

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, MARCH 5, 2003

03-0860

CITY COUNCIL BRIEFING  
CITY HALL, ROOM 6ES  
MAYOR LAURA MILLER, PRESIDING

PRESENT: [15] Miller, Hill, Loza, Garcia, Housewright, Thornton Reese, Oakley,  
Chaney, Fantroy, Poss, Walne, Finkelman, Greyson, Rasansky,  
Lill

ABSENT: [0]

The meeting was called to order at 9:28 a.m.

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

The prayer was led by the city council and the audience.

The pledge of allegiance was led by Houston Wengert, St. Rita Catholic School.

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 6:35 p.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, MARCH 5, 2003

EXHIBIT A

4/1/03 9:35 AM  
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL  
WEDNESDAY, MARCH 5, 2003

EXHIBIT B

4/1/03 9:35 AM  
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 5, 2003

03-0861

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.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 5, 2003

03-0862

CITIZEN SPEAKERS

In accordance with the City Council Rules of Procedure, the city council provided "open microphone" opportunities for the following individuals to comment on matters that were scheduled on the city council voting agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda:

**OPEN MICROPHONE - BEGINNING OF MEETING:**

SPEAKER: Chuck Cole, 4831 McKinney Ave.  
SUBJECT: City Council matter

SPEAKER: Sandra Crenshaw, 1431 Quartet Dr. **NO SHOW**  
SUBJECT: Councilmember Fantroy violates Texas Ethics Commission Rules

SPEAKER: Noemi Collie, 434 W. 12<sup>th</sup> St. **CANCELED**  
REPRESENTING: Messele Kelel  
SUBJECT: Want City to release alleyway easement at 8600 Rustown

SPEAKER: Ben Jare, 4230 Southcrest Rd.  
REPRESENTING: Muscular Dystrophy Association  
SUBJECT: Proposed ordinance restricting solicitation near roadways and other designated locations

SPEAKER: Viesta Eastwood, 9725 Glengreen Dr.  
REPRESENTING: Muscular Dystrophy Association  
SUBJECT: Proposed ordinance restricting solicitation near roadways and other designated locations

**ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:**

SPEAKER: Mike Stanley, P.O. 536, (Beaver, Pennsylvania)  
REPRESENTING: United Steel Workers  
SUBJECT: City Charter

**OPEN MICROPHONE – END OF MEETING:**

SPEAKER: Noemi Collie, 434 W. 12<sup>th</sup> St. **NO SHOW**

REPRESENTING: Messele Kelel

SUBJECT: Want City to release alleyway easement at 8600 Rustown

SPEAKER: Jennifer Wells, 9840 Tanglevine Dr. **NO SHOW**

SUBJECT: Proposed ordinance restricting solicitation near roadway and other designated locations

SPEAKER: Ofelia Pacheco, 7942 Claremont Dr. **NO SHOW**

REPRESENTING: Muscular Dystrophy Association

SUBJECT: Proposed ordinance restricting solicitation near roadway and other designated locations

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

SPEAKER: Michael Simmons, 2515 Lawrence St. **NO SHOW**

REPRESENTING: Simmons Custom Painting

SUBJECT: Blackmailed and extortion by the City of Dallas Housing Department/Call 911

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

SUBJECT: Racism against: Park Department/KKK/Downtown Confederate soldiers

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

REPRESENTING: Mayoral Race

SUBJECT: Deception in the Mayor's office

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 5, 2003

03-0863

Item 1: Approval of Minutes of the February 19, 2003 City Council Meeting

Councilmember Garcia moved to approve the minutes, with the following correction. Councilmember Finkelman stated that Mayor Miller's niece led the pledge of allegiance instead of the prayer.

Motion seconded by Councilmember Finkelman and unanimously adopted.  
(Housewright absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 5, 2003

03-0864

Item 2: Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (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 2001-2003 board term updated through March 5, 2003.

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.

Councilmember Finkelman moved to appoint all 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 Garcia and unanimously adopted. (Housewright absent when vote taken)

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

**03-0874 MLK MARTIN LUTHER KING JF. COMMUNITY CENTER BOARD**

**03-0875 SDD SOUTHERN DALLAS DEVELOPMENT CORPORATION BOARD**



BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 5, 2003

03-0865

Item 3: Authorize amendments to control right to intervene as a party and to facilitate ability to obtain hearing, of written rules to implement City powers to regulate certain evidentiary proceedings respecting entities that use the public rights-of-way - Financing: No cost consideration to the City

Mayor Miller called a recess of the meeting in order that the city council could meet in executive session under Section 551.071 of the Texas Government Code (Texas Open Meetings Act) to confer with the city attorney.

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

Deputy Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Garcia and unanimously adopted. (Housewright absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 5, 2003

03-0866

Item 4: Authorize Supplemental Agreement No. 1 to the professional services contract with HBC Engineering for environmental consulting and engineering services in connection with the closure of the Deepwood and Loop 12 landfill sites near Loop 12 and Jim Miller Road, and declaration of official intent pursuant to Section 1.150-2 of the Treasury Regulations - Not to exceed \$1,336,300, from \$62,799 to \$1,399,099 - Financing: Current Funds (to be reimbursed from proceeds of future tax-exempt debt obligations)

Mayor Miller called a recess of the meeting in order that the city council could meet in executive session under Section 551.071 of the Texas Government Code (Texas Open Meetings Act) to confer with the city attorney.

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

Deputy Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Housewright absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 5, 2003

03-0867

Item 5: **Reconsideration of Addendum Item No. 11, as amended, from the February 26, 2003 City Council Agenda**

- \* Reconsideration of an ordinance amending Chapter 12A of the Dallas City Code to allow City Officials to lend their names and official city titles in connection with any election for public office or any election ordered by the City of Dallas on a measure or proposition

If Item No. 5 is approved, the City Council shall consider Item No. 6.

- Item 6: \* An ordinance amending Chapter 12A of the Dallas City Code to allow City Officials to lend their names and official city titles in connection with any election for public office or any election ordered by the City of Dallas on a measure or proposition

Deputy Mayor Pro Tem Loza moved to reconsider the vote taken by the council on addendum addition agenda item 11 on February 26, 2003 city council agenda; an ordinance amending Chapter 12A of the Dallas City Code to allow city officials to lend their names and official city titles in connection with an election ordered by the City of Dallas on a measure or proposition. Deputy Mayor Pro Tem Loza stated that he had voted with the majority on February 26, 2003.

Motion seconded by Councilmember Rasansky and unanimously adopted. (Housewright absent when vote taken)

During debate, Deputy Mayor Pro Tem Loza moved to approve an ordinance amending Chapter 12A of the Dallas City Code that councilmembers are allowed to use their title in endorsement for an electoral office and/or any measure or proposition in connection with an election ordered by the City of Dallas; and other city officials, meaning board and commission members and other city officials that fall under that title would only be allowed to use their titles to endorse a measure or proposition in connection with an election ordered by the City of Dallas.

Motion seconded by Mayor Pro Tem Hill.

Deputy Mayor Pro Tem Loza moved to amend his motion that only councilmembers will be allowed to use their titles in endorsement for an electoral office and/or to endorse a measure or proposition in connection with an election ordered by the City of Dallas. Other city officials will not have the same privilege under any circumstance.

Motion seconded by Mayor Pro Tem Hill.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

03-0867

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Councilmember Poss moved to substitute for Deputy Mayor Pro Tem Loza's motion a motion that councilmembers use their titles to endorse a measure or proposition in connection with an election ordered by the City of Dallas, an example is the bond campaign; and not for any other election.

Motion seconded by Councilmember Walne.

After discussion, Mayor Miller called the vote on Councilmember Poss' substitute motion:

Voting Yes: [6] Miller, Poss, Walne, Finkelman, Greyson, Lill  
Voting No: [8] Hill, Loza, Garcia, Thornton Reese, Oakley, Chaney,  
Fantroy, Rasansky  
Absent when vote taken: [1] Housewright

Mayor Miller declared the motion failed.

Mayor Miller called the vote on Deputy Mayor Pro Tem Loza's original motion as amended:

Voting Yes: [8] Hill, Loza, Garcia, Thornton Reese, Oakley, Chaney,  
Fantroy, Rasansky  
Voting No: [6] Miller, Poss, Walne, Finkelman, Greyson, Lill  
Absent when vote taken: [1] Housewright

Mayor Miller declared the motion as amended adopted.

Assigned ORDINANCE NO. 25203.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 5, 2003

03-0868

Briefings: A. Report from Bill Eager and Alex Krieger on Trinity Issues

The city manager briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 5, 2003

03-0869

Item 7: Public Hearing – Zoning Case Z023-108 (RB)

A public hearing was called on zoning case Z023-108 (RB), an application for and an ordinance granting a Specific Use Permit for a private school on property located within the Tract F portion of Planned Development District No. 173 for single family, office, retail, and park uses on Frankford Road, east of Hillcrest Road.

(The city plan commission recommended approval for a five-year period, with eligibility for automatic renewal for additional five-year periods, subject to a site plan, landscape plan and conditions.)

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

No one appeared in opposition to or in favor of the city plan commission's recommendation.

The following individual addressed the city council regarding zoning case Z023-108 (RB):

William Hopkins, 2011 Leath St.

Councilmember Greyson moved to close the public hearing, accept the recommendation of the city plan commission for approval of a specific use permit for a private school with changes as shown in the revised conditions distributed to the council during the public hearing with the following change:

“The dumpster that is currently shown on the plan as being on the eastside of the school where the neighborhoods are located be moved to the westside of the school where the retail is located” and pass the ordinance.

Motion seconded by Councilmember Poss and unanimously adopted. (Rasansky abstain; Housewright absent when vote taken)

Assigned ORDINANCE NO. 25204.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 5, 2003

03-0870

Briefings: B. Proposed Ordinance Restricting Solicitations Near Roadways and Other Designated Locations

The city manager briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 5, 2003

03-0871

Briefings: C. Dallas Housing Finance Corporation Multifamily Program Policies

The briefing of this item was postponed.



BRIEFING MEETING OF THE DALLAS CITY COUNCIL

March 5, 2003

03-0872

Closed Session

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

- Legal issues involving amendments to City Council rules of Procedure for Certain Evidentiary Proceedings before the City Council of Dallas, Texas adopted by Resolution No. 02-1510 (May 8, 2002) regarding intervention as of rights and other matters
- Legal issues involving air emission registration fees, including dispute respecting such fees billed to TXU Generation Company
- Legal issues involving Texas Alcoholic Beverage Code Section 109.33
- Legal issues involving Convention Center expansion construction contract
- Legal issues involving the Dallas Naval Air Station's supplemental contract with Carrington Coleman Sloman & Blumenthall
- ICC - Certification of Question to Texas Sup. Ct.
- Juan Jose Reyes, Claim No. 20023433
- Michael Sheffeld v. City of Dallas, Cause No. DV00-10079-I
- Thomas Merrick v. Fausto Vanegas, Jr. and City of Dallas, Cause No. cc-02-04762-d
- Mainstage, Inc. dba P.T's v. City of Dallas, et al., Cause No. 02-04853
- Mainstage, Inc. dba P.T's v. City of Dallas, et al., Cause No. 02-09501
- Allen-Burch, Inc., et al., v. City of Dallas, et al., Cause No. 02-03230
- Adventure Plus, Inc., Millennium Restaurant Group, Inc. dba Cabaret Royal, et al., v. City of Dallas, Civil Action No. 3:00-CV-2500
- City of Dallas v. TP-Town Plaza II, L.P.; Carlos Espinosa RCGP, LLC; WAK/TPRO, L.P. (a.k.a. WAK/TPRO LTD.); WAK/TPRO Holdings, Inc.; Renaissance Investments, Inc. (a.k.a. DEC Partners); Bank One, Texas, N.A.; Frank S. Owen; and Carlos Espinosa, Cause No. 01-4531
- Harold Cox, Shirley Davidson, Robert Stubblefield, Cynthia Herring, Eloise Edwards, Betty Curley and Leo Easter v. City of Dallas, Herman Nethery and Terry Van Sickle, Civil Action No. 3:98-CV-0291-H consolidated with Civil Action No. 3:98-CV-1763-H
- Charles Sylvie v. City of Dallas, Ted Kilpatrick, Michael Rickman and Gary Fox, Civil Action No. 3:01-CV-1549-K
- Avitar Global, Inc. v. City of Dallas, Cause No. 01-10883-G
- Ann Tenison Hereford Webb, Lizann Tenison Webb, Bryon James Webb and Camille Elizabeth Webb Sewell v. City of Dallas, Civil Action No. 3:00-CV-2558-R
- City of Dallas v. Explorer Pipeline Co., et al., Cause No. 00-9678-H

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.)

- Legal issues involving the Dallas Naval Air Station's supplemental contract with Carrington Coleman Sloman & Blumenthall
- Juan Jose Reyes, Claim No. 20023433
- Michael Sheffeld v. City of Dallas, Cause No. DV00-10079-I
- Thomas Merrick v. Fausto Vanegas, Jr. and City of Dallas, Cause No. cc-02-04762-d
- Mainstage, Inc. dba P.T's v. City of Dallas, et al., Cause No. 02-04853
- Mainstage, Inc. dba P.T's v. City of Dallas, et al., Cause No. 02-09501
- Allen-Burch, Inc., et al., v. City of Dallas, et al., Cause No. 02-03230
- Adventure Plus, Inc., Millennium Restaurant Group, Inc. dba Cabaret Royal, et al., v. City of Dallas, Civil Action No. 3:00-CV-2500
- Harold Cox, Shirley Davidson, Robert Stubblefield, Cynthia Herring, Eloise Edwards, Betty Curley and Leo Easter v. City of Dallas, Herman Nethery and Terry Van Sickle, Civil Action No. 3:98-CV-0291-H consolidated with Civil Action No. 3:98-CV-1763-H
- Charles Sylvie v. City of Dallas, Ted Kilpatrick, Michael Rickman and Gary Fox, Civil Action No. 3:01-CV-1549-K
- Avitar Global, Inc. v. City of Dallas, Cause No. 01-10883-G
- Ann Tenison Hereford Webb, Lizann Tenison Webb, Bryon James Webb and Camille Elizabeth Webb Sewell v. City of Dallas, Civil Action No. 3:00-CV-2558-R
- City of Dallas v. Explorer Pipeline Co., et al., Cause No. 00-9678-H

No other matters were discussed during the closed session.

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