano, Vice Chair</b>	05	08-06-08	Reappointed
<b>Eladio Martinez</b>	01	09-23-09	Appointed
<b>Wilma Avalos</b>	02	03-25-09	Reappointed
<b>Darryl Baker</b>	03	03-25-09	Reappointed
<b>Carolyn Ann Johnson</b>	04	10-22-08	Reappointed
<b>Vacant</b>	06	—	—
<b>Vacant</b>	07	—	—
<b>James Kanaman</b>	08	12-12-07	Holdover
<b>James A. Morris</b>	09	12-02-09	Appointed
<b>Edward “Ryan” Bowles</b>	10	01-09-08	Reappointed
<b>Vacant</b>	11	—	—
<b>Marla Beikman</b>	12	04-07-10	Appointed
<b>Vacant</b>	14	—	—
<b>Brent M. Rosenthal</b>	15	02-18-04	Reappointed

## OTHER BOARD MEMBERS SERVING IN 2010

Board Member	Position	Original Appointment Date	Current Status
<b>Claire Swann</b>	14	04-16-08	Resigned 03-10-10
<b>Tony Hinojosa, Jr.</b>	06	09-21-05	Resigned 10-15-10
<b>Carol Vesey</b>	11	10-14-09	Forfeit 10-19-10

# **TAB 2**

## **STAFF MEMBERS**

- CITY SECRETARY'S OFFICE
  - Deborah Watkins, City Secretary
  - Rosa A. Rios, Assistant City Secretary
  - Daniel Soliz, Boards and Commissions Manager
  - Sandra E. Du Bose, Board Coordinator
  
- 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.

## **MISSION STATEMENT**

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# 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 some of 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
Mandatory Crime Reduction Program ....	Chapter 27
Motor Vehicle .....	Chapter 28
Parks & Water Reservoirs .....	Chapter 32
Secondary Metals Recyclers .....	Chapter 40B
Sexually Oriented Business.....	Chapter 41A
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 2010 through December 2010. A detailed summary of all hearings is located behind **Tabs 10 & 11** of the report.

- I.     **12**    Scheduled Hearing Days: *(Not included in Activity Detail calculation)*
  - 9 days    Appeal hearings conducted
  - 3 days    No hearings held
  
- II.    **13**    Appeal Requests Received in the City Secretary's Office and Scheduled for PLAB Hearing:
  - 13        Appeal requests considered and judgments rendered
  - 1        Appeal hearing requests reset, considered and judgments rendered
  - 0        Appeal hearing requests withdrawn by request at hearing
  
- III.   **7**     Appeal Requests Received in the City Secretary's Office and not heard by PLAB:
  - 3        Appeal hearing requests withdrawn by appellant prior to scheduled hearing date
  - 3        Appeal hearing requests withdrawn by city department prior to scheduled hearing date
  - 1        Appeal request rejected because no denial was sent  
*(PLAB had no jurisdiction; Requirements of Dallas City Code 9-2 not met)*



# **TAB 6**

## ACTIVITY DETAIL

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

<b>Requests</b>	<b>License / Permit / Designation</b>	<b>Appeal Hearing Disposition</b>		<b>Appeal Hearing Not Held</b>	
		<b>Denied</b>	<b>Granted</b>	<b>Withdrawn</b>	<b>No Jurisdiction</b>
<b>Appeals</b>	<b>Description</b>				
1	Animal Registration Revocation and Denial	1	0	0	0
10	Dance Hall Late-Hours Permit	2	8	0	0
5	Mandatory Crime Reduction Program	0	0	5	0
2	Secondary Metals Recyclers License	1	0	1	0
1	Taxicab Driver's License	1	0	0	0
1	Private Ambulance Service				1
<b>Total 20</b>		<b>5</b>	<b>8</b>	<b>6</b>	<b>1</b>

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

<b>District</b>	<b>Number of Cases</b>
01	0
02	8
03	0
04	0
05	0
06	1
07	1
08	0
09	1
10	0
11	0
12	0
13	0
14	1
15*	1
<b>Total</b>	<b>13</b>

\* City Wide (taxicab, ambulance service, etc.)

**TAB 7**

## BOARD MEETINGS

Three special meetings of PLAB were held in 2010 to discuss the following issues:

- **January 21, 2010**
  - Approval of the Minutes for the Special Meeting held March 5, 2009  
**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 2009 Annual Report  
**RESULT:** PLAB approved the 2009 Annual Report for submission to the City Council
  - Board Training  
**RESULT:** Boardmembers received required training in compliance with Dallas City Code Section 2-95.1 (PLAB Training)
- **November 4, 2010**
  - Approval of the Minutes for the Special Meeting held January 21, 2010  
**RESULT:** Minutes signed by Roland Anderson, PLAB Chair, and filed as a permanent record in the City Secretary's Office
  - Review and consideration of recommending changes to Section 8-20 of the Dallas City Code (Attendance) to the City Council  
**RESULT:** PLAB requested a letter to the City Council be drafted to express concern regarding the issue of board attendance pertaining to jury service. Letter to be reviewed at a special meeting on December 2, 2010
  - Presentation on the new Online Board and Commission Application  
**RESULT:** Daniel Soliz, Boards and Commissions Manager, outlined the new online boardmember application system
  - Information regarding PLAB member hearing notebooks  
**RESULT:** Since most of the material in the meeting notebooks is included in the City Attorney's exhibits or the Appellant's exhibits, notebooks will no longer be prepared for hearings, and the board will receive current hearing information via email

- **December 2, 2010**
  - Approval of the Minutes for the Special Meeting held November 4, 2010  
**RESULT:** Minutes signed by Roland Anderson, PLAB Chair, and filed as a permanent record in the City Secretary's Office
  - Review and authorization of a letter to the City Council regarding Section 8-20 of the Dallas City Code (Attendance) *\*see letter under Tab 12*  
**RESULT:** Letter signed by Roland Anderson, PLAB Chair, sent to the City Council and filed as a permanent record in the City Secretary's Office

**TAB 8**

## BOARD TRAINING

The City Secretary's Office, City Attorney's Office and the Dallas Police Department provided training for 1 newly appointed member serving a term ending September 30, 2011. In addition, two members completed their training by observing the hearing on January 7, 2010

Training session(s) were as follows:

<b>MEMBERS FOR TERM 2009-2011</b>				
NAME	POSITION	APPOINTMENT	TRAINING	OBSERVED HEARING
Marla Beikman	12	04-07-10	06-03-10	06-03-10
James A. Morris	09	12-02-09	12-03-09	01-07-10
Carol Vesey	11	10-14-09	12-03-09	01-07-10

The City Secretary's Office and City Attorney's Office provided training for reappointed and holdover PLAB members serving a term ending September 30, 2011, received training in the following areas:

- Chapter 12A, Dallas City Code of Ethics
- Annual Gift Disclosure
- Chapter 8, Dallas City Code, Boards and Commissions

<b>MEMBERS FOR TERM 2009-2011</b>		
NAME	POSITION	TRAINING
Eladio Martinez	1	01-21-10
Wilma Avalos	2	01-21-10
Darryl Baker	3	01-21-10
Carolyn A. Johnson	4	01-21-10
Ricardo Medrano, PLAB Vice-Chair	5	01-21-10
Tony Hinojosa	6	01-21-10
Vacant	7	N/A
James R. Kanaman	8	01-21-10
James A. Morris	9	01-21-10
E. Ryan Bowles	10	01-21-10
Carol Vesey	11	01-21-10
Vacant	12	N/A
Roland Anderson, PLAB Chair	13	01-21-10
Claire Swann	14	ABSENT
Brent M. Rosenthal	15	01-21-10



**TAB 9**

**PLAB ATTENDANCE RECORD  
JANUARY 2010 THROUGH DECEMBER 2010**

<b>HEARING / MEETING DATES</b>	<b>REGULAR HEARING 1/07/10</b>	<b>SPECIAL MEETING 1/21/10</b>	<b>REGULAR HEARING 2/04/10</b>	<b>REGULAR HEARING 3/04/10</b>	<b>REGULAR HEARING 4/01/10</b>	<b>REGULAR HEARING 5/06/10</b>
<b>POSITION</b>						
<u>Chair</u>						
13 Roland Anderson	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>P</u>	<u>AW</u>
<u>Vice Chair</u>						
05 Ricardo Medrano	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
<u>Boardmembers</u>						
01 Eladio Martinez	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</u>	<u>AW</u>
02 Wilma Avalos	<u>P</u>	<u>P</u>	<u>P</u>	<u>A</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>
06 Vacant	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>
07 Vacant	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>
08 James Kanaman	<u>A</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
09 James A. Morris	<u>OH</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
10 E. Ryan Bowles	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
11 Carol Vesey	<u>OH</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>
12 VACANT / Marla Beikman	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>AW</u> <u>NM</u>
14 Claire Swann / VACANT	<u>P</u>	<u>A</u>	<u>P</u>	<u>V</u>	<u>V</u>	<u>V</u>
15 Brent M. Rosenthal	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>AW</u>

Legend:

**A**–Absent; **AW**–Appeal Withdrawn; **AWVT**–Absent When Vote Taken; **CR**–Council Recess; **NM**–New Member; **NHS**–No Hearings Scheduled; **OH**–Observe Hearing; **P**–Present; **R**–Resigned/ Replaced; **V**–Vacant

**PLAB ATTENDANCE RECORD  
JANUARY 2010 THROUGH DECEMBER 2010**

<b>HEARING / MEETING DATES</b>	<b>REGULAR HEARING 6/03/10</b>	<b>REGULAR HEARING 7/01/10</b>	<b>REGULAR HEARING 8/05/10</b>	<b>REGULAR HEARING 9/02/10</b>	<b>REGULAR HEARING 10/07/10</b>	<b>REGULAR HEARING 11/04/10</b>
<b>POSITION</b>						
<u>Chair</u>						
13 Roland Anderson	<u>P</u>	<u>CR</u>	<u>NHS</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Vice Chair</u>						
05 Ricardo Medrano	<u>P</u>	<u>CR</u>	<u>NHS</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Boardmembers</u>						
01 Eladio Martinez	<u>P</u>	<u>CR</u>	<u>NHS</u>	<u>P</u>	<u>P</u>	<u>P</u>
02 Wilma Avalos	<u>P</u>	<u>CR</u>	<u>NHS</u>	<u>P</u>	<u>P</u>	<u>P</u>
03 Darryl Baker	<u>P</u>	<u>CR</u>	<u>NHS</u>	<u>P</u>	<u>P</u>	<u>P</u>
04 Carolyn A Johnson	<u>P</u>	<u>CR</u>	<u>NHS</u>	<u>P</u>	<u>A</u>	<u>A</u>
06 Vacant	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>
07 Vacant	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>
08 James Kanaman	<u>P</u>	<u>CR</u>	<u>NHS</u>	<u>P</u>	<u>P</u>	<u>P</u>
09 James A. Morris	<u>P</u>	<u>CR</u>	<u>NHS</u>	<u>P</u>	<u>P</u>	<u>A</u>
10 E. Ryan Bowles	<u>P</u>	<u>CR</u>	<u>NHS</u>	<u>P</u>	<u>P</u>	<u>AW</u>
11 Carol Vesey	<u>A</u>	<u>CR</u>	<u>NHS</u>	<u>P</u>	<u>A</u>	<u>R</u>
12 Marla Beikman	<u>OH</u>	<u>CR</u>	<u>NHS</u>	<u>P</u>	<u>P</u>	<u>P</u>
14 VACANT	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>	<u>V</u>
15 Brent M. Rosenthal	<u>P</u>	<u>CR</u>	<u>NHS</u>	<u>P</u>	<u>P</u>	<u>P</u>

Legend:

**A**–Absent; **AW**–Appeal Withdrawn; **AWVT**–Absent When Vote Taken; **CR**–Council Recess; **NM**–New Member; **NHS**–No Hearings Scheduled; **OH**–Observe Hearing; **P**–Present; **R**–Resigned/ Replaced; **V**–Vacant

**PLAB ATTENDANCE RECORD  
JANUARY 2010 THROUGH DECEMBER 2010**

<b>HEARING / MEETING DATES</b>	<b>SPECIAL MEETING 11/04/10</b>	<b>REGULAR HEARING 12/02/10</b>	<b>SPECIAL MEETING 12/02/10</b>
<b>POSITION</b>			
<u>Chair</u>			
13 Roland Anderson	<u>P</u>	<u>P</u>	<u>P</u>
<u>Vice Chair</u>			
05 Ricardo Medrano	<u>P</u>	<u>P</u>	<u>P</u>
<u>Boardmembers</u>			
01 Eladio Martinez	<u>P</u>	<u>P</u>	<u>P</u>
02 Wilma Avalos	<u>P</u>	<u>P</u>	<u>P</u>
03 Darryl Baker	<u>P</u>	<u>P</u>	<u>P</u>
04 Carolyn A Johnson	<u>A</u>	<u>P</u>	<u>P</u>
06 Vacant	<u>V</u>	<u>V</u>	<u>V</u>
07 Vacant	<u>V</u>	<u>V</u>	<u>V</u>
08 James Kanaman	<u>P</u>	<u>A</u>	<u>A</u>
09 James A. Morris	<u>A</u>	<u>P</u>	<u>P</u>
10 E. Ryan Bowles	<u>P</u>	<u>P</u>	<u>P</u>
11 VACANT	<u>V</u>	<u>V</u>	<u>V</u>
12 Marla Beikman	<u>P</u>	<u>P</u>	<u>P</u>
14 VACANT	<u>V</u>	<u>V</u>	<u>V</u>
15 Brent M. Rosenthal	<u>P</u>	<u>P</u>	<u>P</u>

Legend:

**A–Absent; AW–Appeal Withdrawn; AWVT–Absent When Vote Taken; CR–Council Recess; NM–New Member; NHS–No Hearings Scheduled; OH–Observe Hearing; P–Present; R–Resigned/ Replaced; V–Vacant**

**TAB 10**

## **APPEALS HEARD BY PLAB JANUARY 2010 THROUGH DECEMBER 2010**

This report is a summary of all appeal requests scheduled by the City Secretary's Office for a hearing and heard by the Permit and License Appeal Board.

### **1. 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: January 7, 2010  
Appellant: **MARK D. GIDEON**  
Representative: Donald D. Feare  
Business Name: N/A  
Location: 9908 Coldwater Circle, 75228 (residence)  
Denial: Two citations for animal violations within a 12 month period  
Issuing Department: Animal Services/Code Compliance  
Date Filed with SEC: November 20, 2009  
Council District: 9  
Disposition: Appeal Denied (tie vote—decision of the director stands)  
Vote: 5-5 (1 member absent)  
SEC File: 10-5030

### **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 4, 2010  
Appellant: Howard Okon  
Representative: David C. Hill  
Business Name: **THE BRICK / JOE'S**  
Location: 2525 Wycliff Avenue, #120, 75219  
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use  
Issuing Department: DPD  
Date Filed with SEC: December 29, 2009  
Council District: 2  
Disposition: Appeal Granted / one (1) year exemption  
Vote: 13-0 (all members present)  
SEC File: 10-5032

**3. 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: March 4, 2010  
Appellant: William Webster  
Representative: Nick Brock  
Business Name: **DALLAS EAGLE**  
Location: 5740 Maple Avenue, 75235  
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use  
Issuing Department: DPD  
Date Filed with SEC: January 28, 2010  
Council District: 2  
Disposition: Appeal Granted / one (1) year exemption  
Vote: 13-0 (all members present)  
SEC File: 10-5141

**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: April 1, 2010  
Appellant: Nadia Esquivel  
Representative: Roger Albright  
Business Name: **ESCANDALO DISCOTEC**  
Location: 6102 Maple Avenue, 75235  
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use  
Issuing Department: DPD  
Date Filed with SEC: February 19, 2010  
Council District: 2  
Disposition: Appeal Granted / two (2) year exemption  
Vote: 6-4 (1 member absent)  
SEC File: 10-5145

**5. 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: April 1, 2010  
Appellant: Edward Ortega  
Representative: John Stewart  
Business Name: **DRAMA CLUB**  
Location: 1911 N. Griffin Street, 75202  
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use  
Issuing Department: DPD  
Date Filed with SEC: February 26, 2010  
Council District: 2  
Disposition: Appeal Denied  
Vote: 10-1 (1 member absent)  
SEC File: 10-5146

**6. DENIAL OF SECONDARY METALS RECYCLER'S LICENSE**

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

Hearing Date: April 1, 2010  
Appellant: Lane Weitz  
Representative: Robert J. Miklos  
Business Name: **GOLD AUTO PARTS RECYCLERS**  
Location: 3301 South Lamar Street, 75215  
Denial: Business/location does not have the proper Certificate of Occupancy to buy used catalytic converters  
Issuing Department: DPD  
Date Filed with SEC: March 5, 2010  
Council District: 7  
Disposition: Appeal Denied  
Vote: 11-0 (1 member absent)  
SEC File: 10-5048



**7. REVOCATION OF TAXICAB DRIVER'S LICENSE**

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

Hearing Date: June 3, 2010  
Appellant: Qazi Tahsin-Uddin  
Representative: N/A  
Business Name: **QAZI TAHSIN-UDDIN TAXI**  
Location: 618 Clearwood Drive, Richardson, TX 75081 (residence)  
Denial: Licensee engaged in conduct that constitutes grounds for suspension under Dallas City Code Section 45-3.12 and received convictions of violations of this chapter  
Issuing Department: PWT  
Date Filed with SEC: May 12, 2010  
Council District: 15 (City Wide)  
Disposition: Appeal Denied  
Vote: 10-0 (2 members absent, 1 new / non-voting)  
SEC File: 10-5213

**8. 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: September 2, 2010  
Appellant: Cameron Rose  
Representative: Roger Albright  
Business Name: **MAMBO CAFÉ, EL NUEVEVO RITMO TROPICAL**  
Location: 2020 N. Lamar Street, 75202  
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use  
Issuing Department: DPD  
Date Filed with SEC: July 27, 2010  
Council District: 2  
Disposition: Appeal Granted / one (1) year exemption  
Vote: 12-1 (all members present)  
SEC File: 10-5240

**9. 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: October 7, 2010  
Appellant: Don Nedler  
Representative: Roger Albright  
Business Name: **LIZARD LOUNGE**  
Location: 2424 Swiss Avenue, 75204  
Denial: Business is within 1,000 feet of the Gaston Yard Apartments  
Issuing Department: DPD  
Date Filed with SEC: August 11, 2010  
Council District: 14  
Disposition: Appeal Granted / two (2) year exemption  
Vote: 11-0 (2 members absent)  
SEC File: 10-5247  
Reset Request: August 17, 2010 by City Attorney's Office  
Reset Granted by City Secretary

**10. 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: October 7, 2010  
Appellant: Pedro Mendoza  
Representative: Roger Albright  
Business Name: **039 NIGHT CLUB**  
Location: 1820 W. Mockingbird Lane, #34, 75235  
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use  
Issuing Department: DPD  
Date Filed with SEC: August 20, 2010  
Council District: 2  
Disposition: Appeal Granted / one (1) year exemption  
Vote: 11-0 (2 members absent)  
SEC File: 10-5249

**11. 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: November 4, 2010  
Appellant: Jesus De La Torre  
Representative: Roger Albright  
Business Name: **EL CRISTAL**  
Location: 10523 Harry Hines Boulevard, 75220  
Denial: Business located within 1,000 feet of two mobile home parks  
Issuing Department: DPD  
Date Filed with SEC: September 23, 2010  
Council District: 6  
Disposition: Appeal Granted / one (1) year exemption  
Vote: 9-0 (2 members absent)  
SEC File: 10-5258

**12. 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: December 2, 2010  
Appellant: Dan Faust / Juan Rey  
Representative: David C. Hill  
Business Name: **EXKLUSIVE**  
Location: 4207 Maple Avenue, 75219  
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use  
Issuing Department: DPD  
Date Filed with SEC: November 5, 2010  
Council District: 2  
Disposition: Appeal Denied  
Vote: 10-0 (1 member absent)  
SEC File: 10-5271

**13. 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: December 2, 2010  
Appellant: Gregory N. Kilhoffer d/b/a Blue Angel Inc.  
Representative: Martin J. Sweeney  
Business Name: **STATION 4**  
Location: 3911 Cedar Springs Road, 75219  
Denial: Business located within 1,000 feet of the property line of a lot devoted to a residential use  
Issuing Department: DPD  
Date Filed with SEC: November 2, 2010  
Council District: 2  
Disposition: Appeal Granted / two (2) year exemption  
Vote: 10-1 (1 members absent)  
SEC File: 10-5274

# **TAB 11**

## **APPEALS NOT HEARD BY PLAB JANUARY 2010 THROUGH DECEMBER 2010**

This report is a summary of all appeal requests scheduled by the City Secretary's Office for a hearing but not heard by the Permit and License Appeal Board.

### **1. 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: March 4, 2010  
Appellant: V.R. Pillay  
Representative: N/A  
Business Name: **8180 APARTMENTS**  
Location: 8180 Lemmon Avenue, 75204  
Notice: Violation of the Crime Risk Threshold  
Issuing Department: DPD  
Date Filed with SEC: January 22, 2010  
Council District: 14  
Disposition: Withdrawn by Appellant March 4, 2010  
SEC File: 10-5140

### **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: April 1, 2010  
Appellant: Maria Saldivar dba Saldivar Family LTD  
Representative: N/A  
Business Name: **OAK TERRACE APARTMENTS**  
Location: 602 N Lancaster Avenue, 75203  
Notice: Violation of the Crime Risk Threshold  
Issuing Department: DPD  
Date Filed with SEC: March 9, 2010  
Council District: 1  
Disposition: Withdrawn by DPD March 26, 2010  
SEC File: 10-5167

**3. 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: April 1, 2010  
Appellant: Johan Saleh dba Avanti Holdings  
Representative: N/A  
Business Name: **PLYMOUTH HOUSE APARTMENTS**  
Location: 515 N Plymouth Road, 75211  
Notice: Violation of the Crime Risk Threshold  
Issuing Department: DPD  
Date Filed with SEC: March 12, 2010  
Council District: 1  
Disposition: Withdrawn by DPD March 23, 2010  
SEC File: 10-5170

**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: May 6, 2010  
Appellant: Kouros Khabazian dba Kouros Investment LLC  
Representative: N/A  
Business Name: **HATCHER STREET APARTMENTS**  
Location: 2405 Hatcher Street, 75215  
Notice: Violation of the Crime Risk Threshold  
Issuing Department: DPD  
Date Filed with SEC: April 14, 2010  
Council District: 7  
Disposition: Withdrawn by Appellant May 3, 2010  
SEC File: 10-5200

**5. DENIAL OF SECONDARY METALS RECYCLER'S LICENSE**

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

Hearing Date: May 6, 2010  
Appellant: Benjie Smith  
Representative: Robert Wiegand  
Business Name: **OAK CLIFF METALS (FALCON TRANSPORT, INC.)**  
Location: 523 Pontiac Avenue, 75203  
Denial: Business/location does not have the proper Certificate of Occupancy to operate as a secondary metals recycler  
Issuing Department: DPD  
Date Filed with SEC: April 8, 2010  
Council District: 2  
Disposition: Withdrawn by Appellant May 5, 2010  
SEC File: 10-5196

**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: October 7, 2010  
Appellant: Kouros Khabazian dba Kouros Investment LLC  
Representative: N/A  
Business Name: **TVA BUCKNER APARTMENTS / TOWNVIEW APARTMENTS**  
Location: 4999 S. Buckner Boulevard, 75227  
Notice: Violation of the Crime Risk Threshold  
Issuing Department: DPD  
Date Filed with SEC: September 7, 2010  
Council District: 4  
Disposition: Withdrawn by City Attorney September 28, 2010  
SEC File: 10-5255



**7. DENIAL OF A PRIVATE AMBULANCE SERVICE LICENSE**

Application for a Private Ambulance Service License under Chapter 15D-9 of the Dallas City Code

Hearing Date: N / A  
Applicant: Johnny Bamburg  
Representative: Sandra Reynolds  
Business Name: **JOHNNY BAMBURG / AMBULANCE**  
Location: 15725 Daleport Circle, 75248  
Denial: No denial issued  
Department: PWT  
Date Filed with SEC: October 7, 2010  
Council District: All  
Disposition: CSO letter of appeal rejected October 12, 2010  
(*PLAB had no jurisdiction; Requirements of Dallas City Code 9-2 not met*)  
SEC File: 10-5267

# **TAB 12**



City of Dallas

December 3, 2010

Honorable Mayor and  
Members of the Dallas City Council  
Dallas City Hall  
1500 Marilla, 6DS  
Dallas, TX 75201

A stamp consisting of a small square containing the letters 'CC' followed by the word 'COPY' in a bold, sans-serif font.

Dear Mayor and Members of the Dallas City Council:

On November 4, 2010, the Permit and License Appeal Board (PLAB) convened a special meeting to discuss board attendance as outlined in Section 8-20 of the Dallas City Code. The Board met on this issue for two reasons:

1. Two PLAB members are serving on grand juries which may meet on the same day as PLAB hearings. Absences from PLAB hearings due to grand jury service are not excused under the code. (*Section 8-20(c)*)
2. Absences due to illness are not easily excused, and even if they are excused, those absences can still cause a board member to forfeit their position. (*Section 8-20(a) and Section 8-20(c)*)

Therefore, PLAB unanimously decided to inform the City Council of our concerns on these issues.

Since attendance provisions in Chapter 8 apply to all City Council established boards and commissions, PLAB is requesting the City Council consider and explore reasonable methods to address the attendance issues noted above.

If you have any questions, please contact me at (214) 691-8627. You can also reach me via email at [rca@ippractice.com](mailto:rca@ippractice.com).

Sincerely,

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

Roland Anderson, Chairman  
Permit and License Appeal Board

- c: Permit and License Appeal Board  
Deborah Watkins, City Secretary  
Thomas P. Perkins, Jr., City Attorney  
Rosa A. Rios, Assistant City Secretary  
Warren Ernst, Assistant City Attorney  
Obeng Opoku-Acheampong, Assistant City Attorney  
Daniel Soliz, Boards and Commissions Manager, CSO  
Sandra E. Du Bose, PLAB Coordinator, CSO

# **TAB 13**

(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.

(1) 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:

(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 sustainable development and construction at the time the written request for the exemption hearing is filed. Not less than 10 days before the hearing date, the director of sustainable development and construction 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 sustainable development and construction to receive zoning notices for the area in which the subject of the exemption is located. The director of sustainable development and construction may waive the \$100 public notice fee upon receipt of an affidavit from the applicant showing financial hardship. (Ord. Nos. 23386; 25002; 25047; 27697)

**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.

(2) **ARTS COMMITTEE** means a subcommittee of the cultural affairs commission appointed to oversee quality control of the public art program and projects and to recommend the scope of projects, artworks, and artists for the public art