AUGUST 3, 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 August 3, 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

Edward Scott
City Controller

7/29/11
Date
COUNCIL BRIEFING AGENDA

August 3, 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.)
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 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 Council or while attending the 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 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 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 Secretaria 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 de 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 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 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 3, 2011
CITY HALL
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am  Invocation and Pledge of Allegiance

Special Presentations

Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the June 15, 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

A. 82nd Session - State Legislative Overview

B. Dallas/Fort Worth International Airport: Commercial Development Land Use Plan and Financial Business Model

Lunch

C. Boards and Commissions Nominee Screening and Appointment Process

Closed Session

Attorney Briefings (Sec. 551.071 T.O.M.A.)
- City of Dallas v. Museum of the American Railroad, Cause No. 10-00957
- Marcus Wood, et al. v. Deborah Watkins, City Secretary, City of Dallas, Cause No. 10-14835-M
- Heather Stewart v. City of Dallas, Cause No. 05-04952-L
AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, AUGUST 3, 2011

Open Microphone Speakers

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.

Tuesday, August 2, 2011

Civil Service Board
8:30 a.m.
City Hall Suite 1C-South
DATE July 28, 2011

TO The Honorable Mayor and Members of the City Council

SUBJECT 82\textsuperscript{nd} Session – State Legislative Overview

On Wednesday, August 3, 2011, Assistant City Attorney Larry Casto will provide you with a briefing on the outcomes of the 82\textsuperscript{nd} Regular and Special Session of the Texas Legislature. Mr. Casto will provide an overview of the Session and discuss how the City of Dallas' legislative initiatives fared. Attached are the briefing materials for you to review in preparation for Wednesday’s discussion.

Please contact me if you have any questions.

Mary K. Suhm
City Manager

c: Rosa A. Rios, Interim City Secretary
    Thomas P. Perkins, Jr., City Attorney
    Craig Kinton, City Auditor
    Judge C. Victor Lander, Administrative Judge
    A.C. Gonzalez, First Assistant City Manager
    Ryan S. Evans, Assistant City Manager
    Jill A. Jordan, P.E., Assistant City Manager
    Forest Turner, Assistant City Manager
    Joey Zapata, Interim Assistant City Manager
    Jeanne Chipperfield, Chief Financial Officer
    Frank Librio, Public Information Office
    Helena Stevens-Thompson, Assistant to the City Manager
On May 30, 2011, the 82nd Legislature for the State of Texas concluded their 140 day regularly scheduled session. Governor Perry immediately called a special session to finish work on the fiscal matters bills, sanctuary cities and Texas Wind Insurance Agency (TWIA). During the 82nd Regular Session, over 5700 bills were introduced and just over 1300 bills passed both chambers, 25 were vetoed. 1600 of the bills introduced directly affected municipalities. 160 were signed into law.

The City of Dallas successfully worked for the passage of 15 City Council-approved legislative initiatives. Among these were several public safety-related measures, additional funding for 3 bridges in Dallas: IH-30, IH-345, and IH-35E, CDA authority for 3 North Texas toll projects, economic development assistance for the construction of a street car trolley system and film studios, preservation of convention center hotel funding, and the restoration of some state funds to assist with homelessness.

As always, the vast majority of time and effort was spent opposing bills that were harmful to local control and home-rule authority. Several bills were defeated that would have weakened the city’s ability to rent its public right-of-way, regulate land use, maintain control over its water resources, and preserve local fees for local use.

STATE FY 2012-2013 BUDGET

The 82nd Legislature faced a huge budget deficit of $27 billion. Of great concern to cities was the fear that the state would balance its budget by passing down new fees or unfunded mandates to the local governments or that the state would keep even more of the revenue generated at the local level.

H.B. 1 General Appropriations

The total $172 billion two-year budget is $15 billion less, 8 percent, than the 2010-11 budget. The final budget still did not fund Medicaid enrollment growth, did not fund education at the amount previously established by law, and did not access the Rainy Day Fund (RDF).

This bill impacts state transfers to cities in the following major ways:

- Allocations of the city share of the mixed beverage tax will be reduced by roughly 25 percent which will result in a $1.7 million annual loss to City of Dallas.

- Statewide library assistance will be cut from $54.3 million to $24.25 million for the biennium, a reduction of 55 percent, and a loss of over $300,000 to City of Dallas for 2012-2013.

- $20 million in homeless money secured in 2009 by Texas’ 8 largest cities was eliminated in 2011. However, the cities successfully advocated for $10 million in the Governor’s Enterprise Fund that can be used for homeless services. If able to access these funds, the City of Dallas and the Bridge should receive 50 percent of the 2009 amount or $1.7 million over the 2011-2013 biennium.

- Local parks grants will be cut from $36.2 million to $881,460, a reduction of more than 97 percent for the biennium, and eliminating capital grant funding for urban parks.

- $12 million in Law Enforcement Officer Standards & Education (LEOSE) funds were eliminated resulting in a loss of $233,000 for the City of Dallas.
• Commission on the Arts was cut approximately 50 percent resulting in a loss to the city of $77,800 for grants to local art groups.

Despite the tough budget climate, the City of Dallas experienced a positive session and fought back passage of most legislation that would have negatively impacted the city’s local budget authority or local control. Additionally, the City of Dallas was successful in passing several pieces of favorable legislation.

PUBLIC SAFETY

• Texas Fire Commission fee was increased from $35 per firefighter to $85 adding $88,400 in cost to the city.

H.B. 1541 (McClendon) -- Auto Burglary & Theft Prevention Authority: a grant program that assists police departments in combating auto theft. Last year Dallas Police Department received over $607,000 and will continue to seek funds through this program. The funding source is a $1.00 fee to auto insurance premiums. This session the State will use the $1.00 fee for other purposes. HB1541 includes an amendment to collect an additional $1.00 for a total of $2.00, and for 50% ($1.00) of the collected fees be appropriated only for the cause of the grant. (Effective September 1, 2011)

S.B. 61 (Zaffirini) – Juvenile Case Managers: authorizes the city’s judge or governing body to pay the salary and benefits of a juvenile case manager and costs of training, travel, office supplies, and other necessary expenses relating to the position from the juvenile case manager fund. (Effective immediately) S.B. 209 (Zaffirini): provides that a city, rather than solely a municipal court, may employ a juvenile case manager. (Effective September 1, 2011)
S.B. 1489 (Whitmire): reaffirms the city’s ability to create a juvenile case manager fund, allows the case manager to be an employee of the city, and expands the case manager’s scope of work beyond truancy cases. (Effective September 1, 2011)

S.B. 694 (West) – Metal Recycling: this bill, among other things, creates an even playing field for recycling yards while protecting city ordinance authority by; (1) requiring a digital photo or video of the seller’s face and regulated material; (2) allowing a municipality to require a seller’s thumbprint; (3) requiring proof of rightful possession to sell any coil or condenser parts from a central heat and air condition system; (4) prohibiting the sale/purchase of burned wiring; (5) requiring electronic reporting of transactions to DPS for state database; (6) classifying catalytic converters as regulated metal; (7) creating a criminal offense of Class B Misdemeanor to operate w/out state registration. (Effective September 1, 2011, except as otherwise provided in the bill)

S.B. 887 (Carona) – Theft of an ATM: makes theft of an ATM machine a second degree felony. The variety of offense options based on the elements involved in the taking of an ATM often lead to the crimes being prosecuted in an inconsistent manner. SB887 will remedy the problem and provide consistent means of prosecution. (Effective September 1, 2011)

S.B. 1030 (Carona) - Sexually Oriented Businesses: requires every business that applies for a Sexually Oriented Business license to post intent for application unless the location currently has a permit. SB1030 provides transparency of the license application for the community. (Effective immediately)

S.B. 1103 (Carona) -- Cargo Theft Prosecution: changes will make prosecution easier in theft cases, including those that involve auto theft, in which people are in possession of the stolen property in a county other than the county in which the property was originally stolen. The change lessens the burden of law enforcement from proving the person in possession of the property is actually the one who stole the property. (Effective September 1, 2011)
ECONOMIC VIBRANCY

SB 1420 – Hinojosa/Harper-Brown - TxDOT Sunset

- Commission Structure – The Commission structure will remain largely unchanged, which means five members appointed by the Governor.

- CDA projects – CDA authority was provided for 11 projects mainly in the metropolitan areas of the state: four in Houston area, three in North Texas and two in Central Texas, and two in South Texas. The three in North Texas are Interstate Highway 35E managed lanes project from Interstate Highway 635 to U.S. highway 380; State Highway 183 managed lanes project from 161 to Interstate Highway 35E; and North Tarrant Express Project from State Highway 121/183 to State Highway 161. Except for the Grand Parkway, environmental clearance of a project must be achieved before August 31, 2013. And, except for the Grand Parkway, the CDA authority expires August 31, 2015.

- Certain toll projects – The distribution of a project's financial risk, the method of financing for a project, and the tolling structure and methodology must be determined by a committee consisting of various members including: a representative of each municipality or county that has provided revenue or right-of-way; a representative of the department; a representative of any local toll project entity for the area in which the project is located; and a representative of the applicable metropolitan planning organization.

Proposition 12 Bonds

HB 1 provides TxDOT virtually everything requested in their baseline plus $3 Billion in Proposition 12 bond proceeds. The Proposition 12 bond proceeds will be distributed as follows:

- $300 million — development of future mobility projects in the four most congested regions.
- $500 million - bridges specified in the bill. $320 million will be used for the three bridges in Dallas.
- $600 million - urban and metro mobility, split among the MPOs.
- $200 million - connectivity, allocated by commission.
- $1.4 billion - rehab and safety, distributed by Category 1 formula.

S.B. 19 (Nichols) -- Relating to the development, financing, construction, and operation of certain toll projects: S.B. 792, 80th Legislature, Regular Session, 2007, enacted a moratorium on most comprehensive development agreements and created a "market valuation" process by which the Texas Department of Transportation (TxDOT) could proceed with certain transportation projects. The market valuation process established under S.B. 792 is set to expire on August 31, 2011. S.B. 19 establishes a process for toll project development. It creates a first right of refusal guarantee (or primacy) for local toll entities to build future toll projects. S.B. 19 also allows tolling entities to complete environmental and other pre-project development work more quickly with the goal of expediting the primacy determination process. (Effective immediately)

S.B. 980 (Carona) – Telecommunications: provides, among other things, that: (1) a city may not by rule, order, or other means directly or indirectly regulate rates charged for, service or contract terms for, conditions for, or requirements for entry into the market for Voice over Internet Protocol services or other Internet Protocol enabled services; and (2) the limitation in section (1) does not: (a) affect payment of municipal right-of-way fees applicable to Voice over Internet Protocol services; (b) affect any person’s obligation to provide video service as defined under
applicable state or federal law, the applicability of Utilities Code Chapter 66 (state-issued video and cable franchise), or a requirement to make a payment under Chapter 66; (c) require or prohibit assessment of enhanced 9-1-1, relay access service, or universal service fund fees on Voice Over Internet Protocol service. (Effective September 1, 2011)

S.B. 1048 (Jackson) – Public/Private Partnerships: encourages the use of public private partnerships to develop “qualifying projects,” which include various infrastructure projects as defined by the bill (essentially any improvements necessary or desirable to unimproved real estate owned by a governmental entity). The bill requires an opt-in by resolution of the governing body of a political subdivision, including a city, to elect to operate under its terms. It provides detailed procedures for the procurement and implementation of a qualifying project. (Effective September 1, 2011)

H.B. 3465 (Sheffield) – Reinvestment Zones: certain tax increment financing reinvestment zones may be created for a 40-year term and may subsequently be extended for another 40 years by city ordinance. Participating taxing entities in the zone may pass ordinances or authorizations to continue to participate in the zone but others, such as local school districts, may leave the request pending while requesting clarification on whether the district’s continued participation in the zone would affect the amount the amount of state aid the district receives. Legislation is needed to provide clarity regarding the ability of a school district to deduct the value of the tax increment for purposes of determining the value of taxable property in the district. H.B. 3465 seeks to clarify the period for which a school district’s participation in certain tax increment financing investment zones may be taken into account for that purpose. (Effective September 1, 2011)

S.B. 977 (Hinojosa) – Relating to the imposition, use, rebate, and refund of certain taxes related to certain hotel business revenue: provides that state funds rebated back to municipalities to fund the construction of eligible convention center hotel projects are not subject to biennial legislative appropriations. This legislation counters the argument of the Attorney General in the City of Irving lawsuit that such funds may only be released to cities if the legislature specifically releases those funds every two years. (Effective immediately)

S.B. 1234 (West) – Municipal Management Districts: In addition to amending board requirements, bond issuance, bidding, and other matters of operations of municipal management districts, the legislation also adds studios, theatres, and ancillary structures to list of eligible projects. (Effective September 1, 2011)

H.B. 1400 (Elkins) – Public Improvement Districts: among other things, provides that: (1) a public improvement project may include the payment of expenses relating to the operation and maintenance of mass transportation facilities; and (2) a city council may defer an assessment associated with a public improvement district until a date the governing body specifies by ordinance or order. The legislation allows for a non-contiguous PID to be created in Dallas composed of hotels of more than 100 rooms. The deferred assessment financing mechanism is anticipated to be used in the creation of a PID to facilitate the construction of a street car system in Dallas. (Effective September 1, 2011)

CLEAN, HEALTHY ENVIRONMENT

Under the Appropriations Act (HB 1), the Texas Commission on Environmental Quality will receive $693.2 million for the 2012-2013 biennium, which is a reduction of $305 million from the 2010-2011 biennium.

Several programs were impacted by this reduction:

- Texas Emission Reduction Program (TERP) received $114 million for the biennium with a contingency appropriation of $8 million per year if revenue exceeds the biennial revenue estimate (BRE), a potential reduction of 50%.
• Low Income Vehicle Repair and Assistance Program (LIRAP) is funded at $12.5 million for the biennium, an 88% reduction from the 2010-2011 biennium.

• Petroleum Storage Tank (PST) program was appropriated $43.9 million for the biennium. A decrease of $8.3 million from the 2010-2011 biennium.

• Superfund was appropriated $48.26 million for the biennium. A decrease of $13.3 million from the 2010-2011 biennium.

• TCEQ grant programs received a 50% reduction from 2010-2011 levels. Air Quality Planning was appropriated $3.57 million and Local Solid Waste Planning was appropriated $10.89 million for the biennium.

H.B. 2694 (Smith, Wayne) – Emergency Orders During Water Shortage: The TCEQ sunset bill added section 11.053 to the Texas Water Code that authorizes the TCEQ to order temporary suspension of water rights and reallocation of diversions of water rights during a drought or other emergency water shortage. The City was able to add language that requires the Executive Director to take into consideration the development and implementation of water conservation and drought contingency plans in an order to temporarily suspend or reallocate water rights. (Effective September 1, 2011)

SB 20 (Williams) – Relating to grant programs for certain natural gas motor vehicles and alternative fuel facilities: establishes three new grant programs under the Texas Emissions Reduction Plan (TERP): the natural gas vehicle rebate program; a program to fund natural gas fueling stations; and an alternative fueling facilities program. Of the 87.5 percent funds in the General Revenue-Dedicated Texas Emissions Reduction Plan Account, money allocated to the emissions reduction incentive programs, not less than 16 percent would be allocated to the natural gas vehicle rebate program; not more than 4 percent would be allocated for the refueling station program; and up to 2 percent could be used for the alternative fueling facilities program. The bill establishes the Texas Natural Gas Vehicle Grant Program. Under this new chapter, the Texas Commission on Environmental Quality (TCEQ) is directed to establish two new grant programs for funding the purchase or lease of natural gas vehicles or engines and the establishment of natural gas refueling stations along the interstate highways between Houston, San Antonio, and Dallas-Fort Worth. The bill provides that the TCEQ shall reallocate funds in the new natural gas vehicle grants program to other purposes if, after consultation with the governor and the TERP advisory board, the TCEQ determines that the use of the money for that program would cause the state to be in noncompliance with the State Implementation Plan to the extent that federal action is likely. (Effective September 1, 2011)

S.B. 329 (Watson) - Recycling of Electronic Waste: amends current law relating to the sale, recovery, and recycling of certain television equipment and provides administrative penalties by adding Subchapter Z to Chapter 361 (Solid Waste Disposal Act), Health and Safety Code, to create the Television Equipment Recycling Program. It requires television manufacturers to take back and recycle a percentage of their Texas market-share. S.B. 329 would require manufacturers to provide consumers with convenient alternatives to the disposal of televisions in Texas landfills and incinerators. (Effective September 1, 2011)

S.B. 527 (Fraser) - Relating to projects funded through the Texas Emissions Reduction Plan: amends the Health and Safety Code that addresses the Texas Emissions Reduction Plan to expand the programs for which the Texas Commission on Environmental Quality (TCEQ) and the comptroller of public accounts must provide grants or other funding to include the air quality research support program, the regional air monitoring program established for certain regions, a health effects study, air quality planning activities, and a contract with the Energy Systems Laboratory at the Texas Engineering Experiment Station for computation of creditable statewide emissions reductions. The bill removes the new technology research and development program as a program eligible for such funding. The city of Houston has established a network to monitor the overall air quality in the Houston-Galveston-
Brazoria area that measures regulated pollutants and provides data to the general public, industry, local governments, and the state. S.B. 527 establishes a similar network for the Dallas-Fort Worth area by revising the allocation of the Texas emissions reduction plan. *(Effective September 1, 2011)*

**EDUCATIONAL ENHANCEMENTS**

Along with the tough budget decisions, funding for education took center stage during the 82nd Legislative Session. Fortunately, the UNT Law School received $2.94 million for the biennium above and beyond formula funding.

**CULTURE, ARTS, & RECREATION**

The Major Events Trust fund was expanded to include the Academy of Country Music Awards, the National Cutting Horse Triple Crown, and a national political convention of the Republican National Committee or the Democratic National Committee. H.B.1 included $32M, a cut of 50%, for the biennium to market film, music, and other creative media locally and across the state.

**E3 GOVERNMENT**

The legislature passed “safety net” legislation, S.B. 652, which allows for the continuation of agencies whose sunset bill did not pass or were vetoed during the session. This includes the Railroad Commission, the Public Utility Commission, and Texas Department of Housing and Community Affairs. The bill allows the agencies to continue operating until September 2013.

Credit Service Organizations (CSOs) - Several bills related to regulation of credit service organizations were filed during the 82nd session and two were signed into law. H.B.2592 (Truitt et al.) will require a CSO to provide a disclosure that includes: Interest, fees, annual percentage rates, and late charge fees or other typical costs that a consumer considering a payday or title loan may otherwise incur; a comparison of the amount of accumulated fees a consumer would incur in obtaining and refinancing a payday or title loan; information regarding the typical pattern of repayment of payday and title loans. H.B.2594 (Truitt et al.) will provide for licensing and registration of payday lenders. *(Effective January 12, 2012)*

H.B. 2313 (Coleman) - Public Meetings: provides that notices of public meetings may now be posted on electronic bulletin boards, providing the option for cities to replace physical bulletin boards with electronic screens. *(Effective immediately)*

Redistricting - According to the 2010 census, Texas’ population grew by approximately 4.3 million people over the last decade. As such, the 82nd Texas Legislature took up Redistricting and passed new maps for the Texas Congressional Delegation (S.B. 4), the Texas Senate (S.B. 31), the Texas House of Representatives (H.B. 150) and the State Board of Education (H.B. 600) during the regular and first called special sessions. Next steps: The maps are now in the hands of the courts. More than a dozen redistricting cases have been filed around the state, in courts in Sherman, Austin, McAllen and San Antonio. Some cases may be consolidated and it is possible not all will be heard. It is also possible that candidates could be elected from interim maps that are changed again after elections. The March primary elections are eight months away. Candidates are already declaring and, under a new state law, have to file for office by early December to get on the ballot for the 2012 elections.

S.B. 100 (Van de Putte) – Elections: implements the federal Military and Overseas Voter Empowerment Act in Texas. Its primary purpose is to require an early voting clerk to make registration and absentee ballots available to military and overseas voters at least 45 days before an election involving a state or federal office. To facilitate what is required by this federal law, S.B. 100 keeps the first Tuesday in March as the primary election date, but changes the runoff primary election date from the second Tuesday in April to the fourth Tuesday in May.
Because the fourth Tuesday in May is only ten days after the May election date used by cities (the second Saturday in May), S.B. 100 also provides that “a county elections administrator is not required to enter into a contract to furnish election services for an election held on…” the second Saturday in May in even-numbered years (years during which primary elections are held). Because it will be difficult and prohibitively expensive for a city to conduct an election without the assistance and the voting machines of the county elections administrator, S.B. 100 also makes the follow changes: (1) allows a home rule city to change its election date from the May date to the November date (the first Tuesday after the first Monday) simply by adopting a resolution, which will supersede the city charter; (2) allows a home rule city to provide for the election of all members of the governing body at the same election through the adoption of a resolution, which will supersede a charter provision that requires a different election date or that requires staggered terms; (This would allow the city to conduct all elections in odd-numbered years.) (3) a member of a municipal governing body who holds over so that a term of office may be conformed to a new election date chosen under (1) or (2) above does not create a vacancy under the Texas Constitution, so there will be no need for a special election; (4) provides that a political subdivision that has terms that consist of an odd number of years may adopt a resolution changing the length of the terms to an even number. (Effective on September 1, 2011)

GOVERNOR PERRY’S EMERGENCY ITEMS

S.B.18 (Estes/Duncan) - Eminent Domain: which passed on February 9th, makes several key revisions to current law, including requiring that condemning authorities make a good faith offer before condemning procedures begin, prohibiting the taking of private property unless it is for a public use, requiring a record vote of the authorization, improving notice and disclosure by condemning entities, applying condemnation rules to all condemning entities, and providing property owners with the opportunity to buy back property at the original purchase price if the taken property is not used for its public purpose in 10 years, unless the condemning authority can meet 2 of the 7 following criteria to demonstrate that actual progress is made toward the public use: (1) performance of significant amount of labor; (2) provision of significant amount of materials; (3) hiring/significant performance of architect, engineer, surveyor to plat or replat; (4) application for state or federal funds to develop property; (5) application for state or federal permit to develop property; (6) acquisition of adjacent property for the same public purpose; (7) the adoption by the majority of the governing entity of a development plan that indicates that the entity will not complete more than 1 (one) of these items by the 10th anniversary of the property acquisition. (Effective September 1, 2011)

H.B. 274 (Creighton/Huffman) - Tort Reform: relates to attorney’s fees, early dismissal, expedited trials, and the reform of certain remedies and procedures in civil actions. H.B. 274, also known as the “loser pays” bill, requires the Supreme Court of Texas to adopt rules to provide for the dismissal of causes of action that have no basis in law or fact on motion and without evidence, and requires that upon early dismissal of a case the prevailing party of a motion to dismiss be awarded costs and necessary attorney’s fees. Beyond the beginning stage of the trial, both parties pay their own fees. (Effective September 1, 2011)

S.B. 14 (Fraser/Harless) - Voter ID: relates to requirements to vote, including presenting proof of identification. The bill requires voters to show a valid form of photo identification and establishes the following as acceptable forms of documentation: a driver's license, Department of Public Safety (DPS) issued photo personal identification card, U.S. military ID card, U.S. citizenship certificate that contains a photograph, U.S. passport or Texas concealed handgun license. The bill also creates a free election identification certificate with a photograph administered by DPS for registered voters who need a photo ID and increases the penalties for illegal voting and attempted illegal voting. (Effective January 1, 2012, with certain sections taking effect September 1, 2011)

H.B. 12 (Solomons) - Sanctuary Cities: related to the enforcement of state and federal laws governing immigration by certain governmental entities. The bill sought to address public concern by prohibiting certain local government entities and cities from undertaking certain actions that would restrict the enforcement of state and federal immigration law and by allowing the filing of a related citizen complaint.
Sanctuary cities legislation was added to the jurisdiction of the 82nd First Called Special Session on June 7 and introduced in S.B. 9 (Williams) and HB 9 (Solomons). HB 9 did not make it out of committee, and SB 9 was held up in House State Affairs after passing the full Senate. An attempt to add sanctuary cities language to SB 1 during the special session failed. Sanctuary cities was the only emergency item that did not pass the 82nd Texas Legislature.

HCR 18 (Creighton/Shapiro) - Federal Balanced Budget Amendment: is a resolution that urges the Congress of the United States to propose and submit to the states an amendment to the United States Constitution providing for a federal balanced budget. The resolution was sent to the Governor on May 23 and signed on June 17. The resolution encourages the constitutional amendment to provide that, except during a war declared by the Congress of the United States pursuant to Article I, Section 8, Clause 11, United States Constitution, or other national emergency, the total of all federal appropriations for a fiscal year may not exceed the total of all estimated federal revenue for that fiscal year and providing for a spending limitation.

OTHER BILLS OF INTEREST

S.B. 1087 (Carona) - Cable: allow cable providers to terminate most municipal franchise agreements early. However, an exemption was granted to the City of Dallas, allowing it to maintain its current cable franchise and provisions relating to the I-NET system and customer service standards. The Dallas franchise agreement expires in 2015. (Effective September 1, 2011)

H.B. 1869 (Giddings) - Local Preference: current law allows certain small or medium-size cities or counties the option to accept bids from a bidder whose principal place of business is within the locality if the bid is within three percent of the lowest bid price. H.B. 1869 removes the population brackets in order to allow more populous cities and counties to have the same option. City staff is reviewing this legislation to determine the applicability to the City of Dallas and what actions would be needed to implement, if possible, the procedures in the City. Future legislative changes may be needed to allow for its use in the City of Dallas. (Effective immediately)

H.B. 3328 (Keffer et. al) - Fracking: instructs the Railroad Commission to write disclosure rules for chemicals deemed hazardous to on-site rig workers by July 1, 2012. The bill also requires rulemaking, for disclosure of all other chemicals not listed on the completed form used during fracting, to be completed no later than July 1, 2013. H.B. 3328 does allow for certain protections providing certain chemicals that may be deemed as proprietary trade secrets are exempted from the reporting requirements provided certain requirements are met. (Effective September 1, 2011)

H.B. 3328 – Key Components:

- Requires the Railroad Commission to adopt rules that require an operator to disclose chemicals used in hydraulic fracturing of an oil or gas well by completing the form on the Internet chemical disclosure registry developed and implemented by the Ground Water Protection Council (GWPC) and the Interstate Oil and Gas Compact Commission (IOGCC).

- Information includes each chemical ingredient regardless of whether it must be listed on a Material Safety Data Sheet under the federal Occupational Health and Safety Act (OSHA).

- Requires the Railroad Commission to adopt rules to prescribe a process by which an operator or a service company could designate certain information as a trade secret not subject to Texas open records law, and authorizes the entity claiming the trade secret to withhold information asserted to be a trade secret.
• Requires a trade secret claim be filed within 2 years of filing the completion report with the Commission and limits a person who could challenge such a claim to the landowner on whose property the well is located or who owns adjacent property, or a department or agency of Texas.

• Requires rules to include an efficient process for an entity for whom a trade secret claim has been claimed or approved to provide information to a health professional or an emergency responder in accordance with OSHA regulations.

• Requires that in the event of a trade secret challenge that the Railroad Commission notify the service company performing the hydraulic fracturing treatment on the relevant well, the supplier of the additive or chemical ingredient for which the trade secret claim is made, or any other owner of the trade secret being challenged and provides the owner an opportunity to substantiate its trade secret claim.

• Requires the Railroad Commission to develop a process for making the legal determination as to whether information claimed to be a trade secret actually qualified as such under the Open Records Act as modified by the bill.

Next steps:

Texas Railroad Commissioners voted Monday, July 11, to expedite rulemaking requiring public disclosure of chemicals and other ingredients used during hydraulic fracturing for natural gas. Draft rules are expected by the end of August. The Commissioners hope to hold a special public hearing in September in Austin on the proposed rules.

**Education: School Finance Facts from the 82nd Regular Session**

**Foundation School Program (FSP) Funding (Operations and Facilities):** $35.4 billion for 2012-13 ($1.8 billion decrease compared to 2010-11 and $4 billion below what is required to fund Current Law Formulas)

**FSP Funding (General Revenue):** $29.2 billion for 2012-13 ($1.6 billion increase compared to 2010-11)

**State Fiscal Stabilization Fund Funding:** $0 for 2012-13 (3.2 billion decrease compared to 2010-11)

**Special Programs and Grants:** reduced by over $1.3 billion for 2012-13 (Technology Allotment, New Instructional Facilities Allotment, Science Lab Grants, etc.)

**Regional Service Centers:** $25 million for 2012-13 ($15.7 million decrease compared to 2010-11)

**Texas Education Agency:** agency operations funding decreased by $22 million or 17.2 percent. $3.2 billion in federal ARRA funds were used to support education during this current biennium - those funds were not replaced in the upcoming biennium budget. While the GR funding increased in the FSP, there was an overall net reduction in public education funding, based on current law.

The Texas Education Agency (TEA) was given an FTE cap of 795 for 2012-12 (the cap was 1,038 last biennium) for the 2012-13 budget. As a result, TEA initiated a second round of layoffs in June.
Memorandum

Date       July 29, 2011
To         The Honorable Mayor and Members of the City Council
Subject    Dallas/Fort Worth International Airport Briefing

On August 3rd, John Terrell, Vice President for Commercial Development at Dallas/Fort Worth International Airport, will provide a briefing on the Airport’s Commercial Development Land Use Plan and Financial Business Model. The briefing materials are attached for your review.

Please contact me if you have questions.

Mary K. Suhr
City Manager

Cc:        A.C. Gonzalez, First Assistant City Manager
          Ryan S. Evans, Assistant City Manager
          Jill A. Jordan, P.E., Assistant City Manager
          Forest E. Turner, Assistant City Manager
          Joey Zapata, Interim Assistant City Manager
          Jeanne Chipperfield, Chief Financial Officer
          Thomas P. Perkins, Jr., City Attorney
          Rosa A. Rios, Interim City Secretary
          Craig D. Kinton, City Auditor
          C. Victor Lander, Administrative Judge
          Helena Stevens-Thompson, Assistant to the City Manager
Dallas/Fort Worth International Airport

Dallas City Council Briefing:
Commercial Development Land Use Plan and
Financial Business Model

August 3, 2011
Business Overview

- Jointly-owned by the cities of Dallas and Fort Worth
- Operations are handled by DFW Airport Board
- Considered one the most successful cooperative projects in the history of the cities
DFW Land Use Plan
A Land Use Plan has always been in place and provides the basis and framework for long-term development.

- Defines both direct aviation uses and indirect non-aviation commercial uses
- Promotes highest and best use for compatible development that is enduring, sustainable and financially sound
- Leverages uniqueness of DFW Airport identity and experience
- Approved by DFW Board and FAA
DFW Land Use Plan
Supports goal to be more competitive in the global travel market by developing a multifaceted center of commerce.

- Approximately 6,600 acres of developable land
- More than 5,200 gross acres of property will emerge into multiple centers of development
- Avoids competition with Owner Cities
- Enables increased revenue for Owner Cities, Host Cities, Airport, Region and the State
DFW Land Use Plan
Core Business Operations Map

Legend

Commercial Land Development

- Commercial Retail
- Freeway Commercial
- Hospitality/Entertainment & Related Commercial
- Corporate Campus
- Office
- Mixed Use
- Flex Office
- Industrial
- Aviation-related uses

- Aviation Related Uses
DFW Land Use Plan

- Supports the Airport’s employees and passengers
- Land leasing policies avoid adverse impacts to Owner Cities
- Creates and promotes economic benefits and tax revenue
- Diversifies non-airline revenue streams that are critical to the future of DFW
2009 DFW Board Retreat

- Support received for Commercial Development Strategic Plan with following restrictions:
  - Hotels over 500 rooms
  - Convention Centers
  - Casinos
**Tax Sharing Arrangements**
Currently in place with Euless and Irving

- **Euless Tax Share Agreement**
  - In 2009, Dallas received $4,643,615.82
  - In 2009, Fort Worth received $4,475,087.08

- **Irving Tax Share Agreement**
  - In 2009, Dallas received $590,415.93
  - In 2009, Fort Worth received $337,380.53

- **Grapevine legislative tax-sharing arrangement**
  - Owner Cities to share in tax proceeds in excess of a $5,956,313.04 threshold annually

- **Total annual tax contribution to taxing entities +/- $63,000,000**
Business Model Analysis
Purpose of Study

- Evaluate long-term viability
- Analyze internal revenue vs. investment expense
- Estimate external tax-sharing revenue
- Prioritize and phase development districts
- Initiative to provide financial analysis; not a market study
Business Model Analysis
Development Districts Map

1. Southgate Plaza (Mixed-Use)
2. Founders’ Plaza (Mixed-Use)
3. Coppell Freeway Commercial
4. Northwest Logistics
5. Southwest Cargo
6. Beltline TOD (Mixed-Use)
7. North Entertainment (Mixed-Use)
8. Coppell Industrial
9. East Air Cargo
10. Passport Park (Mixed-Use)
11. West Grapevine (Industrial)
12. Bear Creek (Corporate Office)
13. Walnut Hill (Industrial)
## Business Model Analysis

### Findings Conclusions

<table>
<thead>
<tr>
<th>Revenues To:</th>
<th>Total Stabilized Annual Cash Flow (2038)</th>
<th>Total Cumulative Revenues</th>
<th>NPV of Revenues at 8%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DFW</strong></td>
<td>$261,315,703</td>
<td>$15,431,436,527</td>
<td>$2,268,021,502</td>
</tr>
<tr>
<td><strong>Fort Worth</strong></td>
<td>$40,355,493</td>
<td>$1,927,528,913</td>
<td>$376,916,759</td>
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<tr>
<td><strong>Dallas</strong></td>
<td>$64,922,557</td>
<td>$3,190,144,169</td>
<td>$599,570,167</td>
</tr>
<tr>
<td><strong>All Other Taxing Entities</strong></td>
<td>$411,743,765</td>
<td>$19,136,862,314</td>
<td>$3,713,842,881</td>
</tr>
<tr>
<td><strong>TOTAL REVENUES</strong></td>
<td><strong>$778,337,517</strong></td>
<td><strong>$39,685,971,924</strong></td>
<td><strong>$6,958,351,308</strong></td>
</tr>
</tbody>
</table>

1 Net of debt service and ongoing infrastructure expenses
Business Model Analysis
Revenues to Owner Cities\(^1\)

\(^1\) Inclusive of existing tax revenues
Airport Oriented Activities

Summary

- DFW can accomplish more for the Owner Cities than fundamental airport operations
- Commercial Development provides business opportunities to M/WBE firms
- These commercial development opportunities create no negative budget impacts to the Owner Cities
- Tax sharing arrangements create stable revenue streams to the Owner Cities at no cost
- Owner Cities can benefit from land development opportunities with DFW
Dallas/Fort Worth International Airport

Dallas City Council Briefing:
Commercial Development Land Use Plan and
Financial Business Model

August 3, 2011
Memorandum

DATE    July 28, 2011

TO      Honorable Mayor and Members of the City Council

SUBJECT Boards and Commissions Briefing – August 3, 2011

On Wednesday, August 3, 2011, you will be briefed on boards and commissions. The briefing material is attached for your review.

Please contact me if you have questions.

Rosa A. Rios
Acting City Secretary

C: Mary K. Suham, City Manager
   Thomas P. Perkins, City Attorney
   Craig D. Kinton, City Auditor
   C. Victor Lander, Administrative Judge
   A. C. Gonzalez, First Assistant City Manager
   Ryan Evans, Assistant City Manager
   Jill Jordan, Assistant City Manager
   Forest Turner, Assistant City Manager
   Joey Zapata, Interim Assistant City Manager
   Jeanne Chipperfield, Chief Financial Officer
   Frank Librio, Public Information Officer
   John Johnson, Assistant to the City Manager
   Helena Stevens-Thompson, Assistant to the City Manager/MCC

"Dallas, The City That Works: Diverse, Vibrant and Progressive."
BOARDS AND COMMISSIONS
NOMINEE SCREENING AND APPOINTMENT PROCESS

Rosa A. Rios
Acting City Secretary
August 3, 2011
PURPOSE

The purpose of this briefing is to provide an overview of the boards and commissions appointment process.
NUMBER OF
BOARDS AND COMMISSIONS

• 51 - boards and commissions with members appointed by city council
• 03 - boards and commissions whose membership is appointed or nominated by city manager
• 01 - board appointed by the Mayor (Dallas Housing Authority)
• 55 - total boards and commissions
BOARD AND COMMISSION TYPES

• Boards and commissions fall into one of the following categories:
  • Quasi-Judicial – board or commission that has the power to exercise the sovereign functions of government, such as determining the rights of one or more parties under state law, city ordinances, regulations or general laws, largely independent of the control of others (e.g. Park Board, Permit and License Appeal Board)
  • Advisory – board or commission established by the City Council for the purpose of obtaining advice or recommendations on issues of policies (e.g. Senior Affairs Commission, Animal Shelter Commission)
  • Instrumentality – a subsidiary of local government created for a special purpose (e.g. Dallas Housing Finance Corp., Southern Dallas Development Corp.)
  • Miscellaneous – Municipal Management Districts (e.g. Trinity River West, North Oak Cliff and Cypress Waters)
BOARD AND COMMISSION TERMS

• Terms are 2 years in length ("any period of service…in excess of one year" Section 3A(c) of the Dallas City Charter)
• Terms end on September 30 of odd-numbered years (for most boards)
• Terms begin on October 1 of odd-numbered years (for most boards)
• Advisory board members may “holdover” for up to 9 months and quasi-judicial and instrumentality board members “holdover” until a replacement is appointed
• Vacancies can be filled at any time
SERVICE ELIGIBILITY

• Chapter 8 of the Dallas City Code specifies that nominees must:
  – Have been a resident of Dallas for six months
  – Be a qualified voter at the time of appointment
  – Have no criminal record that is considered by the council to be so serious that it should be a disqualification
  – Generally, not be an adversary party to pending litigation against the city
  – Not be in arrears on any city taxes, water service charges or other obligations owed the city
  – Have a credible record of attendance and performance in any previous board service

• Board and commission members must also be in compliance with the City Charter and Chapter 12A of the Dallas City Code at initial appointment and throughout their service
AVAILABLE APPOINTMENTS

• Each Councilmember nominates 1 person to 17 “individual appointment” boards
• Any Councilmember may nominate individuals to serve on any of the 34 “full council” boards
• Some boards require some members to have special qualifications (e.g. architect [Landmark Commission], county official [Animal Shelter Commission], etc.)
• Mayor appoints most board and commission chairs and Council confirms; Mayor also appoints Board of Adjustment vice-chairs
• Councilmembers nominate and confirm most other board and commission vice-chairs
CLEARANCE PROCESS

- The online board application via NEOGOV must be completed by all nominees.
- Applications are submitted to the City Secretary’s Office from Councilmembers with a memorandum indicating board, position and special qualifications met, if any.
- Conflict and background checks are conducted by:
  - City Secretary’s Office – voting/elections
  - City Attorney’s Office – conflicts of interest
  - City Manager’s Office - indebtedness
  - Dallas Police Department – criminal background check
NOMINEE PROCESSING

• 2009
  – 569 board and commission members (14% increase in board membership since 2007)
  – 3 FTE’s dedicated to processing nominees between August and December (included in 2009-2010 Budget)
  – 42-day anticipated average nominee processing time

• 2011
  – 483 board and commission members (15% decrease in board membership since 2009 due to sunsetting of some boards)
  – 2 FTE’s dedicated to processing nominees between August and December (included in 2010-2011 Budget)
  – 42-day anticipated average nominee processing time
BOARD AND COMMISSIONS
NOTEBOOK

A notebook is being provided with the following information:

- List of all boards and commissions (Tab 1)
- Appointment procedures (Tab 2)
- 2009-2011 “individual” and “full council” appointments (Tab 3)
- Special qualifications for certain boards (Tab 4)
- 2009-2011 chairs and vice-chairs (Tab 5)
- Service history of current appointees (Tab 6)
- Demographic information (Tab 7)
- Overview of each board and commission (Tab 8)
- Chapters 8 and 12A of the Dallas City Code (Tab 9)
HAVE QUESTIONS?

• Rosa A. Rios, Acting City Secretary  
  (214) 670-5654 or e-mail rosa.rios2@dallascityhall.com
• Daniel Soliz, B&C Manager  
  (214) 671-8970 or e-mail daniel.soliz@dallascityhall.com
• City Secretary’s Office Website:  
  http://www.ci.dallas.tx.us/cso/index.html