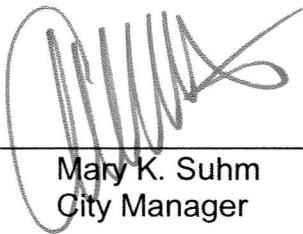


**JANUARY 18, 2012 CITY COUNCIL BRIEFING AGENDA  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated January 18, 2012. 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.



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Mary K. Suhm  
City Manager

1/13/12

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Date



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Edward Scott  
City Controller

1/13/12

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Date



RECEIVED

2012 JAN 13 PM 5:06

CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL BRIEFING AGENDA

January 18, 2012

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 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 Alcaidía, 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 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, JANUARY 18, 2012  
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 4, 2012 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. Confirming the Strategic Plan FY 11-12

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Attorney's Office**

3. A hearing under Chapter VIII, Section 4A of the Dallas City Charter, and an ordinance removing full-time Municipal Judge Phyllis Lister-Brown from office, for violation of Chapter III, Section 17 of the Dallas City Charter, which prohibits an appointive officer of the City from becoming a candidate for nomination or election to any public office - Financing: No cost consideration to the City
- B. Budgeting for Outcomes: Key Focus Area Team Presentations
  1. Public Safety
  2. Economic Vibrancy
  3. Clean, Healthy Environment
  4. Culture, Arts & Recreation
  5. Educational Enhancements
  6. E<sup>3</sup> Government

Lunch

- C. SAP Billing System

AGENDA  
CITY COUNCIL BRIEFING MEETING  
WEDNESDAY, JANUARY 18, 2012

- |  |     |
|--|-----|
| Closed Session   | 6ES |
| Attorney Briefings (Sec. 551.071 T.O.M.A.)   |     |
| - Legal issues regarding proposed repayment agreement between the Department of the Army and the City for the Dallas Floodway Extension Project. |     |
| <br>   |     |
| 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:** Make Government More Efficient, Effective and Economical

**AGENDA DATE:** January 18, 2012

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** City Attorney's Office

**CMO:** Thomas P. Perkins, Jr., 670-3491

**MAPSCO:** N/A

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**SUBJECT**

A hearing under Chapter VIII, Section 4A of the Dallas City Charter, and an ordinance removing full-time Municipal Judge Phyllis Lister-Brown from office, for violation of Chapter III, Section 17 of the Dallas City Charter, which prohibits an appointive officer of the City from becoming a candidate for nomination or election to any public office - Financing: No cost consideration to the City

**BACKGROUND**

On June 23, 2010, by Ordinance No. 25928, the City Council appointed Phyllis Lister-Brown as a full-time Municipal Judge for the City of Dallas Municipal Court of Record for a two-year term ending May 31, 2012. Chapter VIII, Section 4A of the Dallas City Charter provides that the City Council may remove a full-time or associate Municipal Judge for failure to maintain compliance with any qualifications or requirements for municipal judges established by city ordinance, state or federal law or other applicable law. Chapter III, Section 17 of the Dallas City Charter provides that an appointive officer of the city immediately forfeits his or her position with the city if he or she becomes a candidate for nomination or election to any public office. Phyllis Lister-Brown, an appointive officer of the city, recently became a candidate for nomination on the Democratic Party's primary ballot for nomination for Judge of the 162<sup>nd</sup> Judicial District Court in Dallas, a public office, in violation of Chapter III, Section 17 of the Dallas City Charter. This ordinance will remove full-time Municipal Judge Phyllis Lister-Brown from office for violating Chapter III, Section 17 of the Dallas City Charter.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

Council was briefed in closed session on December 7, 2011 and January 4, 2012.

**FISCAL INFORMATION**

No cost consideration to the City.



January 18, 2012

ORDINANCE NO. \_\_\_\_\_

An ordinance removing Phyllis Lister-Brown from office as a full-time municipal judge for the City of Dallas Municipal Court of Record; and providing an effective date.

WHEREAS, on June 23, 2010, by Ordinance No. 25928, the city council appointed Phyllis Lister-Brown a full-time municipal judge for the City of Dallas Municipal Court of Record for a two-year term ending May 31, 2012; and

WHEREAS, Chapter VIII, Section 4A of the Charter of the City of Dallas (“Dallas City Charter”) authorizes the city council to remove a full-time or associate municipal judge for failure to maintain compliance with any qualifications or requirements for municipal judges established by city ordinance, state or federal law or other applicable law; and

WHEREAS, Chapter III, Section 17 of the Dallas City Charter provides that an appointive officer of the city shall immediately forfeit his or her position with the city if he or she becomes a candidate for nomination or election to any public office; and

WHEREAS, Phyllis Lister-Brown, an appointive officer of the city, recently became a candidate for nomination on the Democratic Party’s primary ballot for nomination for Judge of the 162<sup>nd</sup> Judicial District Court in Dallas County (See attached Exhibit A – Application for Place on Democratic Party General Primary Ballot); and

WHEREAS, the position of Judge of the 162<sup>nd</sup> Judicial District Court in Dallas County is a public office; and

WHEREAS, the city council wishes to remove full-time Municipal Judge Phyllis Lister-Brown from office, under chapter VIII, Section 4A of the Dallas City Charter, for

violating Chapter III, Section 17 of the Dallas City Charter; Now, Therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS;

SECTION 1. That full-time Municipal Judge Phyllis Lister-Brown is hereby removed from office under Chapter VIII, Section 4A of the Dallas City Charter for violation of Chapter III, Section 17 of the Dallas City Charter, which prohibits an appointive officer of the city from becoming a candidate for nomination or election to any public office.

SECTION 2. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Dallas City Charter, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

BY \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

AW2-2,  
Prescribed by Secretary of State,  
Sections 141.031, 172.021, Texas Election Code,  
7/2011

All information is required to be provided unless indicated as optional

APPLICATION FOR A PLACE ON THE Democratic PARTY GENERAL PRIMARY BALLOT

TO: State/County Chair  
I request that my name be placed on the above-named official primary ballot as a candidate for nomination to the office indicated below.

OFFICE SOUGHT Include any place number or other distinguishing number, if any. <u>Judge of the 162nd Civil District Court</u>		INDICATE TERM <input checked="" type="checkbox"/> FULL <input type="checkbox"/> UNEXPIRED	
FULL NAME (First, Middle, Last) <u>Phyllis Lister Brown</u>		PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT <u>Phyllis Lister Brown</u>	
PERMANENT RESIDENCE ADDRESS (Street address and apartment number. If none, describe location of residence. Do not include P.O. Box or Rural RL) [REDACTED]		MAILING ADDRESS (If different from residence address)	
CITY <u>Dallas</u>	STATE <u>Tx</u>	ZIP <u>75249</u>	CITY STATE ZIP
EMAIL ADDRESS (Optional)	OCCUPATION (Do not leave blank) <u>Municipal Judge</u>	DATE OF BIRTH [REDACTED]	COUNTY OF RESIDENCE <u>Dallas</u>
TELEPHONE NUMBER (Include area code) (Optional)	Length of Continuous Residence as of Date Application Sworn		
OFFICE:	IN STATE <u>50</u> yr(s)	IN COUNTY <u>50</u> yr(s)	IN DISTRICT OR PRECINCT <u>50</u> yr(s)
HOME:	<u>1</u> mos	<u>1</u> mos	<u>1</u> mos

If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election.

Before me, the undersigned authority, on this day personally appeared (name) PHYLLIS LISTER BROWN, who being by me here and now duly sworn, upon oath says: "I, (name) PHYLLIS LISTER BROWN, of DALLAS County, Texas, being a candidate for the office of JUDGE, 162ND DISTRICT COURT, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the Constitution and laws of this state. I have not been finally convicted of a felony for which I have not been pardoned or had my full rights of citizenship restored by other official action. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code.

I further swear that the foregoing statements included in my application are in all things true and correct."

X [Signature]  
SIGNATURE OF CANDIDATE

Sworn to and subscribed before me at 4:55 pm, this the 13 day of DECEMBER, 2011.

[Signature]  
Signature of Officer administering oath

NOTARY  
Title of Officer administering oath

STEVE A. TILGRY  
MY COMMISSION EXPIRES  
October 28, 2013

TO BE COMPLETED BY CHAIR:

THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE, PAID BY CASH  CHECK  MONEY ORDER  CASHIERS CHECK  OR A PETITION IN LIEU OF FILING FEE

This document and \$ 0 filing fee or a nominating petition of 235 pages received

(See Section 1.007)

12-15-2011 Date  
Darlene Evey Signature of Chair

