

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 15, 2003

03-2770

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

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

ABSENT: [0]

The meeting was called to order at 10:04 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 audience and the city council.

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 5:16 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, OCTOBER 15, 2003

EXHIBIT A

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 15, 2003

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2771

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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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2772

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: Chris Head, 9339 San Fernando Way
REPRESENTING: Texas Public Workers Association
SUBJECT: Employee Benefits

SPEAKER: Gay Hopkins, 6030 Monticello Ave.
REPRESENTING: Lower Greenville Neighborhood Association
SUBJECT: Extension on moratorium on application for variances under Texas Alcoholic Beverage Code (Section 109.33 (E))

SPEAKER: Carl Breher, 6409 Richmond Ave.
SUBJECT: Commercial ads placed on public property

SPEAKER: Bill McCleskey, 4011 Wycliff Ave.
SUBJECT: Crime rate in West Dallas

SPEAKER: Gary Hurst, 922 N. Haskell Ave.
SUBJECT: Mental Health issues

OPEN MICROPHONE – END OF MEETING:

SPEAKER: Reginald Onyekwere, 12375 Abrams Rd
REPRESENTING: Association of Taxi Operators
SUBJECT: Dallas Taxicab Review (Briefing Item F)

SPEAKER: Adan Ali, 13740 Montfort Dr. **NO SHOW**
SUBJECT: Dallas Taxicab Review (Briefing Item F)

SPEAKER: Larry Parks, 937 Fernwood Ave. **NO SHOW**
SUBJECT: Water fees/ Taxes/Public Safety

SPEAKER: Bennie Hunter, 1447 Montague Ave.
SUBJECT: Dallas Taxicab Review (Briefing Item F)

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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SPEAKER: Tesfatsion Mengasha, 11143 Lake Highlands Cir.
SUBJECT: Dallas Taxicab Review (Briefing Item F) **NO SHOW**

SPEAKER: Massoud Nasser, 1209 Brookhill, Arlington
REPRESENTING: DFW Taxicab and Livery Coalition Inc.
SUBJECT: Dallas Taxicab and Review (Briefing Item F)

SUBJECT: Ahrbi Hassan, 1240 N. Britain Rd. Irving
REPRESENTING: Association of United Taxicab Operations
SUBJECT: Dallas Taxicab Review (Briefing Item F)

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

SPEAKER: Stephen Johnson, 2305 N. Fitzhugh Ave. **NO SHOW**
SUBJECT: Drug problems in the neighborhood

SPEAKER: Thelma Youngblood, 2406 E. Illinois Ave. **CANCELED**
SUBJECT: City government

SPEAKER: William Hopkins, 2011 Leath St. **NO SHOW**
SUBJECT: No weapons in Iraq

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2773

Item 1: Approval of Minutes of the October 1, 2003 City Council Meetings

Councilmember Oakley moved to approve the minutes.

Motion seconded by Councilmember Finkelman and unanimously adopted.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2774

03-2775

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 re-nominations received for city board and commission appointments for the 2003-2005 board term updated through October 15, 2003.

The assistant city secretary noted that the report indicated nominees and re-nominees for individual appointments cleared for council action that met all qualifications for service.

Councilmember Oakley moved to appoint Ralph Isenberg, Interested Citizen, to the Cultural Affairs Commission, Fred Williams, Historian, to the Landmark Commission, and Victoria Green Clow, Citizen-at-Large, to the Landmark Commission Alternate Members.

Motion seconded by Councilmember Garcia and unanimously adopted.

Mayor Pro Tem Loza moved to appoint Carolyn East, vice chair, to the Animal Shelter Commission.

Motion seconded by Councilmember Salazar and unanimously adopted.

Councilmember Chaney moved to appoint Andrea Allen, chair, to the Animal Shelter Commission.

Motion seconded by Councilmember Garcia and unanimously adopted.

Councilmember Garcia moved to appoint Frances Rizo, vice-chair, to the Community Development Commission.

Motion seconded by Councilmember Chaney.

The City Secretary recommended that before members of boards and commissions are appointed as officers of a board they should have completed the background check process appointment or reappointment to the board.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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Councilmember Garcia withdrew the nomination of Ms. Rizo until the background check process has been completed.

Councilmember Chaney who seconded the original motion, also withdrew his motion.

Councilmember Garcia 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, 2005.

Motion seconded by Councilmember Chaney and unanimously adopted.

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

03-2789 BOA BOARD OF ADJUSTMENT
03-2790 CAC CULTURAL AFFAIRS COMMISISON
03-2791 CPR DALLAS CITIZENS POLICE REVIEW BOARD
03-2792 LMC LANDMARK COMMISSION
03-2793 LMX LANDMARK COMMISSION ALTERNATE MEMBERS
03-2794 Board Officers

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2776

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)

Votes were tabulated to appoint two of the three nominees to positions 3 and 4 on the DART Board; John Scott Carlson, Lynn Flint Shaw and Angel Noe Gonzalez.

Scott Carlson

Mayor Miller
Deputy Mayor Pro Tem Hill
Councilmember Oakley
Councilmember Fantroy
Councilmember Blaydes
Councilmember Griffith
Councilmember Finkelman
Councilmember Greyson
Councilmember Rasansky
Councilmember Lill

Lynn Flint Shaw

Mayor Miller
Mayor Pro Tem Loza
Deputy Mayor Pro Tem Hill
Councilmember Garcia
Councilmember Oakley
Councilmember Thornton Reese
Councilmember Salazar
Councilmember Chaney
Councilmember Fantroy
Councilmember Blaydes
Councilmember Griffith
Councilmember Greyson
Councilmember Lill

Angel Noe Gonzalez

Mayor Pro Tem Loza
Councilmember Garcia
Councilmember Thornton Reese
Councilmember Salazar
Councilmember Chaney
Councilmember Rasansky

Councilmember Oakley moved to appoint John Scott Carlson, Dallas Member, Place 3 and Lynn Flint Shaw, Dallas Member, Place 4 to the DART Board.

Motion seconded by Councilmember Fantroy and unanimously adopted.

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

03-2794 DAR DALLAS AREA RAPID TRANSIT BOARD

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2777

Item 4: A resolution extending the moratorium previously imposed on February 19, 2003, by Resolution No. 03-0736 on the acceptance of applications for variances authorized under Texas Alcoholic Beverage Code '109.33(e) until February 14, 2004 - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the resolution:

Jeri Arbuckle, 4800 Victor St.
Julian Peterson, 4203 Junius St., representing Mill Creek Munger Place
John Stettler, 11028 Ridgemoor
JoAnne King, 814 Reverchon Dr.

Mayor Pro Tem Loza moved to approve the resolution.

Motion seconded by Councilmember Chaney.

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 absent when vote taken)

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2778

Briefings: A. Discussion on Aerial Mosquito Spraying

The city manager briefed the city council on the item.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2779

- Briefings: B. Employees' Retirement Fund
- Amendments to Chapter 40A of the Dallas City Code (City Staff)
 - A Private Sector Point of View (Presented by Luke M. Sweetser)

Randy Stalnaker, chair, Employees' Retirement Fund Board, Luke M. Sweetser, partner, Opportunity Fund North Texas and Shad Rowe, member, State Pension Review Board briefed the city council on the item.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2780

Briefings: C. Proposed Amendments to Chapter 41A of the Dallas City Code Regarding Sexually Oriented Businesses

The briefing of this item was postponed.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2781

Briefings: D. Proposed Amendments to the Hotel and Motel use in Chapters 51 and 51A, the Dallas Development Code, of the Dallas City Code

The briefing of this item was postponed.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2782

Briefings: E. Amendment to Chapter 14 of the Dallas City Code Regarding Dance Hall Late-Hours Permits

The briefing of this item was postponed.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2783

Item 5: An ordinance amending Chapter 14 of the Dallas City Code to (1) require a dance hall with a late-hours permit to employ two peace officers to provide security on the premises during late-hours operation, and (2) provide grounds for suspension of a dance hall license - Financing: No cost consideration to the City

No action was taken on this item.

[Note: Mayor Miller requested the city secretary to call and inform all citizens who signed up to speak before the city council that this item will not be heard today.]

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2784

Briefings: F. Dallas Taxicab Review

The briefing of this item was postponed.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2785

Briefings: G. Street Improvement Programs (for information only)

The briefing of this item was postponed.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2786

Briefings: H. New City Cell Phone Contract/Procedures

The briefing of this item was postponed.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2787

Briefings: I. FY 2002-03 Consolidated Plan Budget Reprogramming #2

The briefing of this item was postponed.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

October 15, 2003

03-2788

Closed Session

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

- Legal issues regarding Dallas City Code Chapter 41A
- Legal issues regarding Dallas Convention Center Expansion Construction Contract
- Legal issues regarding Chapter 51A specific use permit requirement for certain hotels and motels
- Erika Bondy, et al. v. City of Dallas, Appeal No. 03-10112 in the United States Court of Appeals for the Fifth Circuit, Civil Action No. 3:01-CV-1005-G
- Clower, et al. v. City of Dallas, et al., Cause No. 2002-2355-C
- Earl Edwards v. City of Dallas, Cause No. cc-02-13934-c
- Manhattan Construction Company v. Austin Commercial, Inc. Cause No. 03-212-H
- City of Dallas v. Explorer Pipeline Co., et al., Cause No. 00-9678-H

Personnel Matters (Sec. 551.074 T.O.M.A.)

- Performance Evaluation of City Manager Teodoro J. Benavides
- Performance Evaluation of City Attorney Madeleine B. Johnson
- Performance Evaluation of City Secretary Shirley Acy

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 regarding Dallas City Code Chapter 41A
- Legal issues regarding Dallas Convention Center Expansion Construction Contract
- Legal issues regarding Chapter 51A specific use permit requirement for certain hotels and motels
- Erika Bondy, et al. v. City of Dallas, Appeal No. 03-10112 in the United States Court of Appeals for the Fifth Circuit, Civil Action No. 3:01-CV-1005-G
- Earl Edwards v. City of Dallas, Cause No. cc-02-13934-c
- Manhattan Construction Company v. Austin Commercial, Inc. Cause No. 03-212-H

No other matters were discussed during the closed session.

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MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, OCTOBER 15, 2003

EXHIBIT C

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