

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, DECEMBER 17, 2003

03-3460

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

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

ABSENT: [0]

The meeting was called to order at 9:15 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 5:26 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, DECEMBER 17, 2003

EXHIBIT A

1/13/04 10:10 AM
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, DECEMBER 17, 2003

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3461

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

December 17, 2003

03-3462

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: Jill Kotvis, 6620 Yosemite Ln. **CANCELED**
REPRESENTING: Bill of Rights Defense Committee of Greater Dallas
SUBJECT: Bill of Rights Resolution

SPEAKER: Ellis L. Bert, 12621 Montfort Dr. **NO SHOW**
SUBJECT: Bill of Rights Resolution

SPEAKER: Lance Flores, 3314 Pleasant Dr. **NO SHOW**
SUBJECT: Patriot's Act Resolution

SPEAKER: Eunice Reading, 808 W. 8th St.
SUBJECT: School Charity

ADDITIONAL OPEN MICROPHONE - BEGINNING OF MEETING:

SPEAKER: Mohamed Elmougy, 105 Spyglass Dr., Coppell
REPRESENTING: Council on American-Islamic Relations
SUBJECT: Patriot Act

SPEAKER: Deborah Dunn, 3220 Rose Hill Rd., Carrollton **CANCELED**
SUBJECT: City Employee Retirement Plan

OPEN MICROPHONE – END OF MEETING

SPEAKER: Robert Haas, 14255 Preston Rd. **NO SHOW**
SUBJECT: Patriot's Act Resolution

SPEAKER: Marcus Ronquillo, 8931 Club Creek Cir. **CANCELED**
SUBJECT: Patriot's Act Resolution

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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SPEAKER: Beverly Tobian, 5843 Waggoner Dr. **NO SHOW**
SUBJECT: Patriot Act Resolution

SPEAKER: Charles Goodlow, Jr., 3880 S. Walton Walker Blvd. **NO SHOW**
SUBJECT: Complaint against the Legal Aid of North West Texas and Dallas County
Constable's Office (Precinct 1)

SPEAKER: Laray Polk, 119 E. Greenbriar Ln.
SUBJECT: Demilitarization of the Martin Luther King, Jr., parade

SPEAKER: Michael Machicek, 4415 Bowser Ave.
SUBJECT: Martin Luther King, Jr. Center

SPEAKER: Aram Azadpour, 5413 Cambridge Ct., Grapevine **NO SHOW**
SUBJECT: Patriot's Act Resolution

SPEAKER: Jana Zeeb, 5812 Charlemagne Dr., Plano **NO SHOW**
SUBJECT: Patriot Act Resolution

OPEN MICROPHONE – SPOKE IN THE LATE 30 DAYS:

SPEAKER: Jill Kotvis, 6620 Yosemite Ln. **NO SHOW**
REPRESENTING: Bill of Rights Defense Committee of Greater Dallas
SUBJECT: Bill of Rights Resolution

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3463

Item 1: Approval of Minutes of the December 3, 2003 City Council Meetings

Councilmember Oakley moved to approve the minutes.

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

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3464

03-3465

- 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 December 17, 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 Thornton Reese moved to appoint Susan Oakey, General Public, to the Animal Shelter Commission, Toni Rose Milton, Citizen-At-Large, Barbara E. Haynes, Citizen-At-Large, Harry J. Joe, Citizen-At-Large and reappoint Madeleine B. Johnson, Ex Officio, Voting Member, to the Judicial Nominating Commission, reappoint Jean Ball, Citizen-At-Large, to the Landmark Commission, appoint Artic Faye Giles and Ester Davis, to the Senior Affairs Commission, appoint Elizabeth Frank, Dallas Member, to the Reinvestment Zone Two Board (Cityplace Area), appoint Laura Aveton, Dallas Member, reappoint Guymon Phillips, Dallas Member and John Giesler, Dallas Member to the Reinvestment Zone Five Board (City Center).

Councilmember Thornton Reese 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 Lill and unanimously adopted. (Salazar absent when vote taken)

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

03-3479 ASC ANIMAL SHELTER COMMISSION
03-3480 BOA BOARD OF ADJUSTMENT
03-3481 CPR DALLAS CITIZENS POLICE REVIEW BOARD
03-3482 EHC ENVIRONMENTAL HEALTH COMMISSION
03-3483 JNC JUDICIAL NOMINATING COMMISSION
03-3484 LMC LANDMARK COMMISSION
03-3485 MLB MUNICIPAL LIBRARY BOARD
03-3486 PAR PARK AND RECREATION BOARD
03-3487 SAC SENIOR AFFAIRS COMMISSION
03-3488 RZ2 REINVESTMENT ZONE TWO BOARD (CITYPLACE AREA)
03-3489 RZ5 REINVESTMENT ZONE FIVE BOARD (CITY CENTER)

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3466

Item 3: Authorize Supplemental Agreement No. 1 to the professional services contract with the law firm of Joe C. Tooley, Attorneys and Counselors, for additional legal services necessary for representation of the City of Dallas in the lawsuit styled Erubiel Cruz et al. v. Mark DeLaPaz et al., Civil Action No. 3:02-CV-0649-P - Not to exceed \$200,000, from \$15,000 to \$215,000 - Financing: Current Funds

Mayor Pro Tem Loza moved to approve the item.

Motion seconded by Councilmember Finkelman and unanimously adopted. (Thornton Reese, Salazar, Chaney, Fantroy, Blaydes, Rasansky absent when vote taken)

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3467

Item 4: Authorize a modification to the loan documents for the Emanuel Apartments, formerly known as Meadowgrove Apartments, with Parmer Villas Housing L.P., to extend the loan repayment period upon Project completion at 0% interest and provide for receipt of balloon payment for two notes at bond maturity (after maturity date of Bonds issued by Housing Finance Corporation or payment in full) - Financing: No cost consideration to the City

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

Councilmember Thornton Reese moved to approve the item.

Motion seconded by Mayor Pro Tem Loza and unanimously adopted. (Fantroy abstain; Salazar absent when vote taken)

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3468

Item 5: An ordinance amending Chapter 13 of the Dallas City Code to provide for the selection of associate and full-time municipal judges, including the selection of the administrative municipal judge (via Mayor Miller)

The city council took no action on this item.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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03-3469

Item 6: Authorize a twelve-month professional services contract, with four twelve-month renewal options, with The Pathfinder Group, best value bidder of eight, for a marketing income program to generate additional income for the City - The Pathfinder Group will receive 12% of the value of each negotiated marketing partnership - Estimated Revenue: \$2,300,000

The assistant city secretary announced that Councilmember Chaney had deferred consideration of item 6 until the next voting agenda meeting of the city council in accordance with Subsection 7.11 of the City Council Rules of Procedure.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3470

Item 7: An ordinance waiving the application of the minimum age requirement established by Section 2-140(c) of Chapter 2, "Administration", of the Dallas City Code as amended, to permit the appointment of Ester Davis to the Senior Affairs Commission - Financing: No cost consideration to the City

Councilmember Chaney moved to pass the ordinance.

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 Councilmember Thornton Reese voting "No". (Salazar absent when vote taken)

Assigned ORDINANCE NO. 24567.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3471

Briefings: A. Downtown Parks Master Plan

Paul Dyer, director of Parks and Recreation, briefed the city council on the item.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3472

Briefings: B. City Council Retreat

The city manager briefed the city council on the item.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3473

Briefings: C. USA Patriot Act

The city manager, Matthew D. Orwig, U.S. Attorney, Eastern District of Texas and Joe W. (Chip) Pitts III, entrepreneur/investor, briefed the city council on the item.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3474

Briefings: D. Employees' Retirement Fund Action Plan

The city manager briefed the city council on the item.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3475

Item 8: Authorize (1) formation of a five-member Employees' Retirement Fund Study Committee, (2) appointment of three members to the Employees' Retirement Fund Study Committee, (3) the Board of Trustees of The Employees' Retirement Fund to designate an appointee to the Employees' Retirement Fund Study Committee, (4) the City Manager to conduct an employee election to determine an employee representative to serve on the Employees' Retirement Fund Study Committee, (5) designation of an Employees' Retirement Fund Study Committee Chair (by the Mayor) and (6) designation of an Employees' Retirement Fund Study Committee Vice Chair (by the City Council) - Financing: No cost consideration to the City

The following individuals addressed the city council regarding the Employees' Retirement Fund Study Committee:

Chip Pitts, 11031 Cinderella Ln.
Deborah Dunn, 3220 Rose Hill Rd., Carrollton

Councilmember Lill moved to approve the item with the following changes:

- (1) Formation of a **seven-member** Employees Retirement Fund Study Committee
- (2) Appointment of **four** members to the Employees' Retirement Fund Study Committee by the city council,
- (3) Appointment of **two** members of the Employees' Retirement Fund Study Committee currently representing the city employees on the Board of Trustee of the Employees' Retirement Fund Board and;
- (4) Dallas City Retired Employees Association to designate **one** member to serve on the Employees' Retirement Fund Study Committee.

Motion seconded by Deputy Mayor Pro Tem Hill and unanimously adopted. (Thornton Reese, Salazar, Chaney, Fantroy, Blaydes absent when vote taken)

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3476

Briefings: E. General Fund - Five-Year Outlook

The city manager briefed the city council on the item.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3477

Closed Session

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

- Bell v. City of Dallas, Cause No. 3:95-CV-0383-R
- 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., Cause No. 01-4531
- Erubiel Cruz, et al. v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K
- Victor Alvarado DeLeon v. Mark DeLaPaz, et al., Cause No. 3:02-CV-1097-K
- Jacinto Jesus Mejia v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0352-K
- Loreno Escamilla v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0848-D
- Betty Jenkins v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0810-K
- George Sifuentez v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0961-D
- Yvonne Gywn v. Mark DeLaPaz, et al., Cause No. 3:03-CV-2121-K
- The Environmental Conservation Organization v. City of Dallas, Cause No. 3:03-CV-2951-M

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
- Performance Evaluation of City Auditor Thomas M. Taylor

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.)

- 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., Cause No. 01-4531
- Erubiel Cruz, et al. v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0649-K
- Victor Alvarado DeLeon v. Mark DeLaPaz, et al., Cause No. 3:02-CV-1097-K
- Jacinto Jesus Mejia v. Mark DeLaPaz, et al., Cause No. 3:02-CV-0352-K
- Loreno Escamilla v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0848-D
- Betty Jenkins v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0810-K
- George Sifuentez v. Mark DeLaPaz, et al., Cause No. 3:03-CV-0961-D
- Yvonne Gywn v. Mark DeLaPaz, et al., Cause No. 3:03-CV-2121-K

No other matters were discussed during the closed session.

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3478

NOTICE OF DEFERRED OR DELETED ITEMS

In accordance with Paragraph (d) of Section 7.11 of the City Council Rules of Procedure, the attached notices of deferred or deleted items were posted adjacent to each entrance to the city council chamber in Room 6 E North, City Hall.

7.11(d) No later than 5:30 p.m. of the Friday before each city council meeting, the city secretary shall post a list of all items appearing on the regular agenda that were deferred by a city councilmember or deleted by the city manager. No later than 5:30 p.m. of the day before each city council meeting, the city secretary shall post a list of all items appearing on the addendum to the agenda that were deferred by a city council member or deleted by the city manager. The lists must be posted adjacent to each entrance to the city council chamber in Room 6 E North. The city secretary shall not include on these lists any item described in Paragraph (a)(1), (2), (3), or (4).

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

December 17, 2003

03-3498

Non-Agenda Item

Mayor Miller announced to the City Councilmembers there would be no Special Presentations/Ceremonial Agenda or morning Open Microphone Speakers heard during the January 7, 2004 City Council Briefing Session to allow for Personnel evaluation of the City Manager, City Attorney, City Auditor and City Secretary.

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MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, DECEMBER 17, 2003

EXHIBIT C

1/13/04 10:10 AM
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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS