

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, MARCH 21, 2001

01-0860

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

PRESENT: [15] Kirk, Poss, Salazar, Loza, Miller, Thornton Reese, Hill, Mallory Caraway,  
Chaney, Fantroy, Walne, Finkelman, Greyson, Blumer, Forsythe Lill  
ABSENT: [0]

The meeting was called to order at 9:15 a.m.

The invocation was given by Rev. Harold Edwards, Pastor, Church of the Living God.

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 4:30 p.m.

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Mayor

ATTEST:

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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, MARCH 21, 2001

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL  
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EXHIBIT B

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 21, 2001

01-0861

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.

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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: Shelunda Mostella, 9450 Forest Spring Rd. **CANCELED**  
SUBJECT: City standards

SPEAKER: Jewel Floyd, 3815 Myrtle St.  
SUBJECT: Corruption at Code Enforcement and City Council

SPEAKER: Rick Day, 4317 Fawnhollow Dr.  
REPRESENTING: Texas National Organization for the Reform of Marijuana Law  
SUBJECT: Medical marijuana and prostitution

SPEAKER: Ida Wells, 2735 Park Row Ave. **CANCELED**  
SUBJECT: Garbage collection services

SPEAKER: Crome Alexander, 7825 McCallum Blvd. **CANCELED**  
REPRESENTING: 1CC Inc.  
SUBJECT: City and Government bids/Direct contracting vs. Sub-contracting

OPEN MICROPHONE - END OF MEETING:

SPEAKER: Stephen Nash, 8320 High Brush Dr.  
REPRESENTING: Ministerial Alliance  
SUBJECT: Chief of Police

SPEAKER: LeVar Thomas, 930 Clearwood Dr.  
SUBJECT: Supporting Chief of Police

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SPEAKER:	Tom Kemper, 615 Valencia St.	
REPRESENTING:	Immaculate Painting	
SUBJECT:	City contracts/Vendors	
SPEAKER:	Toby Pratt, 113 E. I 30 Hwy.	
REPRESENTING:	Immaculate Painting	
SUBJECT:	City contracts/ Vendors	
SPEAKER:	Sandra Crenshaw, 4041 W. Wheatland Rd.	<b>NO SHOW</b>
SUBJECT:	Council pay	
SPEAKER:	Etta Freeman, 6309 Canaan St.	
SUBJECT:	Harassment at food establishment/Police Department	
SPEAKER:	Bruce Kline, 733 Cliffview Dr.	<b>NO SHOW</b>
SUBJECT:	Difficulty communicating with City Manager	
SPEAKER:	Jurline Hollins, 2832 Marjorie Ave.	
SUBJECT:	Sambo and Beulah	
SPEAKER:	Robert Russell, 912 Galloway Ave.	<b>CANCELED</b>
SUBJECT:	Property issue	
SPEAKER:	Alice Rollins, 10640 Steppington Dr.	<b>NO SHOW</b>
SUBJECT:	36 <sup>th</sup> Anniversary of the Civil Rights March and March Church Terrell	
SPEAKER:	John Bargman, 9410 Winding Ridge Dr.	<b>NO SHOW</b>
SUBJECT:	Mayor's Office/Water Department	
SPEAKER:	Crome Alexander, 7825 McCallum Blvd.	
REPRESENTING:	1CC Inc.	
SUBJECT:	City and Government bids/Direct contracting vs. Sub-contracting	
SPEAKER:	Howard Hollins, 1514 Homeland St.	<b>NO SHOW</b>
SUBJECT:	Taxation without Representation	

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SPEAKER: Ana Machado, 1937 N. Josey Ln., Carrollton, TX **NO SHOW**  
SUBJECT: Police Department

SPEAKER: Ruben Tita, 1418 Pine Hill Dr., Garland, TX **NO SHOW**  
SUBJECT: Bid problems/Award of contracts to minority/Loans to minorities

OPEN MICROPHONE – END OF THE MEETING – SPOKE IN THE LAST 30 DAYS:

SPEAKER: Timothy Grey, 4411 Vandervoort Dr.  
SUBJECT: Investigation of Chief of Police

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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01-0863

Agenda item 1: Approval of Minutes of the February 21, 2001 City Council Meeting

Councilmember Thornton Reese moved to approve the item.

Motion seconded by Councilmember Blumer and unanimously adopted.



## BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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01-0865

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 March 21, 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 assistant city secretary also noted that the term for each nominee would end August 31, 2001.

Councilmember Mallory Caraway 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 Councilmember Thornton Reese and unanimously adopted.

Councilmember Thornton Reese moved to appoint Cheryl Wattley, as vice chair, to the Redistricting Commission.

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

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

**01-0874 Board Officers**

**01-0875 RDC REDISTRICTING COMMISSION**

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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01-0866

Item 3: Authorize a contract for the construction of street paving, streetscape and drainage improvements on Greenbriar Lane from Beckley Avenue to Zang Boulevard and Tilden Street from Beckley Avenue to Plowman Street, and paving improvements on Zang Boulevard from Greenbriar Lane to Moline Street located in Tax Increment Reinvestment Zone Number Three, City of Dallas, (Oak Cliff Gateway TIF District) - Tiseo Paving Company, lowest responsible bidder of five - \$1,964,830 - Financing: Water Utilities Capital Construction Funds (\$34,960), Water Utilities Capital Improvement Funds (\$505,495), Private Funds (\$1,424,375 advanced by Washington Mutual Bank and reimbursed from the Oak Cliff Gateway TIF District Fund and/or Tax Increment Bonds; accrued interest on private funds to be repaid solely from the Oak Cliff Gateway TIF District Fund)

Deputy Mayor Pro Tem Salazar moved to approve the item.

Motion seconded by Councilmember Mallory Caraway and unanimously adopted.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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Item 4: An ordinance amending Chapters 51 and 51A of the Dallas Development Code to revise the regulations for Local utilities and to create new sub-uses for Communications exchange facilities and Utility services (DCA 990-10) - Financing: No cost consideration to the City

Councilmember Mallory Caraway moved to pass the ordinance.

Motion seconded by Deputy Mayor Pro Tem Salazar.

Councilmember Finkelman asked Councilmember Mallory Caraway if she would accept a friendly amendment to her motion to approve the alternate ordinance which amends the second additional provision for communication exchange facilities to read as follows:

Above ground storage tanks are not permitted under this use, except accessory above-ground storage tanks to emergency generators. The added language would read, unless located within an enclosed structure or completely screened from adjacent street right-of-way and adjacent residential property by solid screening, the capacity of accessory above-ground storage tanks may not exceed 11,000 gallons in non-residential districts and 3,500 gallons in residential districts.

Mayor Kirk accepted the friendly amendment as part of Councilmember Mallory Caraway's motion.

Deputy Mayor Pro Tem Salazar, who seconded the original motion, also accepted the amendment.

After discussion, Mayor Kirk called the vote on Councilmember Mallory Caraway's motion as modified by the friendly amendment.

Mayor Kirk declared the motion as modified by the friendly amendment, unanimously adopted.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

Later in the meeting, Councilmember Finkelman moved to reconsider the previous vote on Councilmember Mallory Caraway's motion that the language was incorrect concerning the alternate amendment to Chapters 51 and 51A in the Development Code on regulation for local utilities.

Councilmember Finkelman stated that she had voted with the prevailing side when the vote was taken.

Motion seconded by Councilmember Thornton Reese.

Mayor Kirk declared the motion to reconsider was adopted, that Councilmember Finkelman's friendly amendment concerning item 4 language was incorrect. The alternate amendment to Chapters 51 and 51A in the Development Code was before the council for reconsideration.

Councilmember Finkelman moved to approve the alternate ordinance, which amends the second additional provision for communication exchange facilities, with the corrected language to read as follows:

Above-ground storage tanks are not permitted under this use, except accessory above-ground storage tanks to emergency generators. Unless located within an enclosed structure or completely screened from adjacent street right-of-way and all other properties by solid screening, the capacity of accessory above-ground storage tanks may not exceed 11,000 gallons in non-residential districts and 3,500 gallons in residential districts.

Motion seconded by Councilmember Greyson.

Mayor Kirk declared the corrected motion as modified by the friendly amendment, unanimously adopted.

Assigned ORDINANCE NO. 24543.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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01-0868

Item 5: An ordinance amending the Dallas Development Code concerning the process for appealing decisions of the Landmark Commission (DCA 001-02) - Financing: No cost consideration to the City

Councilmember Forsythe Lill moved to pass the ordinance.

Motion seconded by Councilmember Finkelman.

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

Voting Yes:	[11]	Kirk, Salazar, Miller, Hill, Mallory Caraway, Chaney, Walne, Finkelman, Greyson, Blumer, Forsythe Lill
Voting No:	[2]	Thornton Reese, Fantroy
Absent when vote taken:	[2]	Poss, Loza

Mayor Kirk declared the motion adopted.

Assigned ORDINANCE NO. 24544.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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01-0869

Briefings: A. Dallas/Ft. Worth Airport Hotel Financing - Public Facility Improvement Corporation

Councilmember Forsythe Lill announced that she had a conflict of interest and would abstain from voting or participating in any discussion. Councilmember Forsythe Lill left the briefing room.

Jeff Fagan, Executive Director and Vernon Evans, Executive Vice-President of Finance, Dallas/Ft. Worth Airport, briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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Briefings: B. Dallas Plan Year End Briefing

Mildred Pope, Vice-Chair, Dallas Plan and Karen Walz, Executive Director, Dallas Plan Staff, briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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01-0871

Briefings: C. Ethics Commission Interviews

The city secretary briefed the city council prior to interviews.



BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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01-0872

Briefings: D. Electric Deregulation

The city manager briefed the city council on the item.

## BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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01-0873

### Closed Session

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

- Willard R. Rollins v. City of Dallas; Civil Action No. 3:99-CV-2249-G
- Adventure Plus, Inc. Millennium Restaurant Group, Inc. dba Cabaret Royale, & Baby Dolls Topless Saloons, Inc. v. City of Dallas; Civil Action No. 3:00-CV-2500-H
- Kiran Patel, et al., v. City of Dallas, Cause No. 3:92-CV-0736-R
- City of Dallas v. Duncan Burch, Individually and dba Deja Vu, Inc., et al., Cause No. DV00-09018-F
- RSR Superfund Site
- Voda Petroleum State Superfund Site
- Sharon L. Buck, Claim No. P200 1073
- Sandra Kimmins v. City of Dallas d/b/a Dallas Water Utilities and UDR Western Residential, Inc., d/b/a City Scape Apartments, Cause No. cc-99-03973-a
- Interstate Contracting Corporation v. City of Dallas, Cause No. 3:98-CV-2913-R
- Charles Freeman and Rosalyn Brown v. City of Dallas, U.S. Court of Appeal 5th Circuit No. 97-10907
- Irma Jean James and Terri Lary v. City of Dallas, Civil Action No. 3:98-CV-0436-R and 5th Circuit Case No. 00-10556
- Mattie L. Smith v. City of Dallas, Civil Action No. 3:95-CV-0306-R
- Charlotte Parkhurst v. City of Dallas, Cause No. DV99-06778-E
- Northwest Investments Group, Inc., Steven Craft v. City of Dallas; Cause No. DV01-01357-M
- Robert Jackson, Willie Taylor, Marlin Price and John Holt v. The City of Dallas, Texas; Chief of Police Terrell Bolton, in his Individual and Official Capacities; City Manager Teodoro Benavides, in his Individual and Official Capacities; and Assistant City Manager Charles Daniels, in his Individual and Official Capacities; Civil Action No. 3:00-CV-588-H consolidated with Jill Muncy, Pamela Walt, Donald Whitten, and Douglas Kowalski v. City of Dallas, Texas, and Chief of Police Terrell Bolton, in his Individual and Official Capacities, Civil Action Number 3:99-CV-2960-P
- Sheffield C. Bell and Others Similarly Situated v. City of Dallas, Civil Action No. 3:95-CV-0383-R

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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.)

- Adventure Plus, Inc. Millennium Restaurant Group, Inc. dba Cabaret Royale, & Baby Dolls Topless Saloons, Inc. v. City of Dallas; Civil Action No. 3:00-CV-2500-H
- City of Dallas v. Duncan Burch, Individually and dba Deja Vu, Inc., et al., Cause No. DV00-09018-F
- RSR Superfund Site
- Voda Petroleum State Superfund Site
- Sharon L. Buck, Claim No. P200 1073
- Sandra Kimmins v. City of Dallas d/b/a Dallas Water Utilities and UDR Western Residential, Inc., d/b/a City Scape Apartments, Cause No. cc-99-03973-a
- Interstate Contracting Corporation v. City of Dallas, Cause No. 3:98-CV-2913-R
- Charles Freeman and Rosalyn Brown v. City of Dallas, U.S. Court of Appeal 5th Circuit No. 97-10907
- Irma Jean James and Terri Lary v. City of Dallas, Civil Action No. 3:98-CV-0436-R and 5th Circuit Case No. 00-10556
- Charlotte Parkhurst v. City of Dallas, Cause No. DV99-06778-E

No other matters were discussed during the closed session.

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EXHIBIT C