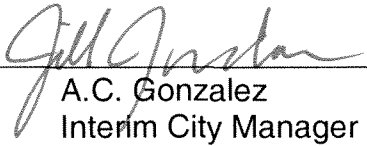


**OCTOBER 16, 2013 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated October 16, 2013. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
Interim City Manager



Date



Edward Scott
City Controller



Date

RECEIVED

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CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

October, 16, 2013

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)
(La Información General Y Reglas De Cortesía Que Deben Observarse
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

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

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

Rules of Courtesy

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

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

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

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne en el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

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

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

Reglas de Cortesía

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

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que este presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, OCTOBER 16, 2013
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 October 2, 2013 City Council Meeting and October 7, 2013 Special Called 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

Human Resources

- 3 A resolution appointing Warren M.S. Ernst, as City Attorney for the City of Dallas effective October 16, 2013, and authorizing the City Attorney contract

Briefings 6ES

- A. Review of the 83rd Session of the Texas Legislature and FY 2013-14 Lobbying Contracts Renewal
- B. 2014 City Calendar

Lunch

- C. The Connected City Design Challenge - Trends in Urban Design

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, OCTOBER 16, 2013

Closed Session 6ES
Attorney Briefings (Sec. 551.071 T.O.M.A.)
- Claim filed by Glenda Anderson, Claim No. 12-00002.

Open Microphone Speakers 6ES

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

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

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

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

AGENDA ITEM # 3

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: October 16, 2013

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Human Resources

CMO: Interim A. C. Gonzalez, 670-3302

MAPSCO: N/A

SUBJECT

A resolution appointing Warren M.S. Ernst, as City Attorney for the City of Dallas effective October 16, 2013, and authorizing the City Attorney contract

BACKGROUND

On Tuesday, October 8, 2013 the City of Council authorized the Interim City Manager to negotiate an employment contract with Mr. Ernst for the position of City Attorney.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council discussed this item on Monday, October 7, 2013.

City Council authorized the Interim City Manager to negotiate an employment contract with Mr. Ernst on Tuesday, October 8, 2013.

FISCAL INFORMATION

See contract attached to resolution.

October 16, 2013

WHEREAS, the Dallas City Council desires to appoint Warren M.S. Ernst, to the position of City Attorney; and

WHEREAS, a contract for the services of Warren M.S. Ernst, as City Attorney has been negotiated;

NOW, THEREFORE,

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

SECTION 1. That Warren M.S. Ernst, is hereby appointed City Attorney of the City of Dallas for a two-year term, effective October 16, 2013.

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

employees of the City are paid, and subject to the same applicable deductions for employee benefit contributions.

(b) City agrees to increase this base salary and/or other benefits of Warren M.S. Ernst in amounts and to the extent that the City Council may determine on the basis of a salary and performance review made at least annually by the City Council meeting with the City Attorney after a report and recommendation by a committee of the Mayor, Mayor Pro Tem, and Deputy Mayor Pro Tem, the initial review to take place one year from October 16, 2013.

(c) City shall also procure a policy of indemnity against professional liability or in the alternative assume liability on behalf of Warren M.S. Ernst for services performed under this Agreement and while employed as City Attorney for the City.

IV. HOURS OF WORK

It is recognized that the City Attorney must devote a great deal of time outside normal office hours to the business of the City, and in consideration of that responsibility, the City Attorney will be allowed to take reasonable time off as he shall deem appropriate during normal office hours.

V. EXPENSES

The City agrees to reimburse the City Attorney for expenses incurred in the conduct of City Business, including, but not limited to the hosting of business meetings.

VI. ANNUAL PHYSICAL EXAMINATION

The City Attorney agrees to obtain a physical examination once each year, the cost of which will be paid by the City.

VII. REAL PROPERTY AND OTHER BUSINESS INVESTMENTS

(a) Warren M.S. Ernst agrees that he shall not have or acquire an ownership interest in any real property in the City of Dallas, other than his residence, during his term as City Attorney, without first obtaining the approval of the City Council.

(b) Warren M.S. Ernst agrees that he shall not engage in any joint business activities with any other City employee during his term as City Attorney.

VIII. PROFESSIONAL DEVELOPMENT AND CIVIC SERVICE

(a) The City agrees to pay the travel and subsistence expenses of Warren M.S. Ernst for professional and official travel, meetings and occasions adequate to continue his professional development and to adequately pursue necessary official and other functions for the City, including but not limited to, the Texas Bar Association, the National Institute of Municipal Law Officers, Texas City Attorneys Association, the Dallas Bar association, and such other national, regional, state, and local groups and committees of these organizations which Warren M.S. Ernst serves as a member.

(b) The City agrees to pay for the travel and subsistence expenses of Warren M.S. Ernst for short courses, institutes, and seminars that are necessary for his professional development and for the good of the City.

(c) The City agrees to pay for the dues and subscriptions of Warren M.S. Ernst necessary for his continuation and full participation, including the holding of office in national, regional, state, and local professional and civic associations and organizations necessary and desirable for his continued professional and civic participation, growth, and advancement, and for the good of the City.

IX. TERMINATION AND SEVERANCE PAY

(a) In the event of his involuntary separation as City Attorney, Warren M.S. Ernst shall be entitled to receive a lump sum payment equal to 180 work days (18 two-week pay periods) salary; provided, however, that if he is terminated because of his conviction of an offense involving moral turpitude or any criminal act involving the performance of his duties, then, City shall have no obligation to pay the severance sum designated in this section.

(b) Involuntary separation as used in this Agreement means:

(1) removal from office by the City Council in accordance with Section 1, Chapter VII of the City Charter;

(2) refusal of the City, following a written notice from the City Attorney, to comply with any other provision of this Agreement benefiting Warren M.S. Ernst; or

(3) the City Attorney's resignation following a suggestion, whether formal or informal, by a majority of the City Council that he resign.

(c) If involuntary separation occurs under subsection (b)(2), or (3), Warren M.S. Ernst at his option, may be deemed to be "terminated" at the date of the refusal or suggestion.

(d) Before voluntarily resigning his position, Warren M.S. Ernst agrees to give the City Council at least 60 days' notice in writing of his intention to resign, stating the reasons for the resignation.

(e) In the event of termination, voluntary or otherwise, or as the result of non-reappointment of Warren M.S. Ernst as City Attorney, base salary specified under Section III of this Agreement shall be paid only to the effective date of termination. Further, in accordance with Chapter VII, Section 1 of the City Charter, as amended, the City Attorney cannot be discharged during his term of office except upon the required vote of the members of the City Council. Unless dismissed by the City Council for misconduct in office, the City Attorney shall be given 30 days' notice prior to termination of employment, as required by Chapter XXIV, Section 15 of the City Charter.

X. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

In addition to the benefits provided in this Agreement, all provisions of the City Charter, City Code, and regulations and rules of the City relating to vacation, sick leave, retirement system contributions, holidays, compensatory time, service incentive pay, and other fringe benefits and working conditions as they now exist or may be amended, also shall apply to Warren M.S. Ernst, as they would to other employees of the City, insofar as those provisions, regulations, and rules are not inconsistent with this Agreement.

EXECUTED this 16th day of October, 2013, pursuant to City Council Resolution 13-_____, attached hereto.

APPROVED AS TO FORM:
WARREN M.S. ERNST
Interim City Attorney

CITY OF DALLAS
A.C. GONZALEZ
Interim City Manager

BY _____
Assistant City Attorney

BY _____
Assistant City Manager

WARREN M.S. ERNST