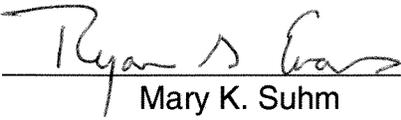


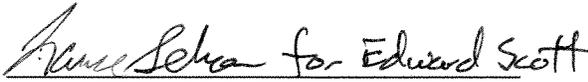
**APRIL 16, 2008 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated April 16, 2008. 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

4-11-08
Date



Edward Scott
City Controller

4-11-08
Date

RECEIVED

2008 APR 11 PM 7:55

CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

April 16, 2008

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, APRIL 16, 2008
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

 Council Committee Update

VOTING AGENDA 6ES

1. Approval of Minutes of the April 2, 2008 City Council Meeting
2. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

ITEMS FOR INDIVIDUAL CONSIDERATION

Aviation

3. Authorize **(1)** a second amendment to the 1985 lease agreement with TXI Aviation I, L.L.C. to add approximately 19,152 square feet of unimproved land increasing the total land under lease from 168,030 square feet to approximately 187,182 square feet and increase the annual rental revenue in the amount of approximately \$6,129 from \$42,158 to approximately \$48,287; and **(2)** an amendment to the 2007 lease agreement with TXI Aviation I, L.L.C. to add approximately 33,692 square feet of unimproved land increasing the total land under lease from 101,552 square feet to 135,244 square feet and increase the annual rental revenue in the amount of approximately \$10,781 from \$32,496 to approximately \$43,277 at Dallas Love Field - Estimated Annual Revenue: \$16,910

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, APRIL 16, 2008

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

City Attorney's Office

4. An ordinance amending Chapter 41A of the Dallas City Code to: **(1)** prohibit minors from entering, performing, or working in a sexually oriented business; **(2)** provide requirements and qualifications for designated operators and adult cabaret entertainers; **(3)** clarify duties, responsibilities, and violations relating to operators of a sexually oriented business; **(4)** enhance identification record requirements for employees of a sexually oriented business; **(5)** clarify notice requirements, appeal procedures, and effective dates relating to suspension, revocation, or nonrenewal of a sexually oriented business license; **(6)** make certain nonsubstantive changes; **(7)** provide transitional provisions; and **(8)** provide for other enforcement amendments relating to sexually oriented businesses - Financing: No cost consideration to the City

Library

5. Authorize a Release and Refunding Agreement between the City of Dallas, as a beneficiary, and Fiduciary Trust International of California ("Trustee") and Byron A. Parker ("Executor") of the estate of I. Benjamin Parrill, Deceased, and Selma L. Parrill, Deceased - Financing: No cost consideration to the City

Briefings

6ES

- A. Consul General of Canada Trade Presentation
- B. Visit to the Trinity River Audubon Center

Lunch

- C. FY 2008-09 Consolidated Plan Budget
- D. Newsracks

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, APRIL 16, 2008

Closed Session 6ES

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

- Jim Lowenberg, et al. v. City of Dallas, Texas Supreme Court No. 06-0310
- Legal issues involving proposed amendments to Chapter 41A of the City Code
- Legal issues relating to the City's compliance with subpoena issued July 29, 2005, and related matters
- Trans Health, Inc. d/b/a Fundamental, Claim No. 06168975
- Brandon Campbell and Kenneth Rean v. City of Dallas, Texas, Cause No. 07-07990-L
- Proposal to amend Dallas Development Code Section 51A-7.307 concerning the relocation of detached non-premise signs.

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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: April 16, 2008
COUNCIL DISTRICT(S): 14
DEPARTMENT: Aviation
CMO: Ramon F. Miguez, P.E.
MAPSCO: 33H

SUBJECT

Authorize **(1)** a second amendment to the 1985 lease agreement with TXI Aviation I, L.L.C. to add approximately 19,152 square feet of unimproved land increasing the total land under lease from 168,030 square feet to approximately 187,182 square feet and increase the annual rental revenue in the amount of approximately \$6,129 from \$42,158 to approximately \$48,287; and **(2)** an amendment to the 2007 lease agreement with TXI Aviation I, L.L.C. to add approximately 33,692 square feet of unimproved land increasing the total land under lease from 101,552 square feet to 135,244 square feet and increase the annual rental revenue in the amount of approximately \$10,781 from \$32,496 to approximately \$43,277 at Dallas Love Field - Estimated Annual Revenue: \$16,910

BACKGROUND

TXI Aviation I, L.L.C. has two ground leases at Dallas Love Field. The original TXI lease was entered into in 1985 and included a commitment of \$2.6 million in capital improvements. The second lease was entered into on May 1, 2007 and included a commitment of an additional \$2.5 million. The original lease was also amended in 2007 to include an additional commitment of \$1 million in capital improvements.

TXI has determined that it will require additional automobile parking to be constructed of approximately 19,152 square feet of unimproved land located adjacent to the existing premises of the 1985 Lease. The initial lease rate for the additional unimproved land will be based on the current annual prevailing rental rate of \$.32 per square foot.

TXI has also determined that their growth now requires a larger hangar on the 2007 Lease and they are planning a 35,000 square foot hangar instead of the original 30,000 square foot hangar. However, the increase in hangar size displaces land for aircraft parking and circulation. Therefore, approximately 33,692 square feet of unimproved land will be added to the 2007 Lease and will be paved for aircraft operation. The initial lease rate for the approximately 33,692 square feet of unimproved land will be based on the current annual prevailing rental rate of \$.32 per square foot.

BACKGROUND (Continued)

The lease rates for the combined total 52,844 square feet of unimproved land added by both lease amendments are subject to escalations based on the existing methodology in each respective lease, provided however, the lease rates will be increased by a maximum of 12% immediately upon City Council approval of an updated prevailing lease rate pursuant to implementation of the rates and charges study recommendation and shall continue to increase by a maximum of 12% every three years until the lease equals the airport's appraised lease rate.

Approval of this agenda item will increase the City's total annual rental revenue from both TXI Aviation I, L.L.C. leases in the amount of approximately \$16,910 from \$74,654 to approximately \$91,564.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized original lease on March 27, 1985, by Resolution No. 85-1033.

Briefed the Transportation & Environment Committee on November 27, 2006.

Briefed the Economic Development & Housing Committee on April 2, 2007.

Authorized original lease and first amendment to lease on April 11, 2007, by Resolution No. 07-1134.

FISCAL INFORMATION

Estimated Annual Revenue - \$16,910

OWNER

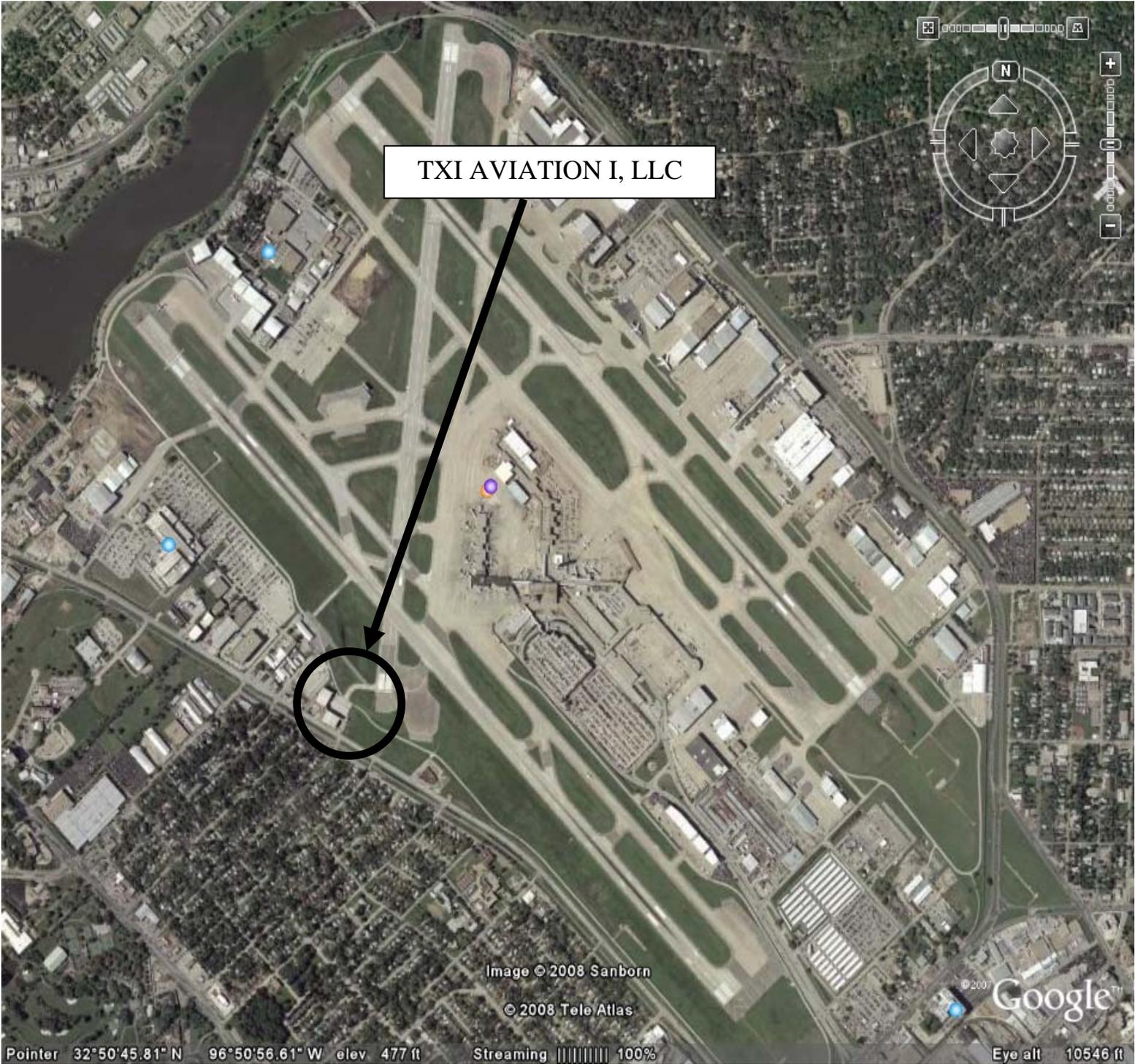
TXI Aviation I, L.L.C., a Texas limited liability company

Vitesse Corporation, a Nevada Corporation, Manager and sole member
Jerry Slusser, President
Kenneth M. Emter, Secretary Treasurer

MAP

Attached.

**TXI AVIATION I, LLC
General Location
Dallas Love Field**



TXI AVIATION I, LLC



Image © 2008 Sanborn

© 2008 Tele Atlas

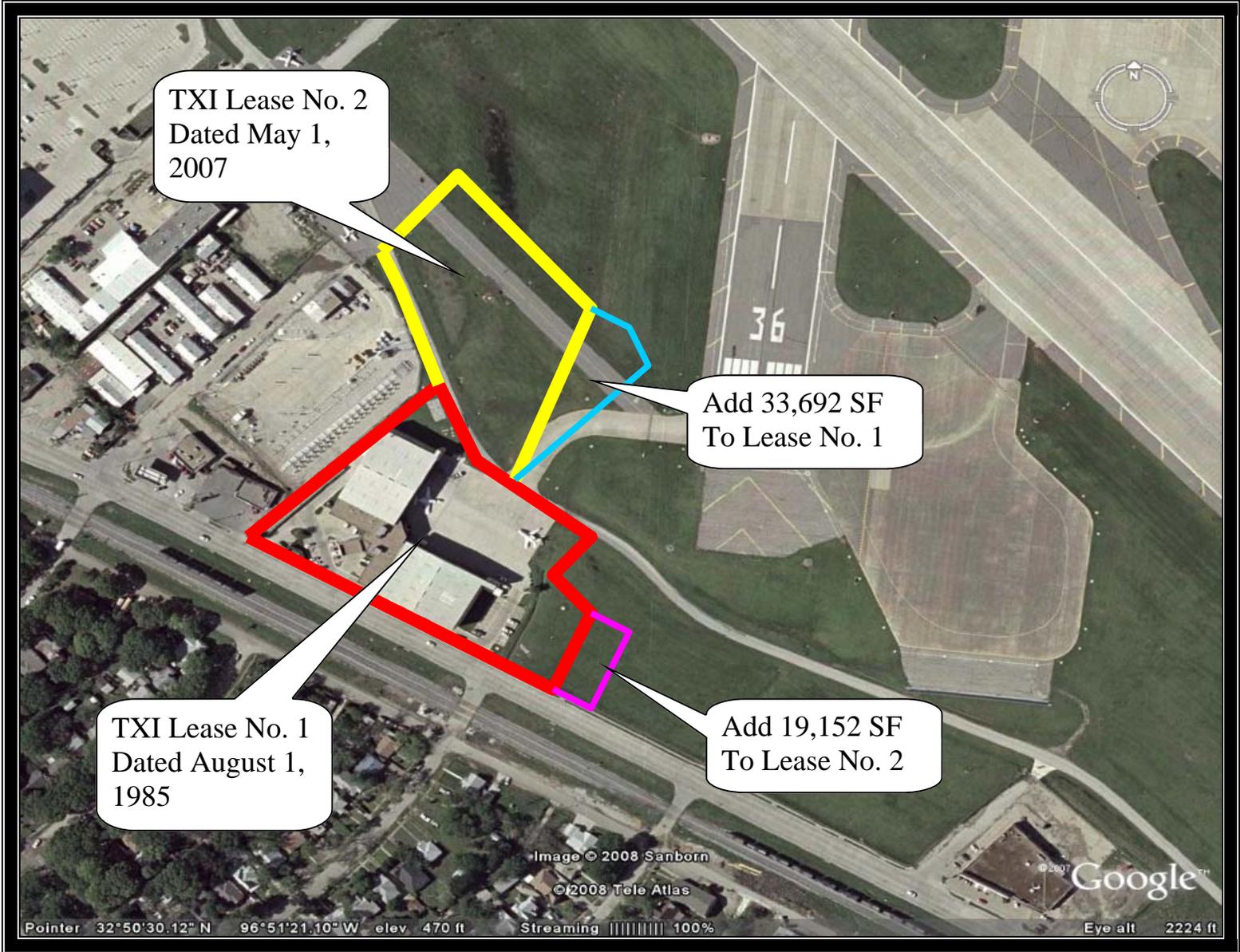
© 2007 Google™

Pointer 32°50'45.81" N 96°50'56.61" W elev. 477 ft

Streaming ||||| 100%

Eye alt 10546 ft

TXI AVIATION I, LLC
Existing Leases (2)
Proposed Land to be Added



April 16, 2008

WHEREAS, on August 1, 1985, Texas Industries, Inc. entered into a 30-year primary term lease ("Lease No. 1"), plus two five-year options to extend the lease, of approximately 3.858 acres of land, for aviation related purposes at Dallas Love Field authorized by the Dallas City Council on March 27, 1985, Resolution No. 85-1033; and

WHEREAS, Texas Industries, Inc. has already expended the required \$2.6 million obligation on new capital improvements on the leased premises of Lease No. 1; and

WHEREAS, on May 25, 2006, TXI Aviation, Inc., successor-in-interest to Texas Industries, Inc., assigned its right, title and interest in Lease No. 1 to Lessee, and

WHEREAS, on May 1, 2007, Lessee entered into a lease amendment that extended the term of Lease No. 1 to a total of forty years, increased the capital commitment by \$1 million and deleted two five-year options to extend the lease, authorized by the Dallas City Council on May 1, 2007, Resolution No. 07-1134; and

WHEREAS, on May 1, 2007, TXI I, L.L.C. ("Lessee") entered into a lease ("Lease No. 2"), having an effective date of May 1, 2007, of approximately 2.33 acres of land, for aviation related purposes at Dallas Love Field authorized by the Dallas City Council on April 11, 2007, Resolution No. 07-1134; and

WHEREAS, Lessee agreed to expend not less than \$2.5 million on new capital improvements on the leased premises within twenty-four months from the effective date of Lease No. 2; and

WHEREAS, on May 1, 2007, Lessee entered into a lease amendment to Lease No. 1 and new Lease No. 2 that tied the leases together to run coterminous with each other and provide that a default and/or lease termination of one lease would apply automatically to the other lease, authorized by the Dallas City Council on May 1, 2007, Resolution No. 07-1134; and

WHEREAS, the City and Lessee now desire to amend Lease No. 1 and Lease No. 2 to accommodate Lessee's expansion plans at Dallas Love Field;

April 16, 2008

Now, Therefore,

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

Section 1. That the proposed lease amendments to Lease No. 1 and Lease No. 2, are hereby approved and the City Manager is authorized to execute, on behalf of the City of Dallas, the lease amendments after approval as to form by the City Attorney.

Section 2. That the Second Amendment to Lease No. 1 shall contain the following:

(a) Add approximately 19,152 square feet of unimproved land to the Lease. The exact location and size of the proposed lease premises are subject to a final survey and upon completion of such survey and acceptance by the Director of Aviation, the annual rent, as provided in this Section 3, shall be adjusted accordingly.

(b) The initial lease rate will be based on the current annual prevailing rental rate of \$.32 per square foot providing annual rent in the amount of approximately \$6,129. The lease rate for the land added by this amendment is subject to escalations based on the existing methodology in the lease, provided however, the lease rates will be increased by a maximum of 12% immediately upon City Council approval of an updated prevailing lease rate pursuant to implementation of rates and charges study recommendation and shall continue to increase by a maximum of 12% every three years until the lease rate equals the airport's appraised lease rate.

That the First Amendment to Lease No. 2 shall contain the following:

(c) Add approximately 33,692 square feet of unimproved land to the Lease. The exact location and size of the proposed lease premises are subject to a final survey and upon completion of such survey and acceptance by the Director of Aviation, the annual rent, as provided in this Section 2, shall be adjusted accordingly.

(d) The initial lease rate will be based on the current annual prevailing rental rate of \$.32 per square foot providing annual rent in the amount of approximately \$10,781. The lease rate for the land added by this amendment is subject to escalations based on the existing methodology in the lease, provided however, the lease rates will be increased by a maximum of 12% immediately upon City Council approval of an updated prevailing lease rate pursuant to implementation of rates and charges study recommendation and shall continue to increase by a maximum of 12% every three years until the lease rate equals the airport's appraised lease rate.

April 16, 2008

Section 3. That the City Controller be and is hereby authorized to deposit all revenues received under the Lease Amendment to: Aviation Operating Fund 0130; Dept. AVI; Unit 7722; Revenue Source 7814.

Section 4. 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: Brenda Hozak, Aviation Department, Dallas Love Field
Dan Weber, Aviation Department, Dallas Love Field
Bob Sims, City Attorney Office, 7DN

Memorandum



DATE April 11, 2008
TO Honorable Mayor and Members of the City Council
SUBJECT April 16, 2008 Council Briefing - Agenda Item No. 4

Included on the agenda for April 16, 2008 is Agenda Item No. 4, an ordinance amending Chapter 41A of the Dallas City Code. At this time we are in the process of finalizing the proposed amendments; thus, we will be hand delivering the agenda information sheet and proposed ordinance to your home this weekend.

Please contact me should you have any questions.

Jennifer Richie
Executive Assistant City Attorney

cc: Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Deborah Watkins, City Secretary
Craig Kinton, City Auditor
Judge Jay Robinson, Judiciary
Ryan S. Evans, First Assistant City Manager
Ramon F. Miguez, P.E., Assistant City Manager
David O. Brown, Interim Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
David K. Cook, Chief Financial Officer
Chandra Marshall-Henson, Assistant to the City Manager

AGENDA ITEM # 5

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities
Education Enhancements

AGENDA DATE: April 16, 2008

COUNCIL DISTRICT(S): 14

DEPARTMENT: Library

CMO: David O. Brown, 670-3390

MAPSCO: 35W

SUBJECT

Authorize a Release and Refunding Agreement between the City of Dallas, as a beneficiary, and Fiduciary Trust International of California ("Trustee") and Byron A. Parker ("Executor") of the estate of I. Benjamin Parrill, Deceased, and Selma L. Parrill, Deceased - Financing: No cost consideration to the City

BACKGROUND

In 1986, I. Benjamin and Selma L. Parrill created a trust, which was subsequently amended on July 18, 1991 and October 15, 1997, for the benefit of several beneficiaries, including the Dallas Public Library, Oak Lawn Branch. I. Benjamin Parrill, who died on August 26, 2007, and Selma L. Parrill who died on August 13, 2007, pursuant to the trust agreement, have left a residual bequest to the Oak Lawn Branch of the Dallas Public Library. To expedite payment to all the beneficiaries under the will, the Trustee of the Trust (Fiduciary Trust International of California) and the Executor of the estate (Byron A. Parker) requests that all Trust beneficiaries enter into a Release and Refunding Agreement to allow distribution of the Trust assets to the beneficiaries without requiring Court approval or the expense of probate administration. This agreement requires the City as beneficiary of the Dallas Public Library, Oak Lawn Branch bequest, to release certain claims against the Trustee and Executor and agree that if the wills are later challenged and the amount of the City's interest in the estate is decreased, the City will refund the difference to the estate, up to the amount previously paid to the City. In addition, the City is required pursuant to the Release and Refunding Agreement, to indemnify the Trustee against claims that could be asserted against the Trustee in connection with the administration and distribution of Trust assets; provided that the City's indemnity is limited to the value of the trust estate received by the City. City Council approval is required in order for the City to enter into this Release and Refunding Agreement.

Until the will is executed, the final amount bequeathed to the City is indeterminable. When the money is received, it will be placed in a restrictive fund. Future Council action will be required upon receipt of money.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

This item has no prior action.

FISCAL INFORMATION

This item has no cost consideration to the City.

April 16, 2008

WHEREAS, I. Benjamin Parrill and Selma L. Parrill created a trust and have contributed from their estates a 10% residuary interest to the Oak Lawn Branch of the Dallas Public Library; and,

WHEREAS, the City wishes to cooperate with the other beneficiaries to expedite the distribution of the estate without the necessity or expense of court approval or administration; and,

WHEREAS, the Trustee, Fiduciary Trust International of California and the Executor, Byron A. Parker, requests the City of Dallas to enter into this Release and Refunding Agreement.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a Release and Refunding Agreement with Fiduciary Trust International of California, Trustee, and Byron A. Parker, Executor, of the estates of I. Benjamin Parill, Deceased and Selma L. Parill, Deceased., after it has been approved as to form by the City Attorney.

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

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: Library, Director's Office, 1515 Young St. 2nd Floor
Library, Business Office, 1515 Young St. 2nd Floor
City Attorney

