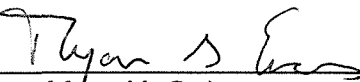


**JANUARY 6, 2010 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated January 6, 2010. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



Mary K. Suhm
City Manager

12-30-09
Date



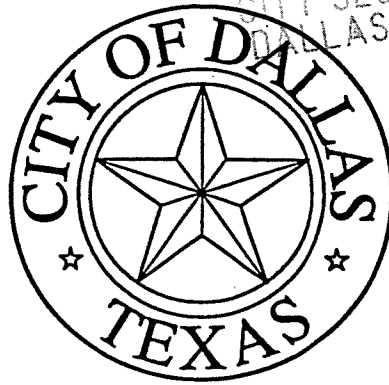
Edward Scott
City Controller

12/30/09
Date

RECEIVED

2009 DEC 30 AM 10:43

CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

January 6, 2010

DATE

(FOR GENERAL INFORMATION AND RULES OF COURTESY PLEASE SEE OPPOSITE SIDE.)

(LA INFORMACIÓN GENERAL Y REGLAS DE CORTESÍA QUE DEBEN OBSERVARSE

DURANTE LAS ASAMBLEAS DEL CONSEJO MUNICIPAL APARECEN EN EL LADO OPUESTO, FAVOR DE LEERLAS.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 before 9:00 a.m. on the meeting date. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Informacion General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaidía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner CityCable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 9 de la mañana del día de la asamblea. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesia

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, JANUARY 6, 2010
CITY HALL
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am Invocation and Pledge of Allegiance 6ES

 Special Presentations

 Open Microphone Speakers

VOTING AGENDA 6ES

1. Approval of Minutes of the December 2, 2009 City Council Meeting
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)

ITEMS FOR INDIVIDUAL CONSIDERATION

Sustainable Development and Construction

3. Authorize **(1)** submission of the list of candidate projects to the Texas Department of Transportation for the Texas Transportation Enhancement Program Call for Projects; and **(2)** acceptance and implementation of the projects selected for the Transportation Enhancement Program (list attached) - Financing: No cost consideration to the City

Briefings 6ES

- A. Atmos Energy Corporation Franchise Renewal
- B. Risk Management Overview

Lunch

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, JANUARY 6, 2010

Closed Session

6ES

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

- Hilda Zarate v. City of Dallas, Cause No. 08-02760-E
- Debra Cenicerros and Monserrat Saucedo v. The City of Dallas, Cause No. 09-01688-F
- State Farm Insurance, as subrogee of Jack Jones, Claim No. 08220477
- Joe A. Reyes et al. v. City of Dallas, Cause No. 09-00491-B
- City of Dallas v. Thos. S. Byrne, Ltd. f/k/a Thos S. Byrne, Inc. and Halff Associates, Inc. v. Steel Lite Roofing, Inc., Redland Insurance Company, J&J Roofing Company, J&J Roofing and Sheet Metal, Inc., and Travelers Casualty and Surety Company of America, Cause No. 08-01181-I
- City of Dallas v. Heather Stewart, Case No. 09-0257
- City of Dallas v. VSC, L.L.C., Case No. 08-0265
- Legal issues involving forfeiture of positions with the City pursuant to Chapter 3, Section 17 of the Dallas City Charter
- Legal issues involving City Auditor's audit of revenues from emergency ambulance fees in his audit plan for FY 2009
- Leroy White, et al. v. City of Dallas, Civil Action No. 3:09-CV-02395-F

Security Matters (Sec. 551.076 T.O.M.A.)

- Security Enhancements

Open Microphone Speakers

6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

**Candidate Projects for the Texas Department of Transportation's
2009 Transportation Enhancements Call for Projects
Agenda Item #3**

<u>Project</u>	<u>Council District</u>
1. Five Mile Creek Trail	5, 8
Construction of a 12-foot wide multipurpose trail, approximately 1.75 miles long, from Glendale Park to College Park with a connection to the DART Ledbetter light rail station.	
2. Northaven Trail	11
Construction of a 12-foot wide multipurpose trail, approximately 2.75 miles long, from the White Rock Greenbelt Trail to Preston Road, including a new bicycle/pedestrian bridge across White Rock Creek south of Forest Lane.	
3. Santa Fe Trestle Trail	2, 7
Construction of a 12-foot wide multi-purpose trail from Moore Park near the Corinth DART Station to the Trinity Levee Trail System, including the conversion of the historic Santa Fe Truss Bridge over the Trinity River into a bicycle/pedestrian facility; the project also includes a walkway to an overlook of Cedar Creek and provides trail access to the planned Standing Wave feature.	
4. Trinity Trail - Phase III-A	5
Construction of a 12-foot wide multi-purpose trail, approximately 3.65 miles long, from the Trinity River Audubon Center to the Elam Road trailhead parking at the proposed Texas Horse Park equestrian facility; it will connect to 4.5 miles of trail completed or under construction.	
5. I-20 Gateway Trail and Parking	8
Creation of a new park with trailhead access into the Great Trinity Forest at IH-20 and Dowdy Ferry - the project includes a looped trail around a small lake and landscaping; and provides access to the proposed multipurpose Trinity trail system.	
6. Traffic Control and Safety Treatments for Trail-Road Crossings	2, 9, 11, 12, 14
Implementation of a new signage, pavement marking, and lighting standard for 70 operational at-grade trail-road crossings, including treatments to improve safety in White Rock Lake Park. Trails impacted: Preston Ridge, East Dallas Veloway, Katy, White Rock Creek - North, White Rock Lake Loop, and Cottonwood.	
7. Houston Street Viaduct Bicycle/Pedestrian Link	2, 3
Extension of the existing 11-foot wide sidewalk on the north side of the Houston Street Viaduct between downtown and North Oak Cliff across the Trinity River creating a bicycle/pedestrian link between Oak Cliff and downtown.	

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

PUBLIC MEETINGS FOR JANUARY 1 - JANUARY 15, 2010

Tuesday, January 5, 2010

Civil Service Board (**Cancelled**)
8:30 a.m.
City Hall, Suite 1C-South

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 6, 2010

COUNCIL DISTRICT(S): 2, 3, 5, 7, 8, 9, 11, 12, 14

DEPARTMENT: Sustainable Development and Construction

CMO: A. C. Gonzalez, 671-8925

MAPSCO: Various

SUBJECT

Authorize **(1)** submission of the list of candidate projects to the Texas Department of Transportation for the Texas Transportation Enhancement Program Call for Projects; and **(2)** acceptance and implementation of the projects selected for the Transportation Enhancement Program (list attached) - Financing: No cost consideration to the City

BACKGROUND

On August 10, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was authorized by the United States Congress to guide surface transportation policy and provide transportation program funding. SAFETEA-LU builds on the initiatives and keeps many of the same programs established in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, and its successor, the Transportation Equity Act for the 21st Century (TEA-21) of 1998.

The Texas Transportation Enhancement (TE) Program is funded through SAFETEA-LU and is administered by the Texas Department of Transportation (TxDOT) for the Federal Highway Administration (FHWA). Ten percent of surface transportation program funds are set aside for enhancement activities. Eligible projects under the TE program include bicycle and pedestrian facilities, restoration of historic trolley or interurban rail lines and related structures, restoration of historic transit stations as new transit stations, acquisition of historic railroad rights of way for future rail and/or bicycle trails, and landscaping transportation facilities.

The Texas Department of Transportation announced a “Call for Projects” for the Texas Transportation Enhancement Program on October 9, 2009. Funding available statewide for the program is \$67.5 million. The Call for Projects is coordinated through the North Central Texas Council of Governments (NCTCOG) with project summaries due to NCTCOG by November 13, 2009 and final project nominations due to TxDOT on or before December 11, 2009.

BACKGROUND (continued)

The Transportation Enhancement Program is a reimbursement program not a grant. The federal matching funds are not available in advance. The local authority sponsoring the project will be reimbursed up to 80 percent of eligible costs for planning, development, and implementation. The local government is responsible for the 20 percent local match, as well as any non-federally fundable costs and cost overruns.

TxDOT has stated that they will give priority to projects that meet the following criteria: (1) construction plans are completed and ready to let when the project is selected, (2) federal funds are used for construction only, (3) local match is available and in cash, (4) project property has already been secured, and (5) coordination is underway with appropriate state agencies regarding environmental clearance.

Staff prepared a recommended list of candidate projects to be submitted for the Transportation Enhancement Program Call for Projects based on the TxDOT criteria. The preliminary list of projects was presented to the Council's Transportation and Environment Committee (TEC) on November 16, 2009, and was endorsed by the TEC for submission to TxDOT. TxDOT subsequently notified the City that a Council resolution is required committing to the projects' development, implementation, construction, maintenance, management, and financing. City match will not exceed \$4,900,000.

ESTIMATED SCHEDULE OF PROJECT

Submit Project Nominations to NCTCOG and TxDOT	December 11, 2009
NCTCOG Evaluation and Ranking	February 12, 2010
TxDOT-Dallas District Evaluation and Ranking	February 15, 2010
Texas Transportation Commission Selects Projects	July 2010

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 16, 2009, the Transportation and Environment Committee was briefed.

FISCAL INFORMATION

No cost consideration to the City.

**Candidate Projects for the Texas Department of Transportation's
2009 Transportation Enhancements Call for Projects**

<u>Project</u>	<u>Council District</u>
1. Five Mile Creek Trail	5, 8
Construction of a 12-foot wide multipurpose trail, approximately 1.75 miles long, from Glendale Park to College Park with a connection to the DART Ledbetter light rail station.	
2. Northaven Trail	11
Construction of a 12-foot wide multipurpose trail, approximately 2.75 miles long, from the White Rock Greenbelt Trail to Preston Road, including a new bicycle/pedestrian bridge across White Rock Creek south of Forest Lane.	
3. Santa Fe Trestle Trail	2, 7
Construction of a 12-foot wide multi-purpose trail from Moore Park near the Corinth DART Station to the Trinity Levee Trail System, including the conversion of the historic Santa Fe Truss Bridge over the Trinity River into a bicycle/pedestrian facility; the project also includes a walkway to an overlook of Cedar Creek and provides trail access to the planned Standing Wave feature.	
4. Trinity Trail - Phase III-A	5
Construction of a 12-foot wide multi-purpose trail, approximately 3.65 miles long, from the Trinity River Audubon Center to the Elam Road trailhead parking at the proposed Texas Horse Park equestrian facility; it will connect to 4.5 miles of trail completed or under construction.	
5. I-20 Gateway Trail and Parking	8
Creation of a new park with trailhead access into the Great Trinity Forest at IH-20 and Dowdy Ferry - the project includes a looped trail around a small lake and landscaping; and provides access to the proposed multipurpose Trinity trail system.	
6. Traffic Control and Safety Treatments for Trail-Road Crossings	2, 9, 11, 12, 14
Implementation of a new signage, pavement marking, and lighting standard for 70 operational at-grade trail-road crossings, including treatments to improve safety in White Rock Lake Park. Trails impacted: Preston Ridge, East Dallas Veloway, Katy, White Rock Creek - North, White Rock Lake Loop, and Cottonwood.	
7. Houston Street Viaduct Bicycle/Pedestrian Link	2, 3
Extension of the existing 11-foot wide sidewalk on the north side of the Houston Street Viaduct between downtown and North Oak Cliff across the Trinity River creating a bicycle/pedestrian link between Oak Cliff and downtown.	

January 6, 2010

WHEREAS, on August 10, 2005, President George W. Bush signed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and,

WHEREAS, on October 9, 2009, the Texas Department of Transportation (TxDOT) issued a Call for Projects for funding through the Texas Transportation Enhancement Program (TE) with a submission deadline of December 11, 2009; and,

WHEREAS, all Transportation Enhancement projects nominated by the City of Dallas must be endorsed by the City Council with a commitment to fund 20 percent of the project total cost as the required local match, as well as non-federally fundable costs and cost overruns, if the project is selected; and

WHEREAS, the required 20 percent local match can be provided from existing bond funds, other city funds, private funding sources, or can be approved in a future bond program; and,

WHEREAS, on November 16, 2009, this information and a recommended project listing were presented to and unanimously endorsed by the Council's Transportation and Environment Committee (TEC).

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager is hereby authorized to submit the project list as City Council endorsed projects to the Texas Department of Transportation for consideration in the Transportation Enhancement Program.

Section 2. That the City Manager is hereby authorized to accept the City of Dallas projects selected by the Texas Transportation Commission for the Transportation Enhancement Program.

Section 3. That the City manager is hereby authorized to develop, implement, construct, maintain and manage the selected projects, and provide the required local funding match as well as cover any non-federally fundable project costs and 100 percent of any project cost overruns, which can be funded by existing bond funds, a future city bond program, other City funds, or private funding sources.

Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

**Candidate Projects for the Texas Department of Transportation's
2009 Transportation Enhancements Call for Projects**

<u>Project</u>	<u>Council District</u>
1. Five Mile Creek Trail	5, 8
<p>Construction of a 12-foot wide multipurpose trail, approximately 1.75 miles long, from Glendale Park to College Park with a connection to the DART Ledbetter light rail station.</p>	
2. Northaven Trail	11
<p>Construction of a 12-foot wide multipurpose trail, approximately 2.75 miles long, from the White Rock Greenbelt Trail to Preston Road, including a new bicycle/pedestrian bridge across White Rock Creek south of Forest Lane.</p>	
3. Santa Fe Trestle Trail	2, 7
<p>Construction of a 12-foot wide multi-purpose trail from Moore Park near the Corinth DART Station to the Trinity Levee Trail System, including the conversion of the historic Santa Fe Truss Bridge over the Trinity River into a bicycle/pedestrian facility; the project also includes a walkway to an overlook of Cedar Creek and provides trail access to the planned Standing Wave feature.</p>	
4. Trinity Trail - Phase III-A	5
<p>Construction of a 12-foot wide multi-purpose trail, approximately 3.65 miles long, from the Trinity River Audubon Center to the Elam Road trailhead parking at the proposed Texas Horse Park equestrian facility; it will connect to 4.5 miles of trail completed or under construction.</p>	
5. I-20 Gateway Trail and Parking	8
<p>Creation of a new park with trailhead access into the Great Trinity Forest at IH-20 and Dowdy Ferry - the project includes a looped trail around a small lake and landscaping; and provides access to the proposed multipurpose Trinity trail system.</p>	
6. Traffic Control and Safety Treatments for Trail-Road Crossings	2, 9, 11, 12, 14
<p>Implementation of a new signage, pavement marking, and lighting standard for 70 operational at-grade trail-road crossings, including treatments to improve safety in White Rock Lake Park. Trails impacted: Preston Ridge, East Dallas Veloway, Katy, White Rock Creek - North, White Rock Lake Loop, and Cottonwood.</p>	
7. Houston Street Viaduct Bicycle/Pedestrian Link	2, 3
<p>Extension of the existing 11-foot wide sidewalk on the north side of the Houston Street Viaduct between downtown and North Oak Cliff across the Trinity River creating a bicycle/pedestrian link between Oak Cliff and downtown.</p>	