

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 18, 2003

03-1771

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

PRESENT: [15] Miller, Loza, Hill, Garcia, Oakley, Thornton Reese, Salazar,
Chaney, Fantroy, Griffith, Blaydes, Finkelman, Greyson,
Rasansky, Lill

ABSENT: [0]

The meeting was called to order at 9:23 a.m.

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

Mayor Miller asked all members of the city council and the audience to stand for a moment of silence.

The pledge of allegiance was led by the city council and the audience.

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 6:23 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.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 18, 2003

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 18, 2003

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1772

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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CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1773

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: Ted Kollaja, 8604 Richardson Branch **CANCELED**
REPRESENTING: American Institute of Architects
SUBJECT: Ethics Code Amendments

SPEAKER: Kevin Buchanan, 6011 Ellsworth Ave. **CANCELED**
SUBJECT: Proposed Code of Ethics

SPEAKER: Rick Sheridan, 3022 Forest Ln.
SUBJECT: Trinity River Lake Recreation and Sports Complex

SPEAKER: Casey Black, 7652 Culcourt St.
SUBJECT: Rezoning issue 193 & 194

SPEAKER: Adam Miller, 2140 Monterrey Ave.
SUBJECT: Code Enforcement - Reimbursement

ADDITIONAL OPEN MICROPHONE – BEGINNING OF MEETING:

SPEAKER: Cole Blank, 7648 Culcourt St.
SUBJECT: Zoning cases 193 and 194

SPEAKER: Kennedy Barnes, 8113 Fountain Springs, Dr., Plano
REPRESENTING: Juneteenth Film Festival Foundation
SUBJECT: Juneteenth Film Festival

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

03-1773

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OPEN MICROPHONE – END OF MEETING:

SPEAKER: Juan Guerrero, 10554 Ferguson Rd. **NO SHOW**
SUBJECT: Increasing the fine for Consumer Affairs Chapter 50-159

SPEAKER: Karen Botcher, 5136 Horseshoe Trl. **NO SHOW**
SUBJECT: Zoning cases 193 and 194

SPEAKER: Bruce Kline, 733 Cliffview Dr. **NO SHOW**
SUBJECT: 911 response

SPEAKER: Warren Westmoreland, 2219 Kirby St.
SUBJECT: Bicycle hazard

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

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Corruption: Trinity River Plan/EPA/ West Dallas Super Fund

SPEAKER: Gene Nelson, 1820 E. Peters Colony Rd., Carrollton
SUBJECT: White collar unemployment and outsourcing

SPEAKER: Jurline Hollins, 2832 Marjorie Ave. **NO SHOW**
SUBJECT: Ethics/Financial Involvement Statements of Mayor and City Council

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1774

Item 1: Approval of Minutes of the June 4, 2003 City Council Meeting

Mayor Pro Tem Loza moved to approve the minutes.

Motion seconded by Councilmember Fantroy and unanimously adopted.

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CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1775

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)

There were no consideration of appointments to boards and commissions.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1776

Item 3: A resolution extending the moratorium imposed by Resolution No. 03-0736 previously approved on February 19, 2003, on the acceptance of applications for variances authorized under Texas Alcoholic Beverage Code Section 109.33(e) - Financing: No cost consideration to the City

The following individual addressed the city council regarding the moratorium:

Maxine Aaronson, 6028 Palo Pinto Ave., representing Dallas Homeowners League

Councilmember Lill moved to suspend the rules in accordance with Section 7-12(b) of the City Council Rules of Procedure to allow for a seven-day notice of the moratorium extension.

Motion seconded by Mayor Pro Tem Loza.

After discussion, Mayor Miller called the vote on the motion.

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Greyson voting "No". (Hill, Chaney absent when vote taken)

Councilmember Lill moved to approve the resolution extending the moratorium until October 17, 2003 on applications for variances from alcohol spacing requirements of Chapter 6, "Alcoholic Beverages", of the Dallas City Code to await the Attorney General's opinion regarding whether or not the city council can do variances or whether the city council has the power to delegate the variance procedures to a city board.

Motion seconded by Mayor Pro Tem Loza.

After discussion, Mayor Miller called the vote on the motion.

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmembers Greyson and Rasansky voting "No". (Hill, Chaney absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1777

Item 4: An ordinance authorizing the issuance and sale of \$36,000,000 City of Dallas, Texas Combination Tax and Revenue Certificates of Obligation, Series 2003; accepting the bids and awarding the sale of the Certificates of Obligation; approving the Preliminary Official Statement; and enacting other provisions in connection therewith - Not to exceed \$134,950 - Financing: 2003 Certificates of Obligation Interest Earnings **(To be considered before 12:00 noon)**

Councilmember Lill moved to pass the ordinance.

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

Assigned ORDINANCE NO 25294.

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1778

Item 5: An ordinance amending Chapters 10, 10A, 15D, 45, and 48A of the Dallas City Code to revise insurance requirements for bus and shuttles, limousines, emergency wreckers, taxicabs, and vehicle tow services - Financing: No cost consideration to the City

Deputy Mayor Pro Tem Hill announced that he had a conflict of interest and would abstain from voting or participating in any discussion. Deputy Mayor Pro Tem Hill left the briefing room.

The following individuals addressed the city council regarding Chapters 10, 10A, 15D, 45 and 48A of the Dallas City Code:

John Barr, 203 E. Colorado Blvd., representing Yellow Cab/Checker Cab
John Bryant, 5915 Swiss Ave., representing DFW Taxicab Livery Coalition
Massoud Nasser, 1209 Brook Hill Ln., Arlington, representing DFW Taxicab Livery Coalition
Harbi Hassan, 1228 N. Britain St., Irving
Sam Keyvan, 4026 Angelina Dr., Plano
Douglas Uchendu, 3109 Westmont Gates Dr., Irving

Councilmember Greyson moved to pass the ordinance to support the staff and the Council Transportation and Telecommunication Committee's (CTTC) recommendation to have the limit of liability of taxicabs be lowered to \$100,000 combined single limit (CSL) and bring back to the city council for further consideration within six months, or upon completion of the taxicab task force report and adoption of recommendations by the CTTC, if earlier.

Motion seconded by Councilmember Finkelman.

After discussion, Mayor Miller called the vote on the motion.

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmember Salazar voting "No". (Hill abstain; Chaney, Rasansky absent when vote taken)

Later in the meeting, Mayor Pro Tem Loza moved to reconsider the vote on agenda item 5 to allow Councilmember Rasansky to vote on the item.

Motion seconded by Councilmember Lill and unanimously adopted. (Hill abstain; Chaney absent when vote taken)

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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Mayor Miller called the vote on the motion previously made by Councilmember Greyson and seconded by Councilmember Finkelman.

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmembers Salazar and Rasansky voting "No". (Hill abstain, Chaney absent when vote taken)

Assigned ORDINANCE NO. 25295.

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CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1779

Item 6: A resolution amending Section 6 of the City Council Rules of Procedure to revise commencement times for City Council meetings - Financing: No cost consideration to the City

Councilmember Greyson moved to approve the resolution to amend in accordance with Section 6 of the City Council Rules of Procedures to revise the commencement times for city council meetings to begin at 10:00 a.m. during the months of May through the end of October; and return to the regular time of 9:00 a.m. from November through April.

Motion seconded by Councilmember Rasansky.

After discussion, Mayor Miller called the vote on the motion.

Mayor Miller declared the motion adopted on a divided voice vote, with Councilmembers Thornton Reese and Blaydes voting "No". (Chaney absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1780

Item 7: An ordinance amending Chapter 41A of the Dallas City Code to clarify that a license, permit, or decal granted under the city's sexually oriented business ordinance or another city ordinance does not authorize or legalize any conduct, activity, or business that is illegal under state or federal law; amend the definitions of Asexually oriented business" and Adult bookstore or adult video store"; delete the definition and classification of "sexual encounter center"; and authorize the use of the word "DVD's" on sexually oriented business signs - Financing: No cost consideration to the City

Councilmember Salazar moved to pass the ordinance.

Motion seconded by Councilmember Greyson and unanimously adopted. (Hill, Chaney absent when vote taken)

Assigned ORDINANCE NO. 25296.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1781

Briefings: A. Community Court

The briefing of this item was postponed.

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CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1782

Briefings: B. FY 2003-04 Budget Overview

The briefing of this item was postponed.

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CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1783

Briefings: C. Charter Review Commission

David Laney, chair, Charter Review Commission, briefed the city council on the item.

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CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

June 18, 2003

03-1784

Closed Session

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

- In re: City of Dallas, Civil Action No. 05-03-00516-CV
In Re: Legend Airlines, Inc., Case No. 00-37710-SAF-7, Robert Newhouse, Chapter 7 Trustee for the Estate of Legend Airlines, Inc. v. City of Dallas, and City of Dallas Department of Aviation a/k/a City of Dallas DOA, Adversary No. 02-03651
- Legal issues involving RSR Superfund Site
- Legal issues involving SBC voice over Internet protocol agreement including potential litigation
- Legal issues involving Ampco Parking Agreements at Dallas Love Field Airport
- Legal issues involving Chapter 41A
- Supplemental Agreement No. 1 to the professional services contract with Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, PC, for additional legal services regarding the claims of Manhattan Construction Company on the Convention Center Expansion project
- City of Dallas, Texas, Plaintiff and Counter-Defendant v. Redbird Development Corporation, and First Redbird Development Corporation, Defendants, Counter-Plaintiffs, and Third-Party Plaintiffs, Dwaine R. Caraway, Vernon H. Jordan, and DFW Contractors, Third-Party Defendants, Cause No. DV99-08817-K
- Eller Media Co., et al. v. City of Dallas, Cause No. 00-04493-E
- City of Heath v. City of Dallas, Cause No. 1-02-442
- Clyde Robert Francis v. City of Dallas, et al., Civil Action No. 3:02-CV-1875-K
- William Shropshire and Charlene Shropshire, and Jasmine Holt, Individually, and as Next Friend of Cinnamon Williams and Jawill Holt, Minors, Plaintiffs v. Linda Jackson, Intervenor v. Richard Rossman, and City of Dallas, Cause No. cc-01-08002-a
- 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
- Powell v. Stone Manor Apartments, FHO Case No. 02-047
- 2218 Bryan Street, Ltd. v. City of Dallas, Texas, et al., Cause No. DV01-00292-L

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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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.)

- Legal issues involving RSR Superfund Site
- Legal issues involving SBC voice over Internet protocol agreement including potential litigation
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- Supplemental Agreement No. 1 to the professional services contract with Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, PC, for additional legal services regarding the claims of Manhattan Construction Company on the Convention Center Expansion project
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- Powell v. Stone Manor Apartments, FHO Case No. 02-047
- 2218 Bryan Street, Ltd. v. City of Dallas, Texas, et al., Cause No. DV01-00292-L

No other matters were discussed during the closed session.

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MINUTES OF THE DALLAS CITY COUNCIL
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EXHIBIT C

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CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, JUNE 18, 2003

03-1771

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

PRESENT: [15] Miller, Loza, Hill, Garcia, Oakley, Thornton Reese, Salazar,
Chaney, Fantroy, Griffith, Blaydes, Finkelman, Greyson,
Rasansky, Lill

ABSENT: [0]

CORRECTION

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CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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Motion seconded by Councilmember Finkelman.

After discussion, Mayor Miller called the vote on the motion.

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