

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 7, 1999

99-1230

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 9:28 a.m.

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

The invocation was given by Rev. Gene Burt, pastor, First Christian Methodist Evangelistic Church.

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 6:12 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, APRIL 7, 1999

EXHIBIT A

4/8/99 8:40 am
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, APRIL 7, 1999

EXHIBIT B

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

April 7, 1999

99-1231

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

April 7, 1999

99-1232

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: Rosette Rice, 6490 S. Cockrell Hill Rd.
SUBJECT: Accident on March 23, 1999

SPEAKER: Maria Hernandez, 5915 S. Cockrell Hill Rd.
SUBJECT: Accident caused by potholes on Cockrell Hill Rd.

SPEAKER: Marline Lytle, 406 W. Mockingbird Ln.
SUBJECT: Homeless situation in Dallas/Karen Hicks Bill

SPEAKER: Ted Horvitz, 11523 Audelia Rd.
SUBJECT: Letter to Paul Coggins

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Corruption/Chief of Police/County of Dallas/K.K.K./F.B.I.

OPEN MICROPHONE - END OF MEETING:

SPEAKER: Roy Honeycutt, 4231 W. Lawther Dr.
SUBJECT: Injured police officers

CANCELED

SPEAKER: Steven Meeks, 3223 Carpenter Ave.
SUBJECT: Code Enforcement

NO SHOW

SPEAKER:	Joe Martin, 315 Gladiolus Ln.	
SUBJECT:	Rules of Procedures	
SPEAKER:	Bonnie Hurd, 3105 Peavy Rd.	NO SHOW
SUBJECT:	Nothing in writing/D.H.A.	
SPEAKER:	Brooks Fitch, 5327 Gatesworth Ln.	NO SHOW
SUBJECT:	Memorial update	
SPEAKER:	Darrell Humphrey, 4811 Carol Ln.	NO SHOW
SUBJECT:	General concerns	
SPEAKER:	Jimmy Lee, P.O. Box 4993	NO SHOW
REPRESENTING:	Relief in the Communities Inc.	
SUBJECT:	Accountability/Legal staff	
SPEAKER:	Robert Harrell, 9624 Bellewood Dr.	NO SHOW
REPRESENTING:	Interstate Mechanical Contractor	
SUBJECT:	Red Bird Development Corp.	
SPEAKER:	Thelma Youngblood, 1823 Norfolk Ave.	NO SHOW
SUBJECT:	School crossings	
SPEAKER:	Enrique Perez, 4013 Watersedge Dr., Rowlett	NO SHOW
SUBJECT:	Problems in Farmers Market	
SPEAKER:	Marvin Bigelow, 1950 Record Crossing Rd.	
SUBJECT:	General Concerns	

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

April 7, 1999

99-1233

Action Item 1: Approval of Minutes of the March 3, 1999 City Council Meeting

Councilmember Mayes moved to approve the minutes.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

April 7, 1999

99-1234

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 April 7, 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 Stephen H. Canoff to the Reinvestment Zone Five Board (City Center).

Motion seconded by Councilmember Mallory Caraway and unanimously adopted.

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

99-1241 RZ5 REINVESTMENT ZONE FIVE BOARD (CITY CENTER)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

April 7, 1999

99-1235

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

April 7, 1999

99-1236

Action Item 4: Authorize extension of the moratorium on the acceptance of applications for sign permits for detached, non-premise signs within 660 feet of the President George Bush Turnpike right-of-way, as described in the moratorium; directing the City Manager and the City Plan Commission to perform appropriate analysis, call or conduct all necessary hearings, evaluate alternatives, and prepare recommendations for the City Council regarding appropriate revisions to the sign regulations governing detached, non-premise signs in the area adjacent to the President George Bush Turnpike right-of-way, as described in the moratorium - Financing: No cost consideration to the City

Councilmember Greyson moved to approve the item.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted.

BRIEFING MEETING OF THE CITY COUNCIL

April 7, 1999

99-1237

Action Item 5: Zoning Case Z989-131/19746-C(JA)

Zoning Case Z989-131/19746-C(JA), a Landmark Commission authorized hearing to consider the granting of an Historic Overlay District for St. Ann's School on property presently zoned as Planned Development District No. 193, the Oak Lawn Special Purpose District, with an HC Heavy Commercial Subdistrict bounded by Harry Hines Boulevard, Moody Street, Harwood Street, and Wichita Street, and an ordinance implementing the proposal, and a resolution authorizing acceptance of a deed restriction instrument submitted in conjunction with the granting of the Historic Overlay District.

(The city plan commission recommended approval subject to preservation criteria for only the school building and with special demolition criteria established for the site. This proposal was considered by the City Council at a public hearing on March 24, 1999, and was taken under advisement by Councilmember Lill until April 7, 1999, with the public hearing closed.)

The city secretary announced that the public hearing on action item 5 was closed and that City Council Rules of Procedure 6.3(e) stated that "A person will not be permitted to address the city council during the consideration of a zoning ordinance during the consideration of a zoning ordinance placed on the agenda on which a public hearing has been held by the city council if the public hearing has been closed." Therefore, the citizens signed up to speak on action item 5 will not be allowed to speak.

Deputy Mayor Pro Tem Salazar moved to approve an historic overlay district for St. Ann's School on the 1927 building and 25 feet surrounding the 1927 building, with preservation criteria and demolition criteria as recommended by the city plan commission, except as follows:

1. Allow transfer of development rights from the historic district to the remainder of the block surrounded by Moody Street, Harwood Street, Wichita Street and Harry Hines Boulevard, and
2. Allow demolition of that portion of the 1946 building within the historic district without a certificate of appropriateness, except, however, any alteration to the 1927 building caused by the demolition of the 1946 building would require a certificate of appropriateness, including a site plan for the district;

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CITY OF DALLAS, TEXAS

and accept the deed restrictions offered by the property owner to preserve the mosaic and cornerstone from the 1946 building.

Motion seconded by Councilmember Mayes.

Councilmember Duncan moved to substitute for Deputy Mayor Pro Tem Salazar's motion a motion to separate the division of the transfer of the development rights.

Motion seconded by Councilmember Lipscomb.

Councilmember Forsythe Lill asked Deputy Mayor Pro Tem Salazar if he would accept a friendly amendment to her motion to remove the transfer of development rights from his motion.

Deputy Mayor Pro Tem Salazar accepted the amendment as a part of his motion.
Councilmember Duncan seconded the motion and withdrew his previous motion.

After discussion, Mayor Kirk called the vote on the motion with the friendly amendment:

Voting Yes:	[12]	Kirk, Poss, Salazar, Miller, Duncan, Mallory, Caraway, Mayes, Lipscomb, Walne, Finkleman, Greyson, Blumer
Voting No:	[2]	Loza, Lill
Absent:	[1]	Hicks absent when vote taken

Mayor Kirk declared the motion adopted.

The ordinance and resolution to support this agenda item had not been received in the city secretary's office as of : April 20, 1999

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

April 7, 1999

99-1238

Action Item 6: Consideration of qualifications and appointment of City Attorney

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

April 7, 1999

99-1239

Briefing: A. Update on Texas Legislative Issues

The city manager briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

April 7, 1999

99-1240

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
- Annie Kizart v. Chari Smith and City of Dallas, Cause No. 97-05574-B
- Betsy Prince v. Stephen W. Gunn and City of Dallas, Cause No. 97-09191-H
- Carol A. Herndon v. City of Dallas, Cause No. 97-08865-E
- Jackie Ladapo v. City of Dallas, Federal Cause No. 3:96-CV-01791-G and State Cause No. 97-09473-M
- City of Dallas, McCommas Bluff Landfill; TNRCC ID NO. 62; Enforcement ID NO. 10065; TNRCC Docket NO. 97-0196-MSW-E
- Dallas Fire Fighters Association, et al. v. City of Dallas, et. al., Cause No. 98-966; Cause No. 96-11138; Cause No. 91-CV-1851-X

Personnel (Sec. 551.074 T.O.M.A.)

- Interview of candidates for the position of City Attorney (Eulogio "Lloyd" Garza, Angela K. Washington, Madeline Brinton Johnson)
- Discussion of qualifications of candidates and appointment of City Attorney

Councilmember Duncan announced that he had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Duncan left the city council chamber.

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

- Annie Kizart v. Chari Smith and City of Dallas, Cause No. 97-05574-B
 - Betsy Prince v. Stephen W. Gunn and City of Dallas, Cause No. 97-09191-H
 - Carol A. Herndon v. City of Dallas, Cause No. 97-08865-E
 - Jackie Ladapo v. City of Dallas, Federal Cause No. 3:96-CV-01791-G and State Cause No. 97-09473-M
 - City of Dallas, McCommas Bluff Landfill; TNRCC ID NO. 62; Enforcement ID NO. 10065; TNRCC Docket NO. 97-0196-MSW-E
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- Personnel (Sec. 551.074 T.O.M.A.)
- Interview of candidates for the position of City Attorney (Eulogio "Lloyd" Garza, Angela K. Washington, Madeline Brinton Johnson)
 - Discussion of qualifications of candidates and appointment of City Attorney

No other matters were discussed during the closed session.

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EXHIBIT C