

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 3, 1999

99-0880

CITY COUNCIL BRIEFING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR RON KIRK, PRESIDING

PRESENT: [15] Kirk, Poss, Salazar, Loza, Miller, Duncan, Hicks, Mallory Caraway, Mayes,
Lipscomb, Walne, Finkelman, Greyson, Blumer, Forsythe Lill
ABSENT: [0]

The meeting was called to order at 9:30 a.m.

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

The invocation was given by Rev. Josh Guajardo, Pastor, First Baptist Church of Urbandale.

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 4:12 p.m.

Mayor

ATTEST:

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.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 3, 1999

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 3, 1999

EXHIBIT B

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 3, 1999

99-0881

Agenda item (3): 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

March 3, 1999

99-0882

OPEN MICROPHONE

In accordance with Subsection 6.3 of the City Council Rules of Procedure, the city council provided an opportunity for the following individuals to present concerns or address issues during an "open microphone" period.

OPEN MICROPHONE - BEGINNING OF MEETING:

SPEAKER: Richard Knight, Jr., 3900 Singleton Blvd.
REPRESENTING: KnightCo Oil Company
SUBJECT: Presentation to the City

SPEAKER: Kevin Rafraf, 6111 Copperhill Dr.
REPRESENTING: Special Assembly Bahais of Dallas
SUBJECT: Two wings of a bird/equality of women and men

SPEAKER: Marvin Bigelow, 1950 Recording Crossing Rd. **NO SHOW**
SUBJECT: Accident

SPEAKER: Rene Randall, 1429 Brook Valley Pl.
SUBJECT: Reading Programs at St. Anthony's School

SPEAKER: Gloria Rittenhouse, 1548 Waweenoc Ave.
SUBJECT: Final Inspection of Housing Department

SPEAKER: Elijah McGrew, 9524 Military Pkwy.
REPRESENTING: Local Political Candidate Society
SUBJECT: The reenacting of Civil War at Samuel Farm, and the birth of K.K.K.

OPEN MICROPHONE - END OF MEETING:

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Corruption/Reunion Arena/Trinity River Plan/2012 Olympics/DART

SPEAKER: Jimmy Lee, P.O. Box 4994 **NO SHOW**
REPRESENTING: Relief In the Communities Inc.
SUBJECT: U.R.S.B., a Kangaroo Court

SPEAKER: Joe Martin, 3105 Gladius Ln.
SUBJECT: Rules of Procedures

SPEAKER: Clarence Martin, 3627 Soft Cloud
SUBJECT: City Hall would rather let children die

NO SHOW

SPEAKER: Elsie Risby, 2900 Dilido Rd.
SUBJECT: End of the meeting speakers

SPEAKER: Claud Yeldell, 1624 S. Corinth St.
SUBJECT: How the city works/City employees

CANCELED

SPEAKER: Claire Lewis, 4439 Westway, Highland Park
REPRESENTING: Special Pets
SUBJECT: Matching funds

NO SHOW

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 3, 1999

99-0883

Action Item 1: Approval of Minutes of the February 17, 1999 City Council Meeting

Councilmember Mayes moved to approve the minutes.

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

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 3, 1999

99-0884

Action Item 2: Consideration of appointments to boards and commissions (Closed Session, if necessary, Personnel, Sec. 551.074 T.O.M.A.)

The city secretary distributed a report showing boards and commissions nominations for the 1997-99 board term, updated through March 3, 1999.

The city secretary noted that the report indicated with the notation "OK" that a person nominated or renominated met all qualifications for service. The city secretary also noted that the term for each nominee would end August 31, 1999.

Councilmember Mayes moved to appoint all of the nominees to "individual appointment" positions in the report who meet all qualifications for service to the boards and commission of the city for the term ending August 31, 1999.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted.

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

99-0896 CAC CULTURAL AFFAIRS COMMISSION
99-0897 DCT DALLAS COMMUNITY TELEVISION INC.
99-0898 MLKMARTIN LUTHER KING JR. COMMUNITY CENTER BOARD

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 3, 1999

99-0885

Action Item 3: Appointment of members to the DART Board (Closed Session, if necessary,
Personnel, Sec. 551.074, T.O.M.A)

There were no appointment of members to the DART Board.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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99-0886

Briefing: A. Department of Housing Review
Part II: Issues and Policies

The city manager briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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99-0887

Action Item 4: An ordinance amending Chapters 10, 10A, 45 and 48A of the Dallas City Code to provide reinsurance requirements for buses, shuttles, limousines, taxicabs, and vehicle tow services - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the amendments:

- Carl Kuhlman, 6218 Cedar Springs Rd., representing Terminal Taxi
- Jack Bewley, 6218 Cedar Springs Rd.
- Jeff Finkel, 175 Oak Trail Dr., Double Oak

Mayor Pro Tem Poss moved to table the ordinance indefinitely.

Motion seconded by Councilmember Mayes.

After discussion, Mayor Kirk called the vote on the motion:

Voting Yes:	[13]	Kirk, Poss, Salazar, Loza, Miller, Duncan, Hicks, Mallory Caraway, Mayes, Walne, Finkelman, Blumer, Forsythe Lill
Voting No:	[1]	Greyson
Absent when vote taken:	[1]	Lipscomb

Mayor Kirk declared the motion adopted.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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99-0888

Action Item 5: A resolution approving a three percent (3%) merit increase for the City Auditor, effective November 1, 1998 - Financing: Current Funds

Councilmember Loza moved to approve the resolution.

Motion seconded by Deputy Mayor Pro Tem Salazar.

After discussion, Mayor Kirk called the vote on the motion:

Voting Yes: [14] Kirk, Poss, Salazar, Loza, Miller, Hicks, Mallory Caraway, Mayes,
Lipscomb, Walne, Finkelman, Greyson, Blumer, Forsythe Lill

Voting No: [1] Duncan

Mayor Kirk declared the motion adopted.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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99-0889

Action Item 6: A resolution supporting state legislation that would allow a municipality to establish a photographic traffic-control signal monitoring system - Financing: This action has no cost consideration to the City

Councilmember Hicks moved to approve the resolution.

Motion seconded by Councilmember Mayes.

After discussion, Mayor Kirk called the vote on the motion:

Voting Yes: [15] Kirk, Poss, Salazar, Loza, Miller, Duncan, Hicks, Mallory Caraway,
Mayes, Lipscomb, Walne, Finkelman, Greyson, Blumer, Forsythe Lill

Voting No: [0]

Mayor Kirk declared the motion adopted.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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99-0890

Action Item 7: A resolution supporting Dallas County's efforts to establish an additional County Court designated to handle cases of domestic violence - Financing: No cost consideration to the City

Councilmember Hicks moved to approve the resolution.

Motion seconded by Councilmember Lipscomb.

After discussion, Mayor Kirk called the vote on the motion:

Voting Yes: [15] Kirk, Poss, Salazar, Loza, Miller, Duncan, Hicks, Mallory Caraway,
Mayes, Lipscomb, Walne, Finkelman, Greyson, Blumer, Forsythe Lill

Voting No: [0]

Mayor Kirk declared the motion adopted.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 3, 1999

99-0891

Action Item 8: Application for a fill permit and removal of the floodplain(FP) prefix from 0.16 acres of land currently in the 100-year floodplain of White Rock Creek which is located on the south side of Spring Valley Road between Hughes Lane and White Rock Creek and is zoned Residential ½(A) - Fill Permit 98-09 - Financing: No cost consideration to the City

Councilmember Finkelman moved to approve the application.

Motion seconded by Councilmember Forsythe Lill.

After discussion, Mayor Kirk called the vote on the motion.

Mayor Kirk declared the motion adopted on a divided voice vote, with Councilmember Lipscomb voting "No."

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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99-0892

Action Item 9: An ordinance abandoning Plowman Avenue, a portion of Moline Street, Tilden Street, alleys and a sanitary sewer easement to Park Tilden Partners, L.P., Mid-Tex Centers, Ltd., D McLeasing, Inc., and Herbert Frey, Trustee, the abutting owners, containing approximately 132,728 square feet of land, located near the intersection of Greenbriar Lane and Moline Street, in exchange for the dedication of 6,788 square feet of land for needed street right-of-way; providing for the construction of two turn lanes; providing for the waiver of dead-end street requirements; authorizing the quitclaim - Revenue: \$107,049 plus the \$20 ordinance publication fee

Deputy Mayor Pro Tem Salazar moved to pass the ordinance.

Motion seconded by Councilmember Hicks and unanimously adopted.

Assigned ORDINANCE NO. 23811.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 3, 1999

99-0893

Action Item 10: Authorize one of the following options for use of funds generated by the 2.7 percent water and wastewater rate adjustment in fiscal year 1998-1999 (estimated to be \$6,400,000) by the City Council, and direct the City Manager to provide additional information regarding the Water Utilities operations and capital program during fiscal year 1998-99. Options to be considered include:

Option 1. Resolution to rescind the fiscal year 1998-1999 2.7 percent retail water and wastewater rate adjustment effective April 1, 1999, and provide prepayment credit to City of Dallas retail water utility customers, with appropriate interest, to offset the impact of the additional revenues generated for the period of October 1, 1998 through March 31, 1999 as a result of the 2.7 percent rate adjustment, on the April 1999 water bill, and

Adopt an ordinance amending Chapter 49 of the Dallas City Code to adjust rates for water and wastewater services for City of Dallas retail water utility customers, effective April 1, 1999.

Option 2. Provide a prepayment credit to City of Dallas retail water utility customers, with appropriate interest, on the fiscal year 1998-1999 mid-year and year-end water bills to offset the impact of the fiscal year 1998-1999 2.7 percent retail water and wastewater rate adjustment, subject to the City's legal obligations under its bond covenants. (Option recommended by City Manager)

Councilmember Hicks moved to approve Option 2 following the city manager's recommendation.

Motion seconded by Councilmember Lipscomb.

Councilmember Miller moved to substitute for Councilmember Hicks' motion a motion to approve Option 1 by rescinding the fiscal year 1998-99 2.7 percent retail water and wastewater rate adjustment, provided prepayment credit to water utility customers and adopt an ordinance amending Chapter 49 of the Dallas City Code adjusting rates for water and wastewater services.

Motion seconded by Councilmember Blumer.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL
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After discussion, Mayor Kirk called the vote on the motion:

Voting Yes: [4] Loza, Miller, Greyson, Blumer

Voting No: [11] Kirk, Poss, Salazar, Duncan, Hicks, Mallory Caraway, Mayes, Lipscomb, Walne,
Finkelman, Forsythe Lill

Mayor Kirk declared the motion lost.

Mayor Kirk called the vote on Councilmember Hicks' motion:

Voting Yes: [15] Kirk, Poss, Salazar, Loza, Miller, Duncan, Hicks, Mallory Caraway, Mayes,
Lipscomb, Walne, Finkelman, Greyson, Blumer, Forsythe Lill

Voting No: [0]

Mayor Kirk declared the motion adopted.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 3, 1999

99-0894

CLOSED SESSION

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

- Debra Walker, et al. v. HUD, et al
 - City of Fort Worth, Texas and American Airlines, Inc. v. City of Dallas, Texas et al.,
Cause No. 48-171109-97
 - Continental Airlines, Inc. and Continental Express, Inc. v. City of Dallas, Texas and City of Fort Worth,
Texas, et al., Cause No. 3:98-CV-1187-R (consolidated with City of Dallas, Texas v.
Department of Transportation, et al., Cause No. 3:97-CV-2734-R)
 - U.S. Department of Transportation Love Field Service Interpretation Proceeding,
Docket No. OST-98-4363
 - AT&T Communications of the Southwest, Inc. v. City of Dallas, Cause No. 3-98-CV-0003-R; GTE Southwest
Incorporated v. City of Dallas, Cause No. 3-98-CV-0662-R; Southwestern Bell Telephone
Company v. City of Dallas, Cause No. 3-98-CV-0843-R; Teligent, Inc. v. City of Dallas, Cause
No. 3-97-CV-3052-R
 - Airport Properties, Inc. vs. City of Dallas, Texas, Case No. 495-44948 - MT-11; Adv. No. 98-4237
(U.S. Bankruptcy Court, Northern District of Texas)
 - Eddie Blair, Claim No. 95-101004137
- Deliberations Regarding Real Property Interests (Sec. 551.072 T.O.M.A.)
- Purchase of Airport Properties, Inc.'s leasehold interests at Redbird Airport

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

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

- AT&T Communications of the Southwest, Inc. v. City of Dallas, Cause No. 3-98-CV-0003-R; GTE
Southwest Incorporated v. City of Dallas, Cause No. 3-98-CV-0662-R; Southwestern Bell
Telephone Company v. City of Dallas, Cause No. 3-98-CV-0843-R; Teligent, Inc. v. City of Dallas,
Cause No. 3-97-CV-3052-R
 - Eddie Blair, Claim No. 95-101004137
- Deliberations Regarding Real Property Interests (Sec. 551.072 T.O.M.A.)
- Purchase of Airport Properties, Inc.'s leasehold interests at Redbird Airport

No other matters were discussed during the closed session.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 3, 1999

99-0895

Action Item 11: Authorize the purchase of Airport Properties, Inc.'s leasehold interests at Redbird Airport for \$1,310,000 and settlement of the lawsuit, styled Airport Properties, Inc. v. City of Dallas, Texas, Case No. 495-44948-MT-11; Adv. No. 98-4237 (U.S. Northern Bankruptcy Court, Northern District of Texas) - \$1,310,000 - Financing: Aviation Current Funds - Revenue due to assumption of Airport Properties, Inc.'s subleases: \$106,200 annually

Councilmember Mallory Caraway moved to approve the item.

Motion seconded by Councilmember Hicks.

After discussion, Mayor Kirk called the vote on the motion:

Voting Yes: [10] Kirk, Poss, Salazar, Duncan, Hicks, Mallory Caraway, Mayes,
Walne, Finkelman, Forsythe Lill

Voting No: [5]Loza, Miller, Lipscomb, Greyson, Blumer

Mayor Kirk declared the motion adopted.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, MARCH 3, 1999

EXHIBIT C