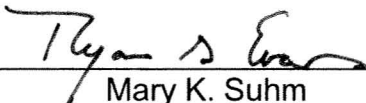


**APRIL 6, 2011 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated April 6, 2011. 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

4-1-11

Date



Edward Scott
City Controller

4/1/11

Date

RECEIVED

2011 APR -1 PM 3:21

CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

April 6, 2011

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, APRIL 6, 2011
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 March 2, 2011 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)

Briefings 6ES

- A. Urban Forestation: Regional and City of Dallas Initiatives
- B. Group Housing Facilities Regulation and Enforcement
- C. TicketCity Bowl

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

3. A resolution designating the absences by Deputy Mayor Pro Tem Pauline Medrano, Councilmember Steve Salazar, Councilmember Tennell Atkins and Councilmember Jerry Allen as being for "official city business" - Financing: No cost consideration to the City

Office of Management Services

4. Authorize Dallas City Council support for the Texas Trees Foundation's Tree North Texas Initiative - Financing: No cost consideration to the City

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, APRIL 6, 2011

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

Park & Recreation

5. Authorize a seven-year agreement with FOOTBALL STARR, INC., d/b/a TicketCity Bowl, a Texas for-profit corporation, ("Football Starr") for the City to provide the Cotton Bowl Stadium to Football Starr to hold a New Year's Day game in the Cotton Bowl Stadium each of January 2012, 2013, 2014, 2015, 2016, 2017, and 2018 - Estimated Revenue: \$200,000 over next four years
6. Authorize a third amendment to the Fair Park Contract (hereinafter "Agreement") with the State Fair of Texas for marketing Fair Park - Estimated Revenue Foregone: \$200,000 over the next four years

Lunch

Briefings (Continued)

6ES

- D. 82nd Session - State Legislative Update
- E. 2011 Redistricting: 2010 Census Data and Process
- F. 2011 Redistricting Guidelines

Closed Session

6ES

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

- Association of Taxicab Operators, USA v. City of Dallas, Civil Action No. 3:10-CV-769-K and legal issues involving Ordinance No. 27831
- Kenneth E. Albert et al. v. City of Dallas et al., No. 199-697-94;
Anthony Arredondo et al. v. City of Dallas et al., No. 199-1743-99;
David L. Barber et al. v. City of Dallas et al., No. 199-624-95;
David S. Martin et al. v. City of Dallas, No. 1-95-506;
George G. Parker et al. v. City of Dallas, No. 1-95-107;
Kevin Michael Willis et al. v. City of Dallas et al., No. 199-00200-95;
City of Houston v. Steve Williams, et al., Cause No. 09-0770
- United States of America ex rel. Doug Moore, et al. v. City of Dallas, et al., Civil Action No. 3:09-CV-1452-O
- Legal issues involving DFW General Counsel Position

Attorney Briefings (Sec. 551.071 T.O.M.A.), Real Property Deliberations (Sec. 551.072 T.O.M.A.) and Economic Development Deliberations (Sec. 551.087 T.O.M.A.)

- City of Dallas v. James H. Addison, et al., Cause No. 06-12538-A and Preston Center Parking Garage

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, APRIL 6, 2011

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 APRIL 1 - APRIL 15, 2011

Tuesday, April 5, 2011

Civil Service Board (**Cancelled**)

8:30 a.m.

City Hall Suite 1C-South

Memorandum



DATE **APRIL 1, 2011**

TO **HONORABLE MAYOR AND
MEMBERS OF THE CITY COUNCIL**

SUBJECT **BOARDS AND COMMISSIONS NOMINEES/RENOMINEES**

The following board and commission nominees/renominees will be considered on April 6, 2011 for appointment.

The list represents the following category for your consideration:

- Individual Nominees/Renominees

The nominee meets all qualifications for service on these boards.

If you need additional information, please advise.


Deborah Watkins
City Secretary

c: Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney

**CITY OF DALLAS BOARDS AND COMMISSIONS
NOMINEES FOR INDIVIDUAL APPOINTMENTS
CLEARED FOR COUNCIL ACTION**

CPR DALLAS CITIZENS POLICE REVIEW BOARD

12 N. ANNA VILLARREAL NOMINATED REC 02/17/2011

H F 12 I Appointed by NATINSKY

PLA PERMIT AND LICENSE APPEAL BOARD

14 GAYNELL C. METHVIN NOMINATED REC 02/24/2011

W M 09 I Appointed by HUNT

SAC SENIOR AFFAIRS COMMISSION

13 FRIEDA HUDSPETH NOMINATED REC 02/14/2011

W F 13 I Appointed by MARGOLIN

55+ Yoa

AGENDA ITEM # 3

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

AGENDA DATE: April 6, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Deborah Watkins, 670-0653

MAPSCO: N/A

SUBJECT

A resolution designating the absences by Deputy Mayor Pro Tem Pauline Medrano, Councilmember Steve Salazar, Councilmember Tennell Atkins and Councilmember Jerry Allen as being for "official city business" - Financing: No cost consideration to the City

BACKGROUND

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city councilmember, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city councilmember's compensation...for that year will be reduced proportionately by the number of meetings missed... Meetings missed by a city councilmember while he or she is on official business of the city and at the direction of the city council will not be counted towards the percentage of meetings missed for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a councilmember for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the councilmember has been appointed by the mayor, or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city councilmember for purposes of determining the councilmember's annual compensation.

BACKGROUND (continued)

Section 4.11 (c) of the City Council Rules of Procedure provides that in addition to those absences automatically considered to be on "official city business at the direction of the city council," under Section 4.11(b) above, the city council may by resolution designate whenever a councilmember's absence is for official city business and not counted as a missed meeting for purposes of determining the councilmember's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

Section 4.12 (a) of the City Council Rules of Procedure provides that "If a city councilmember is absent from more than 50 percent of a regular city council meeting, or more than 50 percent of a regular meeting of a city council committee to which he or she is assigned, and he or she is not on official city business at the direction of the city council as approved under Subsection 4.11 of these Rules, the member will be deemed to be absent from the meeting, and the absence will be counted against the member for purposes of determining the member's annual compensation under Chapter III, Section 4 of the Dallas City Charter."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

April 6, 2011

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part:

If any city councilmember, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city councilmember's compensation ... for that year will be reduced proportionately by the number of meetings missed.... Meetings missed by a city councilmember while he or she is on official business of the city and at the direction of the city council will not be counted towards the percentage of meetings missed for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a councilmember for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the councilmember has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city councilmember for purposes of determining the councilmember's annual compensation; and

WHEREAS, Section 4.11 (c) of the City Council Rules of Procedure provides that in addition to those absences automatically considered to be on "official city business at the direction of the city council," under Section 4.11(b) above, the city council may by resolution designate whenever a councilmember's absence is for official city business and not counted as a missed meeting for purposes of determining the councilmember's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Section 4.12 (a) of the City Council Rules of Procedure provides that "If a city councilmember is absent from more than 50 percent of a regular city council meeting, or more than 50 percent of a regular meeting of a city council committee to which he or she is assigned, and he or she is not on official city business at the direction of the city council as approved under Subsection 4.11 of these Rules, the member will be deemed to be absent from the meeting, and the absence will be counted against the member for purposes of determining the member's annual compensation under Chapter III, Section 4 of the Dallas City Charter."

WHEREAS, Deputy Mayor Pro Tem Pauline Medrano, Councilmember Steve Salazar, Councilmember Tennell Atkins and Councilmember Jerry Allen participated in various events as noted in **Exhibit A**, attached, which required each to miss more than 50 percent of a city council, and/or council committee meetings; and

April 6, 2011

WHEREAS, the purpose for participating in these various meetings required Deputy Mayor Pro Tem Pauline Medrano, Councilmember Steve Salazar, Councilmember Tennell Atkins and Councilmember Jerry Allen to miss more than 50 percent of a city council, and/or council committee meetings as noted in **Exhibit A** attached; **Now, Therefore,**

BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF DALLAS

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the purposes for Deputy Mayor Pro Tem Pauline Medrano, Councilmember Steve Salazar, Councilmember Tennell Atkins and Councilmember Jerry Allen being absent from more than 50 percent of city council, and/or council committee meetings as noted in **Exhibit A** attached, are hereby deemed to be for "official city business" and any absences associated with being absent from part of these council committee meetings will not be counted against Deputy Mayor Pro Tem Pauline Medrano, Councilmember Steve Salazar, Councilmember Tennell Atkins and Councilmember Jerry Allen in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11 of the City Council Rules of Procedure, the City Secretary shall maintain a record of this absence so that such absence will not count against Deputy Mayor Pro Tem Pauline Medrano, Councilmember Steve Salazar, Councilmember Tennell Atkins and Councilmember Jerry Allen in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas and it is accordingly so resolved.

EXHIBIT A
CITY COUNCIL MEMBER(S)
TRIPS – REQUEST ABSENT ON OFFICIAL CITY BUSINESS

COUNCILMEMBER	TRIP/EVENT	LOCATION	DATE	PURPOSE	MEETING(S) MISSED	STATUS
Pauline Medrano	National Association of Latino Elected Officials Redistricting Committee	Washington, D.C.	02/07/11 - 02/10/11	Participate in the NALEO Redistricting Committee	Trinity River Corridor Project - 02/08/11 City Council Meeting - 02/09/11	Complete
Pauline Medrano	Meeting with members of the Texas Legislature	Austin, Texas	02/28/11 - 03/01/11	Meeting with members of the Texas Legislature	Transportation Committee - 02/28/11	Complete
Jerry Allen	Texas Senate's Business and Commerce Committee meeting	Austin, Texas	02/22/11	Testify before the Texas Senate's Business and Commerce Committee hearing on pay day lending	Economic Development Committee - 02/22/11 Public Safety Committee - 02/22/11	Complete
Tennell Atkins	Meeting in District 8	Dallas, Texas	02/22/11	Meeting with District 8 constituents	Economic Development Committee - 02/22/11	Complete
Tennell Atkins	Texas Black Caucus Conference	Austin, Texas	02/28/11	Attend presentation of the Outstanding Community Leader Award given by the Texas Black Caucus Conference	Transportation and Environment Committee - 02/27/11	Complete
Steve Salazar	Texas Legislative Session Reception	Austin, Texas	02/16/11	Attend Texas Legislative Session Reception	City Council Meeting - 02/16/11	Complete

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: April 6, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Management Services
Office of Environmental Quality

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize Dallas City Council support for the Texas Trees Foundation’s Tree North Texas Initiative – Financing: No cost consideration to the City

BACKGROUND

Tree North Texas is a regional initiative with a goal to plant 3 million trees in the next 10 years. It is planned to be the largest regional tree planting initiative in the country. It is anticipated that up to 70 North Texas cities will pledge support. Texas Trees Foundation will manage the initiative, providing resources for education, executing contracted or volunteer plantings, facilitating charitable giving, and managing grants.

Pledging support to Tree North Texas will result in the City of Dallas continuing and improving upon efforts to educate and promote planting trees. The City has several initiatives in place, such as the Urban Forest Advisory Committee, the City Forester and Arborist positions, the Dallas Reforestation Fund, the Adopt-A-Median program, the Citizen Forester program, and the honor of receiving the “Tree City USA” designation from the Arbor Day Foundation for six years.

Tree plantings as a result of these initiatives, as well as trees planted in parks, golf courses, and other City-owned properties will count towards the regional goal. Trees planted on private property as a result of requirements of the Dallas Development Code or initiatives by homeowner groups or neighborhood associations would also count. As part of the initiative, Texas Trees Foundation is creating a website where individuals or groups can register their tree planting(s) that will be used to track the numbers.

BACKGROUND (continued)

The City of Dallas's environmental policy emphasizes the importance of environmental stewardship and sustainable development. Trees have many environmental benefits, including improving air quality, decreasing erosion of topsoil, reducing energy costs, moderating temperature, providing habitat for our wildlife and beautifying our communities. In addition, properly planned and managed green infrastructure can save municipal governments millions of dollars in air and storm water management costs as well as energy costs, helps meet federal regulatory requirements for air and water quality, and increases property values.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

April 6, 2011

WHEREAS, Texas Trees Foundation, a nonprofit organization dedicated to creating healthy communities through tree planting, education, and advocacy, is seeking partners for the Tree North Texas initiative; and

WHEREAS, Tree North Texas is a large tree planting initiative involving public and private sector partners with a plan to plant 3 million trees in North Texas over the next 10 years; and

WHEREAS, the City of Dallas adopted an environmental policy which emphasizes the importance of environmental stewardship and sustainable development; and

WHEREAS, the City prides itself on working towards implementing measures designed to preserve and protect the limited natural resources around us; and

WHEREAS, the City of Dallas recognizes the importance of trees and their many benefits including improving air quality, decreasing erosion of topsoil, reducing energy costs, moderating temperature, providing habitat for our wildlife and beautifying our communities; and

WHEREAS, properly planned and managed green infrastructure saves municipal governments millions of dollars in air and storm water management costs, helps cities meet federal regulatory requirements for air and water quality, and increases property values; and

WHEREAS, as expressed through the development of the City's Comprehensive Plan and the Renaissance Plan, citizens consider trees, clean air, clean water and beautification a top value and concern for how the city should look and feel in the decades to come; and

WHEREAS, the City's commitment to the protection and planting of trees is shown through city initiatives such as forming the Urban Forest Advisory Committee, creating the City Forester and Arborist positions, establishing the Dallas Reforestation Fund, coordinating the Adopt-A-Median program, establishing the Citizen Forester program, and the honor of receiving the "Tree City USA" designation from the Arbor Day Foundation for six years; and

WHEREAS, to continue this commitment to the protection and planting of trees the City of Dallas supports the Texas Trees Foundation's Tree North Texas Initiative and agrees to participate in order to help the Foundation reach its goal of planting 3 million trees in the North Texas region over the next 10 years; **Now, Therefore,**

April 6, 2011

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

Section 1. That the Dallas City Council supports the Texas Trees Foundation's Tree North Texas Initiative.

Section 2. That the City Manager be authorized to participate in this initiative through the City's existing urban forestry programs.

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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: April 6, 2011
COUNCIL DISTRICT(S): 7
DEPARTMENT: Park & Recreation
CMO: Paul D. Dyer, 670-4071
MAPSCO: 45Q

SUBJECT

Authorize a seven-year agreement with FOOTBALL STARR, INC., d/b/a TicketCity Bowl, a Texas for-profit corporation, (“Football Starr”) for the City to provide the Cotton Bowl Stadium to Football Starr to hold a New Year’s Day game in the Cotton Bowl Stadium each of January 2012, 2013, 2014, 2015, 2016, 2017, and 2018 - Estimated Revenue: \$200,000 over next four years

BACKGROUND

On January 1, 2011, the inaugural TicketCity Bowl was held in the Cotton Bowl Stadium featuring a Big 12 and a Big Ten Conference Team. The City of Dallas supported the efforts to bring a new bowl game to the Cotton Bowl Stadium by **(1)** providing facilities, personnel and services to promote local economic development and to stimulate business and commercial activity in the City of Dallas, and more particularly within the South Dallas/Fair Park area; **(2)** the creation of a grant program, pursuant to Chapter 380 of the Local Government Code, under the Public/Private Partnership Program guidelines and criteria to allow the use of City funds to support the Dallas Football Classic Bowl Game (TicketCity Bowl) and associated events at Fair Park; and **(3)** entering into an escrow and contingent grant agreement with Comerica Bank providing for escrow of game revenues and a contingent 380 grant from game revenues pursuant to such program – Revenue: \$400,000.

The City Council approved an economic incentive to Comerica Bank to induce the bank to provide a \$2 million letter of credit to the benefit of the NCAA and assigned to the teams selected to play in the Bowl Game, as a backup support for the Host’s promised payments to the teams for participating in the TicketCity Bowl. The purpose of providing funding for this game is to **(1)** create vibrancy and activity in Fair Park; and **(2)** increase in the economic impact to the City through the bed tax and other taxes.

BACKGROUND (continued)

The City and Football Starr, Inc. desire to enter into a seven-year agreement where the City will provide the Cotton Bowl Stadium to Football Starr to host the New Year's Cotton Bowl football game at Fair Park each January of 2012, 2013, 2014, 2015, 2016, 2017, and 2018. The annual game will feature teams from the Big Ten, Big 12, and/or Conference USA. Holding the game at the Cotton Bowl Stadium along with the advertising broadcasting, news media, and promotion activities related to the TicketCity Bowl, will attract tourists to the City and Fair Park, providing significant economic impact to the City, increase business opportunities throughout the City, and portray the City nationally in a positive fashion.

Securing a long-term agreement will insure that the bowl game will be contractually bound to be played in the Cotton Bowl Stadium for the next seven years, contingent upon continued licensing of the bowl game by the NCAA.

The bowl will pay \$50,000 to Fair Park for park programs and marketing for the first four years of the contract.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized the creation of a grant program to allow the use of Dallas Football Classic Bowl Game revenues to support the bowl and an escrow agreement for game revenues, capped at \$400,000, was established on April 7, 2010 by Resolution No. 10-0848.

City Council authorized execution of the Other Events Trust Fund Agreement with the Texas Comptroller of Public Accounts for the benefit of the 2011 TicketCity Classic Bowl Game for the period of December 8, 2010 through December 31, 2011; and the acceptance and deposit of funds from the Dallas Convention & Visitors Bureau in the amount of \$57,798 to be deposited in the Other Events Trust Fund with the State Comptroller of Public Accounts on March 9, 2011 by Resolution No. 11-0681.

FISCAL INFORMATION

Estimated Revenue: \$200,000 over next four years

April 6, 2011

WHEREAS, the City of Dallas supported the efforts to bring a new bowl game to the Cotton Bowl Stadium on January 1, 2011, the inaugural TicketCity Bowl by providing facilities, personnel and services to promote local economic development and to stimulate business and commercial activity in City of Dallas, and more particularly within the South Dallas/Fair Park area; and

WHEREAS, in furtherance of these programs, or as an additional program, and to promote within the City of Dallas, and particularly within the South Dallas/Fair Park area **(1)** development and diversification of the economy; **(2)** elimination of unemployment and underemployment; and **(3)** development and expansion of commerce, the City desires to enter into a seven-year agreement with FOOTBALL STARR, INC., d/b/a TicketCity Bowl, a Texas for-profit corporation, to host the New Year's Day Cotton Bowl football game in the Cotton Bowl Stadium at Fair Park each January of 2012, 2013, 2014, 2015, 2016, 2017, and 2018; and

WHEREAS, the TicketCity Bowl desires to play the next seven football games in the Cotton Bowl Stadium selecting teams from the Big 10, Big 12 and/or Conference USA; and;

WHEREAS, holding the game at the Cotton Bowl Stadium along with the advertising broadcasting, news media, and promotion activities related to the TicketCity Bowl, will attract tourists to the City and Fair Park, increase business opportunities throughout the City, and portray the City nationally in a positive fashion. **Now, Therefore,**

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

SECTION 1. That **(1)** a seven-year agreement with FOOTBALL STARR, INC. is hereby approved to hold a bowl game in the Cotton Bowl Stadium each January of 2012, 2013, 2014, 2015, 2016, 2017, and 2018; **(2)** FOOTBALL STARR, INC. will pay \$50,000 to the City of Dallas by March 1st of 2012, 2013, 2014 and 2015 for Fair Park programs and marketing, and **(3)** that the City Manager is hereby authorized to execute the agreement, following approval as to form by the City Attorney.

SECTION 2. That FOOTBALL STARR, INC. will provide NCAA football teams ranked highly in the Big 10 Conference, Big 12 Conference and/or Conference USA to play in the Cotton Bowl annually.

SECTION 3. That the agreement shall provide for termination by the City Manager, without liability.

SECTION 4. That the City Controller be and is hereby authorized to receive and deposit funds in Fund 0001, Dept PKR, Unit 5206, Revenue Source 7219.

April 6, 2011

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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: April 6, 2011
COUNCIL DISTRICT(S): 7
DEPARTMENT: Park & Recreation
CMO: Paul D. Dyer, 670-4071
MAPSCO: 45Q

SUBJECT

Authorize a third amendment to the Fair Park Contract (hereinafter "Agreement") with the State Fair of Texas for marketing Fair Park - Estimated Revenue Foregone: \$200,000 over the next four years

BACKGROUND

On August 28, 2002, the City Council approved the Agreement between the City of Dallas and State Fair of Texas, Inc. for a twenty-five year term, with two five-year extensions. (Council Resolution 02-2405) to provide a location for the annual (SFT). Following is the annual rental fee that was due to the City of Dallas from SFT over the terms of the original Agreement:

2003 through 2007	\$ 950,000
2008 through 2012	\$1,150,000
2013 through 2017	\$1,350,000
2018 through 2022	\$1,550,000
2023 through 2027	\$1,750,000

As an additional consideration under the Agreement, the State Fair of Texas pays a marketing fee to the City of Dallas in the amount of \$50,000 to provide for marketing and community programs involving Fair Park, as determined by the City, in its sole and absolute discretion. The payment is due to the City of Dallas on or before January 15th of each year.

On December 5, 2005, the City Council was briefed on potential improvements and funding strategies for the Cotton Bowl Stadium in an effort to secure long-term commitments from NCAA football teams and to position the Cotton Bowl Stadium as a premier college football and international soccer venue. The projected economic impact from current and potential future games over a ten year period of \$1.49 billion.

BACKGROUND (continued)

The State Fair of Texas agreed to provide certain improvements to the Cotton Bowl Stadium totaling an estimated \$19.5 million, if the City of Dallas would accept these agreed Cotton Bowl improvements as in-kind payment of the contractual annual rental fees instead of cash payment of rent for a defined period. The cash rental deferment will be October 1, 2006 through first quarter of 2018.

The State Fair of Texas provided the other costs and financing for the Cotton Bowl improvements through approval of Amendment #1 of the Agreement between the State Fair of Texas and the City of Dallas. These improvements consisted of a new scoreboard and video board costing 19.5M that were installed by the SFT in September 2006.

The City of Dallas Park and Recreation Department would receive these Cotton Bowl improvements as in kind payments reflected in the following annual rent payments due from the State Fair of Texas:

2006	\$ 237,500 (last quarterly payment)
2007	\$ 950,000
2008	\$ 1,150,000
2009	\$ 1,150,000
2010	\$ 1,150,000
2011	\$ 1,150,000
2012	\$ 1,150,000
2013	\$ 1,350,000
2014	\$ 1,350,000
2015	\$ 1,350,000
2016	\$ 1,350,000
2017	\$ 1,350,000
2018	<u>\$ 212,500</u>
Total	\$13,900,000

These calculations are based on State Fair of Texas borrowing \$4.9 million at 6.6% for 36 months and the remaining \$15.0 million at approximately 7% for 144 months for a total principal and interest of \$27.8 million. Under the First Amendment to the Agreement, the cash payment to the City over the next thirteen years will be reduced by an aggregate of \$13.9 million which is equivalent to one-half of the State Fair of Texas financed cost of the scoreboard and videoboard.

Also, on October 22, 2008, the City Council, per Resolution No. 08-2858, amended (amendment #2) the Agreement to allow State Fair of Texas the right to enter into naming rights contracts for the Cotton Bowl Stadium and Summer Place Park Operation.

BACKGROUND (continued)

The City is proposing to amend the Agreement to direct the \$50,000 annual marketing fee to the Dallas Convention and Visitor's Bureau for marketing Fair Park. These payments shall be made by the State Fair of Texas to the DCVB on or before January 15 of 2012, 2013, 2014 and 2015 for the DCVB to fund Fair Park marketing initiatives.

In this proposed third amendment the City is proposing to amend the agreement to waive the \$50,000 marketing fee due to the City, for four years to allow the State Fair of Texas to pay the Dallas Convention and Visitors Bureau \$200,000 up front to assist in paying Bowl game team payouts.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board approved a twenty-five year agreement on August 15, 2002.

Authorized a twenty-five year agreement on August 28, 2002, by Resolution No. 02-2405.

Briefed to City Council on December 5, 2005, by Resolution No. 05-3379.

Authorized the first amendment to the agreement on August 9, 2006, by Resolution No. 06-2070.

Authorized the second amendment to the agreement on October 22, 2008, by Resolution No. 08-2858.

FISCAL INFORMATION

Estimated Revenue Foregone: \$200,000 over the next four years

April 6, 2011

WHEREAS, on August 28, 2002, the City Council approved a Fair Park Contract (hereinafter "Agreement") between the City of Dallas and State Fair of Texas ("State Fair") for a period of 25 years with two five-year extensions for use of Fair Park to host the annual State Fair; and

WHEREAS, under the Agreement, State Fair shall pay an annual rental fee beginning initially at \$950,000 and increasing every five years to an annual rate of \$1,750,000 for the last five years of the 25-year agreement; and

WHEREAS, on August 9, 2006, by Resolution No. 06-2070, the City Council authorized a First Amendment to the Agreement that identified certain improvements to the Cotton Bowl Stadium at Fair Park totaling an estimated \$19,500,000 (the "Phase I Improvements"); and

WHEREAS, State Fair has agreed to provide the Phase 1 Improvements totaling \$19,500,000 if the City of Dallas will accept in-kind payment of rent instead of cash payment of rent totaling approximately \$13.9 million; and

WHEREAS, on October 22, 2008, by Resolution No. 08-2858, the City Council authorized a Second Amendment to the Agreement to allow State Fair the right to enter into naming rights contracts for the Cotton Bowl Stadium and Summer Place Park Operation; and

WHEREAS, the agreement further provides that the State Fair of Texas will pay an annual marketing fee of \$50,000 to the City of Dallas to provide for marketing and community programs involving Fair Park as determined by the City in its sole and absolute discretion; and

WHEREAS, the City of Dallas has determined that it is in the best interests of the City that the marketing fee be paid to the Dallas Convention and Visitors Bureau (DCVB) for marketing purposes, rather than to the City; and

WHEREAS, in this proposed third amendment the City is proposing to amend the agreement to waive the \$50,000 marketing fee due to the City, for four years to allow the State Fair of Texas to pay the Dallas Convention and Visitors Bureau \$200,000 up front to assist in paying Bowl game team payouts.

Now, Therefore,

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

April 6, 2011

SECTION 1. That the City Manager, upon approval by the City Attorney as to form, is hereby authorized to enter into a supplement to the Agreement with State Fair that will provide that the State Fair will pay the annual \$50,000 marketing fee due to the City to the DCVB for 2012, 2013, 2014 and 2015 for marketing Fair Park.

SECTION 2. 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.