

**NOVEMBER 18, 2014 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 November 18, 2014. 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.



A.C. Gonzalez
City Manager

11.14.14
Date



Edward Scott
City Controller

11/14/14
Date

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2014 NOV 14 PM 3: 56

CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

November 18, 2014

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 by 5:00 p.m. of the last regular business day preceding the meeting. 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.

Información 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 *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne en 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 5:00 pm del último día hábil anterior a la reunión. 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 Cortesía

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 de 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 este 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 este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

AGENDA
CITY COUNCIL BRIEFING MEETING
TUESDAY, NOVEMBER 18, 2014
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 November 5, 2014 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)

City Secretary's Office

3. Receive the report of the Canvassing Committee and adopt a resolution accepting the Canvassing Committee's report declaring the results of the November 4, 2014 special election on amendments to the Charter of the City of Dallas - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

City Attorney's Office

4. Authorize Supplemental Agreement No. 1 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional services necessary on matters relating to the gate accommodations at Dallas Love Field - Not to exceed \$150,000, from \$50,000 to \$200,000 - Financing: Aviation Current Funds

City Controller's Office

5. Authorize an amendment to Resolution No. 14-1888, approved on November 12, 2014, to increase expenses from \$1,030,509 to \$1,259,034 to include disclosure counsel fees associated with the issuance of General Obligation Refunding and Improvement Bonds, Series 2014, in a principal amount not to exceed \$635,000,000 - Total not to exceed \$228,525 - Financing: 2014 General Obligation Refunding and Improvement Bond Funds

AGENDA
CITY COUNCIL BRIEFING MEETING
TUESDAY, NOVEMBER 18, 2014

BRIEFINGS

6ES

A. Preservation Status in the Downtown National Register District

B. FY14 Strategic Plan Accomplishments

Lunch

C. City of Dallas Ethics Program Update

D. City Manager Update (CuSP Report)

- City of Dallas Wellness Program
- City University: City of Dallas Employee Training Program Enhancements

Closed Session

6ES

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

- Paul Heller et al., v. City of Dallas, Cause No. 3:13-CV-4000-L.

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: Efficient, Effective and Economical Government

AGENDA DATE: November 18, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa Rios, 670-5654

MAPSCO: N/A

SUBJECT

Receive the report of the Canvassing Committee and adopt a resolution accepting the Canvassing Committee's report declaring the results of the November 4, 2014 special election on amendments to the Charter of the City of Dallas - Financing: No cost consideration to the City

BACKGROUND

Chapter IV, §9, of the City Charter provides that the City Council shall canvass and certify the results of a city election in accordance with the provisions of the Texas Election Code. Section 67.003(a) of the Texas Election Code provides the canvass must occur "not earlier than the eighth day or later than the eleventh day after election day." However, new law House Bill 985 (HB985) allows the Early Voting ballot board until the 13th day after a general election to qualify and count any provisional ballots. Therefore, a one (1) day extension has been provided and allows the City Council to formally approve the results of the November 4, 2014 Special Election on Tuesday, November 18, 2014 to canvass the election. Due to this extension, the Monday, November 17, 2014, Special Meeting has been cancelled.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

AGENDA ITEM # 4

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: November 18, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Aviation

CMO: Warren M.S. Ernst, 670-3491
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional services necessary on matters relating to the gate accommodations at Dallas Love Field - Not to exceed \$150,000, from \$50,000 to \$200,000 - Financing: Aviation Current Funds

BACKGROUND

Supplemental Agreement No. 1 will authorize Kaplan Kirsch & Rockwell, L.L.P. to provide additional services necessary on matters relating to the gate accommodations at Dallas Love Field.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on November 12, 2014.

FISCAL INFORMATION

\$150,000.00 - Aviation Current Funds

M/WBE INFORMATION

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Resolution No. 08-2826, as amended.

OWNER

Kaplan Kirsch & Rockwell, L.L.P.

Peter J. Kirsch, Partner

November 18, 2014

WHEREAS, on October 29, 2014, pursuant to Administrative Action No. 14-6916, the City authorized a professional services contract with Kaplan Kirsch & Rockwell, L.L.P., in an amount not to exceed \$50,000.00 for advice and assistance on matters relating to the gate accommodations at Dallas Love Field; and,

WHEREAS, the professional services of Kaplan Kirsch & Rockwell, L.L.P. continue to be necessary; **Now, Therefore**,

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with Kaplan Kirsch & Rockwell, L.L.P. for additional services on matters relating to the gate accommodations at Dallas Love Field in an amount not to exceed \$150,000.00, increasing the original contract amount from \$50,000.00 to \$200,000.00.

Section 2. That the City Controller is authorized to disburse, in periodic payments to Kaplan Kirsch & Rockwell, L.L.P., an amount not to exceed \$150,000.00 from Fund 0130, Department AVI, Unit 7710, Obj. 3070, Encumbrance No. CTAVIAVIKKR77101114, Vendor No. VC0000012035.

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.

AGENDA ITEM # 5

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: November 18, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller
City Attorney's Office

CMO: Jeanne Chipperfield, 670-7804
Warren M.S. Ernst, 670-3491

MAPSCO: N/A

SUBJECT

Authorize an amendment to Resolution No. 14-1888, approved on November 12, 2014, to increase expenses from \$1,030,509 to \$1,259,034 to include disclosure counsel fees associated with the issuance of General Obligation Refunding and Improvement Bonds, Series 2014, in a principal amount not to exceed \$635,000,000 - Total not to exceed \$228,525 - Financing: 2014 General Obligation Refunding and Improvement Bond Funds

BACKGROUND

The City Council authorized the payment of expenses associated with the sale of General Obligation Refunding and Improvement Bonds, Series 2014, in an aggregate amount not to exceed \$635,000,000 on November 12, 2014. This item amends Resolution No. 14-1888, approved on November 12, 2014, to provide payment for disclosure counsel services and bond opinion of Andrews Kurth LLP and Gonzalez Saggio & Harlan LLP in an amount not to exceed \$228,525 in accordance with their previously contracted professional services contract approved on November 12, 2014, subject to the issuance of these bonds. The contract for disclosure council services was also approved by the City Council on November 12, 2014.

ESTIMATED SCHEDULE OF PROJECT

Authorize costs for issuance of bonds	November 12, 2014
Approval of parameters ordinance	November 12, 2014
Pricing	December 11, 2014
Execution of the Bond Purchase Agreement	December 12, 2014
Delivery of Proceeds	December 23, 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

Budget, Finance and Audit Committee was briefed on November 3, 2014.

FISCAL INFORMATION

See Revised Attachment I - \$228,525 - Financing: 2014 General Obligation Refunding & Improvement Bond Funds

M/WBE INFORMATION

Revised Attachment I provides an estimate of bond issuance costs – including Andrews Kurth LLP and Gonzalez Saggio & Harlan LLP for the proposed Series 2014 bonds and the M/WBE participation.

**SERIES 2014
GENERAL OBLIGATION REFUNDING & IMPROVEMENT BONDS
\$635,000,000**

Estimate of Total Bond Issuance Costs and M/WBE Participation

Co-Bond Counsel

Bracewell & Giuliani L.L.P. (Vendor #VS0000056820)	\$ 225,000	17.9%
West & Associates L.L.P. (Vendor #330805)	140,250	11.1%

Co-Disclosure Counsel

Andrew Kurth L.L.P. (Vendor #VC13546)	147,000	11.7%
Gonzalez, Saggio & Harlan L.L.P. (Vendor #VS86555) (Proposed - Fund 0675 Dept BMS Unit 1692 Object 3033)	81,525	6.5%

Co-Financial Advisors

First Southwest Company (Vendor #193056)	217,620	17.3%
Estrada Hinojosa - (Vendor #259910)	145,080	11.5%

Debt Analysis/Structuring Fees

First Southwest Company (Vendor #193056)	28,000	2.2%
Estrada Hinojosa - (Vendor #259910)	12,000	1.0%

Out-of-Pocket Expenses

First Southwest Company (Vendor #193056)	4,000	0.3%
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Official Statement Printing

TBD	10,000	0.8%
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Rating Agencies

Moody's Investors Service (Vendor #951236)	120,000	9.5%
Standard & Poor's (Vendor #954974)	111,100	8.8%

Auditor

Grant Thornton L.L.P. (Vendor #VS0000007921)	7,959	0.6%
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Filing Fee

Attorney General (Vendor #344989)	9,500	0.8%
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Total Issuance Costs

<u>\$ 1,259,034</u>	<u>100%</u>
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Total M/WBE Participation as % of Total Issuance Costs: 30.1%

November 18, 2014

WHEREAS, on November 12, 2014, the City authorized payment of expenses associated with the issuance of General Obligation Refunding and Improvement Bonds, Series 2014, by negotiated sale in December 2014; and

WHEREAS, the City Council also authorized a disclosure counsel services contract with Andrews Kurth LLP and Gonzalez Saggio & Harlan LLP on November 12, 2014, and needs to amend the authorization of payment of expenses associated with this transaction to include the disclosure counsel fees for services performed by this firm for this issuance; **NOW, THEREFORE**,

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

Section 1. That the City Manager is hereby authorized to amend Resolution No. 14-1888, previously approved on November 12, 2014, to increase payment in the amount of \$228,525, from \$1,030,509 to \$1,259,034, for disclosure counsel fees associated with the issuance of General Obligation Refunding and Improvement Bonds, Series 2014, in a principal amount not to exceed \$635,000,000 with such sale scheduled to occur on December 12, 2014.

Section 2. That the City Manager is hereby authorized to use the previously contracted professional services of Andrews Kurth LLP and Gonzalez Saggio & Harlan LLP as co-disclosure counsel in connection with the sale and delivery of the general obligation bonds. If bonds are issued, payment for the opinion of Andrews Kurth LLP (Vendor #VC13546) shall be at the rate of \$0.20 per \$1,000 increment of obligations issued plus an hourly rate of \$100.00 to \$300.00 for services rendered by individual attorneys and paralegals (estimated at a combined amount to be \$147,000), and shall be made from the bond proceeds. If bonds are issued, payment for the opinion of Gonzalez Saggio & Harlan LLP (Vendor #VS86555) shall be at the rate of \$0.115 per \$1,000 increment of obligations issued plus an hourly rate of \$100.00 to \$300.00 for services rendered by individual attorneys and paralegals (estimated at a combined amount to be \$81,525), and shall be made from bond proceeds.

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.