

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 3, 2001

01-0051

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

PRESENT: [14] Kirk, Poss, Salazar, Loza, Thornton Reese, Hill, Mallory Caraway,
Chaney, Fantroy, Walne, Finkelman, Greyson, Blumer, Forsythe Lill
ABSENT: [1] Miller

The meeting was called to order at 9:29 a.m.

The invocation was given by Dr. John Fielder, First United Methodist 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 3:45 a.m.

Mayor

ATTEST:

Assistant City Secretary

The meeting agenda is attached to the minutes of this meeting as EXHIBIT A.

The actions taken on each matter considered by the city council are attached to the minutes of this meeting as EXHIBIT B.

Ordinances, resolutions, reports and other records pertaining to matters considered by the city council, are filed with the city secretary as official public records and comprise EXHIBIT C to the minutes of this meeting.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 3, 2001

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
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EXHIBIT B

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

January 3, 2001

01-0052

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

January 3, 2001

01-0053

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: Linda Neel, 2927 Kendale Dr.
REPRESENTING: Bachman Community Association
SUBJECT: Private rooms inside Sexually Oriented Business

SPEAKER: DeWayne Dallas, 6216 St. Albans Dr.
SUBJECT: Election 2000

SPEAKER: Mae Beck, 611 Brook Valley Ln. **CANCELED**
SUBJECT: Drugs, Crime and Murder

SPEAKER: Lisa Oglesby Rocha, 835 N. Bishop Ave.
REPRESENTING: AVANCE
SUBJECT: Appreciation and update

SPEAKER: Jurline Hollins, 2832 Marjorie Ave.
SUBJECT: Taxation without representation/Lies told on KRLD Radio by Councilmembers Laura Miller and Leo Chaney on housing

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Leonard Cain, 10025 Shoreview Rd. **NO SHOW**
SUBJECT: Thy Wishful Master Prayer/BL is a puzzle – Non-profit

SPEAKER: Robert Smithback, 408 Park Ave. **CANCELED**
SUBJECT: United States Civilian Defense/The Weather Service Company Police Department/FBI/United States Civilian Defense/Spring Weather Forecast

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Corruption: Chief Terrell Bolton/Bachman Lake Area/KKK/Chief Randy Hampton/DISD/EPA

SPEAKER: Joe Martin, 3105 Gladiolus Ln.
SUBJECT: Internet

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

January 3, 2001

01-0054

Agenda item 1: Approval of Minutes of the December 4, 2000 City Council Meeting

Mayor Pro Tem Poss to approve the item.

Motion seconded by Councilmember Walne and unanimously adopted. (Miller absent; Hill, Mallory Caraway, Greyson absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

January 3, 2001

01-0055

01-0056

Item 2: Consideration of appointments to boards and commissions (List of nominees is available in the City Secretary's Office)

The assistant city secretary distributed a report showing all nominations and renominations received for city board and commission appointments for the 1999-2001 board term updated through January 3, 2001.

The assistant city secretary noted that the report indicated nominees and renominees for individual appointments cleared for council action that met all qualifications for service. The city secretary also noted that the term for each nominee would end August 31, 2001.

Councilmember Fantroy moved to appoint all of the nominees to "individual appointment" positions in the report who meet all qualifications for service to the boards and commissions of the city for the term ending August 31, 2001.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted. (Miller absent; Hill, Mallory Caraway, Greyson absent when vote taken)

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

01-0067 SDD SOUTHERN DALLAS DEVELOPMENT CORPORATION BOARD

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

January 3, 2001

01-0057

Item 3: Appointment of members to the DART Board (Closed Session, if necessary, Personnel, Sec. 551.074 T.O.M.A.) (List of nominees is available in the City Secretary's Office)

The assistant city secretary announced that the city manager had deleted agenda item 3 from the agenda in accordance with Subsection 7.11 of the City Council Rules of Procedure.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

January 3, 2001

01-0058

Item 4: Authorize Supplemental Agreement No. 3 to the contract with Vidaud & Associates, Inc. to provide additional construction administration services for the Americans with Disabilities Act Implementation Program for seventeen City public buildings - \$20,596, from \$165,421 to \$186,017 - Financing: 1995 Bond Funds

Mayor Pro Tem Poss moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Salazar and unanimously adopted. (Miller absent; Hill, Mallory Caraway, Greyson absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

January 3, 2001

01-0059

Item 5: Authorize Supplemental Agreement No. 4 to the contract with Phillip Swager Associates to increase the design fee for the new Police Headquarters facility - \$28,600, from \$4,672,986 to \$4,701,586 - Financing 1995 Bond Funds

Mayor Pro Tem Poss moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Salazar and unanimously adopted. (Miller absent; Hill, Mallory Caraway, Greyson absent when vote taken

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

January 3, 2001

01-0060

Item 6: Authorize (1) a public hearing to be held on January 10, 2001 to receive citizens' comments on proposed amendments to Chapter 14 of the Dallas City Code relating to dance halls and late night and teen entertainment businesses; and (2) at the close of the public hearing, approval of the ordinance amending Chapter 14 - Financing: No cost consideration to the City

Mayor Pro Tem Poss called a recess of the meeting in order that the city council could meet in executive session under Section 51.071 of the Texas Government Code (Open Meetings Act) to confer with the city attorney.

Following the executive session the city council reconvened in open session.

Councilmember Loza moved to defer the public hearing until the February 14, 2001 voting agenda meeting of the city council.

Motion seconded by Councilmember Forsythe Lill.

Councilmember Finkelman moved to substitute for Councilmember Loza's motion to hold the public hearing on January 10, 2001 and delay action on the approval of the ordinance amending Chapter 14 until the February 14, 2001 voting agenda meeting.

Motion seconded by Councilmember Greyson.

Councilmember Loza withdrew his original motion to defer the public hearing until the February 14, 2001 voting agenda meeting of the city council.

After discussion, Mayor Kirk called the vote on Councilmember Finkelman's substitute motion.

Mayor Kirk declared the motion unanimously adopted. (Miller absent; Hill, Fantroy absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

January 3, 2001

01-0061

Item 7: **Dallas Convention Center Expansion and Renovation 2002**

- * Authorize Supplemental Agreement No. 3 to the contract with Austin Commercial, Inc. for additional construction management services and provide funding to interconnect utility floor boxes in Exhibit Hall F for the Dallas Convention Center Expansion and Renovation 2002 project - \$515,640, from \$111,058,881 to \$111,574,521 - Financing: Convention and Event Services Capital Construction Funds

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Loza and unanimously adopted. (Miller absent; Mallory Caraway, Greyson absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

January 3, 2001

01-0062

Item 8: **Dallas Convention Center Expansion and Renovation 2002**

- * Authorize an increase in the contract with Manhattan Construction Company for the interconnection of utility floor boxes in Exhibit Hall F of the Dallas Convention Center Expansion and Renovation 2002 project, within the Guaranteed Maximum Price - Financing: No additional cost consideration to the City

Councilmember Finkelman moved to approve the item.

Motion seconded by Councilmember Loza and unanimously adopted. (Miller absent; Mallory Caraway, Greyson absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

January 3, 2001

01-0063

Briefings A. Amendments to Chapter 14 of the Dallas City Code (Dance Halls)

The city attorney briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

January 3, 2001

01-0064

Briefings: B. City of Dallas Redistricting Update

The city manager briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

January 3, 2001

01-0065

Briefings: C. City Opportunities in a Deregulated Electric Market

The city manager briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

January 3, 2001

01-0066

Closed Session

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

- Albert, et al. v. City of Dallas, Cause No. 199-697-94
- Hill, et al v. City of Dallas, Cause No. 95-00975-F
- Willis, et al. v. City of Dallas, Cause No. 199-200-95
- Barber, et al v. City of Dallas, Cause No. 199-624-95
- Parker, et al. v. City of Dallas, Cause No. 1-95-107
- Martin, et al v. City of Dallas, Cause No. 1-95-506
- Arrendondo, et al v. City of Dallas, Cause No. 199-1743-99
- Issues Relating to Lake Tawakoni Gasoline Spill
- Debra Walker, et al. v. City of Dallas, Cause No. 3:85-CV-1210-R
- Appeal of TXU Gas Distribution from the action of the City of Dallas, City of University Park, and the Town of Highland Park Texas, and statement of intent filed by TXU Gas Distribution to increase rates charged in the Environs of the City of Dallas, City of University Park, City of Cockrell Hill and the Town of Highland Park; Gas Utilities Docket Nos. 9145-9151
- Avalon Residential Care Homes, Inc. v. City of Dallas, Cause No. 3:99-CV-2414-P
- Willard R. Rollins v. City of Dallas; Civil Action No. 3:99-CV-2249-G
- Freweini Sebhatu, Individually and as Representative of the Estate of Abraham Labassi v. John Stephens and Gregory Clark, Cause No. 97-00204-F
- Tina R. Webster and as Next Friend of Christopher Childs v. City of Dallas and Stanley McDaniel, Cause No. cc-99-13835-d

**15 CASES ON APPEAL FROM CONSOLIDATED TRIAL
BEFORE 160th DISTRICT COURT**

- New Age Restaurants, Inc. v. City of Dallas, et al., DV00-01114-H 160th District Court. Appealed to 5th Dist. Ct. App. PLAB denial of sexually oriented business license
- Allen-Burch, Inc. v. City of Dallas, et al., DV99-00754-H 160th District Court. Appealed to 5th Dist. Ct. App. (The Fare)
- MD II Entertainment, Inc. v. City of Dallas, et al., DV99-00755-H 160th District Court. Appealed to 5th Dist. Ct. App. (The Fare West)
- D. Burch, Inc. v. City of Dallas, et al., DV99-00756-H 160th District Court. Appealed to 5th Dist. Ct. App. (Baby Dolls Saloon)
- MD II Entertainment, Inc. v. City of Dallas, et al., DV98-01880-H 160th District Court. Appealed to 5th Dist. Ct. App. BOA appeal (Fare West)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

01-0066

Page 2

- Allen-Burch, Inc. v. City of Dallas, et al., DV98-08342-H 160th District Court. Appealed to 5th Dist. Ct. App. BOA sexually oriented business amortization Appeal (The Fare)
- MD II Entertainment, Inc. v. City of Dallas, et al., DV98-08343-H 160th District Court. Appealed to 5th Dist. Ct. App. BOA sexually oriented business amortization appeal (The Fare West)
- D. Burch, Inc. v. City of Dallas, et al., DV98-08344-H 160th District Court. Appealed to 5th Dist. Ct. App. BOA sexually oriented business amortization appeal (Baby Dolls Saloon)
- Allen-Burch, Inc. v. City of Dallas, et al., DV98-01118-H 160th District Court. Appealed to 5th Dist. Ct. App. PLAB appeal (The Fare)
- ERAF Corporation v. City of Dallas, et al., DV98-02501-H 160th District Court. Appealed to 5th Dist. Ct. App. PLAB appeal (The Fare)
- D. Burch, Inc. v. City of Dallas, et al., DV98-02710-H 160th District Court. Appealed to 5th Dist. Ct. App. BOA appeal (Baby Dolls Saloon)
- Northwest Entertainment v. City of Dallas, et al., DV98-05799-H 160th District Court. Appealed to 5th Dist. Ct. App. PLAB appeal
- Northwest Investments v. City of Dallas, et al., DV98-05801-H 160th District Court. Appealed to 5th Dist. Ct. App. PLAB Appeal
- MD II Entertainment, Inc. v. City of Dallas, et al., 97-08254-H 160th District Court. Appealed to 5th Dist. Ct. App. PLAB appeal (The Fare West)
- D. Burch, Inc. v. City of Dallas, et al., 97-06039-H 160th District Court. Appealed to 5th Dist. Ct. App. PLAB appeal (Baby Dolls Saloon)

THREE CASES CHALLENGING 13 NOVEMBER 2000 BOA DETERMINATIONS

- D. Burch, Inc. v. City of Dallas, et al., DV00-09240-L 193rd District Court BOA sexually oriented business amortization appeal (Baby Dolls Saloon)
- Allen-Burch, Inc. v. City of Dallas, et al., DV00-09241-D 95th District Court BOA sexually oriented business amortization appeal (The Fare)
- MD II Entertainment, Inc. v. City of Dallas, et al., DV00-09242-L 193rd District Court BOA sexually oriented business amortization appeal (The Fare West)

TWO CASES IN 5TH DISTRICT COURT OF APPEALS FOR INJUNCTION

- In Re: Allen-Burch, Inc. v. City of Dallas, 05-00-01928-CV 5th District Court of Appeals Petition for injunction (The Fare) (denied 8 Dec 2000)
- In Re: MD II Entertainment, Inc. v. City of Dallas, 05-00-01929-CV 5th District Court of Appeals Petition for injunction (The Fare West) (denied 8 Dec 2000)

TEN STATE COURT ACTIONS FOR JUDICIAL REVIEW OF PLAB OR POLICE DENIAL OR SUSPENSION OF A SEXUALLY ORIENTED BUSINESS LICENSE

- Santa Fe Cabaret, L.L.C. v. City of Dallas, DV00-07957-C 68th District Court Sexually oriented business license denial appeal (Santa Fe Cabaret - Composite Drive)
- City of Dallas v. Tracy Albert Warden, et al., DV00-07731-H 160th District Court Injunction (no sexually oriented business license) (Body Shop)
- Tom Lazanas d/b/a Faces Men's Club v. City of Dallas, DV00-09037-H 160th District Court PLAB appeal (Health Code)
- Case and Point, Inc. d/b/a Bare Facts v. City of Dallas, DV00-09195-L District Court PLAB denial (Bare Facts)
- Khan, et al. v. City of Dallas, et al., DV00-06306-C State District Court Building permit
- Northwest Entertainment Group, Inc. v. City of Dallas, et al., DV00-05673-I 162nd District Court PLAB appeal (The Fare West)
- North By West Entertainment, Ltd. v. City of Dallas, DV00-03935-A 14th District Court PLAB appeal (The Platinum Club)
- Tom Lazanas d/b/a Faces Men's Club v. City of Dallas, DV99-09596-D 95th District Court Sexually oriented business license suspension
- Dreams Inc. v. City of Dallas, et al., DV99-08480-F 116th District Court Sexually oriented business license denial (Dreams)
- Saronikos Inc., d/b/a Dreams v. City of Dallas, DV99-07172 State District Court Sexually oriented business license denial (Dreams)

FIVE FEDERAL CASES CHALLENGING CITY ORDINANCES

- Adventure Plus, Inc., et al. v. City of Dallas, 3:00-CV-2500-R Northern District of Texas Ordinance No. 24440: signs, records, SAA/SSA & TABC/No-Touch
- Mary Ann Schachsieck and Case in Point, Inc. v. City of Dallas, 3:00-CV-2479-G Northern District of Texas PLAB sexually oriented business exemption denial (Bare Facts)
- North By West Entertainment, Ltd. v. City of Dallas, 3:00-CV-2403-D Northern District of Texas Removal of state action (DV00-03935-A) (remanded 9 November 2000)
- North By West Entertainment v. City of Dallas, 3:00-CV-1937-G Northern District of Texas PLAB denial (dismissed 3 November 2000)
- Hotel Development Texas, L.L.C. v. City of Dallas, 3:00-CV-1541-D Northern District of Texas Ordinance No. 24206: certificate of occupancy, and moratorium

ONE FEDERAL APPEAL BEFORE FIFTH CIRCUIT COURT OF APPEALS

- BABY Dolls Topless Saloon, Inc., et al. v. City of Dallas, et al., 3:00-CV-1331-R Northern District of Texas (Appealed to Fifth Circuit COA) Appeal of judgment upholding constitutionality of Ordinance No. 23137

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

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

- Freweini Sebhatu, Individually and as Representative of the Estate of Abraham Labassi v. John Stephens and Gregory Clark, Cause No. 97-00204-F
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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

01-0066

Page 2

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- D. Burch, Inc. v. City of Dallas, et al., 97-06039-H 160th District Court. Appealed to 5th Dist. Ct. App. PLAB appeal (Baby Dolls Saloon)

No other matters were discussed during the closed session.

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JANUARY 3, 2001

EXHIBIT C