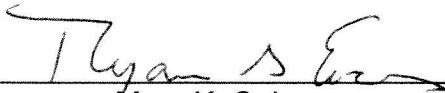


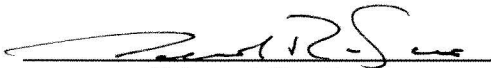
**FEBRUARY 4, 2009 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated February 4, 2009. 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

1-30-09
Date



Edward Scott
City Controller

1/30/09
Date

RECEIVED

2009 JAN 30 PM 7: 25

CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

February 4, 2009

DATE

(FOR GENERAL INFORMATION AND RULES OF COURTESY PLEASE SEE OPPOSITE SIDE.)
(LA INFORMACIÓN GENERAL Y REGLAS DE CORTESÍA QUE DEBEN OBSERVARSE
DURANTE LAS ASAMBLEAS DEL CONSEJO MUNICIPAL APARECEN EN EL LADO OPUESTO, FAVOR DE LEERLAS.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on AT&T CityCable Channel 6B. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 before 9:00 a.m. on the meeting date. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Informacion General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación AT&T CityCable Canal 6B. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 9 de la mañana del día de la asamblea. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesia

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*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, FEBRUARY 4, 2009
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 January 7, 2009 City Council Meeting and the January 21, 2009 Special Called 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

Convention and Event Services

3. Approve the execution of the Hotel Operating Agreement between Omni Hotels Management Corporation and the Dallas Convention Center Hotel Development Corporation, the City's local government corporation - Financing: No cost consideration to the City

Briefings 6ES

- A. Budget Workshop #3 - Strategic Planning Session for FY2009-10
 - Key Focus Area Team Presentations
 1. Clean, Healthy Environment
 2. Culture, Arts & Recreation
 3. Economic Vibrancy

Lunch

- A. Budget Workshop #3 - Strategic Planning Session for FY2009-10 (Continued)
 - Key Focus Area Team Presentations
 4. Educational Enhancements
 5. Public Safety
 6. E³ Government

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, FEBRUARY 4, 2009

Briefings (Continued) 6ES

B. Oncor Electric Delivery Company, LLC. Franchise Renewal

C. Federal Economic Stimulus Package

Closed Session 6ES

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

- AHF Community Development, LLC v. City of Dallas, et al.,
Cause No. 3:06-CV-1035-D
- Jose Montiel v. City of Dallas, Cause No. 08-03043-D
- Jedd Champion v. City of Dallas and Yolanda Cotton, Cause No. 08-01344-K
- Webb Ruff, Sherika Royal, and Rosalyn Bell v. City of Dallas,
Cause No. 08-10618-C

Open Microphone Speakers 6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

PUBLIC MEETINGS FOR FEBRUARY 1 - FEBRUARY 14, 2009

Thursday, February 5, 2009

Civil Service Board

8:30 a.m.

City Hall, Suite 1C-South

Community Development Commission

6:00 p.m.

City Hall, Room 6ES

AGENDA ITEM # 3

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 4, 2009
COUNCIL DISTRICT(S): 2
DEPARTMENT: Convention and Event Services
CMO: A. C. Gonzalez, 671-8925
MAPSCO: N/A

SUBJECT

Approve the execution of the Hotel Operating Agreement between Omni Hotels Management Corporation and the Dallas Convention Center Hotel Development Corporation, the City's local government corporation - Financing: No cost consideration to the City

BACKGROUND

Omni Hotels is locally owned and operated. They operate 39 luxury hotels and resorts in North America. In 2006, J.D. Power and Associates ranked Omni "Highest in Guest Satisfaction Among Upscale Hotel Chains." Omni Hotels has a well-balanced customer base: Group – 47%, Business – 36%, Leisure – 17%. Based on all factors Omni is the preferred Operator.

The current hotel program provides for approximately 1,000 guest rooms and includes an approximately 80,000 square feet of ballroom and meeting room space, as well as structured parking for 720 vehicles.

The hotel will have restaurants, an exercise facility and pool, and other supporting facilities consistent with a full-service four-star convention center hotel and Omni's brand standard for such amenities.

The Hotel Operating Agreement will be entered into by the City's LGC and Omni Hotels Management Corporation. The agreement will be a qualified management agreement for a term of 15 years.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 10, 2008, by Resolution No. 08-3416, the City Council authorized (1) amendment of the three-party Pre-Development Agreement between Matthews Holdings Southwest, Inc., the City of Dallas and the City's local government corporation (LGC) (Dallas Convention Center Hotel Development Corporation) to extend the deadline dates for execution of the developer agreement and the GMP construction contract until January 31, 2009, and (2) authorized the City Manager to finalize the documentation of the developer agreement for subsequent approval by the City Council and the LGC.

On December 5, 2008, the City Council Economic Development Committee was briefed on the proposed amendment of the Pre-Development Agreement.

On November 20, 2008, the City Council Economic Development Committee was briefed on the hotel operator selection.

On October 22, 2008, by Resolution No. 08-2907, the City Council authorized (1) execution of an amendment of the three-party Pre-Development Agreement between Matthews Holdings Southwest, Inc., the City of Dallas and the LGC to provide additional pre-development design services prior to issuance of hotel revenue bonds, (2) an economic development agreement in an amount not to exceed \$4,000,000 to the LGC for payment of specified pre-development services, in accordance with the terms for the three-party Pre-Development Agreement, as amended (to be reimbursed from the sale of Hotel Revenue Bonds), and (3) an increase in appropriations in the amount of \$4,000,000 in the Convention Center Hotel Development Corporation (LGC) Fund.

On September 10, 2008, by Resolution No. 08-2488, the City Council authorized (1) execution of a three-party Pre-Development Agreement between Matthews Holdings Southwest, Inc., the City of Dallas and the City's LGC for the development of the Hotel on the site commonly known as the Chavez site, (2) an economic development agreement in an amount not to exceed \$4,000,000 to the LGC for payment of specified pre-development costs in accordance with the terms of the three-party pre-development Agreement (to be reimbursed from the sale of Hotel Revenue Bonds), (3) proceeding with geotechnical and environmental studies of the Chavez site in accordance with the previously approved memorandum of Understanding between the City and Matthews Holdings Southwest, Inc., not to exceed \$400,000, (4) establishment of appropriations in the Convention Center Hotel Development Corporation (LGC) Fund, and (5) other matters related thereto.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

On August 20, 2008, by Resolution No. 08-2198, the City Council authorized the creation of a local government corporation to be named the Dallas Convention Center Hotel Development Corporation for the purpose of aiding, assisting, and acting on behalf of the City in the performance of its governmental functions to promote the development of the geographic area of the City included or in the vicinity of the Dallas Convention Center in furtherance of the promotion, development, encouragement, and maintenance of employment, commerce, convention and meeting activity, tourism, and economic development, in the City and more specifically for financing the Dallas Convention Center Headquarters Hotel (the "Hotel").

FISCAL INFORMATION

No cost consideration to the City

February 4, 2009

WHEREAS, the construction and operation of a convention center hotel would result in approximately \$2.5 billion in economic activity within the City over a 30 year period; and

WHEREAS, a survey of convention meeting planners demonstrates that an adjacent headquarters hotel is the leading criterion in selecting Dallas as a convention destination; and

WHEREAS, on August 20, 2008, by Resolution No. 08-2198, the City Council authorized creation of the Dallas Convention Center Hotel Development Corporation (the LGC); and

WHEREAS, on September 10, 2008, by Resolution 08-2488, the City Council authorized the execution of a three-party, Pre-Development Agreement between Matthews Holdings Southwest, Inc., (MSW), the City of Dallas and the LGC for development of a convention center hotel; and

WHEREAS, on November 20, 2008, the City Council Economic Development Committee was briefed on the hotel operator selection; and

WHEREAS, on December 10, 2008, by Resolution No. 08-3416, the City Council authorized (1) an amendment to the three-party Pre-Development Agreement between Matthews Holdings Southwest, Inc., the City of Dallas and the City's LGC to extend the deadline dates for execution of the developer agreement and the GMP construction contract until January 31, 2009, and (2) authorized the City Manager to finalize the documentation of the developer agreement for subsequent approval by the City Council and the LGC.

Now Therefore;

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

SECTION 1. That the Hotel Operating Agreement between Dallas Convention Center Hotel Development Corporation and Omni Hotels Management Corporation, substantially in the form attached hereto, is hereby approved, and the LGC is authorized to execute the Hotel Operating Agreement, with such modifications and changes as may be deemed necessary by the LGC bond counsel and the City Attorney, and further subject to approval by the board of directors of the LGC. The execution of the Hotel Operating Agreement is contingent upon the subsequent approval by the City Council and LGC board of directors of certain related Hotel operating documents, such as the Guaranty, the Room Block Agreement, the Cash Management Agreement, the Technical Services/Pre-Opening Agreement, and Omni's commitment regarding ancillary development.

February 4, 2009

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.