

**AUGUST 15, 2012 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

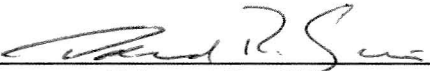
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated August 15, 2012. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the 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

8/10/12

Date



Edward Scott
City Controller

8/10/12

Date

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2012 AUG 10 PM 4: 12

CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

August 15, 2012

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, AUGUST 15, 2012
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 August 1, 2012 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

City Secretary's Office

3. An ordinance ordering a special election to be held in the City of Dallas on Tuesday, November 6, 2012, for the purpose of authorizing general obligation bonds by the qualified voters of the City for funding street improvements, flood protection and storm drainage facilities, and economic development programs - Financing: No cost consideration to the City

Briefings 6ES

- A. Trinity Lakes Project: Potential Phase I Design & Construction
- B. Property Tax Rate: Legal Options and Discussion

Office of Financial Services

4. Authorize **(1)** public hearings to be held on August 27, 2012 and September 10, 2012 to receive comments on a proposed tax rate; and **(2)** a proposal to consider adoption of a 79.70¢/\$100 valuation tax rate, or a lower rate as may be proposed by the City Council on September 19, 2012 - Financing: No cost consideration to the City

Lunch

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, AUGUST 15, 2012

Briefings (Continued) 6ES

C. City Hall Security Table Top Exercises

Closed Session 6ES

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

- Legal issues regarding gas drilling and production.
- Tony Castleberg v. City of Dallas, Cause No. 3:09-CV-1354-M
- Columbia Packing of Texas, Ltd. et al. v. City of Dallas et al., Cause No. DC-12-04747

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.

AGENDA ITEM # 3

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

AGENDA DATE: August 15, 2012

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary
City Attorney's Office

CMO: Rosa A. Rios, 670-5654
Thomas P. Perkins, Jr., 670-3491

MAPSCO: N/A

SUBJECT

An ordinance ordering a special election to be held in the City of Dallas on Tuesday, November 6, 2012, for the purpose of authorizing general obligation bonds by the qualified voters of the City for funding street improvements, flood protection and storm drainage facilities, and economic development programs - Financing: No cost consideration to the City

BACKGROUND

This action orders a special election for the purpose of submitting to the qualified voters of the City general obligation bonds to be used to fund permanent public improvements. Section 3.005(c) of the Texas Election Code states in part that "an election to be held on the date of the general election for state and county officers...be ordered not later than the 78th day before election day." The November 6, 2012 election date is the general election for state and county officers in the State of Texas. The 78th day before election day is August 20, 2012. The City Council has held numerous briefings, public hearings, and workshops on the 2012 capital bond program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

This action has no cost consideration to the City.

ORDINANCE NO. _____

An ordinance ordering a bond election to be held in the city of Dallas on November 6, 2012, for the purpose of authorizing general obligation bonds; prescribing the form of the ballot; designating polling places; providing for the use of an electronic voting system for early voting by personal appearance, a computerized voting system for early voting by mail, and electronic and computerized voting systems for voting on election day; permitting only resident qualified voters to vote; providing for early voting; providing for an early voting ballot board to process early voting; providing for notice of the election; and providing an effective date.

WHEREAS, the city council of the city of Dallas has determined that it is advisable that an election should be called for the purpose of submitting propositions for the issuance of general obligation bonds of the city for the purposes stated in the listed propositions; and

WHEREAS, the city council finds and declares that the meeting at which this ordinance is considered is open to the public as required by law, and that public notice of the time, place, and purpose of the meeting was given as required by Chapter 551, Texas Government Code, as amended; Now, Therefore,

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

SECTION 1. That a bond election is ordered to be held in the city of Dallas on Tuesday, November 6, 2012, which date, being not less than 78 days or more than 90 days from the effective date of this ordinance, is a uniform election date as defined in the Texas Election Code, as amended. At the election, the following propositions will be submitted to the qualified voters of the city:

PROPOSITION NO. 1

Shall the city council of the city of Dallas, Texas, be authorized to issue general obligation bonds of the city in the aggregate principal amount of \$260,625,000 for the purpose of providing funds for permanent public improvements, to-wit: planning, designing, constructing, reconstructing, improving, extending, and expanding streets, thoroughfares, freeways, alleys, sidewalks, bridges, and pedestrian and bike ways, including related storm drainage facilities and improvements, signalization, signage, video roadside cameras, and other traffic and signal controls, street lighting, landscaping, streetscape and median improvements, and the acquisition of land therefor; said bonds to mature serially over a period not to exceed twenty (20) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the city council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?

PROPOSITION NO. 2

Shall the city council of the city of Dallas, Texas, be authorized to issue general obligation bonds of the city in the aggregate principal amount of \$326,375,000 for the purpose of providing funds for permanent public improvements, to-wit: planning, designing, constructing, renovating, repairing, replacing, and expanding flood protection and storm drainage facilities and improvements, including erosion control, flood management and storm drainage relief improvements, including the relocation of utilities and the acquisition of land and subsurface easements therefor; said bonds to mature serially over a period not to exceed twenty (20) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the city council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?

PROPOSITION NO. 3

Shall the city council of the city of Dallas, Texas, be authorized to issue general obligation bonds of the city in the aggregate principal amount of \$55,000,000 for the purpose of providing funds for the following public purpose, to-wit: promoting economic development in the Southern area of the city, and promoting economic development in other areas of the city in connection with transit-oriented development, through planning, designing, constructing, improving, extending and expanding public street, utility and other infrastructure facilities, including the acquisition of land therefor, and through funding the city's programs

for economic development including the acquisition of improved and unimproved properties, the demolition of existing structures, making loans and grants of bond proceeds and otherwise providing assistance for private commercial, industrial, retail, residential and mixed-use development; said bonds to mature serially over a period not to exceed twenty (20) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the city council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?

SECTION 2. That electronic and computerized voting systems must be used for voting at and on the date of the bond election in compliance with the provisions of the Texas Election Code, as amended, and the vote must be upon an official ballot submitting the propositions in substantially the following form, so as to permit voters to vote "FOR" or "AGAINST" the propositions:

PROPOSITION NO. 1

“THE ISSUANCE OF \$260,625,000 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENTS”

PROPOSITION NO. 2

“THE ISSUANCE OF \$326,375,000 GENERAL OBLIGATION BONDS FOR FLOOD PROTECTION AND STORM DRAINAGE FACILITIES”

PROPOSITION NO. 3

“THE ISSUANCE OF \$55,000,000 GENERAL OBLIGATION BONDS TO PROMOTE ECONOMIC DEVELOPMENT IN THE SOUTHERN AREA OF THE CITY, AND IN OTHER AREAS OF THE CITY IN CONNECTION WITH TRANSIT-ORIENTED DEVELOPMENT, BY PROVIDING PUBLIC INFRASTRUCTURE AND FUNDING THE CITY’S ECONOMIC DEVELOPMENT PROGRAMS FOR SUCH AREAS”

SECTION 3. That the manner of conducting the election must be in accordance with the ordinances and charter of the city of Dallas and the laws of the State of Texas applicable to the holding of bond elections. The official ballots, together with such other election materials as are required by the Texas Election Code, as amended, must be printed in both the English and Spanish languages and must contain such provisions, markings, and language as may be required by law.

SECTION 4. That the boundaries of the election precincts in which the election is to be held are defined by Ordinance No. 20231, as amended by Ordinance Nos. 20741, 21350, 21579, 22343, 22693, 23348, 24800, 25696, 27484, and 28147, except that where those election precincts are different from the election precincts adopted, respectively, by Dallas, Denton, and Collin Counties for the November 6, 2012 election, the county election precincts will be used instead as required by Sections 42.002 and 42.0621 of the Texas Election Code, as amended. Locations of the polling places in the respective election precincts in Dallas, Denton, and Collin Counties are as designated in Exhibit A, attached to and made a part of this ordinance by reference. The elections administrator for the bond election may, without further council action, make such changes in polling locations as may be necessary for the proper conduct of the election. Each polling place must be open from 7:00 a.m. to 7:00 p.m. on the date of the election.

SECTION 5. That each voter must vote in the precinct in which the voter resides, and only resident qualified voters are entitled to vote.

SECTION 6. That a person qualified to vote and residing in the city of Dallas, but not within any precinct described in Ordinance No. 20231, as amended by Ordinance Nos. 20741, 21350, 21579, 22343, 22693, 23348, 24800, 25696, 27484, and 28147 (and not within any Dallas, Denton, or Collin County election precinct required to be used instead by the city of Dallas in the

November 6, 2012 election pursuant to Sections 42.002 and 42.0621 of the Texas Election Code, as amended) may vote in the precinct nearest the person's residence, and for that purpose the person's residence will be considered as part of that city election precinct. A person who has registered in a city election precinct, but whose residence is not in the city of Dallas, is not entitled to vote in the election even though the person may own property subject to taxation in the city.

SECTION 7. That early voting by personal appearance will be by the use of an electronic voting system in accordance with the Texas Election Code, as amended. Early voting by mail will be by the use of a computerized voting system in accordance with the Texas Election Code, as amended. Early voting in Dallas, Denton, and Collin Counties will be conducted at the locations and during the dates and times designated in Exhibit B, attached to and made a part of this ordinance by reference. The elections administrator for the bond election may, without further council action, make such changes in early voting dates, times, and locations as may be necessary for the proper conduct of the election.

SECTION 8. That applications for early voting ballots to be voted by mail, and ballots voted by mail, must be sent to the following:

- For Dallas County: Early Voting Clerk, Elections Department, 2377 N. Stemmons Freeway, Suite 820, Dallas, Texas 75207.
- For Denton County: Denton County Elections Administration Office, P.O. Box 1720, Denton, Texas 76202.
- For Collin County: Collin County Elections Administration Office, 2010 Redbud Boulevard, Suite 102, McKinney, Texas 75609.

Applications for ballots by mail must be received no later than close of business on Tuesday, October 30, 2012.

SECTION 9. That the early voting ballots will be processed by an early voting ballot board to be created in accordance with the Texas Election Code, as amended.

SECTION 10. That the mayor or, in the mayor's absence or inability to act, the mayor pro tem shall give notice of the bond election by causing a notice containing a substantial copy of this ordinance, in both English and Spanish, to be:

(1) published on the same day in each of two successive weeks in a newspaper of general circulation within the city, the date of the first publication to be not less than 14 days or more than 30 days before the election; and

(2) posted on the city's public meeting bulletin board and at three other public places within the city, not less than 21 days before the election.

SECTION 11. That the mayor, the city manager, and the city secretary of the city, in consultation with the city attorney and bond counsel, are hereby jointly and severally authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Elections Code and the Federal Voting Rights Act in carrying out and conducting the election, whether or not expressly authorized in this ordinance.

SECTION 12. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____
LC/UC/0176U

AGENDA ITEM # 4

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

AGENDA DATE: August 15, 2012

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize **(1)** public hearings to be held on August 27, 2012 and September 10, 2012 to receive comments on a proposed tax rate; and **(2)** a proposal to consider adoption of a 79.70¢/\$100 valuation tax rate, or a lower rate as may be proposed by the City Council on September 19, 2012 - Financing: No cost consideration to the City

BACKGROUND

The City Manager's recommended FY 2012-13 budget includes a tax rate of 79.70¢/\$100. To set a property tax rate above the effective rate of 79.11¢/\$100, State law requires the following:

Specify a proposed desired rate; take record vote and schedule two special public hearings;

Publish "Notice of Public Hearing on Tax Increase" (quarter-page notice) at least seven days before public hearing (August 17, 2012);

Minimum 72-hour notice for public hearing;

Hold two special public hearings, schedule and announce meeting to adopt tax rate 3-14 days from this date (August 27, 2012 and September 10, 2012);

Publish "Notice of Tax Revenue Increase" (quarter-page notice) prior to meeting to adopt tax rate (September 12, 2012);

Minimum 72-hour notice for meeting at which Council will adopt tax rate;

Meeting to adopt tax rate (September 19, 2012)

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Scheduled to be briefed to the City Council at the Budget Workshop on August 13, 2012.

FISCAL INFORMATION

No cost consideration to the City.

August 15, 2012

WHEREAS, the City Manager's proposed FY 2012-13 Budget includes a 79.70¢/\$100 tax rate; and

WHEREAS, Chapter 26 of the Texas Property Tax Code requires the publication of two notices and holding two public hearings should a tax rate above the lower of the effective or rollback rate be considered; and

WHEREAS, the City's FY 2012-13 effective rate is calculated to be 79.11¢/\$100; and

WHEREAS, the City Council desires to reserve the option to exceed the calculated effective rate of 79.11¢/\$100; and

WHEREAS, the City Council is committed to providing the citizens with the opportunity to speak on the City's FY 2012-13 tax rate;

NOW, THEREFORE,

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

Section 1. That the City Council will consider adoption of a 79.70¢/\$100 valuation property tax rate, or such other rate as may be proposed by Council for FY 2012-13.

Section 2. That public hearings on the City's FY 2012-13 proposed tax rate be held on August 27, 2012 after 9:00 a.m. and September 10, 2012 after 9:00 a.m. at Dallas City Hall.

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.

