


**MARCH 5, 2008 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 March 5, 2008. 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

2-29-08
Date



Edward Scott
City Controller

2-29-08
Date

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DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

March 5, 2008

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 AT&T CityCable Channel 6B. 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 Alcaldía, 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 AT&T CityCable Canal 6B. 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 (*pagers*) 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, MARCH 5, 2008
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 February 20, 2008 City Council Meeting and the Special Community 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)
3. Consideration of appointments of members to the Dallas/Fort Worth International Airport Board (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A) (List of nominees is available in the City Secretary's Office)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Attorney's Office

4. Authorize settlement of the lawsuit styled Joshua Hathaway, Barbara Cabler and John Duncan v. City of Dallas, Cause No. 07-12181-D - Not to exceed \$160,000 - Financing: Current Funds
5. Authorize settlement of the lawsuit styled Ray Irvine v. City of Dallas, Civil Action No. 3:07-CV-1940-M - Not to exceed \$110,000 - Financing: Current Funds

Briefings 6ES

A. Citywide Green Building Program

11:00 a.m. - Every Child Ready to Read @ Dallas Kickoff, Dallas West Branch Library - 2332 Singleton Boulevard, Dallas, Texas 75212

Lunch

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, MARCH 5, 2008

Briefings (Continued) 6ES

B. Neighborhood Stabilization Overlay

C. ZIP Process Improvement

Closed Session 6ES

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

- Taylor Hillis, Claim No. 07182724
- Americana Food Limited Partnership, Case No. 06-34387-HDH-7
- Legal issues involving the termination of the Fleet Maintenance Contract
- Love Terminal Partners, L.P. et al. v. City of Dallas, Texas, et al.,
Appeal No. 07-11215; Love Terminal Partners, LP, et al. v. City of Dallas, et al.,
Appeal No. 05-07-00383; and the acquisition of certain leasehold interests at
Dallas Love Field with addresses of 7701 and 7777 Lemmon Avenue, including
the exercise of eminent domain if necessary
- Joshua Hathaway, Barbara Cabler and John Duncan v. City of Dallas,
Cause No. 07-12181-D
- Ray Irvine v. City of Dallas, Civil Action No. 3:07-CV-1940-M

Real Property Deliberations (Sec. 551.072 T.O.M.A.)

- The acquisition of certain leasehold interests at Dallas Love Field with addresses
of 7701 and 7777 Lemmon Avenue, including the exercise of eminent domain if
necessary

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.

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 MARCH 1 - MARCH 15, 2008

Thursday, March 6, 2008

Community Development Commission
6:00 p.m.
City Hall, Room 6ES

AGENDA ITEM # 4

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: March 5, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Thomas P. Perkins, Jr., 670-3491

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Joshua Hathaway, Barbara Cabler and John Duncan v. City of Dallas, Cause No. 07-12181-D - Not to exceed \$160,000 - Financing: Current Funds

BACKGROUND

Plaintiffs are represented by attorney Raymond D. Martinez.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council was briefed in Closed Session on February 20, 2008.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

\$160,000 - Current Funds

March 5, 2008

WHEREAS, a lawsuit styled Joshua Hathaway, Barbara Cabler and John Duncan v. City of Dallas, Cause No. 07-12181-D, was filed by Plaintiffs seeking compensation from the City of Dallas for damages due to alleged race discrimination and retaliation involving the Department of Code Compliance; and

WHEREAS, Plaintiffs, Joshua Hathaway, Barbara Cabler and John Duncan, through their attorney, Martinez and Martinez Law Firm, have agreed to settle this lawsuit for the amount of \$160,000; **Now, therefore,**

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

SECTION 1. That the settlement of the lawsuit styled Joshua Hathaway, Barbara Cabler and John Duncan v. City of Dallas, Cause No. 07-12181-D, in an amount not to exceed \$160,000 is hereby approved.

SECTION 2. That the City Controller is authorized to pay to Joshua Hathaway and Martinez and Martinez Law Firm, the amount of \$75,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

SECTION 3. That the City Controller is authorized to pay to Barbara Cabler and Martinez and Martinez Law Firm, the amount of \$35,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

SECTION 4. That the City Controller is authorized to pay to John Duncan and Martinez and Martinez Law Firm, the amount of \$50,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

SECTION 5. 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.

AGENDA ITEM # 5

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: March 5, 2008

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Thomas P. Perkins, Jr., 670-3491

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Ray Irvine v. City of Dallas, Civil Action No. 3:07-CV-1940-M - Not to exceed \$110,000 - Financing: Current Funds

BACKGROUND

Plaintiff is represented by attorney Raymond D. Martinez.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council was briefed in Closed Session on February 20, 2008.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

\$110,000 - Current Funds

March 5, 2008

WHEREAS, a lawsuit styled Ray Irvine v. City of Dallas, Civil Action No. 3:07-CV-1940-M, was filed by Plaintiff seeking compensation from the City of Dallas for damages due to alleged race discrimination and retaliation involving the Department of Code Compliance; and

WHEREAS, Plaintiff, Ray Irvine, through his attorney, Martinez and Martinez Law Firm, has agreed to settle this lawsuit for the amount of \$110,000; **Now, therefore**,

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

SECTION 1. That the settlement of the lawsuit styled Ray Irvine v. City of Dallas, Civil Action No. 3:07-CV-1940-M, in an amount not to exceed \$110,000 is hereby approved.

SECTION 2. That the City Controller is authorized to pay to Ray Irvine and Martinez and Martinez Law Firm, the amount of \$110,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

SECTION 3. 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.

