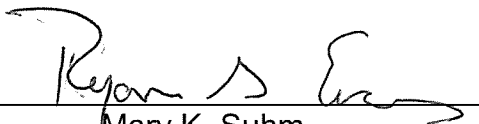


**JUNE 3, 2009 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated June 3, 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

5-29-09
Date



Edward Scott
City Controller

5/29/09
Date

RECEIVED

2009 MAY 29 PM 5:44

CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

June 3, 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, JUNE 3, 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 May 20, 2009 City Council Meeting
2. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

Briefings 6ES

- A. US Army Corps of Engineers Periodic Inspection #9 Report Update
- B. Newsrack Plan, Expanded Central Business District

Lunch

ITEMS FOR INDIVIDUAL CONSIDERATION

Department of Development Services

3. A resolution amending Resolution No. 08-2901 to modify the authorized terms of a service contract with The Dallas Morning News, Inc. for the purchase, installation and maintenance of multiple-unit newsracks within the expanded central business district - Not to exceed \$56,653, from \$340,200 to \$396,853 - Financing: Current Funds (subject to annual appropriations)

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, JUNE 3, 2009

Closed Session	6ES
Attorney Briefings (Sec. 551.071 T.O.M.A.)	
- <u>Leanne Siri v. City of Dallas, et al.</u> , Cause No. 09-04875-A	
- <u>Michael W. Allen v. City of Dallas</u> , Cause No. 07-12008-G	
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 JUNE 1 - JUNE 15, 2009

Tuesday, June 2, 2009

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

Thursday, June 4, 2009

Community Development Commission
6:00 p.m.
City Hall, Room 6ES

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 3, 2009

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Department of Development Services
Business Development & Procurement Services

CMO: A. C. Gonzalez, 671-8925
Dave Cook, 670-7804

MAPSCO: 45E F G J K L N P Q R S T

SUBJECT

A resolution amending Resolution No. 08-2901 to modify the authorized terms of a service contract with The Dallas Morning News, Inc. for the purchase, installation and maintenance of multiple-unit newsracks within the expanded central business district - Not to exceed \$56,653, from \$340,200 to \$396,853 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This item authorizes an amendment to Resolution No. 08-2901, which authorized a service contract with The Dallas Morning News, Inc (TDMN) for the purchase, installation and maintenance of multiple-unit newsracks within the expanded central business district (ECBD). TDMN was the sole bidder on the service contract. On October 22, 2008, the Dallas City Council authorized the City Manager to execute a contract with TDMN for a term of eighty-four months, with three twelve-month renewal options, in an amount not-to-exceed \$340,200.

Since Resolution No. 08-2901 was authorized, TDMN and city staff have coordinated in the preparation of a Newsrack Plan, as required by Ordinance No. 27201 approved by the Dallas City Council on May 28, 2008. The plan includes a survey of existing freestanding newsracks and maps of proposed locations for the new multi-unit racks. It was determined that the number of multi-unit racks needed is higher than originally estimated. Therefore, the not-to-exceed amount will increase from \$340,200 to \$396,853.

As of August 1, 2009, the annual license fee for publications placed within multi-unit racks located in the public right-of-way in the ECBD will increase from \$15 to \$60. The City will pay \$50 of each license fee to TDMN, \$45 for rental of the newsrack space and \$5 for maintenance. License fees annually received from publishers will finance implementation of the multi-unit newsrack zone in the ECBD.

BACKGROUND (continued)

Further, in discussions with TDMN, it was determined that reducing the contract term from 7 years to 5 years would be advantageous in that a 5-year term provides the opportunity to review the contract terms at an earlier date. Rather than allowing three twelve-month renewal options, city staff and TDMN will review and renegotiate contract terms prior to contract expiration. This item reduces the authorized term from 7 years to 5 years, in addition to increasing the contract amount.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 22, 2008, City Council approved Resolution No.08-2901.

On May 28, 2008, Council approved Ordinance No. 27201.

FISCAL INFORMATION

\$56,653 - Current Funds (subject to annual appropriations)

<u>Council District</u>	<u>Amount</u>
2	\$22,661.20
14	<u>\$33,991.80</u>
Total	\$56,653.00

OWNER

The Dallas Morning News, Inc.

John C. McKeon, President
John G. Walsh, Senior Vice President/Circulation
Donald F. Cass, Secretary
Alison K. Engel, Treasurer

June 3, 2009

WHEREAS, on October 22, 2008, by Resolution Number 08-2901, the Dallas City Council authorized the City Manager to execute a contract with The Dallas Morning News for the purchase, installation and maintenance of multiple-unit newsracks within the expanded central business district (ECBD); and

WHEREAS, the City Controller was authorized by Resolution Number 08-2901 to disburse funds in an amount not to exceed \$340,200.00 (subject to annual appropriations); and

WHEREAS, the authorized contract term was for eighty-four months, with three twelve-month renewal options; and

WHEREAS, it is desired to amend the authorized term to allow for renegotiation of contract provisions at an earlier date, and to increase the contract not-to-exceed amount to accommodate the increased number of units; **Now, Therefore,**

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

Section 1. That the City Manager is authorized to execute a contract with The Dallas Morning News for the purchase, installation and maintenance of multiple-unit newsracks within the expanded central business district for a term of sixty months, with no renewal options, in an amount not to exceed \$396,853.00, upon approval as to form by the City Attorney.

Section 2. That the City Controller is authorized to disburse additional funds from the following appropriations in an amount not to exceed \$56,653.00 (subject to annual appropriations):

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJECT</u>	<u>AMOUNT</u>
0001	DEV	1181	3099	\$56,653.00

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.

Distribution:

Business Development and Procurement Services, 3FS
Department of Development Services, 5DN

