

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, NOVEMBER 17, 1999

99- 3720

CITY COUNCIL BRIEFING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR RON KIRK, PRESIDING

PRESENT: [13] Kirk, Poss, Loza, Miller, Thornton Reese, Hill, Mallory Caraway, Chaney,
Lipscomb, Walne, Finkelman, Blumer, Forsythe Lill
ABSENT: [2] Salazar absent; Greyson absent on city business

The meeting was called to order at 9:30 a.m.

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

The invocation was given by Major Ronald Kerley, Salvation Army.

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 5:40 p.m.

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
WEDNESDAY, NOVEMBER 17, 1999

EXHIBIT A

MINUTES OF THE DALLAS CITY COUNCIL
WEDNESDAY, NOVEMBER 17, 1999

EXHIBIT B

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OFFICE OF THE CITY SECRETARY

CITY OF DALLAS, TEXAS

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

November 17, 1999

99-3721

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

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99-3722

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: Linda Bates, 1311 W. Wheatland Rd.
SUBJECT: Contaminated lead/Injustice in West Dallas

SPEAKER: William Hopkins, 2011 Leath St.
SUBJECT: Corruption with Chief of Police/DISD Superintendent/KKK/FBI

SPEAKER: Linda Birdow, 1815 Mentor Ave. **CANCELED**
SUBJECT: Sewage

SPEAKER: William Castle, 1132 Stinnett Pl, DeSoto
SUBJECT: Deputy Fire Chief failed to stop and render aid

OPEN MICROPHONE - END SPEAKERS

SPEAKER: Jimmy Lee, P.O. Box 4994 **NO SHOW**
REPRESENTING: Relief in the Communities, Inc.
SUBJECT: Denied Justice/URSB

SPEAKER: Evelyn Daniels, 2826 Arizona Ave.
SUBJECT: Mandatory relocation to 7011 S. Hampton

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

November 17, 1999

99-3723

Action Item 1: Approval of Minutes of the October 20, 1999 City Council Meeting

The city secretary stated that the wrong meeting was posted and that the minutes of the briefing meeting of November 3, 1999 would be approved at a future meeting.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

November 17, 1999

99-3724

99-3725

Action Item 2: Consideration of appointments to boards and commissions (Closed Session, if necessary, Personnel, Sec. 551.074 T.O.M.A.)

The city secretary distributed a report showing all nominations and renominations received for city board and commission appointments for the 1999-2001 board term updated through November 17, 1999.

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, 2001.

Councilmember Loza moved to appoint all of the nominees to "individual appointment" positions in the report who meet all qualifications for service to boards and commissions of the city for the term ending August 31, 2001.

Motion seconded by Councilmember Chaney and unanimously adopted. (Salazar absent; Miller, Lipscomb, Greyson absent on city business)

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

99-3737 BOA BOARD OF ADJUSTMENT
99-3738 CPC CITY PLAN AND ZONING COMMISSION
99-3739 CPR DALLAS CITIZENS POLICE REVIEW BOARD

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

November 17, 1999

99-3726

Item 3: Authorize Supplemental Agreement No. 1 to the contract with Turner, Collie and Braden, Inc. for the preparation of additional engineering design plans for the construction of a detention basin at Umphress Park and channel improvements on Elam Creek from Lake June Road to Umphress Park - \$42,768, from \$272,323 to \$315,091 – Financing: 1995 Bond Funds

Councilmember Thornton Reese moved to approve the item.

Motion seconded by Councilmember Mallory Caraway and unanimously adopted. (Salazar absent; Greyson absent on city business; Miller, Lipscomb absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

November 17, 1999

99-3727

Item 4: Authorize an increase in the contract with Cajun Constructors, Inc. for additional work associated with grit removal modifications at the Southside Wastewater Treatment Plant - \$90,516, from \$2,843,456 to \$2,933,972 – Financing: Water Utilities Capital Construction Funds

Councilmember Mallory Caraway moved to approve the item.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted. (Salazar absent; Greyson absent on city business; Miller, Lipscomb absent when vote taken)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

November 17, 1999

99-3728

Item 5: An ordinance authorizing the issuance and sale of \$65,880,000 City of Dallas, Texas General Obligation Bonds, Series 1999; levying an ad valorem tax with respect thereto; accepting the bids and awarding the sale of the bonds; approving the Official Statement; and enacting other provisions in connection therewith – Financing: No cost consideration to the City of Dallas **(To be considered before 12:00 noon)**

Mayor Pro Tem Poss moved to approve the bond ordinance authorizing the issuance and sale of \$65,880,000 General Obligation Bonds to Goldman Sachs and Co., being the best bid for these bonds.

Motion seconded by Councilmember Lipscomb and unanimously adopted. (Salazar absent; Greyson absent on city business; Miller absent when vote taken)

Assigned ORDINANCE NO. 24110.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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99-3729

Item 6: An ordinance authorizing the issuance and sale of \$12,170,000 City of Dallas, Texas Equipment Acquisition Contractual Obligations, Series 1999; levying an ad valorem tax with respect thereto; accepting the bids and awarding the sale of the obligations; approving the Official Statement; and enacting other provisions in connection therewith – Financing: No cost consideration to the City **(To be considered before 12:00 noon)**

Mayor Pro Tem Poss moved to approve the bond ordinance authorizing the issuance and sale of \$12,170,000 Equipment Acquisition Contractual Obligations to Salomon Smith Barney, being the best bid for these obligations.

Motion seconded by Councilmember Lipscomb and unanimously adopted. (Salazar absent; Greyson on city business; Miller absent when vote taken)

Assigned ORDINANCE NO. 24111.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

November 17, 1999

99-3730

Item 7: An ordinance authorizing the issuance and sale of \$5,200,000 City of Dallas, Texas Combination Tax and Revenue Certificates of Obligation, Series 1999; levying an ad valorem tax with respect thereto; accepting the bids and awarding the sale of the Certificates of obligation; approving the Official Statement; and enacting other provisions in connection therewith – Financing: No cost consideration to the City **(To be considered before 12:00 noon)**

The following individual addressed the city council regarding the Texas Combination Tax and Revenue Certificates of Obligation:

Maelissa Watson, 6956 Lakeshore Dr.

Mayor Pro Tem Poss moved to table the ordinance authorizing the issuance and sale of the City of Dallas Series 1999 Certificates of Obligations.

Motion seconded by Councilmember Walne and unanimously adopted. (Salazar absent; Greyson absent on city business)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

November 17, 1999

99-3731

Briefings: A. Implementation of HB 1777

The city attorney and city manager briefed the city council on the item.

During discussion, Mayor Kirk 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) Open Meetings Act) to confer with the city attorney.

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

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

November 17, 1999

99-3732

Item 8: Determine base amount and category allocation in connection with the implementation of HB 1777 and authorize filing same with the Public Utility Commission by December 1, 1999 – Financing: No cost consideration to the City [**NOT APPROVED**]

-OR-

Item 9: Determine base amount and category allocation if statewide average is not selected in connection with the implementation of HB 1777 and authorize filing same with the Public Utility Commission by December 1, 1999 – Financing: No cost consideration to the City [**APPROVED**]

Councilmember Mallory Caraway moved that the base amount for the City of Dallas be 21 percent of the total sale and use tax revenue received by the City of Dallas in accordance with Subsection 283.053 (d) (2) of the Local Government Code and that the allocation ratio among the three categories established by the Public Utility Commission be set in accordance with Subsection 283.053(d) of the Local Government Code as: residential = 1, non-residential = 4.5, and point-to-point = 9.

Motion seconded by Mayor Pro Tem Poss and unanimously adopted. (Salazar absent; Greyson absent on city business)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

November 17, 1999

99-3733

Item 10: Authorize an amendment to the 1999 City Council calendar to add a special meeting on November 29, 1999 for action related to the implementation of HB 1777 – Financing: No cost consideration to the City of Dallas

Mayor Pro Tem Poss moved to table the item.

Motion seconded by Councilmember Lipscomb and unanimously adopted. (Salazar absent; Greyson absent on city business)

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

November 17, 1999

99-3734

Briefings: B. Proposed amendment to Chapter 8, Section 8-1.5 of the Dallas City Code authorizing the City Council to waive the maximum term limits established for City Board Members

The city attorney briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

November 17, 1999

99-3735

Briefings: C. Code of Ethics

The city attorney briefed the city council on the item.

BRIEFING MEETING OF THE DALLAS CITY COUNCIL

November 17, 1999

99-3736

Closed Session

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

- Debra Walker, et al. v. HUD, et al
- City of Fort Worth, Texas and American Airlines, Inc. v. City of Dallas, Texas et al., Cause No. 48-171109-97
- Continental Airlines, Inc. and Continental Express, Inc. v. City of Dallas, Texas and City of Fort Worth, Texas, et al., Cause No. 3:98-CV-1187-R (consolidated with City of Dallas, Texas v. Department of Transportation, et al., Cause No. 3:97-CV-2734-R)
- U.S. Department of Transportation
Love Field Service Interpretation Proceeding,
Docket No. OST-98-4363
- DFW Airport Bond Financing
- AT&T Communications of the Southwest, Inc. v. City of Dallas, Cause No. 3-98-CV-0003-R; GTE Southwest Incorporated v. City of Dallas, Cause No. 3-98-CV-0662-R; Southwestern Bell Telephone Company v. City of Dallas, Cause No.3-98-CV-0843-R; Teligent, Inc. v. City of Dallas, Cause No. 3-97-CV-3052-R
- Albert, et al. v. City of Dallas, Cause No. 199-697-94
- Hill, et al v. City of Dallas, Cause No. 95-00975-F
- Willis, et al. v. City of Dallas, Cause No. 199-200-95
- Barber, et al v. City of Dallas, Cause No. 199-624-95
- Parker, et al. v. City of Dallas, Cause No. 1-95-107
- Martin, et al v. City of Dallas, Cause No. 1-95-506
- City of Dallas, et al v. James C. Curry, et al.; Docket No. 94-07642-K
- Irma Jean James and Terri Lary v. City of Dallas; Civil Action No. 3:98-CV-0436-R
- Carlos Jackson and Dana Jackson v. City of Dallas; Civil Action No. 3:96-CV-0390-R
- Lee A. Bush v. City of Dallas; Civil Action No. 3:98-CV-0365-H
- Willard R. Rollins v. City of Dallas, Cause No. DV99-07805-C
- W. Dale Robinson, et al. v. City of Dallas, et al; Cause No. DV98-09055-I
- Sean Lonergan & Auzar Teherzabed v. AJ's Wrecker Service v. City of Dallas, Cause No. 3:97-CV-1311-D
- McKinney Avenue Contemporary, L.L.C., et al., v. City of Dallas, Cause No. CC-99-11750-d

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BRIEFING MEETING OF THE DALLAS CITY COUNCIL

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- City of Dallas v. Tri-City Health Centre, Inc., Cause No. CC-98-2095-b
- Ozark Airlines, Inc. v. City of Dallas, Texas, U.S. Department of Transportation - FAA Complaint
- Stacy Smith-Allen v. City of Dallas and Anselmo Lopez, Cause No. CC-98-01951-c
- Cesar Villasenor v. James Westbrook, et al., Cause No. 97-00064-A
- Elizabeth Gates, et al. v. City of Dallas, et al., Cause No. 3:96-CV-2198-D
- Emma Peterson & LaToya Dickson (sic) v. Viviano Rodriguez Reyna, Cause No. cc-99-02180-a
- John Gilhart v. City of Dallas and Tellabs Corporation, Inc., Cause No. DV98-01767-J
- Matias Lujan and Esther Lujan, Individually and as Next Friend of Sadath Lujan, a Minor, Tahirim Lujan, a Minor, and Norma Lujan, a Minor; Amalia Villinada as Next Friend of Maria Villinada, a Minor and Leticia Villinada, a Minor; and Martina Ramos, as Next Friend of Luis Rodriguez, a Minor and Belinda Rodriguez, a Minor v. City of Dallas and Gregorio Corrales, Cause No. cc-97-8228-c
- Stacy Smith-Allen v. City of Dallas and Anselmo Lopez, Cause No. cc-98-01951-c
- John and Mary Robles, Claim No. 95-101005474
- Equal Employment Opportunity Commission Charge of Discrimination No. 310-99-0131, David L. Smiles, Charging Party and City of Dallas, Respondent
- Payment to Allstate Life Insurance Company to purchase an annuity on behalf of City of Dallas employee Judith J. Smith
- Bradley Heppler, Claim No. 95-101006839-001

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.)

- AT&T Communications of the Southwest, Inc. v. City of Dallas, Cause No. 3-98-CV-0003-R; GTE Southwest Incorporated v. City of Dallas, Cause No. 3-98-CV-0662-R; Southwestern Bell Telephone Company v. City of Dallas, Cause No. 3-98-CV-0843-R; Teligent, Inc. v. City of Dallas, Cause No. 3-97-CV-3052-R

No other matters were discussed during the closed session.

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CITY COUNCIL BRIEFING
CITY COUNCIL CHAMBER, CITY HALL
MAYOR RON KIRK, PRESIDING

PRESENT: [13] Kirk, Poss, Loza, Miller, Thornton Reese, Hill, Mallory Caraway, Chaney,
Lipscomb, Walne, Finkelman, ~~Greyson~~, Blumer, Forsythe Lill

ABSENT: [2] Salazar absent; Greyson absent on city business

CORRECTION