

MINUTES OF THE DALLAS CITY COUNCIL
MONDAY, DECEMBER 3, 2001

01-3540

CITY COUNCIL BRIEFING
COUNCIL CHAMBER, CITY HALL
ACTING MAYOR POSS, PRESIDING

PRESENT: [13] Poss, Loza, Garcia, Thornton Reese, Hill, Oakley, Chaney, Fantroy,
Walne, Finkelman, Greyson, Rasansky, Lill
ABSENT: [0]
VACANT: [2] Place 15, Place 3

The meeting was called to order at 9:25 a.m.

The city secretary announced that a quorum was present.

Acting Mayor Poss asked all members of the city council and the audience to stand and pray in silence.

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 5:30 p.m.

Acting 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
MONDAY, DECEMBER 3, 2001

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
MONDAY, DECEMBER 3, 2001

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 3, 2001

01-3541

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

December 3, 2001

01-3542

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: Johanna Smith, 7103 Coronado Ave.
SUBJECT: American Airlines Center

SPEAKER: Roy Williams, 5881 Preston View Blvd.
REPRESENTING: Forty Acres And A Mule
SUBJECT: Cadillac Heights – The Killing Field

SPEAKER: Angelica Perez, 11611 Ferguson Rd.
SUBJECT: Cadillac Heights – The Killing Field

Councilmember Lill moved to suspend the rules for six minutes for Tawana Jurek and Barry Clifton to use their combined minutes to show a video.

Motion seconded by Councilmember Chaney and unanimously adopted. (Place 15, Place 13 vacant)

SUBJECT: Tawana Jurek, 619 Woolsey Dr.
SUBJECT: Animal shelter

SUBJECT: Barry Clifton, 715 Woolsey Dr.
SUBJECT: Animal shelter

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Michael Simmons, 2515 Lawrence St. **CANCELED**
REPRESENTING: Simmons Custom Painting
SUBJECT: I want justice or no peace/City of Dallas Housing Department

1/16/02 3:44 PM
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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

01-3542

Page 2

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Colin Jefferson, 7018 Dalewood Cir.

SUBJECT: American Airlines Center

SPEAKER: William Hopkins, 2011 Leath St. **NO SHOW**

SUBJECT: Racism: City of Dallas/State of Texas/Federal Government

SPEAKER: Dorothy Moore, 3310 Fairmount St.

REPRESENTING: Reconciliation Outreach/Community Development Corporation Market Mercado/Community/Community Development Corporation

SPEAKER: Walter Velez, 1103 N. Bishop Ave. **NO SHOW**

SUBJECT: Code violation

SPEAKER: Linda Bates, 1311 W. Wheatland Rd. **NO SHOW**

SUBJECT: Corruption/EPA/City of Dallas/DHA/ RSR Lead Smelter

SPEAKER: Mike Baker, 2907 Sunset Ridge, McKinney, TX

REPRESENTING: Old East Dallas Community Development Corporation

SUBJECT: Market Mercado/Community Development Corporation

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

SPEAKER: Jurline Hollins, 2832 Marjorie Ave. **NO SHOW**

SUBJECT: Plantation politics

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 3, 2001

01-3543

Agenda item 1: Approval of Minutes of the November 7, 2001 City Council Meeting

Councilmember Finkelman moved to approve the minutes as corrected, stating that the motion on item 2, that she had appointed Lynn Goldstein, as vice chair, to the Municipal Library Board, instead of Councilmember Greyson.

Motion seconded by Councilmember Fantroy and unanimously adopted. (Place 15, Place 3 vacant)

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 3, 2001

01-3544

01-3545

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

The city secretary distributed a report showing all nominations and renominations received for city board and commission appointments for the 2001-2003 board term updated through December 3, 2001.

The 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, 2003.

Votes were tabulated to appoint James Christopher Wells or Patricia Rodriquez to the Cultural Affairs Commission.

James Christopher Wells

Acting Mayor Poss
Councilmember Thornton Reese
Councilmember Chaney
Councilmember Fantroy
Councilmember Walne
Councilmember Finkelman
Councilmember Greyson
Councilmember Rasansky

Patricia Rodriquez

Deputy Mayor Pro Tem Loza
Councilmember Garcia
Councilmember Hill
Councilmember Oakley

Councilmember Greyson moved to appoint James Christopher Wells to the Cultural Affairs Commission.

Motion seconded by Councilmember Walne and unanimously adopted. (Place 15, Place 3 vacant)

Councilmember Fantroy moved to appoint Patsy "Pat" Parrish, George L. Allen, and Eli Davis to the Civil Service Board.

Motion seconded by Councilmember Chaney and unanimously adopted. (Place 15, Place 3 vacant)

1/16/02 3:44 PM
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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

01-3544

01-3545

Page 2

Votes were tabulated to appoint Ruth R. (Missy) Vanderbilt or Garrett Vogel to the Dallas Central Appraisal District.

Ruth R. (Missy) Vanderbilt

Acting Mayor Poss
Deputy Mayor Pro Tem Loza
Councilmember Garcia
Councilmember Oakley
Councilmember Fantroy
Councilmember Walne
Councilmember Finkelman
Councilmember Greyson

Garrett Vogel

Councilmember Donald Hill
Councilmember Thornton Reese
Councilmember Chaney
Councilmember Rasansky

Deputy Mayor Pro Tem Loza moved to appoint Ruth R. (Missy) Vanderbilt to the Dallas Central Appraisal District.

Motion seconded by Councilmember Fantroy and unanimously adopted. (Lill absent when vote taken; Place 15, Place 3 vacant)

Votes were tabulated to appoint Chris V. Semos or A.K. Mago to the Dallas-Fort Worth International Airport Board.

A.K. Mago

Deputy Mayor Pro Tem Loza
Councilmember Garcia
Councilmember Thornton Reese
Councilmember Hill
Councilmember Oakley
Councilmember Chaney
Councilmember Greyson
Councilmember Rasansky

Chris V. Semos

Acting Mayor Poss
Councilmember Fantroy
Councilmember Walne
Councilmember Finkelman

Councilmember Chaney moved to appoint A.K. Mago to the Dallas-Fort Worth International Airport Board.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Lill absent when vote taken; Place 15, Place 3 vacant)

1/16/02 3:44 PM
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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

01-3544

01-3545

Page 3

Councilmember Fantroy moved to reappoint Calvin C. Bluiett, Gloria M. Tarpley, Rebecca Baird Bergstresser and Daniel C. Perez to the Ethics Advisory Commission.

Motion seconded by Councilmember Oakley and unanimously adopted. (Place 15, Place 3 vacant)

Councilmember Fantroy moved to renominate Susan Byrne Montgomery to the Employees' Retirement Fund Board of Trustees.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Place 15, Place 3 vacant)

Deputy Mayor Pro Tem Loza moved to appoint Taylor Bowen to the Reinvestment Zone Two Board (Cityplace Area).

Motion seconded by Councilmember Fantroy and unanimously adopted. (Place 15, Place 3 vacant)

Deputy Mayor Pro Tem Loza moved to appoint Brenda Garza, and Kathy Hewitt to the Reinvestment Zone Three Board (Oak Cliff Gateway)

Motion seconded by Councilmember Rasansky and unanimously adopted. (Place 15, Place 3 vacant)

Deputy Mayor Pro Tem Loza moved to appoint Miles Zitmore and John Giesler to the Reinvestment Zone Five Board (City Center).

Motion seconded by Councilmember Rasansky and unanimously adopted. (Place 15, Place 3 vacant)

Councilmember Fantroy moved to appoint Susan D. Spalter to the Reinvestment Zone Six Board (Farmers Market).

Motion seconded by Councilmember Rasansky and unanimously adopted. (Place 15, Place 3 vacant)

1/16/02 3:44 PM

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

01-3544

01-3545

Page 4

Deputy Mayor Pro Tem Loza moved to appoint Beverly Tobian to the Urban Rehabilitation Standards Board Alternates.

Motion seconded by Councilmember Greyson and unanimously adopted. (Place 15, Place 3 vacant)

Councilmember Fantroy moved to appoint Carolyn East, General Public, Jonnie England, General Public, Frederick Brodsky, General Public, Julie M. McKinney, General Public, Elaine Munch, General Public, and Karen Fling, General Public, to the Animal Shelter Commission.

Motion seconded by Councilmember Oakley and unanimously adopted. (Place 15, Place 3 vacant)

Councilmember Fantroy moved to appoint Madeleine B. Johnson, Ex-Officio Voting Member, Carl Ginsberg, Citizen-At-Large, Frank Gonzalez, Citizen-At-Large, Linda Sorrells, Citizen-At-Large, Alan W. Tompkins, Citizen-At-Large, and Gene L. Jameson, Citizen-At-Large, to the Judicial Nominating Commission.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Place 15, Place 3 vacant)

Councilmember Thornton Reese moved to appoint Jean Ball, Citizen-At-Large, Ronald P. Emrich, Citizen-At-Large, Archibald C. McColl, III, Citizen-At-Large, Omer H. Goodman, Urban Planner, Rachel Dancer, Citizen-At-Large, William Andrew Smith, Jr., Citizen-At-Large, Allison Reaves Poggi, Citizen-At-Large, Victoria G. Clow, Citizen-At-Large, Herschel V. Forester, Citizen-At-Large, and Ann Piper, Real Estate Appraiser, to the Landmark Commission.

Motion seconded by Councilmember Fantroy and unanimously adopted. (Place 15, Place 3 vacant)

1/16/02 3:44 PM
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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

01-3544

01-3545

Page 5

Councilmember Finkelman moved to appoint Fred A. Williams, Historian, to the Landmark Commission Alternate Members.

Motion seconded by Councilmember Fantroy and unanimously adopted. (Place 15, Place 3 vacant)

Councilmember Fantroy moved to appoint John L. Radovich, Operates Business in the South Dallas Fair Park Area, Helen L. Harts, Citizen-At-Large, Harold Woods, Expertise in Small Business Development, Joe L. Rave, Knowledge Principles, Practices, Todd Howard, Citizen-At-Large, Thasunda Brown, Knowledge and Expertise in Housing, Hershel William Wilonsky, Operates Business in South Dallas Fair Park Area, Brandon Scot Pierce, Citizen-At-Large, and Sanmi E. Akinmulero, Citizen-At-Large to the South Dallas/Fair Park Trust Fund Board.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Place 15, Place 3 vacant)

Acting Mayor Poss moved to appoint Ron Natinsky, chair, to the Board of Adjustment, George L. Allen, Jr., chair, to the Civil Service Board, Laura Whiting, chair, to the Environmental Health Commission, Lueretha Jones, chair, to the Martin Luther King Jr. Center Board, Harold Woods, chair, to the South Dallas/Fair Park Trust Fund Board, Darcy Anderson, chair, to the Reinvestment Zone Seven (Sports Arena), and Brian Bordelon, chair, to the Youth Commission.

Motion seconded by Deputy Mayor Pro Tem Loza and unanimously adopted. (Place 15, Place 3 vacant)

Councilmember Greyson 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, 2003.

Motion seconded by Councilmember Thornton Reese.

Deputy Mayor Pro Tem Loza moved to substitute for Councilmember Greyson’s motion to not appoint any persons nominated or renominated by former Mayor Kirk and former Councilmember Miller.

Motion seconded by Councilmember Garcia.

1/16/02 3:44 PM
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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

01-3544

01-3545

Page 6

After discussion, Acting Mayor Poss called the vote on the motion:

Voting Yes:	[5]	Loza, Garcia, Walne, Finkelman, Lill
Voting No:	[7]	Poss, Thornton Reese, Oakley, Chaney, Fantroy, Greyson, Rasansky
Absent when vote taken:	[1]	Hill
Vacant:	[2]	Place 15, Place 3

Acting Mayor Poss declared the motion failed.

Acting Mayor Poss then called the vote on the original motion:

Voting Yes:	[12]	Poss, Loza, Garcia, Thornton Reese, Oakley, Chaney, Fantroy, Walne, Finkelman, Greyson, Rasansky, Lill
Voting No:	[0]	
Absent when vote taken:	[1]	Hill
Vacant:	[2]	Place 15, Place 3

Acting Mayor Poss declared the motion adopted.

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

01-3555 ASC ANIMAL SHELTER COMMISSION
01-3556 BOA BOARD OF ADJUSTMENT
01-3557 CAC CULTURAL AFFAIRS COMMISSION
01-3558 CDC COMMUNITY DEVELOPMENT COMMISSION
01-3559 CED CONSOLIDATED ECONOMIC DEVELOPMENT BOARD
01-3560 CPR DALLAS CITIZENS POLICE REVIEW BOARD
01-3561 CSB CIVIL SERVICE BOARD
01-3562 CSX CIVIL SERVICE BOARD ADJUNCT MEMBERS
01-3563 DCA DALLAS CENTRAL APPRAISAL DISTRICT
01-3564 DFW DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD
01-3565 EAC ETHICS ADVISORY COMMISSION

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

01-3544

01-3545

Page 7

01-3566 EHC ENVIRONMENTAL HEALTH COMMISSION
01-3567 ERF EMPLOYEES' RETIREMENT FUND BOARD OF TRUSTEES
01-3568 HSC HUMAN SERVICES COMMISSION
01-3569 JNC JUDICIAL NOMINATING COMMISSION
01-3570 LMC LANDMARK COMMISSION
01-3571 LMX LANDMARK COMMISSION ALTERNATE MEMBERS
01-3572 MLB MUNICIPAL LIBRARY BOARD
01-3573 MLK MARTIN LUTHER KING JR. COMMUNITY CENTER BOARD
01-3574 PAR PARK AND RECREATION BOARD
01-3575 PLA PERMIT AND LICENSE APPEAL BOARD
01-3576 SDF SOUTH DALLAS/FAIR PARK TRUST FUND BOARD
01-3577 RZ2 REINVESTMENT ZONE TWO BOARD (CITYPLACE AREA)
01-3578 RZ3 REINVESTMENT ZONE THREE BOARD (OAK CLIFF GATEWAY)
01-3579 RZ5 REINVESTMENT ZONE FIVE BOARD (CITY CENTER)
01-3580 RZ6 REINVESTMENT ZONE SIX BOARD (FARMERS MARKET)
01-3581 SAC SENIOR AFFAIRS COMMISSION
01-3582 URS URBAN REHABILITATION STANDARDS BOARD
01-3583 URX URBAN REHABILITATION STANDARDS BOARD ALTERNATES
01-3584 YAC YOUTH COMMISSION
01-3585 Board Officers

1/16/02 3:44 PM

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 3, 2001

01-3546

Item 3: Authorize a public hearing to be held on December 12, 2001 to receive citizens' comments concerning the creation of City of Dallas Reinvestment Zone No. 57 located at 13155 Noel Road in North Dallas in order to consider (1) an ordinance creating City of Dallas Reinvestment Zone No. 57 on December 12, 2001; and (2) a real and business personal property tax abatement agreement and development fee rebate with Kinko's Inc. and Park Meadows Mall LTD, Lessor, on December 12, 2001 - Financing: No cost consideration to the City

Councilmember Finkelman moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Loza.

After discussion, Acting Mayor Poss called the vote on the motion.

Acting Mayor Poss declared the motion adopted on a divided voice vote, with Councilmember Lill voting "No". (Place 15, Place 3 vacant)

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 3, 2001

01-3547

Item 4: **Special Election on January 19, 2002**

- * An ordinance amending Ordinance No. 24777 ordering the January 19, 2002 special election in order to call a joint election and change some election-day and early voting locations - Financing: No additional cost consideration to the City

Deputy Mayor Pro Tem Loza moved to pass the ordinance.

Motion seconded by Councilmember Thornton Reese and unanimously adopted. (Place 15, Place 3 vacant)

Assigned ORDINANCE NO. 24778.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 3, 2001

01-3548

Item 5: **Special Election on January 19, 2002**

- * An ordinance ordering a joint election to be held in the City of Dallas on Saturday, January 19, 2002, for the purpose of electing a member of the City Council to represent Place 3 for the unexpired term ending June 9, 2003 - Financing: No additional cost consideration to the City

Deputy Mayor Pro Tem Loza moved to pass the ordinance.

Motion seconded by Councilmember Thornton Reese and unanimously adopted. (Place 15, Place 3 vacant)

Assigned ORDINANCE NO. 24779.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 3, 2001

01-3549

Item 6: **Special Election on January 19, 2002**

- * Authorize (1) an amendment to the election agreement and election services contract between the City of Dallas and Dallas Independent School District, within Dallas, Collin and Denton Counties for the conduct of a joint election to be held on Saturday, January 19, 2002; (2) an extension of the contract for a runoff election, if necessary, to be held on Saturday, February 16, 2002; (3) a decrease in appropriations in the amount of (\$350,000) in the City Secretary's Office Elections budget - Total not to exceed \$1,065,000 - Financing: Contingency Reserve Funds

Deputy Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Thornton Reese and unanimously adopted. (Place 15, Place 3 vacant)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 3, 2001

01-3550

Briefings: A. Dallas Independent School District Bond Program

Councilmembers Chaney and Greyson were absent during the discussion of the Dallas Independent School District Bond Program.

Dr. Mike Moses, Dallas Independent School District, briefed the city council on the item.

1/16/02 3:44 PM
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 3, 2001

01-3551

Briefings: B. Trinity River Corridor Project - Upcoming Activities Related to the Dallas Floodway Extension and Great Trinity Forest

The city manager briefed the city council on the item.

1/16/02 3:44 PM
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 3, 2001

01-3552

Briefings: C. Dallas Zoo 2001 Long Range Plan/Planning Study and The Dallas Aquarium at Fair Park

The city manager briefed the city council on the item.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 3, 2001

01-3553

Briefings: D. Property Tax and Sales Tax Legislation with Local Options (For information only)

The briefing of this item was postponed.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 3, 2001

01-3554

Closed Session

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

- 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
- Ruibal's Plants of Tex., Inc. and Michael A. Ruibal dba Ruibal's Plants of Tex. v. City of Dallas, Farmers Market Tax Increment Financing Reinvestment Zone No. 6 and Craig Melde, Cause No. 01-5513-G
- 2218 Bryant Street, Ltd. v. City of Dallas, Texas, and Raj Sharma, acting in his official capacity as the Building Official for the City of Dallas, Texas, Cause No. 01-00292-L
- Baby Dolls Topless Saloon Inc., dba Baby Dolls Saloon – East v. MD II Entertainment, Inc., dba The Fare West and D. Burch, Inc., dba Baby Dolls Topless Saloon, Intervenor vs. City of Dallas, Texas, Civil Action No. 3:97-CV-1331-R
- Northwest Investments Group, Inc., dba Baby Dolls and Steve Craft v. City of Dallas, Texas, Terrell Bolton in his capacity as Chief of Police, and The Permit & License Appeal Board of the City of Dallas, Cause No. 01-10002-I
- D. Burch, Inc., dba Baby Dolls Saloon and Northwest Investment Group, Inc., v. City of Dallas and Terrell Bolton in his Capacity as Chief of Police, Civil Action No. 3:01-CV-2317-R
- Boulder Ridge Apartments, Ltd. v. City of Dallas, Cause No. DV99-00913-C
- Explorer Pipeline Company Inc., et al., v. City of Dallas, Cause No. DV00-09678-H
- E.A. Brewster v. City of Dallas, Cause No. DV98-08100-M
- Lower Greenville Neighborhood Association and John Scarborough v. Board of Adjustment of the City of Dallas, Charles M. McGuinness d/b/a Dodie's Seafood Cafe, and Richman Trust Investments, Cause No. cc-99-14029-d

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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.)

- 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
- Ruibal's Plants of Tex., Inc. and Michael A. Ruibal dba Ruibal's Plants of Tex. v. City of Dallas, Farmers Market Tax Increment Financing Reinvestment Zone No. 6 and Craig Melde, Cause No. 01-5513-G
- 2218 Bryant Street, Ltd. v. City of Dallas, Texas, and Raj Sharma, acting in his official capacity as the Building Official for the City of Dallas, Texas, Cause No. 01-00292-L
- Baby Dolls Topless Saloon Inc., dba Baby Dolls Saloon – East v. MD II Entertainment, Inc., dba The Fare West and D. Burch, Inc., dba Baby Dolls Topless Saloon, Intervenor vs. City of Dallas, Texas, Civil Action No. 3:97-CV-1331-R
- Boulder Ridge Apartments, Ltd. v. City of Dallas, Cause No. DV99-00913-C
- Explorer Pipeline Company Inc., et al., v. City of Dallas, Cause No. DV00-09678-H

No other matters were discussed during the closed session.

MINUTES OF THE DALLAS CITY COUNCIL
MONDAY, DECEMBER 3, 2001

EXHIBIT C

1/16/02 3:44 PM
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS