SEPTEMBER 9, 2021 CITY COUNCIL AGENDA CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated September 9, 2021. 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.

(Volume)	
T.C. Broadnax City Manager	<u>9/3/2021</u> Date
M. Elyabeth Reich Chief Financial Officer	<u>9/3/2021</u> Date

Memorandum



DATE September 3, 2021

TO Honorable Mayor and Members of the City Council

SUBJECT September 9, 2021 City Council FINAL Agenda - Additions/Revisions/Deletions

On August 27, 2021, a DRAFT City Council Agenda for September 9, 2021 was provided for your review. This memo outlines any additions, revisions or deletions made to the FINAL agenda after the distribution of the DRAFT agenda.

Additional items and deletions to the DRAFT agenda are outlined below, including *revisions* to the FINAL agenda are underlined in blue and *deletions* are strikethrough in red. A brief explanation for revisions along with staff's contact information is provided.

Additions:

- 43. 21-1687 A resolution of the City Council of the City of Dallas, Texas (1) authorizing the publication of Notice of Intention to Issue Certificates of Obligation; (2) approving the preparation of a preliminary official statement and a Notice of Sale; and (3) providing for the effective date thereof Financing: No cost consideration to the City
- 44. 21-1683 A resolution considering the Ethics Advisory Commission's recommended sanction against Councilmember Adam Bazaldua in connection with the EAC's finding of a violation of Chapter 12A of the Dallas City Code Financing: No cost consideration to the City

Revisions:

2. 21-1518 An ordinance amending Ordinance No. 31655, previously approved on September 23, 2020, as amended by Ordinance No. 31884, previously approved on June 9, 2021, authorizing certain transfers and appropriation adjustments for FY 2020-21 for various departments, activities, and projects; and authorize the City Manager to implement those adjustments - Financing: General Fund (\$1,481,897,935), Enterprise, Internal Service, and Other Funds (\$1,363,639,214), Capital Funds (\$1,454,481,707), and Grants, Trusts and Other Funds (\$103,865,643)

This item is being revised to include the amounts and the ordinance. Please contact Jack Ireland, Director, Budget and Management Services, at jack.ireland@dallascityhall.com, for more information.

September 9, 2021 City Council FINAL Agenda - Additions/Revisions/Deletions

6. 21-1566 A resolution authorizing the preparation of plans and the payment of potential future costs and expenses for the issuance of Civic Center Convention Complex Revenue Refunding and Improvement Bonds, Series 2021 in an amount not to exceed \$270,000,000 - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)

This item is being revised due to recent legislative changes that effectuated an amendment to the underwriter Request for Proposal selection. Please contact Jenny Kerzman, Assistant Director of Treasury, City Controller's Office at 21-670-3676, for more information.

41. 21- 1519 First reading and passage of the appropriation ordinance for the proposed FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets - Financing: This action has no cost consideration to the City (see Fiscal Information)

This item is being revised to include the ordinance. Please contact Jack Ireland, Director, Budget and Management Services, at jack.ireland@dallascityhall.com, for more information.

Deletions:

23. 21-1265 Authorize a one-year service contract, with two one-year renewal options, for job search, skill training, and placement assistance for seniors for the Office of Community Care - Citizens Development Center dba Achieve, most advantageous proposer of three - Not to exceed \$115,146 - Financing: General Fund (subject to annual appropriations)

This item is being deleted because the contract value for the initial term was adjusted to approximately \$80,000, which falls below the Council approval threshold. Please contact Chhunny Chhean, Director, Office of Procurement Services, at 214-670-3519 or Jessica Galleshaw, Director, Office of Community Care, at 214-670-5113, for more information.

A memorandum was previously provided to Committee and/or City Council regarding the following items. A link to the memos is attached for more information.

2. 21-1518 An ordinance amending Ordinance No. 31655, previously approved on September 23, 2020, as amended by Ordinance No. 31884, previously approved on June 9, 2021, authorizing certain transfers and appropriation adjustments for FY 2020-21 for various departments, activities, and projects; and authorize the City Manager to implement those adjustments - Financing: General Fund (\$1,481,897,935), Enterprise, Internal Service, and Other Funds (\$1,363,639,215), Capital Funds (\$1,458,726,710), and Grants, Trusts and Other Funds (\$100,235,427)

<u>City Council was briefed by memorandum regarding this matter on September 3, 2021.</u>

September 9, 2021 City Council FINAL Agenda - Additions/Revisions/Deletions

- 4. 21-1557 Authorize settlement of the lawsuit styled Alita Asberry v. The City of Dallas, Cause No. CC-19-00776-A Not to exceed \$110,000.00 Financing: Liability Reserve Fund City Council was briefed by confidential memorandum on September 3, 2021.
- 5. 21-1538 Authorize settlement of the lawsuit styled Janet Kelley v. City of Dallas, Cause No. DC-20-05761 Not to exceed \$85,000.00 Financing: Liability Reserve Fund City Council was briefed by confidential memorandum on September 3, 2021.
- 21. 21-1463 Authorize the **(1)** acceptance of a grant from the U.S. Department of Justice, Bureau of Justice Assistance for the FY 2021 Edward Byrne Memorial Justice Assistance Grant (Grant No. TBD, CFDA No. 16.738) in the amount of \$1,115,605.00 to support a broad range of activities to prevent and control crime and to improve the criminal justice system for the period October 1, 2020 through September 30, 2024; **(2)** receipt and deposit of funds in an amount not to exceed \$1,115,605.00 in the Bureau of Justice Assistance Grant FY 21 Fund; **(3)** establishment of appropriations in an amount not to exceed \$1,115,605.00 in the Bureau of Justice Assistance Grant FY 21 Fund; **(4)** execution of the grant agreement with the U.S. Department of Justice and all terms, conditions, and documents required by the agreement; and **(5)** execution of a Funds Sharing and Fiscal Agency Agreement between the City of Dallas, Dallas County, and designated units of local governments Not to exceed \$1,115,605.00 Financing: U.S. Department of Justice Grant Funds

City Council was briefed by memorandum regarding this matter on August 13, 2021.

Thank you for your attention to these changes. If you have any questions, please contact Kimberly Bizor Tolbert, Chief of Staff at 214-670-3302.

T.C. Broadnax
City Manager

c: Chris Caso, City Attorney
Mark Swann, City Auditor
Bilierae Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizor Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Jon Fortune, Assistant City Manager Joey Zapata, Assistant City Manager Dr. Eric A. Johnson, Chief of Economic Development and Neighborhood Services M. Elizabeth Reich, Chief Financial Officer M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion Directors and Assistant Directors

RECEIVED

2021 SEP -3 PM 6:15

CITY SECRETARY DALLAS, TEXAS

City of Dallas

1500 Marilla Street Dallas, Texas 75201



COUNCIL AGENDA

September 9, 2021 9:00 AM

Public Notice

210752

POSTED CITY SECRETARY DALLAS, TX

(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

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 retrasara o interrumpirá los procedimientos, o se negara 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 (pagers) 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

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.

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 precisara al oficial que este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

AGENDA CITY COUNCIL MEETING 1500 MARILLA STREET **COUNCIL CHAMBERS, 6TH FLOOR DALLAS, TEXAS 75201** THURSDAY, SEPTEMBER 9, 2021 ORDER OF BUSINESS

The City Council meeting will be held by videoconference and in the Council Chambers, 6th Floor Individuals who wish to speak in accordance with the City Council Rules of at City Hall. Procedure must sign up with the City Secretary's Office.

The public is encouraged to attend the meeting virtually; however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols.

The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the City Council meeting on Spectrum Cable Channel 95 and bit.ly/cityofdallastv:

https://dallascityhall.webex.com/dallascityhall/j.php? MTID=m4d1484c0169922d622dc5e4fa6565f55

Public hearings will not be heard before 1:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

OPEN MICROPHONE

MINUTES	Item 1
CONSENT AGENDA	Items 2-39
DELETIONS	Item 23
ITEMS FOR INDIVIDUAL CONSIDERATION	Items 40-42
ADDITIONS	Items 43-44
ZONING	Items Z1-Z5
PUBLIC HEARINGS AND RELATED ACTIONS	Items PH1-PH3

Invocation and Pledge of Allegiance

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. 21-1559 Approval of Minutes of the August 25, 2021 City Council Meeting

CONSENT AGENDA

Budget and Management Services

An ordinance amending Ordinance No. 31655, previously approved on 2. 21-1518 September 23, 2020, as amended by Ordinance No. 31884, previously June 9. 2021, authorizing certain transfers appropriation adjustments for FY 2020-21 for various departments, activities, and projects; and authorize the City Manager to implement adjustments Financing: General Fund (\$1,481,897,935),Enterprise, Internal Service, and Other Funds (\$1,363,639,214), Capital (\$1,454,481,707),**Funds** Funds and Grants. Trusts and Other (\$103,865,643)

<u>Attachments:</u> Ordinance

Building Services Department

3. 21-1386 Authorize a service contract for the purchase and installation of eight generators at designated City facilities with LJ Power, Inc., through The Local Government Purchasing Cooperative Contract No. 577-18 - Not to exceed \$1,627,633.50 - Financing: Capital Construction Fund

Attachments: Map

Resolution

City Attorney's Office

Authorize settlement of the lawsuit styled <u>Alita Asberry v. The City of Dallas</u>, Cause No. CC-19-00776-A - Not to exceed \$110,000.00 - Financing: Liability Reserve Fund

<u>Attachments:</u> Resolution

 Authorize settlement of the lawsuit styled <u>Janet Kelley v. City of Dallas</u>, Cause No. DC-20-05761 - Not to exceed \$85,000.00 - Financing: Liability Reserve Fund

Attachments: Resolution

City Controller's Office

6. 21-1566

A resolution authorizing the preparation of plans and the payment of potential future costs and expenses for the issuance of Civic Center Convention Complex Revenue Refunding and Improvement Bonds, Series 2021 in an amount not to exceed \$270,000,000 - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)

Attachments: Attachment I

Resolution

Department of Aviation

7. <u>21-1485</u>

Authorize the (1) application for and acceptance of a series of grants U.S. Department Transportation, the of Federal Administration (FAA) (Grant Nos. 3-48-0062-065-2021, TBD, CFDA No. 20.106) in the amount of \$97,859,158.00 and the Texas Department of Transportation - Aviation Division (Grant No. TBD, CFDA No. 20.106) in the amount of \$148,000.00 in a total amount of \$98,007,158.00 for the federal share of the eligible airport programs and projects for the American Rescue Plan Act (ARPA) within the Dallas Airport System; (2) establishment of appropriations in an amount not to exceed \$90,936,622.00 in the FAA ARPA - Dallas General Fund, \$6,922,536.00 in the FAA ARPA - Dallas Concessions Fund, and \$148,000.00 in the TXDOT ARPA - Dallas Executive Fund; (3) receipt and deposit of ARPA Grant Funds in an amount not to exceed \$90,936,622.00 in the FAA ARPA - Dallas General Fund, \$6,922,536.00 in the FAA ARPA - Dallas Concessions fund and \$148,000.00 in the TXDOT ARPA - Dallas Executive Fund; and (4) execution of the ARPA Grant agreement and all terms, conditions, and documents required by the ARPA Act - Total amount of \$98,007,158.00 - Financing: Federal Aviation Administration Grant Funds (\$97,859,158.00) and Texas Department of Transportation Aviation Grant Funds (\$148,000.00)

Attachments: Resolution

Department of Housing & Neighborhood Revitalization

8. 21-1260

Authorize amendments to the following programs under the Policy (CHP) Comprehensive Housing to (1) amend the Home Improvement and Preservation Program (HIPP) to (a) modify the Major Rehabilitation Forgivable Loan Program, for applications accepted after September 9, 2021, to revise (i) the program name; (ii) revise the funding cap from \$50,000.00 to 27% of the HOME Homeownership Value Limits ("Value Limits") per home (currently \$66,420.00), as established by the U.S. Department of Housing and Urban Development ("HUD"); and (iii) update program administration; (b) modify the Subrecipient Minor Home Repair Grant Program to (i) remove the 1:1 match; (ii) decrease the maximum assistance from \$10,000.00 to \$4,999.99 per home; and revise the program name and eligibility requirements; (c) modify the Housing Reconstruction Program to (i) revise the funding cap from \$160,000.00 to 75% of the Value Limits per home (currently \$184,000.00); (ii) revise the underwriting criteria; and (iii) revise the program name; (d) modify the Landlord Rental Repair Program to (i) revise all program requirements, including but not limited to funding and eligibility terms, to be consistent with the forgivable loan structure of other HIPP programs; and (ii) revise the per house funding cap from \$40,000.00 to 27% of Value Limits per home (currently \$66,240.00); and (iii) revise the program name; (2) amend the Community Land Trust Program to expand the nonprofit eligibility requirements to be consistent with recent legislation; (3) amend Appendix 18, Targeted Rehabilitation Program - West Dallas Sub-Program Module to clarify the requirements when bond funds are utilized; and (4) amend Appendix 19, Targeted Rehabilitation Program - Tenth Street Historic District Sub-Program Module to (a) change the area median income requirements from at or below 80% to 120%; (b) clarify the requirements when bond funds are utilized; and (c) revise the funding cap from \$20,000.00 to \$50,000.00 -Financing: No cost consideration to the City

<u>Attachments:</u> Resolution Exhibit A

Department of Public Works

9. <u>21-1239</u>

Authorize a construction services contract for the construction of Alley Reconstruction Group 17-1003 - (list attached to the Agenda Information Sheet) - CCGMG LLC Series B, lowest responsible bidder of seven - Not to exceed \$497,361.00 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$444,502.00), Wastewater Construction Fund (\$2,090.00), and Wastewater Capital Improvement E Fund (\$50,769.00)

Attachments: List

Maps

Resolution

10. 21-1300

Authorize a construction services contract for the construction of Street Reconstruction Group 17-2009 (list attached to the Agenda Information Sheet) - Vescorp Construction, LLC dba Chavez Concrete Cutting, lowest responsible bidder of four - Not to exceed \$1,696,152.50 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Funds) (\$1,495,182.50), Water Capital Improvement D Fund (\$117,040.00), Wastewater Capital Improvement E Fund (\$46,830.00), Water Construction Fund (\$23,300.00), and Wastewater Construction Fund (\$13,800.00)

Attachments:

List

Maps

Resolution

11. 21-1231

Authorize a construction services contract for the construction of Street Reconstruction Group 17-4007 (list attached to the Agenda Information Sheet) - Camino Construction, L.P., lowest responsible bidder of eight - Not to exceed \$1,921,558.00 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$1,569,234.00), Water Construction Fund (\$9,440.00), Water Capital Improvement D Fund (\$211,339.00), Wastewater Construction Fund (\$3,250.00), and Wastewater Capital Improvement E Fund (\$128,295.00)

Attachments: List

Maps

Resolution

Staff Report

12. **21-1193**

Authorize a construction services contract for the construction of Street Reconstruction Group 17-6006 (list attached to the Agenda Information Sheet) - Estrada Concrete Company, LLC, lowest responsible bidder of seven Not to exceed \$2,255,809.03 -Financing: Street and Fund (2017 General Obligation Bond **Transportation** (A) Fund) (\$1,490,634.98), Water Construction Fund (\$16,700.00), Water Capital Improvement D Fund (\$511,805.00). Wastewater Construction Fund (\$22,900.00),and Wastewater Capital Improvement Ε Fund (\$213,769.05)

Attachments: List

Maps Resolution

Department of Sustainable Development and Construction

Authorize acquisition of a wastewater easement from Savannah Property Company LLC, of approximately 15,111 square feet of land located near the intersection of University Hill Boulevard and Camp Wisdom Road for the University Hills Infrastructure Project - Not to exceed \$12,858.00 (\$10,358.00, plus closing costs and title expenses not to exceed \$2,500.00) - Financing: Equity Revitalization Capital Fund

Attachments: Map

Resolution Exhibit A Exhibit B

14. 21-1402

Authorize acquisition from Bruce Wilder and Jarvis Land and Timber, LLC, of a total of approximately 8.16 acres of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$41,627.00 (\$38,627.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Water Construction Fund

Attachments: Map

Resolution Exhibit A Exhibit B

15. 19-1594

An ordinance abandoning portions of two street easements to GPI Cedar Maple, LP, the abutting owner, containing a total of approximately 2,906 square feet of land, located near the intersection of Cedar Springs Road and Bookhout Street; and authorizing the quitclaim - Revenue: General Capital Reserve Fund (\$1,159,545.00) and General Fund (\$20,000.00), plus the \$20.00 ordinance publication fee

Attachments: Map

Ordinance Exhibit A Exhibit B 16. **21-145**

An ordinance abandoning portions of a water easement with temporary working space easement to Global Webb, L.P., the abutting owner, containing approximately 3,028 square feet of land, located near the intersection of Webb Chapel Road and Forest Lane - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

Attachments: Map

Ordinance Exhibit A

17. 21-279

An ordinance granting a private license to Dallas Independent School District, for the use of approximately 375 square feet of land to occupy, maintain and utilize a retaining wall on portions of Bruton Road and Citadel Drive rights-of-way located near its intersection with Citadel Drive - Revenue: General Fund \$1,000.00 annual fee, plus the \$20.00 ordinance publication fee

Attachments: Map

Ordinance Exhibit A Exhibit B

18. 21-1248

An ordinance granting a revocable license to Jackson 3 LLC dba Rokwood, for the use of a total of approximately 242 square feet of land to occupy, maintain and utilize a sidewalk café and five planter boxes on a portion of Jackson Street right-of-way near the intersection with Record Street - Revenue: General Fund \$200.00 annually and \$100.00 one-time fee, plus the \$20.00 ordinance publication fee

Attachments: Map

Ordinance Exhibit A Exhibit B

Office of Community Care

19. 21-1404

Authorize the (1) acceptance of the award from the Texas Health and Human Services Commission (HHSC) for the Special Supplemental Nutrition Program for Women, Infants and Children provided under the five-year contract executed on September 28, 2020 with the HHSC (Contract No. HHS000802300001, CFDA No. 10.557) in the amount of \$13,902,240.00 in FY 2022 funding for the period of October 1, 2021 through September 30, 2022, (2) establishment of appropriations in an amount not to exceed \$13,902,240.00 in the FY 2022 WIC Program Fund; (3) receipt and deposit of grant funds for reimbursement from the HHSC in an amount not to exceed \$13,902,240.00 in the FY 2022 WIC Program Fund; and (4) execution of any and all documents required for acceptance and receipt of the funds - Not to exceed \$13,902,240.00 - Financing: Health and Human Services Commission Grant Funds

<u>Attachments:</u> Resolution Attachment A

Office of Equity and Inclusion

20. <u>21-1544</u>

Authorize the (1) acceptance of the FY 2021-22 grant from the U.S. Department of Housing and Urban Development (HUD) for the Fair Housing Assistance Program (Grant No. FF206K216005, CDFA No. 14.401) in the amount of \$171,900.00, to process, investigate conciliate housing discrimination complaints, administrative costs HUD required staff training for the period October 1, 2021 through September 30, 2022; (2) receipt and deposit of grants funds in an amount not to exceed \$171,900.00 in the HUD-FY20 Fair Housing Assistance Program FY21 Fund; (3) establishment of appropriations in an amount not to exceed \$171,900.00 in the HUD FY21 Fair Housing Assistance Program FY21 Fund; and (4) execution of the Fair Housing Assistance Program Grant and the Cooperative Agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed \$171,900.00 - Financing: U.S. Department of Housing and Urban **Development Grant Funds**

<u>Attachments:</u> Resolution

Schedule A

Office of Government Affairs

21. 21-1463

Authorize the (1) acceptance of a grant from the U.S. Department of Justice, Bureau of Justice Assistance for the FY 2021 Edward Byrne Memorial Justice Assistance Grant (Grant No. TBD, CFDA No. 16.738) in the amount of \$1,115,605.00 to support a broad range of activities to prevent and control crime and to improve the criminal justice system for the period October 1, 2020 through September 30, 2024; (2) receipt and deposit of funds in an amount not to exceed \$1,115,605.00 in the Bureau Justice Assistance Grant FY 21 Fund; (3) establishment appropriations in an amount not to exceed \$1,115,605.00 in the Bureau of Justice Assistance Grant FY 21 Fund; (4) execution of the grant agreement with the U.S. Department of Justice and all terms, conditions, and documents required by the agreement; and (5) execution of a Funds Sharing and Fiscal Agency Agreement between the City of Dallas, Dallas County, and designated units of local governments - Not to exceed \$1,115,605.00 - Financing: U.S. Department of Justice Grant Funds

Attachments: Resolution

Office of Procurement Services

22. **21-1521**

Authorize (1) a two-year acquisition contract for the purchase of initial licenses and implementation of a regional cyber threat intelligence fusion center solution for the Department of Information and Technology Services in an amount not to exceed \$255,000; and (2) a five-year agreement for additional licenses, maintenance, service price support services of regional cyber threat intelligence fusion center solution for Department of Information and Technology Services in the estimated amount of \$995,700 - WizNucleus, Inc., most advantageous fourteen Total amount of \$1,250,700 proposer Homeland Security Urban Area (\$350,770) and Data Services Fund (\$900,000) (subject to annual appropriations)

Attachments: Resolution

23. 21-1265

Authorize a one-year service contract, with two one-year renewal options, for job search, skill training, and placement assistance for seniors for the Office of Community Care—Citizens Development Center dba Achieve, most advantageous proposer of three—Not to exceed \$115,146—Financing: General Fund (subject to annual appropriations)

<u>Attachments:</u> Resolution

Authorize a one-year service contract in the amount of \$50,000, with four one-year renewal options in the amount of \$50,000 for each renewal period, for administration of the international protocol services program for the Office of Government Affairs - World Affairs Council of Dallas/Fort Worth, most advantageous proposer of two - Total not to exceed \$250,000 - Financing: General Fund (subject to annual appropriations)

Attachments: Resolution

25. 21-1532 Authorize a three- year master agreement for the purchase of ferric sulfate to be used in the water purification process for the Water Utilities Department - Chemtrade Chemicals US, LLC, lowest responsible bidder of two - Estimated amount of \$37,184,000 - Financing: Dallas Water Utilities Fund

Attachments: Resolution

26. 21-1525

Authorize an increase to the master agreement with AC Printing in the amount of \$493,467.50, from \$1,973,870.00 to \$2,467,337.50, Janus Signs dba FastSigns Skillman in the amount of \$113,586.75, from \$454,347.00 to \$567,933.75, and Visual Communications in the amount of \$80,637.75, from \$322,551.00 to \$403,188.75, for printed goods - Total not to exceed \$687,692.00, from \$2,750,768.00 to \$3,438,460.00 - Financing: General Fund (\$488,261.28), Aviation Fund (\$61,892.29), Dallas Water Utilities Fund (\$61,892.29), and Sanitation Operation Fund (\$75,646.14)

Attachments: Resolution

27. 21-1526 Authorize a three-year service price agreement for laboratory instruments preventive maintenance services for the Water Utilities Department -Brinkmann Instruments, Inc. dba Metrohm USA, Inc. in the estimated amount of \$191,227.65, Thermo Electron North America LLC in the estimated amount of \$136,520.15, Agilent Technologies, Inc. in the estimated amount of \$53,908.48, and Biotage LLC in the estimated amount of \$43,100.00, lowest responsible bidders four Total of estimated amount of \$424,756.28 - Financing: Dallas Water Utilities Fund

<u>Attachments:</u> Resolution

28. 21-1268

Authorize Supplemental Agreement No. 4 for a five-year service price agreement for licensing, hosting, maintenance, and support for an electronic patient care reporting and data collection system for the Fire-Rescue Department - ImageTrend, Inc., sole source - Estimated amount of \$1,032,164.32 - Financing: General Fund

Attachments: Resolution

29. 21-1529 Authorize Supplemental Agreement No. 3 to exercise the second of three, one-year renewal options to the service contract with CP&Y, Inc. for maintenance and support of a large-scale hazardous containment system for the Department of Aviation - Not to exceed \$513,842.97 - Financing: Aviation Fund (subject to annual appropriations)

Attachments: Resolution

Park & Recreation Department

30. 21-1536

Authorize a decrease in the construction services contract for a change in the scope of work resulting in a reduction of \$48,986.27 to the contract with J.C. Commercial, Inc. for surveillance and communications systems at the Willie B. Johnson Recreation Center located at 12225 Willowdell Drive - Not to exceed (\$48,986.27), from \$7,623,547.13 to \$7,574,560.86 - Financing: Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)

<u>Attachments:</u> <u>Map</u> Resolution

Authorize Amendment No. 1 to the grant agreement with the Texas Parks and Wildlife Department for the Urban Outdoor Recreation Grant Program for the design and development of the Judge Charles R. Rose Community Park to (1) extend the term of the agreement to August 31, 2023 and (2) provide for cooperation by the City with a non-profit organization to meet the City's obligations pursuant to the grant agreement - Financing: No cost consideration to the City

<u>Attachments:</u> <u>Map</u> Resolution

32. 21-1537

Authorize a construction services contract for the construction of the Flagpole Hill - Phase One Improvements Project located at Flagpole Hill, 8015 Doran Circle - Joe Funk Construction, Inc., lowest responsible bidder of five - Not to exceed \$1,117,367.46 - Financing: Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)

Attachments: Map

Resolution

Police Department

33. 21-1290

Authorize (1) renewal of the contract with El Centro College of the Dallas County Community College District (DCCCD) for instructional services for police academy training; (2) the receipt and deposit of funds in an amount not to exceed \$550,548.00 from El Centro College of DCCCD in the DCCCD El Centro Police Training Funds; and (3) an increase in appropriations in an amount not to exceed \$550,548.00 in the DCCCD El Centro Police Training Funds for the two-year period September 1, 2021 through August 31, 2023 - Not to exceed \$550,548.00 - Financing: DCCCD El Centro Police Training Funds

Attachments: Resolution

Schedule A

Water Utilities Department

34. **21-1247**

Authorize a construction services contract for the installation of water and wastewater main improvements at 16 locations (list attached to the Agenda Information Sheet) - Estrada Concrete Company, LLC, lowest responsible bidder of eight - Not to exceed \$9,332,392.00 - Financing: Wastewater (Clean Water) - 2020 TWDB Fund (\$4,518,110.50), Water (Drinking Water) - TWDB 2019 Fund (\$4,228,579.61), and Water (Drinking Water) - TWDB 2020 Fund (\$585,701.89)

Attachments:

List

Maps

Resolution

35. **21-1249**

Authorize a construction services contract for the installation of water and wastewater main improvements at 24 locations (list attached to the Agenda Information Sheet) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of six - Not to exceed \$8,260,288.00 - Financing: Wastewater (Clean Water) - 2020 TWDB Fund (\$3,313,542.00) and Water (Drinking Water) - TWDB 2020 Fund (\$4,946,746.00)

Attachments:

List

Maps

Resolution

36. **21-1251**

Authorize a construction services contract for the installation of water and wastewater main improvements at 32 locations (list attached to the Agenda Information Sheet) - Sisters Asphalt, Inc., lowest responsible bidder of nine - Not to exceed \$10,694,206.00 - Financing: Water (Drinking Water) - TWDB 2020 Fund (\$5,168,367.95), Wastewater (Clean Water) - 2020 TWDB Fund (\$3,724,464.45), Street and Alley Improvement Fund (\$1,488,194.50), and Water (Drinking Water) - TWDB 2019 Fund (\$313,179.10)

Attachments: List

Maps

Resolution

37. 21-1255

Authorize a thirty-six-month construction services contract for pavement and infrastructure repairs at various locations throughout the city - Omega Contracting, Inc., lowest responsible bidder of three - Not to exceed \$25,497,438.15 - Financing: Water Construction Fund (\$16,467,759.10), Wastewater Construction Fund (\$5,329,869.05), and Storm Drainage Management Fund (\$3,699,810.00) (subject to annual appropriations)

Attachments: Map

Resolution

38. **21-1385**

Authorize an increase in the construction services contract with Oscar Contracting, with Inc. for additional work associated the Renda construction of biological filtration optimization improvements at the East Side Water Treatment Plant - Not to exceed \$1,225,387.90, \$26,130,370.90 -\$24,904,983.00 to Financing: Water Capital Improvement D Fund

Attachments: Map

Resolution

21-1281

39.

Authorize Supplemental Agreement No. 2 to the professional services contract with CP&Y, Inc. to provide engineering additional design, environmental services, and required construction administration at two locations (list attached to the Agenda Information Sheet) - Not to exceed \$131,701.18, from \$775,301.25 to \$907,002.43 -Storm Drainage Management Capital Construction Fund (\$85,100.00) and Street and Alley Improvement Fund (\$46,601.18)

Attachments: List

Maps

Resolution

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

40. <u>21-1560</u> 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)

Budget and Management Services

41. 21-1519 First reading and passage of the appropriation ordinance for the proposed FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets - Financing: This action has no cost consideration to the City (see Fiscal Information)

Attachments: Ordinance

ITEMS FOR FURTHER CONSIDERATION

Office of Procurement Services

Authorize a cooperative purchasing agreement for the purchase and 42. 21-1648 installation of audio/video equipment to accommodate continued social COVID-19 via distancing due to enhanced virtual broadcasting capabilities to the 6FN Park and Recreation Boardroom for the Park & Recreation Department with Digital Resources, Inc. through The Local Government Purchasing Cooperative (BuyBoard) agreement - Not to exceed \$143,727.49 - Financing: General Fund (This item was deferred on August 25, 2021)

Attachments: Resolution

ADDITIONS:

Closed Session

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

- Juana Segovia et al. v. City of Dallas, Texas, et al. Civil Action No. 3:21-CV-01514-K

OTHER ITEMS FOR INDIVIDUAL CONSIDERATION

City Controller's Office

43. **21-1687**

A resolution of the City Council of the City of Dallas, Texas (1) authorizing the publication of Notice of Intention to Issue Certificates of Obligation; (2) approving the preparation of a preliminary official statement and a Notice of Sale; and (3) providing for the effective date thereof - Financing: No cost consideration to the City

Attachments: Resolution

Exhibit A

City Secretary's Office

44. **21-1683**

A resolution considering the Ethics Advisory Commission's recommended sanction against Councilmember Adam Bazaldua in connection with the EAC's finding of a violation of Chapter 12A of the Dallas City Code - Financing: No cost consideration to the City

<u>Attachments:</u> Resolution

Written Decision

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Sustainable Development and Construction

ZONING CASES - CONSENT

Z1. 21-1479

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-16(A) Single Family District uses and a public school other than an open enrollment charter school use on property zoned an R-16(A) Single Family District, on the southwest corner of Midway Road and Killion Drive

Recommendation of Staff and CPC: Approval, subject to a development plan, a landscape plan, a traffic management plan, and conditions

Z201-132(CT)

Attachments: Case Report

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

Z2. 21-1550

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar on property zoned a CR Community Retail District, south of Ferguson Road, east of Maylee Boulevard

<u>Recommendation of Staff and CPC</u>: <u>Approval</u> for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions

Z190-265(HC)

<u>Note</u>: This item was deferred by the City Council before opening the public hearing on August 11, 2021, and is scheduled for consideration on September 9, 2021

Attachments: Case Report

Z3. 21-1551

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for single family uses on property zoned an R-16(A) Single Family District, at the northwest corner of Forest Lane and Nuestra Drive intersection

Recommendation of Staff: Denial

Recommendation of CPC: Approval, subject to a revised development plan and conditions

Z190-349(LG)

Note: This item was deferred by the City Council before opening the public hearing on August 11, 2021, and is scheduled for consideration on September 9, 2021

Attachments: Case Report

Z4. 21-1554

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 105 for Convalescent Home & Institutional Uses, at the southeast corner of Samuell Boulevard and Grove Hill Road

Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions

Z201-160(CT)

<u>Note</u>: This item was deferred by the City Council before opening the public hearings on June 23, 2021 and August 11, 2021, and is scheduled for consideration on September 9, 2021

<u>Attachments:</u> Case Report

Z5. 21-1552

A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, on the northwest line of Empire Central, southwest of Mohawk Drive

Recommendation of Staff: Approval

<u>Recommendation of CPC</u>: <u>Approval</u>, subject to deed restrictions volunteered by the applicant

Z201-200(RM)

Note: This item was deferred by the City Council before opening the public hearing on August 11, 2021, and is scheduled for consideration on September 9, 2021

Attachments: Case Report

STREET NAME CHANGE

Department of Sustainable Development and Construction

PH1. 21-1541

A public hearing to receive comments regarding a proposal to consider a request to change the name of Kirnwood Drive, between Hampton Road and Indian Ridge Trail, to "Dr. KD Wesley Way" and an ordinance granting the name change - NC201-001 - Financing: This action has no cost consideration to the City (see Fiscal Information)

Attachments: Map

Notification Map & List

Application

MISCELLANEOUS HEARINGS

Park & Recreation Department

PH2. 21-1370

A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to (1) extend the expiration date of the city youth program standards of care; (2) amend staff responsibilities; (3) correct the name of the fire rescue department; (4) amend the transportation requirements; (5) provide a penalty not to exceed \$500.00; (6) provide a saving clause; (7) provide a severability clause; (8) providing an effective date; and (9) at the close of the public hearing, adopt an ordinance re-establishing and continuing in effect the standards of care - Financing: No cost consideration to the City

Attachments: Ordinance

PH3. <u>21-1449</u>

A public hearing, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments on the proposed use of Bachman Lake Park located at 3500 West Northwest Highway, totaling approximately 11,059 square feet of land, for the Federal Aviation Administration Fiber Optic Communications Project for the purpose of upgrading air traffic control communications for Dallas Love Field Airport, and, at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: No cost consideration to the City

Attachments: Map

Resolution Exhibit A

EXECUTIVE SESSION NOTICE

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

- 1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
- 2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
- deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
- 4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
- 5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
- 6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
- deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

Agenda Date: September 9, 2021

ITEM#	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	V	SEC	N/A	Approval of Minutes of the August 25, 2021 City Council Meeting
2.	N/A	С	BMS	NC	An ordinance amending Ordinance No. 31655, previously approved on September 23, 2020, as amended by Ordinance No. 31884, previously approved on June 9, 2021, authorizing certain transfers and appropriation adjustments for FY 2020-21 for various departments, activities, and projects; and authorize the City Manager to implement those adjustments - Financing: General Fund (\$1,481,897,935), Enterprise, Internal Service, and Other Funds (\$1,363,639,214), Capital Funds (\$1,454,481,707), and Grants, Trusts and Other Funds (\$103,865,643)
3.	3, 4, 5, 6, 8, 10, 12, 13	С	BSD	\$1,627,633.50	Authorize a service contract for the purchase and installation of eight generators at designated City facilities with LJ Power, Inc., through The Local Government Purchasing Cooperative Contract No. 577-18 - Not to exceed \$1,627,633.50 - Financing: Capital Construction Fund
4.	N/A	С	ATT	\$110,000.00	Authorize settlement of the lawsuit styled Alita Asberry v. The City of Dallas, Cause No. CC-19-00776-A - Not to exceed \$110,000.00 - Financing: Liability Reserve Fund
5.	N/A	С	ATT	\$85,000.00	Authorize settlement of the lawsuit styled Janet Kelley v. City of Dallas, Cause No. DC-20-05761 - Not to exceed \$85,000.00 - Financing: Liability Reserve Fund
6.	N/A	С	CCO	NC	A resolution authorizing the preparation of plans and the payment of potential future costs and expenses for the issuance of Civic Center Convention Complex Revenue Refunding and Improvement Bonds, Series 2021 in an amount not to exceed \$270,000,000 - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)
7.	2	С	AVI	GT	Authorize the (1) application for and acceptance of a series of grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) (Grant Nos. 3-48-0062-065-2021, TBD, CFDA No. 20.106) in the amount of \$97,859,158.00 and the Texas Department of Transportation - Aviation Division (Grant No. TBD, CFDA No. 20.106) in the amount of \$148,000.00 in a total amount of \$98,007,158.00 for the federal share of the eligible airport programs and projects for the American Rescue Plan Act (ARPA) within the Dallas Airport System; (2) establishment of appropriations in an amount not to exceed \$90,936,622.00 in the FAA ARPA - Dallas General Fund, \$6,922,536.00 in the FAA ARPA - Dallas Concessions Fund, and

ITEM#	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					\$148,000.00 in the TXDOT ARPA - Dallas Executive Fund; (3) receipt and deposit of ARPA Grant Funds in an amount not to exceed \$90,936,622.00 in the FAA ARPA - Dallas General Fund, \$6,922,536.00 in the FAA ARPA - Dallas Concessions fund and \$148,000.00 in the TXDOT ARPA - Dallas Executive Fund; and (4) execution of the ARPA Grant agreement and all terms, conditions, and documents required by the ARPA Act - Total amount of \$98,007,158.00 - Financing: Federal Aviation Administration Grant Funds (\$97,859,158.00) and Texas Department of Transportation Aviation Grant Funds (\$148,000.00)
8.	All	C	HOU	NC	Authorize amendments to the following programs under the Comprehensive Housing Policy (CHP) to (1) amend the Home Improvement and Preservation Program (HIPP) to (a) modify the Major Rehabilitation Forgivable Loan Program, for applications accepted after September 9, 2021, to revise (i) the program name; (ii) revise the funding cap from \$50,000.00 to 27% of the HOME Homeownership Value Limits ("Value Limits") per home (currently \$66,420.00), as established by the U.S. Department of Housing and Urban Development ("HUD"); and (iii) update program administration; (b) modify the Subrecipient Minor Home Repair Grant Program to (i) remove the 1:1 match; (ii) decrease the maximum assistance from \$10,000.00 to \$4,999.99 per home; and (iii) revise the program name and eligibility requirements; (c) modify the Housing Reconstruction Program to (i) revise the funding cap from \$160,000.00 to 75% of the Value Limits per home (currently \$184,000.00); (ii) revise the underwriting criteria; and (iii) revise the program name; (d) modify the Landlord Rental Repair Program to (i) revise all program requirements, including but not limited to funding and eligibility terms, to be consistent with the forgivable loan structure of other HIPP programs; and (ii) revise the per house funding cap from \$40,000.00 to 27% of Value Limits per home (currently \$66,240.00); and (iii) revise the program name; (2) amend the Community Land Trust Program to expand the nonprofit eligibility requirements to be consistent with recent legislation; (3) amend Appendix 18, Targeted Rehabilitation Program - West Dallas Sub-Program Module to clarify the requirements when bond funds are utilized; and (4) amend Appendix 19, Targeted Rehabilitation Program - Tenth Street Historic District Sub-Program Module to (a) change the area median income requirements from at or below 80% to 120%; (b) clarify the requirements when bond funds are utilized; and (c) revise the funding cap from \$20,000.00 to \$50,000.00 - Financing: No cost consideration to the City
9.	1, 2, 3, 9	С	PBW	\$497,361.00	Authorize a construction services contract for the construction of Alley Reconstruction Group 17-1003 - (list attached to the Agenda Information

ITEM#	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Sheet) - CCGMG LLC Series B, lowest responsible bidder of seven - Not to exceed \$497,361.00 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$444,502.00), Wastewater Construction Fund (\$2,090.00), and Wastewater Capital Improvement E Fund (\$50,769.00)
10.	1, 2	С	PBW	\$1,696,152.50	Authorize a construction services contract for the construction of Street Reconstruction Group 17-2009 (list attached to the Agenda Information Sheet) - Vescorp Construction, LLC dba Chavez Concrete Cutting, lowest responsible bidder of four - Not to exceed \$1,696,152.50 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Funds) (\$1,495,182.50), Water Capital Improvement D Fund (\$117,040.00), Wastewater Capital Improvement E Fund (\$46,830.00), Water Construction Fund (\$23,300.00), and Wastewater Construction Fund (\$13,800.00)
11.	4	С	PBW	\$1,921,558.00	Authorize a construction services contract for the construction of Street Reconstruction Group 17-4007 (list attached to the Agenda Information Sheet) - Camino Construction, L.P., lowest responsible bidder of eight - Not to exceed \$1,921,558.00 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$1,569,234.00), Water Construction Fund (\$9,440.00), Water Capital Improvement D Fund (\$211,339.00), Wastewater Construction Fund (\$3,250.00), and Wastewater Capital Improvement E Fund (\$128,295.00)
12.	6	С	PBW	\$2,255,809.03	Authorize a construction services contract for the construction of Street Reconstruction Group 17-6006 (list attached to the Agenda Information Sheet) - Estrada Concrete Company, LLC, lowest responsible bidder of seven - Not to exceed \$2,255,809.03 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$1,490,634.98), Water Construction Fund (\$16,700.00), Water Capital Improvement D Fund (\$511,805.00), Wastewater Construction Fund (\$22,900.00), and Wastewater Capital Improvement E Fund (\$213,769.05)
13.	8	С	DEV	\$12,858.00	Authorize acquisition of a wastewater easement from Savannah Property Company LLC, of approximately 15,111 square feet of land located near the intersection of University Hill Boulevard and Camp Wisdom Road for the University Hills Infrastructure Project - Not to exceed \$12,858.00 (\$10,358.00, plus closing costs and title expenses not to exceed \$2,500.00) - Financing: Equity Revitalization Capital Fund
14.	Outside	С	DEV	\$41,627.00	Authorize acquisition from Bruce Wilder and Jarvis Land and Timber, LLC, of a total of approximately 8.16 acres of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed

ITEM#	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					\$41,627.00 (\$38,627.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Water Construction Fund
15.	14	С	DEV	REV \$1,179,545.00	An ordinance abandoning portions of two street easements to GPI Cedar Maple, LP, the abutting owner, containing a total of approximately 2,906 square feet of land, located near the intersection of Cedar Springs Road and Bookhout Street; and authorizing the quitclaim - Revenue: General Capital Reserve Fund (\$1,159,545.00) and General Fund (\$20,000.00), plus the \$20.00 ordinance publication fee
16.	6	С	DEV	REV \$5,400.00	An ordinance abandoning portions of a water easement with temporary working space easement to Global Webb, L.P., the abutting owner, containing approximately 3,028 square feet of land, located near the intersection of Webb Chapel Road and Forest Lane - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee
17.	5	С	DEV	REV \$1,000.00	An ordinance granting a private license to Dallas Independent School District, for the use of approximately 375 square feet of land to occupy, maintain and utilize a retaining wall on portions of Bruton Road and Citadel Drive rights-of-way located near its intersection with Citadel Drive - Revenue: General Fund \$1,000.00 annual fee, plus the \$20.00 ordinance publication fee
18.	14	С	DEV	REV \$300.00	An ordinance granting a revocable license to Jackson 3 LLC dba Rokwood, for the use of a total of approximately 242 square feet of land to occupy, maintain and utilize a sidewalk café and five planter boxes on a portion of Jackson Street right-of-way near the intersection with Record Street - Revenue: General Fund \$200.00 annually and \$100.00 one-time fee, plus the \$20.00 ordinance publication fee
19.	All	С	OCC	GT	Authorize the (1) acceptance of the award from the Texas Health and Human Services Commission (HHSC) for the Special Supplemental Nutrition Program for Women, Infants and Children provided under the five-year contract executed on September 28, 2020 with the HHSC (Contract No. HHS000802300001, CFDA No. 10.557) in the amount of \$13,902,240.00 in FY 2022 funding for the period of October 1, 2021 through September 30, 2022, (2) establishment of appropriations in an amount not to exceed \$13,902,240.00 in the FY 2022 WIC Program Fund; (3) receipt and deposit of grant funds for reimbursement from the HHSC in an amount not to exceed \$13,902,240.00 in the FY 2022 WIC Program Fund; and (4) execution of any and all documents required for acceptance and receipt of the funds - Not to exceed \$13,902,240.00 - Financing: Health and Human Services Commission Grant Funds

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20.	All	С	EQU	GT	Authorize the (1) acceptance of the FY 2021-22 grant from the U.S. Department of Housing and Urban Development (HUD) for the Fair Housing Assistance Program (Grant No. FF206K216005, CDFA No. 14.401) in the amount of \$171,900.00, to process, investigate and conciliate housing discrimination complaints, administrative costs and HUD required staff training for the period October 1, 2021 through September 30, 2022; (2) receipt and deposit of grants funds in an amount not to exceed \$171,900.00 in the HUD-FY20 Fair Housing Assistance Program FY21 Fund; (3) establishment of appropriations in an amount not to exceed \$171,900.00 in the HUD FY21 Fair Housing Assistance Program FY21 Fund; and (4) execution of the Fair Housing Assistance Program Grant and the Cooperative Agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed \$171,900.00 - Financing: U.S. Department of Housing and Urban Development Grant Funds
21.	All	С	OGA	GT	Authorize the (1) acceptance of a grant from the U.S. Department of Justice, Bureau of Justice Assistance for the FY 2021 Edward Byrne Memorial Justice Assistance Grant (Grant No. TBD, CFDA No. 16.738) in the amount of \$1,115,605.00 to support a broad range of activities to prevent and control crime and to improve the criminal justice system for the period October 1, 2020 through September 30, 2024; (2) receipt and deposit of funds in an amount not to exceed \$1,115,605.00 in the Bureau of Justice Assistance Grant FY 21 Fund; (3) establishment of appropriations in an amount not to exceed \$1,115,605.00 in the Bureau of Justice Assistance Grant FY 21 Fund; (4) execution of the grant agreement with the U.S. Department of Justice and all terms, conditions, and documents required by the agreement; and (5) execution of a Funds Sharing and Fiscal Agency Agreement between the City of Dallas, Dallas County, and designated units of local governments - Not to exceed \$1,115,605.00 - Financing: U.S. Department of Justice Grant Funds
22.	All	С	POM	\$1,250,700.00	Authorize (1) a two-year acquisition contract for the purchase of initial licenses and implementation of a regional cyber threat intelligence fusion center solution for the Department of Information and Technology Services in an amount not to exceed \$255,000; and (2) a five-year service price agreement for additional licenses, maintenance, and support services of regional cyber threat intelligence fusion center solution for Department of Information and Technology Services in the estimated amount of \$995,700 - WizNucleus, Inc., most advantageous proposer of fourteen - Total amount of \$1,250,700 - Financing: Homeland Security Urban Area (\$350,770) and Data Services Fund (\$900,000) (subject to annual appropriations)

DESCRIPTION

ITEM#

DISTRICT TYPE

DEPT

DOLLARS

ITEM#	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
23.	All	G	POM	\$115,146.00	Authorize a one-year service contract, with two one-year renewal options, for job search, skill training, and placement assistance for seniors for the Office of Community Care - Citizens Development Center dba Achieve, most advantageous proposer of three - Not to exceed \$115,146 - Financing: General Fund (subject to annual appropriations)
24.	All	С	POM	\$250,000.00	Authorize a one-year service contract in the amount of \$50,000, with four one-year renewal options in the amount of \$50,000 for each renewal period, for administration of the international protocol services program for the Office of Government Affairs - World Affairs Council of Dallas/Fort Worth, most advantageous proposer of two - Total not to exceed \$250,000 - Financing: General Fund (subject to annual appropriations)
25.	6, Outside	С	POM	\$37,184,000.00	Authorize a three- year master agreement for the purchase of ferric sulfate to be used in the water purification process for the Water Utilities Department - Chemtrade Chemicals US, LLC, lowest responsible bidder of two - Estimated amount of \$37,184,000 - Financing: Dallas Water Utilities Fund
26.	All	С	POM	\$687,692.00	Authorize an increase to the master agreement with AC Printing in the amount of \$493,467.50, from \$1,973,870.00 to \$2,467,337.50, Janus Signs dba FastSigns Skillman in the amount of \$113,586.75, from \$454,347.00 to \$567,933.75, and Visual Communications in the amount of \$80,637.75, from \$322,551.00 to \$403,188.75, for printed goods - Total not to exceed \$687,692.00, from \$2,750,768.00 to \$3,438,460.00 - Financing: General Fund (\$488,261.28), Aviation Fund (\$61,892.29), Dallas Water Utilities Fund (\$61,892.29), and Sanitation Operation Fund (\$75,646.14)
27.	All	С	POM	\$424,756.28	Authorize a three-year service price agreement for laboratory instruments preventive maintenance services for the Water Utilities Department - Brinkmann Instruments, Inc. dba Metrohm USA, Inc. in the estimated amount of \$191,227.65, Thermo Electron North America LLC in the estimated amount of \$136,520.15, Agilent Technologies, Inc. in the estimated amount of \$53,908.48, and Biotage LLC in the estimated amount of \$43,100.00, lowest responsible bidders of four - Total estimated amount of \$424,756.28 - Financing: Dallas Water Utilities Fund
28.	All	С	POM	\$1,032,164.32	Authorize Supplemental Agreement No. 4 for a five-year service price agreement for licensing, hosting, maintenance, and support for an electronic patient care reporting and data collection system for the Fire-Rescue Department - ImageTrend, Inc., sole source - Estimated amount of \$1,032,164.32 - Financing: General Fund
29.	All	С	POM	\$513,842.97	Authorize Supplemental Agreement No. 3 to exercise the second of three,

ITEM#	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					one-year renewal options to the service contract with CP&Y, Inc. for maintenance and support of a large-scale hazardous containment system for the Department of Aviation - Not to exceed \$513,842.97 - Financing: Aviation Fund (subject to annual appropriations)
30.	10	С	PKR	- \$48,986.27	Authorize a decrease in the construction services contract for a change in the scope of work resulting in a reduction of \$48,986.27 to the contract with J.C. Commercial, Inc. for surveillance and communications systems at the Willie B. Johnson Recreation Center located at 12225 Willowdell Drive - Not to exceed (\$48,986.27), from \$7,623,547.13 to \$7,574,560.86 - Financing: Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)
31.	8	С	PKR	NC	Authorize Amendment No. 1 to the grant agreement with the Texas Parks and Wildlife Department for the Urban Outdoor Recreation Grant Program for the design and development of the Judge Charles R. Rose Community Park to (1) extend the term of the agreement to August 31, 2023 and (2) provide for cooperation by the City with a non-profit organization to meet the City's obligations pursuant to the grant agreement - Financing: No cost consideration to the City
32.	10	С	PKR	\$1,117,367.46	Authorize a construction services contract for the construction of the Flagpole Hill - Phase One Improvements Project located at Flagpole Hill, 8015 Doran Circle - Joe Funk Construction, Inc., lowest responsible bidder of five - Not to exceed \$1,117,367.46 - Financing: Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)
33.	N/A	С	DPD	\$550,548.00	Authorize (1) renewal of the contract with El Centro College of the Dallas County Community College District (DCCCD) for instructional services for police academy training; (2) the receipt and deposit of funds in an amount not to exceed \$550,548.00 from El Centro College of DCCCD in the DCCCD El Centro Police Training Funds; and (3) an increase in appropriations in an amount not to exceed \$550,548.00 in the DCCCD El Centro Police Training Funds for the two-year period September 1, 2021 through August 31, 2023-Not to exceed \$550,548.00 - Financing: DCCCD El Centro Police Training Funds
34.	1, 2, 4, 5, 6, 13, 14	С	DWU	\$9,332,392.00	Authorize a construction services contract for the installation of water and wastewater main improvements at 16 locations (list attached to the Agenda Information Sheet) - Estrada Concrete Company, LLC, lowest responsible bidder of eight - Not to exceed \$9,332,392.00 - Financing: Wastewater (Clean Water) - 2020 TWDB Fund (\$4,518,110.50), Water (Drinking Water) - TWDB 2019 Fund (\$4,228,579.61), and Water (Drinking Water) - TWDB

ITEM#	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					2020 Fund (\$585,701.89)
35.	1, 2, 6, 7, 14	С	DWU	\$8,260,288.00	Authorize a construction services contract for the installation of water and wastewater main improvements at 24 locations (list attached to the Agenda Information Sheet) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of six - Not to exceed \$8,260,288.00 - Financing: Wastewater (Clean Water) - 2020 TWDB Fund (\$3,313,542.00) and Water (Drinking Water) - TWDB 2020 Fund (\$4,946,746.00)
36.	2, 3, 7, 9, 10, 14	С	DWU	\$10,694,206.00	Authorize a construction services contract for the installation of water and wastewater main improvements at 32 locations (list attached to the Agenda Information Sheet) - Sisters Asphalt, Inc., lowest responsible bidder of nine - Not to exceed \$10,694,206.00 - Financing: Water (Drinking Water) - TWDB 2020 Fund (\$5,168,367.95), Wastewater (Clean Water) - 2020 TWDB Fund (\$3,724,464.45), Street and Alley Improvement Fund (\$1,488,194.50), and Water (Drinking Water) - TWDB 2019 Fund (\$313,179.10)
37.	All	С	DWU	\$25,497,438.15	Authorize a thirty-six-month construction services contract for pavement and infrastructure repairs at various locations throughout the city - Omega Contracting, Inc., lowest responsible bidder of three - Not to exceed \$25,497,438.15 - Financing: Water Construction Fund (\$16,467,759.10), Wastewater Construction Fund (\$5,329,869.05), and Storm Drainage Management Fund (\$3,699,810.00) (subject to annual appropriations)
38.	Outside	С	DWU	\$1,225,387.90	Authorize an increase in the construction services contract with Oscar Renda Contracting, Inc. for additional work associated with the construction of biological filtration optimization improvements at the East Side Water Treatment Plant - Not to exceed \$1,225,387.90, from \$24,904,983.00 to \$26,130,370.90 - Financing: Water Capital Improvement D Fund
39.	8, 12	С	DWU	\$131,701.18	Authorize Supplemental Agreement No. 2 to the professional services contract with CP&Y, Inc. to provide additional engineering services required for design, environmental services, and construction administration at two locations (list attached to the Agenda Information Sheet) - Not to exceed \$131,701.18, from \$775,301.25 to \$907,002.43 - Financing: Storm Drainage Management Capital Construction Fund (\$85,100.00) and Street and Alley Improvement Fund (\$46,601.18)
40.	N/A	I	SEC	N/A	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)
41.	N/A	I	BMS	NC	First reading and passage of the appropriation ordinance for the proposed FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets -

ITEM#	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Financing: This action has no cost consideration to the City (see Fiscal Information)
42.	2	l	POM	\$143,727.49	Authorize a cooperative purchasing agreement for the purchase and installation of audio/video equipment to accommodate continued social distancing due to COVID-19 via enhanced virtual broadcasting capabilities to the 6FN Park and Recreation Boardroom for the Park & Recreation Department with Digital Resources, Inc. through The Local Government Purchasing Cooperative (BuyBoard) agreement - Not to exceed \$143,727.49 - Financing: General Fund (This item was deferred on August 25, 2021)
43.	N/A	I	CCO	NC	A resolution of the City Council of the City of Dallas, Texas (1) authorizing the publication of Notice of Intention to Issue Certificates of Obligation; (2) approving the preparation of a preliminary official statement and a Notice of Sale; and (3) providing for the effective date thereof - Financing: No cost consideration to the City
44.	N/A	I	SEC	NC	A resolution considering the Ethics Advisory Commission's recommended sanction against Councilmember Adam Bazaldua in connection with the EAC's finding of a violation of Chapter 12A of the Dallas City Code - Financing: No cost consideration to the City
Z1.	13	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-16(A) Single Family District uses and a public school other than an open enrollment charter school use on property zoned an R-16(A) Single Family District, on the southwest corner of Midway Road and Killion Drive Recommendation of Staff and CPC: Approval, subject to a development plan, a landscape plan, a traffic management plan, and conditions Z201-132(CT)
Z2.	9	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar on property zoned a CR Community Retail District, south of Ferguson Road, east of Maylee Boulevard Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions Z190-265(HC) Note: This item was deferred by the City Council before opening the public hearing on August 11, 2021, and is scheduled for consideration on

ITEM#	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					September 9, 2021
Z3.	13	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for single family uses on property zoned an R-16(A) Single Family District, at the northwest corner of Forest Lane and Nuestra Drive intersection Recommendation of Staff: Denial Recommendation of CPC: Approval, subject to a revised development plan and conditions Z190-349(LG) Note: This item was deferred by the City Council before opening the public hearing on August 11, 2021, and is scheduled for consideration on September 9, 2021
Z 4.	7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 105 for Convalescent Home & Institutional Uses, at the southeast corner of Samuell Boulevard and Grove Hill Road Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions Z201-160(CT) Note: This item was deferred by the City Council before opening the public hearings on June 23, 2021 and August 11, 2021, and is scheduled for consideration on September 9, 2021
Z 5.	2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, on the northwest line of Empire Central, southwest of Mohawk Drive Recommendation of Staff: Approval Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant Z201-200(RM) Note: This item was deferred by the City Council before opening the public hearing on August 11, 2021, and is scheduled for consideration on September 9, 2021
PH1.	8	PH	DEV	NC	A public hearing to receive comments regarding a proposal to consider a request to change the name of Kirnwood Drive, between Hampton Road and Indian Ridge Trail, to "Dr. KD Wesley Way" and an ordinance granting the

ITEM#	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					name change - NC201-001 - Financing: This action has no cost consideration to the City (see Fiscal Information)
PH2.	All	PH	PKR	NC	A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to (1) extend the expiration date of the city youth program standards of care; (2) amend staff responsibilities; (3) correct the name of the fire rescue department; (4) amend the transportation requirements; (5) provide a penalty not to exceed \$500.00; (6) provide a saving clause; (7) provide a severability clause; (8) providing an effective date; and (9) at the close of the public hearing, adopt an ordinance re-establishing and continuing in effect the standards of care - Financing: No cost consideration to the City
PH3.	6	PH	PKR	NC	A public hearing, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments on the proposed use of Bachman Lake Park located at 3500 West Northwest Highway, totaling approximately 11,059 square feet of land, for the Federal Aviation Administration Fiber Optic Communications Project for the purpose of upgrading air traffic control communications for Dallas Love Field Airport, and, at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: No cost consideration to the City

TOTAL \$106,659,356.78



City of Dallas

Agenda Information Sheet

File #: 21-1559 Item #: 1.

SUBJECT

Approval of Minutes of the August 25, 2021 City Council Meeting



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City of Dallas

Agenda Information Sheet

File #: 21-1518 Item #: 2.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Budget and Management Services

EXECUTIVE: Elizabeth Reich

SUBJECT

An ordinance amending Ordinance No. 31655, previously approved on September 23, 2020, as amended by Ordinance No. 31884, previously approved on June 9, 2021, authorizing certain transfers and appropriation adjustments for FY 2020-21 for various departments, activities, and projects; and authorize the City Manager to implement those adjustments - Financing: General Fund (\$1,481,897,935), Enterprise, Internal Service, and Other Funds (\$1,363,639,214), Capital Funds (\$1,454,481,707), and Grants, Trusts and Other Funds (\$103,865,643)

BACKGROUND

On September 23, 2020, City Council adopted the Operating, Grants/Trust, and Capital Budgets for FY 2020-21, by Ordinance No. 31655.

On June 9, 2021, City Council adopted Ordinance No. 31884 amending Ordinance No. 31655, to adjust appropriations for various departments and funds, and to authorize various transfers.

City Charter does not allow for expenditure of City funds without sufficient appropriation (City Charter, Chapter XI, Section 6). Management has closely monitored revenues and expenses throughout the fiscal year to ensure compliance with City Charter. The amendments requested reflect: (1) appropriation adjustments previously approved by City Council; (2) adjustment to appropriate excess revenue; (3) adjustments to ensure adequate departmental appropriations in the General Fund; (34) Enterprise, Other, Grant, and Trust funds revenue and expenditure increases; and (45) capital appropriation adjustments.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 23, 2020, City Council adopted the FY 2020-21 City of Dallas Operating, Grants/Trusts, and Capital Budgets by Resolution No. 20-1484; Ordinance No. 31655.

On June 9, 2021, City Council amended Ordinance No. 31655, previously approved on September 23, 2020, to authorize appropriation adjustments to the FY 2020-21 City of Dallas Operating, Grants/Trusts, and Capital Budgets by Resolution No. 21-0977; Ordinance No. 31884.

File #: 21-1518 Item #: 2.

City Council was briefed by memorandum regarding this matter on September 3, 2021.

FISCAL INFORMATION

General Fund - \$TBD \$1,481,897,935 Enterprise Funds, Internal Service, and Other Funds - \$TBD \$1,363,639,214 Capital Funds - \$TBD \$1,454,481,707 Grants, Trust, and Other Funds - \$TBD \$103,865,643

ORDINANCE NO.	
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AMENDING THE OPERATING AND CAPITAL BUDGETS' APPROPRIATIONS ORDINANCE

An ordinance amending Ordinance No. 31655 (2020-21 FY Operating and Capital Budgets' Appropriation Ordinance), as amended by Ordinance No. 31884, to make adjustments for the fiscal year 2020-21 for the maintenance and operation of various departments and activities, amending capital budgets; authorizing the city manager to make certain adjustments; appropriating funds for public improvements to be financed from bond funds and other revenues of the city of Dallas for fiscal year 2020-21; providing a saving clause; and providing an effective date.

WHEREAS, on September 23, 2020, the city council passed Ordinance No. 31655, which adopted the operating and capital budgets' appropriations ordinance for fiscal year 2020-21; and

WHEREAS, on June 9, 2021, the city council passed Ordinance No. 31884, which amended Ordinance No. 31655 by making adjustments to fund appropriations for fiscal year 2020-21; and

WHEREAS, shortages and excesses in various departments and activity appropriations have created a need to adjust those appropriations; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 4, of the Dallas City Charter to transfer an unencumbered balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose, upon the written recommendation of the city manager; and

WHEREAS, the city council is authorized in accordance with Chapter XI, Section 5, of the Dallas City Charter to appropriate, from time to time, excess revenues of the city to such uses as will not conflict with any uses for which such revenues specifically accrued; Now, Therefore,

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

SECTION 1. That the city manager is hereby authorized to increase the general fund operating revenue appropriation budget by \$36,109,776 from \$1,445,788,159 to \$1,481,897,935 due to additional property and sales tax revenue.

SECTION 2. That Section 1 of Ordinance No. 31655, as amended, (2020-21 FY Operating and Capital Budgets' Appropriation Ordinance), passed by the city council on September 23, 2020, is amended by making adjustments to fund appropriations for fiscal year 2020-21 for maintenance and operation of various departments and activities, to read as follows:

"SECTION 1. That for the purpose of providing the funds to be expended in the budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021, the available revenues of the city of Dallas are hereby appropriated for the maintenance and operation of the various city departments and activities as follows:

	PROPOSED
DEPARTMENTS AND ACTIVITIES	<u>2020-21</u>
Building Services	<u>40,466,575</u> [29,675,143]
City Attorney's Office	16,978,300
City Auditor's Office	<u>3,048,860</u> [3,123,860]
City Controller's Office	<u>7,904,574</u> [8,004,574]
City Manager's Office	2,918,134
City Secretary's Office	<u>2,954,027</u> [2,886,027]
Civil Service	<u>2,921,744</u> [2,946,744]
Code Compliance	<u>33,808,725</u> [33,858,725]
Court and Detention Services	<u>23,311,595</u> [23,811,595]
Dallas Animal Services	15,314,969
Dallas Fire-Rescue	<u>324,099,522</u> [315,544,933]
Dallas Police Department	<u>526,635,631</u> [513,535,030]
Elections	<u>1,960,528</u> [1,928,528]

Housing and Neighborhood Revitalization	2 497 062 [2 597 062]
	3,487,062 [3,587,062]
Human Resources	6,055,192 [$6,055,192$]
Independent Audit	<u>745,429</u> [945,429]
Jail Contract - Lew Sterrett	9,547,117
Judiciary	3,763,199 [3,663,199]
Liability/Claims Fund	4,822,220
Library	<u>31,774,999</u> [32,074,999]
Mayor and City Council	5,140,653
Non-Departmental	<u>120,642,636</u> [113,461,571]
Office of Arts and Culture	<u>20,129,697</u> [20,204,697]
Office of Budget and Management Services	<u>4,092,709</u> [4 ,172,709]
Office of Data Analytics and Business Intelligence	<u>1,348,913</u> [1,261,913]
Office of Economic Development	5,442,727
Office of Management Services	<u>41,386,180</u> [4 1,122,091]
Park and Recreation	<u>94,924,446</u> [94,313,446]
Planning and Urban Design	<u>3,212,735</u> [3,312,735]
Procurement Services	<u>2,968,085</u> [3,018,085]
Public Works	<u>75,766,197</u> [76,141,197]
Salary and Benefit Stabilization	0 [2,000,000]
Sustainable Development and Construction	<u>1,668,980</u> [1,868,980]
Transportation	<u>42,655,575</u> [4 3,105,575]

GENERAL FUND TOTAL

<u>\$1,481,897,935</u> [\$1,445,788,159]

GRANT FUNDS	PROPOSED 2020-21
City Attorney's Office FY 2020-21 Community Development Block Grant (CD20)	763,739
<u>Petco Foundation Grant 19-20 (P133)</u> <u>PetSmart Charities Grant (P135)</u> <u>PetSmart Charities Grant 19-20 (P139)</u>	2,974 114 427
Housing and Neighborhood Revitalization FY 2020-21 Community Development Block Grant (CD20) FY 2020-21 HOME Investment Partnership (HM20)	11,456,998 6,502,186

Office of Budget	and Management Services

Office of Budget and Wanagement Bervices	
2021 Winter Storm (F680)	8,951,200
KaBOOM Play Everywhere Grant-Plaza Playtime (P128)	<u>130</u>
FY 2020-21 Community Development Block Grant (CD20)	958,509
FY 2020-21 Housing Opport for Person w-AIDS (HW20)	103,714
Coronavirus Relief Fund (F620)	150,000
Regional Toll Revenue II - Katy Trail Phase VI (S232)	65,881
AARA-Energy Efficiency Rebate (EG02)	389,690
92-93 Hope 3 (0G03) HOU	81,055
HUD05 Texas Theatre Renovation (F093)	10,850
Dallas Black Dance Theater (F102)	87
Texas CHEMPACK Project (F087)	2,808
TCEQ TERP Grant-SAN 2006 (S152)	36,840
Metro Medical Response System (0429)	145,824
Brownfields Asse Rpa04-06 (F058)	3,680
NCTCOG Social Svc Project Exodus Grant (S190)	3,767
Bureau of Justice Assistance Grant FY05 (TR03)	28,891
Bureau of Justice Assistance Grant FY06 (TR04)	150,073
Dallas Foundation - Mayor's Disaster Relief Fund (TR05)	370,049
Urban Area Secu Initiat 2 (F076)	48,292
2005 Homeland Security Grant Program (F099)	41,642
Metro Medical Response System FY04 (F148)	52,938
Metro Medical Response System FY05 (F149)	4,255
Urban Search & Rescue Team Grant (F194)	957
Homeland Security Grant (F229)	140,133
2011 Metropolitan Medical Response System (F354)	623
13-14 Internet Crime Against Children (F407)	34,684
Environmental Enforcement (S102)	17
Tca-Decentralization (part of conversion) (0386)	68,225
National Performance Netw (F042)	14,347
Texas Commission on the Arts FY15 (S277)	149
Texas Commission on the Arts -Arts Create Grant FY15-16 (S291)	118
Texas Commission on the Arts -Arts Create Grant FY16-17 (S310)	219
Kessler Theater Pedestrian Amenities (S260)	1,560
89-90 Dart Technical Assist (0G27)	89,831
Office of Management Services	
FY 2020-21 Community Development Block Grant (CD20)	1,699,598
FY 2020-21 ESG FUND (ES20)	1,291,448
TY 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	

7,373,435

Park and Recreation

FY 2020-21 Housing Opport for Person w-AIDS (HW20)

GRANT FUNDS TOTAL

<u>\$41,791,957</u> [\$32,837,112]

TRUST AND OTHER FUNDS	PROPOSED 2020-21
Dallas Police Department	
Law Enforcement Officer Standards and Education (LEOSE)	331,226
Auto Theft Auction Revenue S2D (0S2D)	34,686
Task Forces Fund (0T69)	487,871
Donations (0321)	104,536
Confiscated Monies- State (0411)	3,623,348
Confiscated Monies- Federal- Dept of Treasury (0436)	1,894,768
Information and Technology Services	
Information Technology Equipment (0897)	375,000
<u>Judiciary</u>	
Juvenile Case Manager Fund (0396)	84,654
Library	
Edmond - Louise Kahn E.Trs (0208)	50,604
Central Library Gift (0214)	102,265
Hamon Trust Fund (0458)	8,290
Office of Arts and Culture	
Majestic Theater Gift & Trust (0338)	121,232
Office of Budget and Management Services	
Revenue Stabilization Fund (0731)	11,291,671
Office of Economic Development	
New Market Tax Credit (0065)	216,305
South Dallas Fair Park Opportunity Fund (0351)	931,134
Sales Tax Agreement Fund (0680)	361,779
Property Assessed Clean Energy Fund (0750)	95,000
Deep Ellum Public Improvement District (9P01)	892,672
Dallas Downtown Improvement District (9P02)	8,542,910
Klyde Warren Park-Dallas Arts District Public Improvement District	, , ,
(9P03)	1,594,760

GRANT	, TRUST AND OTHER FUNDS GRAND TOTAL	<u>\$103,865,643</u> [\$83,619,127]
TRUST	AND OTHER FUNDS TOTAL	<u>\$62,073,686</u> [\$50,782,015]
Transpor	Freeway Traffic Signals (0670)	267,500
Тиомама	tation	
Sustaina	NAS Redevelopment Fund (0022)	648,672
	Park Land Dedication Program (9P32)	512,770
	Capital Gifts Donation - Devlp (0530)	*3,714,570
	Fair Park Naming Sponsorship (0426)	2,934,943
	P - R Athletic Field Maint (0349)	634,775
	Samuell Park Exp. Trust (0330)	560,839
Park and	Recreation	
	Vickery Meadow Public Improvement District (9P15)	1,106,449
	Uptown Public Improvement District (9P13)	2,967,045
	University Crossing Public Improvement District (9P12)	1,017,356
	Tourism Public Improvement District (9P11)	13,395,678
	South Side Public Improvement District (9P10)	362,757
	South Dallas-Fair Park Improvement District (9P09)	165,000
	Prestonwood Public Improvement District (9P08)	425,435
	Oak Lawn-Hi Line Public Improvement District (9P07)	441,424

412,333

897,543

463,886

PROPOSED

Knox Street Public Improvement District (9P04)

Lake Highlands Public Improvement District (9P05)

North- Lake Highlands Public Improvement District (9P06)

ENTERDRICE (INTERNAL CERVICE (OTHER ELINIC	2020 21
ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS	<u>2020-21</u>
Aviation	
Aviation Operations	118,726,420
Transportation Regulation	<u>437,879</u> [354,879]
Convention and Event Services	85,832,581
Dallas Water Utilities	
Stormwater Drainage Management	<u>68,829,747</u> [66,329,747]
Water Utilities	714,778,341
Employee Benefits	1,631,267
Equipment and Fleet Management	56,069,040
FY 2020-21 End-of-Year Budget Ordinance – Page 6	

Express Business Center	2,080,890
Information and Technology Services	
911 System Operations	16,523,922
Information Technology	85,013,099
Radio Services	13,423,481
Municipal Radio	1,875,612
Office of the Bond Program	
Office of Management Services	6,630,001
Park and Recreation	4,524,521
Public Works	11,920,228
Risk Management	5,169,162
Sanitation Services	**131,628,920
Sustainable Development and Construction	***38,544,103

ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS TOTAL \$1,363,639,214 [\$1,361,056,214]

SECTION 3. That Section 4 of Ordinance No. 31655, as amended, is amended by making adjustments to fund appropriations for fiscal year 2020-21 for maintenance and operation of various departments and activities, to read as follows:

"SECTION 4. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:

- (1) Transfer internal service fund equity from unanticipated excesses to contributing funds.
- (2) Transfer funds, not to exceed \$23,481,663, from the Convention Center Operating Fund 0080, Department CCT, Unit 7840, Object 3870, to the 2009 Convention Center Debt Service Fund 0980, Department CCT, Unit P505, Revenue Source 9219, for the payment of debt service on Series 2009 Revenue Refunding and Improvement Bonds for improvements to the Dallas Civic Center Convention Complex.
- (3) Transfer funds, not to exceed \$4,822,220, from the General Fund 0001, Department BMS, FY 2020-21 End-of-Year Budget Ordinance Page 7

^{*}An increase of \$122,254 was previously approved by Resolution No. 20-1921.

^{**}An increase of \$810,583 was previously approved by Resolution No. 21-0383.

^{***}An increase of \$2,000,000 was previously approved by Resolution No. 21-0266.

Unit 1997, Object 3621 to the Liability Reserve Fund 0192, Department ORM, Unit 3890, Revenue Source 8525, for payment of small and large claims against the city.

- (4) Transfer funds, not to exceed \$9,000,000 to the General Fund 0001, Department BMS, Unit 1995, Revenue Source 9229, from the Sports Arena Lease Fund 0A71, Department CCT, Unit 8851, Object 3690, to support general fund operations.
- (5) Transfer funds, not to exceed \$24,333,448 from the Water Utilities Operating Fund 0100, Department DWU, Unit 7015, Object 3690, in the amounts not to exceed \$7,750,000 to the Public/Private Partnership Fund 0352, Department ECO, Unit P151, Revenue Source 9201 and \$16,583,448 to the General Fund 0001, Department BMS, Unit 1991, Revenue Source 9201, as payment in lieu of taxes by the water utilities department to support economic initiatives of the city and encampment resolution.
- (6) Transfer funds, not to exceed \$3,372,005 [\$375,000], from the Information Technology Operating Fund 0198, Department DSV, Unit 1667 and 1622, Object 3690, to the Information Technology Equipment Fund 0897, Department DSV, Unit 3717, 3718, and 3719, Revenue Source 9201, for information technology servers, computers, storage, network and other IT equipment including related software, hardware, and implementation services.
- (7) Transfer funds, not to exceed \$1,277,500, from the Convention and Event Services Operating Fund 0080 Department CCT, Unit 7840, Object 3690 to the OCA Hotel Occupancy Fund 0435, Department OCA, Unit 1841, Revenue Source 9201, for the promotion of cultural arts.
- (8) Transfer funds, not to exceed \$361,779, from the General Fund 0001 Department BMS, Unit 1991, Object 3690, to the Economic Development Tax Agreement Fund 0680 Department ECO, Unit 6696, Revenue Source 9201, for sales tax rebates in accordance with the terms of the sales tax grant agreement pursuant to Chapter 380 of the Texas Local Government Code.
- (9) Transfer funds, not to exceed \$635,310, from City of Dallas Regional Center Fund 0067, Department ECO, Unit P682, Object 3090, to General Fund 0001, Department ECO, Unit (Various), Object 5011, in support of economic development activities. FY 2020-21 End-of-Year Budget Ordinance Page 8

- (10) Transfer funds, not to exceed \$216,305, from New Markets Tax Credit Fund 0065, Department ECO, Unit P607, Object 3899, to General Fund 0001, Department ECO, Unit (Various), Object 5011, in support of economic development activities.
- (11) Transfer funds, not to exceed \$95,000, from the Clean Energy Program Fund 0750, Department ECO, Unit W183, Object 3899 to the General Fund 0001, Department ECO, Unit (Various), Object 5011 to reimburse the General Fund for costs incurred in administering the Dallas PACE Program.
- (12) Transfer and administer gifts and bequests to the city in accordance with the terms and conditions accompanying the gifts or bequests and, for this purpose, the appropriation of donated amounts is hereby made.
- (13) Transfer residual cash balances from one grant fund to another within the same fund category, provided that the total appropriation for each fund is not exceeded by this action.
- (14) Decrease appropriation of any fund described in Section 1 to reduce expenditures within the fund when, in the judgment of the city manager, actual or probable receipts are less than the amount estimated and appropriated for expenditures.
- (15) Transfer funds not to exceed \$455,571 to the Other Grant Capital Project-BL Fund GX00, \$65,881 from Regional Toll Revenue II Katy Trail Phase V Fund S232; and \$389,690 from AARA-Energy Efficiency Rebate Fund EG02.
- (16) Transfer funds not to exceed \$91,992 to the Other Grant Special Revenue–CD Fund GX01, \$81,055 from 92-93 Hope 3 Fund 0G03, \$10,850 from HUD05 Texas Theatre Renovation Fund F093, and \$87 from Dallas Black Dance Theater Fund F102.
- (17) Transfer funds not to exceed \$39,648 to the Other Grant Special Revenue-HH Fund GX02, \$2,808 from Texas CHEMPACK Project Fund F087, and \$36,840 from TCEQ TERP Grant-SAN 2006 Fund S152.
- (18) Transfer funds not to exceed \$153,271 to the Other Grant Special Revenue-MI Fund GX03, \$145,824 from Metro Medical Response System Fund 0429, \$3,680 from Brownfields Asse FY 2020-21 End-of-Year Budget Ordinance Page 9

Rpa04-06 Fund F058, and \$3,767 from NCTCOG Social Svc Project Exodus Grant Fund S190.

- (19) Transfer funds not to exceed \$549,013 to the Other Grant Special Revenue–MT Fund GX04, \$28,891 from Bureau of Justice Assistance Grant FY05 Fund TR03, \$150,073 from Bureau of Justice Assistance Grant FY06 Fund TR04, and \$370,049 from Dallas Foundation Mayor's Disaster Relief Fund TR05.
- (20) Transfer funds not to exceed \$323,541 to the Other Grant Special Revenue–PL Fund GX05, \$48,292 from Urban Area Secu Initiat 2 Fund F076, \$41,642 from 2005 Homeland Security Grant Program Fund F099, \$52,938 from Metro Medical Response System FY04 Fund F148, \$4,255 from Metro Medical Response System FY05 F149, \$957 from Urban Search & Rescue Team Grant Fund F194, \$140,133 from Homeland Security Grant Fund F229, \$623 from 2011 Metropolitan Medical Response System Fund F354, \$34,684 from 13-14 Internet Crime Against Children Fund F407, \$17 from Environmental Enforcement Fund S102.
- (21) Transfer funds not to exceed \$83,058 to the Other Grant Special Revenue–RC Fund GX06, \$68,225 from Tca-Decentralization Fund 0386, \$14,347 from National Performance Netw Fund F042, \$149 from Texas Commission on the Arts FY15 Fund S277, \$118 from Texas Commission on the Arts -Arts Create Grant FY15-16 Fund S291, and \$219 from Texas Commission on the Arts -Arts Create Grant FY16-17 Fund S310.
- (22) Transfer funds not to exceed \$1,560 to the Other Grant Special Revenue-TN Fund GX07from Kessler Theater Pedestrian Amenities Fund S260.
- (23) Transfer funds not to exceed \$89,831 to the Other Grant Special Revenue-TR Fund GX08from 89-90 Dart Technical Assist Fund 0G27.
- (24) Upon written notice to the city controller, to transfer cash, or expenditures, or appropriations to or from Other Grant Funds (funds GX00, GX01, GX02, GX03, GX04, GX05, GX06, GX07, and GX08) established to facilitate the close-out of prior grant programs and reprogram funding for future projects within the same fund category.

FY 2020-21 End-of-Year Budget Ordinance – Page 10

(25) Transfer funds, not to exceed \$11,291,671, from the General Fund 0001, Dept BMS, Unit 1991, Object Code 3690 to the Revenue Stabilization Fund 0731, Department BMS, Unit 5353, Revenue Source 9201."

SECTION 4. That Section 9 of Ordinance No. 31655, as amended, is amended by adding capital funds to fund appropriations for fiscal year 2020-21 to read as follows:

"SECTION 9. (a) That the following amounts are hereby appropriated from the funds indicated for projects listed in the FY 2020-21 capital budget:

CAPITAL FUNDS	PROPOSED 2020-21
From 2021 AVI Commercial Paper Fund (0795)	****95,266,257
From 2021 Master Lease-Equipment Fund (ML21)	25,000,000
From the 06 Arts Theater Fund (6R07)	<u>72,492</u>
From the Animal Shelter Fund (3R46)	<u>21,456</u>
From the Arts Theater Fund (3R07)	2,204
From the Arts Theater Fund (5R07)	<u>3,251</u>
From the Aviation Capital Construction Fund (0131)	***32,670,509
From the Aviation Passenger Facility Charge Near Term Projects Fund (A477)	**68,275,964
From the Capital Construction Fund for City and Cultural Facilities (0671)	*****17,724,533 [14,714,533]

*****3,493,289

From the Capital Gifts, Donation, and Development

FY 2020-21 End-of-Year Budget Ordinance - Page 11

Fund (0530)

From the Capital Projects Reimburse Fund (0556)	******4,836,860 [*2,159,534]
From the Cedars Tax Increment Finance District Fund (0033)	1,965,647
From the Central Expressway-Land Acquisition Fund (0HLC)	<u>200</u>
From the City Animal Control Facilities Fund (0P46)	<u>87</u>
From the City Animal Control Facilities Fund (1P46)	<u>51,455</u>
From the City Center Tax Increment Finance District Fund (0035)	7,530,121
From the City Facilities Repair & Imp Fund (0L60)	<u>15,845</u>
From the City Facilities Repairs & Imp Fund (0N60)	906
From the City Facilities Repairs Fund (0M60)	<u>15,849</u>
From the Cultural Affairs Fund (2017 GO Bonds) (1V49)	131,484
From the Cultural Arts Facilities Fund (8T49)	225,000
From the Cultural Arts Facilities Fund (9P49)	4,239
From the Cypress Water Tax Increment Finance District Fund (0066)	5,685,279
From the Davis Garden Tax Increment Finance District Fund (0060)	2,043,573
From the Deep Ellum Tax Increment Finance District Fund (0056)	5,576,125

From the Design District Tax Increment Finance District Fund (0050)	8,184,274
From the Downtown Connection Tax Increment Finance District Fund (0044)	23,822,189
From the Economic Development Fund (2017 GO Bonds) (1V52)	9,657,748
From the Equipment Acquisition Notes Fund (0629)	28,000,000
From the FAA AIP Grant-Taxiway B Rehab Phase II Construction Fund (F565)	25,933,333
From the Facilities Fund (2017 GO Bonds) (1V60)	2,703,750
From the Fair Park Capital Reserve Fund (9P31)	******185,757
From the Fair Park Improvements Fund (2017 GO Bonds) (1V02)	7,034,549
From the Farmers Market 04-05 Fund (4R40)	3,600
From the Farmers Market Fund (3R40)	<u>1,298</u>
From the Farmers Market Improvement Fund (5R40)	<u>2,278</u>
From the Farmers Market Tax Increment Finance District Fund (0036)	3,334,268
From the Flood Control Fund (2017 GO Bonds) (1V23)	13,061,958
From the Fire Protection Facilities Fund (0M41)	<u>96</u>
From the Fire Protection Facilities Fund (0P41)	<u>19,929</u>

From the Fire Protection Facilities Fund (9P41)	1,049
From the Fire Station 04-05 Fund (4R41)	15,828
From the Fire Station Facilities Fund (5R41)	4,437
From the Fire Station Facilities Fund (6R41)	19,860
From the Fire Station Fund (3R41)	9,411
From the Fort Worth Avenue Tax Increment Finance District Fund (0058)	2,794,867
From the Grand Park South Tax Increment Finance District Fund (0054)	216,384
From the Homeless Assistance Facilities Fund (2017 GO Bonds) (1V43)	2,989,185
From the Homeless Assistance Facilities Fund (6S43)	65,718
From the Latino Cultural Center Donation Fund (DL00)	122,227
From the Major Park, Rec & Community Fund (0N00)	14,705
From the Mall Area Redevelopment Tax Increment Finance District Fund (0049)	548,341
From the Maple/Mockingbird Tax Increment Finance District Fund (0064)	4,162,364
From the Neighborhood Park, Play & Rec Fund (0N05)	<u>200</u>
From the Oak Cliff Gateway Tax Increment Finance District Fund (0034)	4,209,042
From the Park and Recreation Facilities FY 2020-21 End-of-Year Budget Ordinance – Page 14	355,495

Fund (2006 GO Bonds) (1T00)

From the Park and Recreation Facilities Fund (2006 GO Bonds) (2T00)	560,000
From the Park and Recreation Facilities Fund (2006 GO Bonds) (3T00)	158,045
From the Park and Recreation Facilities Fund (2006 GO Bonds) (4T00)	180,000
From the Park and Recreation Facilities Fund (2006 GO Bonds) (6T00)	1,203
From the Park and Recreation Facilities Fund (2006 GO Bonds) (7T00)	61,089
From the Park and Recreation Facilities Fund (2006 GO Bonds) (8T00)	119,832
From the Park and Recreation Facilities Fund (2006 GO Bonds) (9T00)	64,336
From the Park and Recreation Facilities Fund (2017 GO Bonds) (1V00)	49,510,350
From the Police Headquarters Fac Fund (0P44)	27,618
From the Public/Private Partnership Fund (0352)	********7,812,000 [7,750,000]
From the Public Safety Fund (2017 GO Bonds) (1V33)	2,160,199
From the Sanitation Capital Improvement Fund (0593)	10,529,001
From the Skillman Corridor Tax Increment Finance District Fund (0052)	4,925,312
From the Southwestern Medical Tax Increment Finance District Fund (0046)	1,791,083
From the Sports Arena Tax Increment Finance District Fund (0038)	13,053,103

From the Storm Water Drainage Management Capital Construction Fund (0063)	13,481,404
From the Street and Alley Improvement Fund (0715)	22,986,435
From the Street and Transportation Fund (2017 GO Bonds) (1V22)	90,794,027
From the Street and Transportation Improvement Fund (2006 GO Bonds) (1T22)	2,482,420
From the Street and Transportation Improvement Fund (2006 GO Bonds) (2T22)	895,032
From the Street and Transportation Improvement Fund (2006 GO Bonds) (3T22)	742,079
From the Street and Transportation Improvement Fund (2006 GO Bonds) (4T22)	869,581
From the Street and Transportation Improvement Fund (2006 GO Bonds) (6T22)	128,659
From the Street and Transportation Improvement Fund (2006 GO Bonds) (7T22)	919,694
From the Street and Transportation Improvement Fund (2006 GO Bonds) (8T22)	247,537
From the Street and Transportation Improvement Fund (2012 GO Bonds) (1U22)	208,567
From the Street and Transportation Improvement Fund (2012 GO Bonds) (2U22)	656,024
From the Street and Transportation Improvement Fund (2012 GO Bonds) (3U22)	1,322,991
From the Street and Transportation Improvement Fund (2012 GO Bonds) (4U22)	1,222,418
From the Street System Improvements Fund (0522)	60,986

From the Street System Improvements Fund (0E22)	20,000
From the Street, Utility and Other Infrastructure Improvements in Furtherance of Economic and Business Development in the Southern Area of the City Fund (2006 GO Bonds) (1T52)	1,220,000
From the Street, Utility and Other Infrastructure Improvements in Furtherance of Economic and Business Development in the Southern Area of the City Fund (2006 GO Bonds) (2T52)	80,000
From the Street, Utility and Other Infrastructure Improvements in Furtherance of Economic and Business Development in the Southern Area of the City Fund (2006 GO Bonds) (6T52)	30,000
From the Street, Utility and Other Infrastructure Improvements in Furtherance of Economic and Business Development in the Southern Area of the City Fund (2006 GO Bonds) (8T52)	70,000
From the Transit Oriented Development Tax Increment Finance District Fund (0062)	4,394,913
From the Transportation Special Projects Fund (0761)	********1,000,000
From the University Tax Increment Financing District Fund (0051)	795,667
From the Vickery Meadow Tax Increment Finance District Fund (0048)	3,020,837
From the Wastewater Capital Construction Fund (0103)	17,000,000
From the Wastewater Capital Improvement Series D Fund (2116)	<u>0</u> [14,500,000]
From the Wastewater Capital Improvement <u>Series E</u> Fund (3116)	<u>0</u> [8,000,000]
From the Wastewater Capital Improvement Series F Fund (4116)	62,000,000
From the Wastewater Capital Improvement Series G Fund (5116) Fig. 2020 21 Find of Very Budget Ordinance Report 17	148,500,000

FY 2020-21 End-of-Year Budget Ordinance – Page 17

From the Wastewater (Clean Water)-TWDB 2020 Fund (1190)	44,000,000
From the Water (Drinking Water)-TWDB 2020 Fund (1191)	44,000,000
From the Water and Wastewater Public Art Fund (0121)	42,500
From the Water Capital Improvement Series D Fund (2115)	<u>0</u> [50,750,000]
From the Water Capital Improvement <u>Series E</u> Fund (3115)	<u>0</u> [163,000,000]
From the Water Capital Improvement Series F Fund (4115)	146,500,000
From the Water Capital Improvement Series G Fund (5115)	304,500,000
From the Water Capital Construction Fund (0102)	31,250,000
From the Woodall Rogers Development Fund (WR06)	********10,000,000

^{*}An increase of \$1,840,000 was previously approved by Resolution No. 20-1521.

CAPITAL FUNDS TOTAL

<u>\$1,454,481,707</u> [\$1,008,226,111]

^{*}An increase of \$85,534 was previously approved by Resolution No. 20-1522.

^{*}An increase of \$234,000 was previously approved by Resolution No. 21-0718.

^{**}An increase of \$489,297 was previously approved by Resolution No. 20-1678.

^{***}An increase of \$570,509 was previously approved by Resolution No. 21-0676.

^{****}An increase of \$95,266,257 was previously approved by Resolution No. 21-0208.

^{*****}An increase of \$10,000 was previously approved by Resolution No. 21-1085.

^{*******}An increase of \$3,335,000 was previously approved by Resolution No. 21-1135.

^{******}An increase of \$158,289 was previously approved by Resolution No. 21-1269.

^{*******}An increase of \$2,677,326 was previously approved by Resolution No. 21-1092.

^{*******}An increase of \$185,757 was previously approved by Resolution No. 21-1271.

^{********}An increase of \$62,000 was previously approved by Resolution No. 21-0902.

^{********}An increase of \$1,000,000 was previously approved by Resolution No. 21-1000.

^{************}An increase of \$10,000,000 was previously approved by Resolution No. 21-1133.

- (b) That in order to reimburse and finance certain 2017 General Obligation (GO) bond funds capital project expenditures authorized in section (a) (Street & Transportation Improvements 1V22, Park and Recreation Facilities 1V00, Fair Park 1V02, Flood Control 1V23, Library 1V42, Cultural Facilities 1V49, Public Safety 1V33, City Facilities 1V60, Economic Development 1V52, and Homeless Assistance 1V43), the City intends to issue one or more commercial paper notes as part of the General Obligation Commercial Paper Notes Series A, and Series B, and use the proceeds thereof to reimburse disbursements incurred.
- (c) That in order to reimburse and finance the lease/purchase acquisition of equipment authorized in section (a) (2021 Master Lease-Equipment ML21), the City intends to execute, acknowledge and deliver a Schedule A (as defined in the Master Equipment Lease/Purchase

 Agreement) pertaining to such equipment including all attachments, financing statements and schedules thereto.
- $(\underline{d}[b])$ That the following amounts are hereby appropriated from the funds indicated for payment of the FY 2020-21 Debt Service Budget:

DEBT SERVICE FUNDS

From the General Obligation Debt Service Fund (0981)

316,672,860

DEBT SERVICE FUNDS TOTAL

\$316,672,860

- $(\underline{e}[e])$ That these appropriations and all previous appropriated funds for these projects remain in force until each project is completed or terminated.
- $(\underline{f}[\underline{d}])$ That the appropriations listed in Subsections (a) and $(\underline{d}[\underline{b}])$ may be increased by the city council upon the recommendation of the city manager."

SECTION 4. That Section 12 of Ordinance No. 31655, as amended, is amended by adding capital funds to fund appropriations for fiscal year 2020-21 to read as follows:

"SECTION 12. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:

- (1) Transfer funds, not to exceed \$2,500,000, to the General Fund 0001, in the amounts of \$125,000 from the Cedars Tax Increment Financing District Fund 0033; \$200,000 from the Oak Cliff Gateway Tax Increment Financing District Fund 0034; \$200,000 from the City Center Tax Increment Financing District Fund 0035; \$145,000 from the Farmers Market Tax Increment Financing District Fund 0036; \$185,000 from the Sports Arena Tax Increment Financing District Fund 0038; \$225,000 from the Downtown Connection Tax Increment Financing District Fund 0044; \$80,000 from the Southwestern Medical Tax Increment Financing District Fund 0046; \$125,000 from the Vickery Meadow Tax Increment Financing District Fund 0048; \$100,000 from the Mall Area Tax Increment Financing District Fund 0049; \$115,000 from the Design District Tax Increment Financing District Fund 0050; \$100,000 from the University Tax Increment Financing District Fund 0051; \$110,000 from the Skillman Corridor Tax Increment Financing District Fund 0052; \$125,000 from the Grand Park South Tax Increment Financing District Fund 0054; \$125,000 from the Deep Ellum Tax Increment Financing District Fund 0056; \$110,000 from the Fort Worth Avenue Tax Increment Financing District Fund 0058; \$135,000 from the Davis Garden Tax Increment Financing District Fund 0060; \$125,000 from the Transit-Oriented Development Tax Increment Financing District Fund 0062; \$100,000 from the Maple/Mockingbird Tax Increment Financing District Fund 0064; and \$70,000 from the Cypress Waters Tax Increment Financing District Fund 0066, for reimbursement of tax increment financing administration costs.
- (2) Transfer funds, not to exceed \$42,292,500, from the Water Utilities Operating Fund 0100, in the amounts of \$31,250,000 to the Water Capital Construction Fund 0102; \$17,000,000 to the Wastewater Capital Construction Fund 0103; and \$42,500 to the Water and Wastewater Public Art Fund 0121, for projects listed in the FY 2020-21 Capital Budget.
- (3) Transfer funds, not to exceed \$13,481,404, from the Storm Water Drainage Management FY 2020-21 End-of-Year Budget Ordinance Page 20

Operating Fund 0061 to the Storm Water Drainage Management Capital Construction Fund 0063, for projects listed in the FY 2020-21 Capital Budget.

- (4) Transfer funds, not to exceed \$2,351,654, from the Sanitation Enterprise Fund 0440 to the General Obligation Debt Service Fund 0981, for payment of the 2003 General Obligation Bond for flood protection and storm drainage facilities for the McCommas Bluff Landfill and payment of 2020 Equipment Notes.
- (5) Transfer funds, not to exceed \$4,500,000, from the General Capital Reserve Fund 0625to the Capital Construction Fund 0671, for the purpose of maintenance and repair of city facilities.
- (6) Transfer funds, not to exceed \$1,436,800, from the Convention Center Operating Fund 0080 to the Capital Construction Fund 0671 for the purpose of major maintenance and repair of cultural facilities.
- (7) Transfer funds, not to exceed \$8,613,080, from the Water Utilities Operating Fund 0100 to the Street and Alley Improvement Fund 0715, for the purpose of funding citywide street and alley improvement projects.
- (8) Transfer funds, not to exceed \$3,435,882, from the Sanitation Enterprise Fund 0440 to the Street and Alley Improvement Fund 0715, for the purpose of funding citywide street and alley improvement projects.
- (9) Transfer funds, not to exceed \$8,500,000, from the General Fund 0001 to the Street and Alley Improvement Fund 0715, for the purpose of funding citywide street and alley improvement projects.
- (10) Transfer funds, not to exceed \$2,437,473, from the Stormwater Operations Fund 0061 to the Street and Alley Improvement Fund 0715, for the purpose of funding sidewalks and neighborhood infrastructure.
- (11) Transfer funds, not to exceed \$32,100,000 from the Aviation Operating Fund 0130 to the Aviation Capital Construction Fund 0131, for projects listed in the FY 2020-21 Capital Budget. FY 2020-21 End-of-Year Budget Ordinance Page 21

- (12) Transfer funds, not to exceed \$37,987,077, to the General Obligation Debt Service Fund 0981, from any general government, internal service, or enterprise fund incurring civilian payroll costs based on the pro-rata allocation of the actual civilian payroll costs incurred during fiscallyear 2020-21, for payment of debt service on the Pension Obligation Bonds Series 600, 601, and 632.
- (13) Transfer funds, not to exceed \$2,000,000 to the Capital Construction Fund 0671, Department BSD, from the Sports Arena Fund 0A71, Department CCT, Unit 8851, Object 3690, for the purpose of maintenance and repair of city facilities.
- (14) Transfer funds, not to exceed \$9,777,733 [\$6,777,733] to the Capital Construction Fund 0671, Department BSD, from the General Fund 0001, Department BSD, Unit 3040, Object 3690, for the purpose of maintenance and repair of city facilities.
- (15) Transfer funds, not to exceed \$541,282 from the Municipal Radio Facility Improvement

 Fund 0152 to the Municipal Radio Operating Fund 0140, for the purpose of ongoing radio station

 operations.
- (16) Transfer funds, not to exceed \$5,241,722 from the Convention Center Operating Fund
 0080 to the Convention Center Capital Construction Fund 0082, for projects listed in the
 FY 2020-21 Capital Budget.
- (17) Transfer funds, not to exceed \$10,713,420 from the Sanitation Services Fund 0440 to the Sanitation Capital Improvement Fund 0593, for capital improvements and equipment."
- SECTION 5. That Section 13 of Ordinance No. 31655, as amended, is amended by adding capital funds to fund appropriations for fiscal year 2020-21 to read as follows:
 - "SECTION 13. That the city manager is authorized to make the following adjustments:
- (1) Transfer amounts from one project appropriation to another within the same fund, provided that the total appropriation for each fund is not exceeded by this action.
- (2) Decrease appropriation of any fund described in Section 9 and in any General Obligation

Bond Program Funds to reduce expenditures within the fund when, in the judgment of the city manager, actual or probably receipts are less than the amount estimated and appropriated for expenditures, and making accounting adjustments between various bond programs and funds when, in the judgment of the city manager, it is necessary to do so to effectively and efficiently administer the General Obligation Bond Programs.

(3) Transfer funds, not to exceed \$1,186,400 to the Debt Service Fund 0981, in the amount not to exceed \$85,000 from Street System Improvements Fund 0522; \$20,000 from Street System Improvements Fund 0E22; \$200 from Central Expressway-Land Acquisition Fund 0HLC; \$20,000 from Major Park, Rec & Community Fund 0N00; \$200 from Neighborhood Park, Play & Rec Fund 0N05; \$24,000 from City Facilities Repair & Imp Fund 0L60; \$22,000 from City Facilities Repairs Fund 0M60; \$26,000 from City Facilities Repairs & Imp Fund 0N60; \$100 from Fire Protection Facilities Fund 0M41; \$42,000 from 01 Park Play Ground Rec Fund 0P00; \$17,000 from 02 Park Play Ground Rec Fund 1P00; \$2,000 from Park Play Recreation & Com Fund 9P00; \$61,000 from Police Headquarters Fac Fund 0P44; \$20,000 from Fire Protection Facilities Fund 0P41; \$1,600 from Fire Protection Facilities Fund 9P41; \$40,000 from Cultural Arts Facilities Fund 9P49; \$1,300 from City Animal Control Facilities Fund 0P46; \$64,000 from City Animal Control Facilities Fund 1P46; \$18,000 from Major Parks Fund 3R00; \$10,000 from Major and City Wide Park Rec Fund 4R00; \$16,000 from Neighborhood Parks Fund 3R05; \$56,000 from Neighbor and Community Park Pl Fund 4R05; \$17,000 from Arts Theater Fund 3R07; \$4,000 from Arts Theater Fund 5R07; \$93,000 from 06 Arts Theater Fund 6R07; \$141,000 from City Services Facility Fund 3R60; \$129,000 from Animal Shelter Fund 3R46; \$21,000 from Fire Station Fund 3R41; \$42,000 from Fire Station 04-05 Fund 4R41; \$6,000 from Fire Station Facilities Fund 5R41; \$41,000 from Fire Station Facilities Fund 6R41; \$6,000 from Farmers Market Fund 3R40; \$38,000 from Farmers Market 04-05 Fund 4R40; \$5,000 from Farmers Market Improvement Fund 5R40; and \$97,000 from Homeless Assistance Facilities (4) Upon written notice to the city controller, to transfer expenses, appropriations, or both between funds in the 1985 General Obligation Bond Program series of funds, the 1995 General

Obligation Bond Program series of funds, the 1998 General Obligation Bond Program series of funds,

the 2003 General Obligation Bond Program series of funds, and the 2005 General Obligation Bond

Program series of funds, and to transfer residual cash amounts to the General Obligation Debt Service

Fund to facilitate the close out of prior bond programs."

SECTION 6. That it is the intent of the city council, by passage of this ordinance, to

appropriate funds for the city departments and activities. No office or position is created by the

appropriations.

SECTION 7. That Ordinance No. 31655, as amended, will remain in full force and effect, save

and except as amended by this ordinance.

SECTION 8. That this ordinance will take effect immediately from its passage and publication

in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

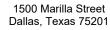
APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By	
	Assistant City Attorney

Passed







Agenda Information Sheet

File #: 21-1386 Item #: 3.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 3, 4, 5, 6, 8, 10, 12, 13

DEPARTMENT: Building Services Department

EXECUTIVE: Joey Zapata

SUBJECT

Authorize a service contract for the purchase and installation of eight generators at designated City facilities with LJ Power, Inc., through The Local Government Purchasing Cooperative Contract No. 577-18 - Not to exceed \$1,627,633.50 - Financing: Capital Construction Fund

BACKGROUND

This purchasing agreement will provide for the purchase and installation of back-up power generators at eight City facilities designated to be warming/cooling centers for Dallas residents in the event of extended power outages during severe weather.

During the February 2021 winter storm, the City was unable to open recreation centers and libraries to provide residents with warming centers because the facilities were also impacted by rolling power outages. At that time, the Office of Emergency Management (OEM) and Procurement Services worked together to contract charter bus companies to provide mobile warming centers in the areas of most need.

A larger list of 28 potential locations was determined using equity indicators and demographic data as outlined in an April 2021 memorandum from OEM to the Public Safety Committee. The final list of eight locations is the result of an effort to provide a site within relative proximity to all areas of the City:

File #: 21-1386 Item #: 3.

- Audelia Road Branch Library, 10045 Audelia Road, 200 kW generator
- Beckley-Saner Recreation Center, 114 West Hobson Avenue, 400 kW generator
- Jaycee Zaragoza Recreation Center, 3114 Clymer Street, 300 kW generator
- Kleberg-Rylie Branch Library, 1515 Edd Road, 150 kW generator
- Marcus Park Recreation Center, 3003 Northaven Road, 250 kW generator
- Mountain Creek Library, 6102 Mountain Creek Parkway, 150 kW generator
- Pleasant Oaks Recreation Center, 8701 Greenmound Avenue, 350 kW generator
- Timberglen Recreation Center, 3810 Timberglen Road, 250 kW generator

Each of the generators will be EPA Certified Tier IV, for lower emissions in keeping with the City of Dallas' commitment to reducing emissions and environmental impacts for the benefit of Dallas residents and the region. Generators have been sized to correspond with each facility's power needs.

This contract includes the generators, all necessary equipment, as well as material and labor to perform the installations and facilitate future maintenance of the generators. Required facility electrical infrastructure upgrades and site work to accommodate generator installation will be addressed separately. This item is advanced to allow the months long generator manufacturing process to begin as soon as possible.

The Local Government Purchasing Cooperative (BuyBoard) agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

ESTIMATED SCHEDULE OF PROJECT

Begin Project September 2021 Complete Project September 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Capital Construction Fund	\$1,627,633.50	\$0.00	\$0.00

Council District	<u>Amount</u>	
3	\$ 164,027.50	
4	\$ 262,872.50	
5	\$ 243,259.00	
6	\$ 228,859.50	
8	\$ 164,027.50	
10	\$ 173,409.50	
12	\$ 195,589.00	
13	<u>\$ 195,589.00</u>	
Total	\$1,627,633.50	

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$	
\$1,627,633.50	Other Services	N/A	N/A	N/A	
The Business Inclusion and Development Policy does not apply to Cooperative Purchasing Agreements.					
● LJ Power, Inc Non-local; Workforce - 8.10% Local					

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Cooperative	Cooperative purchasing agreements enable the City to associate with State
Purchasing	agencies, other local governments, or local cooperative organizations comprised
Agreement	of other state and local governments, to leverage market buying power and
	enable the City to purchase goods or services at lower prices.

OWNER

LJ Power, Inc.

12707 Nutty Brown Road, Building F Austin TX 78737

Larry Davis, President

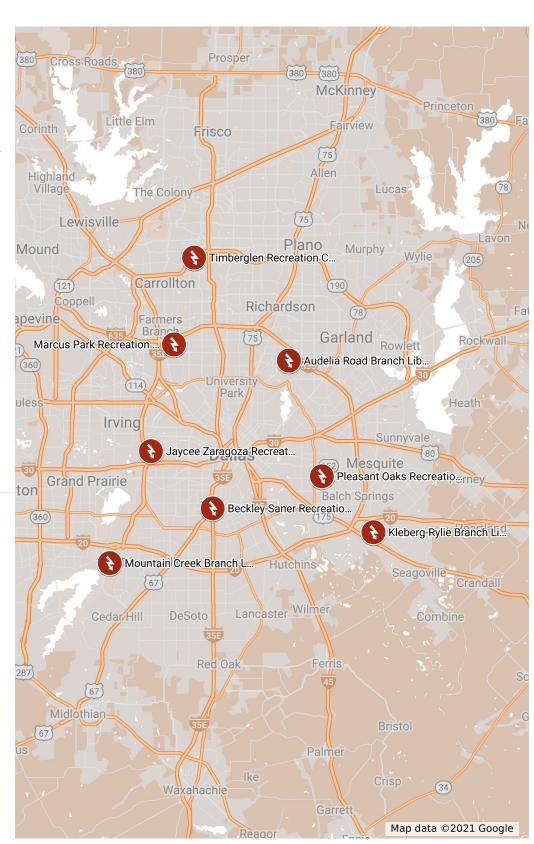
MAP

Attached

Generator Projects FY21 - FY22

- Audelia Road Branch Library 10045 Audelia Road
- Beckley-Saner Recreation Center
 114 West Hobson Avenue
- Jaycee Zaragoza Recreation Center 3114 Clymer Street
- Kleberg-Rylie Branch Library 1515 Edd Road
- Marcus Park Recreation Center 3003 Northaven Road
- Mountain Creek Branch Library 6102 Mountain Creek Parkway
- Pleasant Oaks Recreation Center 8701 Greenmound Avenue
- Timberglen Recreation Center3810 Timberglen Road

This map shows 8 generator projects anticipated to be implemented in FY2022.



WHEREAS, the February 2021 winter storm resulted in widespread power outages throughout Texas that had a major impact on Dallas residents and facilities; and

WHEREAS, the City of Dallas has identified a need to maintain a back-up source of power at various facilities throughout Dallas to provide residents with warming/cooling centers in the event of extended power outages during severe weather; and

WHEREAS, on May 26, 2004, City Council adopted a policy for Environmental Preferred Purchasing to provide good stewardship of the environment by purchasing products or services that have a lesser impact on human health and the environment through Resolution No. 04-1722; and

WHEREAS, on May 27, 2020, City Council unanimously adopted the Comprehensive Environmental and Climate Action Plan through Resolution No. 20-0688; and

WHEREAS, the Texas Local Government Code, Chapter 271, Subchapter F, Section 271.102, authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization; and

WHEREAS, it is now desirable to authorize a service contract for the purchase and installation of eight generators at designated facilities with LJ Power, Inc., through The Local Government Purchasing Cooperative Contract No. 577-18, in an amount not to exceed \$1,627,633.50.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a service contract with LJ Power, Inc., approved as to form by the City Attorney, for the purchase and installation of eight generators at designated facilities through The Local Government Purchasing Cooperative Contract No. 577-18, in an amount not to exceed \$1,627,633.50.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,627,633.50 to LJ Power, Inc. from the Capital Construction Fund, Fund 0671, Department BSD, Unit W701, Object 4720, Program YE21ADJS, Encumbrance/Contract No. CX-BSD-2021-00017181, Vendor VS90040.

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.



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City of Dallas

1500 Marilla Street Dallas, Texas 75201

Agenda Information Sheet

File #: 21-1557 Item #: 4.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize settlement of the lawsuit styled <u>Alita Asberry v. The City of Dallas</u>, Cause No. CC-19-00776-A - Not to exceed \$110,000.00 - Financing: Liability Reserve Fund

BACKGROUND

Plaintiff Alita Asberry filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on March 23, 2017, involving a Dallas Police Department vehicle. The City and Ms. Asberry have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Austin F. Hartley of the Hartley Law Firm.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council was briefed by confidential memorandum on September 3, 2021.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Liability Reserve Fund	\$110,000.00	\$0.00	\$0.00

WHEREAS, a lawsuit styled <u>Alita Asberry v. The City of Dallas</u>, Cause No. CC-19-00776-A, was filed by the plaintiff, Alita Asberry, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on March 23, 2017, involving a Dallas Police Department vehicle; and

WHEREAS, the plaintiff has agreed to a proposed settlement of the case whereby the City will pay Alita Asberry, the Hartley Law Firm, and all other persons having an interest in the settlement proceeds, the total amount of \$110,000.00; and

WHEREAS, it is in the best interest of the City to settle this lawsuit.

Now, Therefore,

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

SECTION 1. That the proposed settlement of the lawsuit, styled <u>Alita Asberry v. The City of Dallas</u>, Cause No. CC-19-00776-A, in an amount not to exceed \$110,000.00 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Alita Asberry, the Hartley Law Firm, and all other persons having an interest in the settlement proceeds, the amount of \$110,000.00 from Liability Reserve Fund, Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor MVORM001.

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.



1500 Marilla Street Dallas, Texas 75201



Agenda Information Sheet

File #: 21-1538 Item #: 5.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Christopher J. Caso

SUBJECT

Authorize settlement of the lawsuit styled <u>Janet Kelley v. City of Dallas</u>, Cause No. DC-20-05761 - Not to exceed \$85,000.00 - Financing: Liability Reserve Fund

BACKGROUND

Plaintiff Janet Kelley filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on October 17, 2018, involving a Dallas Fire-Rescue vehicle. The City and Ms. Kelley have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Henley & Henley, P.C.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council was briefed by confidential memorandum on September 3, 2021.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Liability Reserve Fund	\$85,000.00	\$0.00	\$0.00

WHEREAS, a lawsuit styled <u>Janet Kelley v. City of Dallas</u>, Cause No. DC-20-05761, was filed by the plaintiff, Janet Kelley, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on October 17, 2018, involving a Dallas Fire-Rescue vehicle; and

WHEREAS, the plaintiff has agreed to a proposed settlement of the case whereby the City will pay Janet Kelley, Henley & Henley, P.C., and all other persons having an interest in the settlement proceeds, the total amount of \$85,000.00; and

WHEREAS, it is in the best interest of the City to settle this lawsuit.

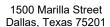
Now, Therefore,

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

SECTION 1. That the proposed settlement of the lawsuit, styled <u>Janet Kelley v. City of Dallas</u>, Cause No. DC-20-05761, in an amount not to exceed \$85,000.00 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Janet Kelley, Henley & Henley, P.C., and all other persons having an interest in the settlement proceeds, the amount of \$85,000.00 from Liability Reserve Fund, Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor MVORM001.

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.





City of Dallas

Agenda Information Sheet

File #: 21-1566 Item #: 6.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller's Office

EXECUTIVE: Elizabeth Reich

SUBJECT

A resolution authorizing the preparation of plans and the payment of potential future costs and expenses for the issuance of Civic Center Convention Complex Revenue Refunding and Improvement Bonds, Series 2021 in an amount not to exceed \$270,000,000 - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)

BACKGROUND

This proposed revenue bond sale is for the refunding and retirement of Civic Center Convention Complex Revenue Refunding and Improvement Bonds, Series 2009. The City's co-financial advisors, Hilltop Securities, recommend the issuance of refunding bonds to refund the eligible outstanding Civic Center Convention Complex Revenue Refunding and Improvement Bonds, Series 2009 in an amount not to exceed \$270 million, for an estimated net present value savings of 19.8 percent. The bonds will be sold in a negotiated sale.

On April 29, 2021, the City issued a Request for Proposals for Convention Center Debt Refinancing underwriting from the pool of qualified firms and received 27 proposals in response. To accommodate this transaction, the City's co-financial advisors recommended a syndicate of eight underwriting firms; comprised of a mix of national and regional firms and two non-Minority Women-owned Business Enterprises (M/WBE) firms. Following committee review, the City plans to use an underwriting syndicate team comprised of Citigroup Global Markets, Inc.; Ramirez & Co., Inc.; Piper Sandler & Co.; Morgan Stanley; Goldman Sachs & Co. LLC Wells Fargo Securities; Loop Capital Markets; Stifel, Nicolaus & Co., Inc.; Baird, and RBC Capital Markets, LLC. Citigroup Global Markets, Inc. Ramirez & Co., Inc. will be the Bookrunning Senior Manager and Ramirez & Co., Inc. Morgan Stanley will serve as the Co-Senior Manager.

The issuance and sale of the bonds is contingent upon City Council's approval to begin preparations of the issuance and parameters Ordinances currently scheduled for consideration and approval by the City Council in September 2021.

File #: 21-1566 Item #: 6.

ESTIMATED SCHEDULE OF PROJECT

Approval of Bond Resolution
Approval of Bond Ordinance
Pricing
Delivery of Proceeds
September 2021
October 2021
November 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Government Performance and Financial Management Committee on August 23, 2021.

FISCAL INFORMATION

This action has no cost consideration to the City. The anticipated cost of issuance is \$910,300 from 2021 Convention Center Bond Funds. See Attachment I.

Attachment I provides an estimate of bond issuance costs for the proposed bonds and the M/WBE participation. Payment of fees and expenses is contingent upon the issuance and sale of the Civic Center Convention Complex Revenue Refunding and Improvement Bonds, Series 2021.

Attachment I

Civic Center Convention Complex Revenue Refunding Bonds, Series 2021 \$270,000,000

Estimate of Total Issuance Costs and M/WBE Participation

	Fees	Percent of Total Costs
Co-Bond Counsel		
Bracewell (Vendor VS0000056820) West & Associates (Vendor 330805)	\$165,000 109,000	18% 12%
· · · · · · · · · · · · · · · · · · ·		
Disclosure Counsel Norton Rose Fulbright US LLP (Vendor VC0000006239)	109,850	12%
Kintop Smith (Vendor VC22035)	69,900	8%
Co-Financial Advisors		
Hilltop Securities (Vendor VS0000052889)	131,440	14%
Estrada Hinojosa (Vendor 259910)	75,960	8%
Printing Fee		
TBD	4,000	0%
Escrow/Paying Agent Fee		
UMB Bank, N.A. (Vendor VS92247)	700	0%
Rating Agencies		
FitchRatings (Vendor VC14720)	100,000	11%
Standard & Poor's (Vendor 954974)	114,950	13%
Auditor		
Weaver and Tidwell, LLP (Vendor VS96896)	5,000	1%
Attorney General Filing Fee	9,500	1%
Misc. Expenses	15,000	2%
Total Issuance Costs	\$910,300	100%
Total M/WBE Participation as % of Total Issuance Costs:	\$ 258,860	28%
13tal W/ TTDE 1 altiopation as 70 of Total Issuanoc Oosts.	Ψ 200,000	2070

Note: Payment of fees and expenses is contingent upon the issuance and sale of the Civic Center Convention Complex Revenue Refunding Bonds, Series 2021.

WHEREAS, the City intends to issue Civic Center Convention Complex Revenue Refunding and Improvement Bonds, Series 2021 (the "Bonds"), in an amount not to exceed \$270,000,000.00, to refund eligible bonds for savings; and

WHEREAS, the City Council hereby finds that, in order to accomplish the Issuances in a timely and cost-efficient manner, the City Manager, the City Attorney, the City's Financial Advisors, the City's Co-Bond Counsel, and the City's Disclosure Counsel (collectively, the "Necessary Parties") should be authorized and directed to take such action and prepare documents as necessary in order to accomplish the sale of the Bonds.

Now, Therefore,

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

SECTION 1. That the Necessary Parties are hereby authorized to take action and prepare documents, including, without limitation, the actions specified in this resolution, needed to accomplish the sale of the Bonds, in a collective principal amount not to exceed \$270,000,000.00, with the sale of the Bonds scheduled to occur in a timely manner.

SECTION 2. That the Necessary Parties are hereby authorized and directed to prepare an Official Statement with respect to such obligations and to take such other action and prepare such other documents as are necessary and incidental to the issuance, sale, and delivery of the Bonds.

SECTION 3. That the City Manager is hereby authorized to use the previously contracted professional services of Hilltop Securities, Inc. and Estrada Hinojosa & Company, Inc., as co-financial advisors for the sale of the Bonds. Payment for the advisory services of Hilltop Securities, Inc. (VS0000052889) is estimated to be \$131,440.00 and payment for the advisory services of Estrada Hinojosa & Company Inc. (259910) is estimated to be \$75,960.00 and shall be made from proceeds after delivery of the Bonds.

SECTION 4. That the City Manager is hereby authorized to use the previously contracted professional services of Bracewell L.L.P. and West & Associates, P.C. as co-bond counsel in connection with the sale and delivery of the Bonds. If Bonds are issued, payment for the opinion of Bracewell L.L.P. (VS0000056820) shall be at the rate of \$0.30 per \$1,000.00 increment of obligations issued plus an hourly rate of \$150.00 to \$475.00 for services rendered by individual attorneys and paralegals (estimated at a combined amount to be \$165,000.00) and shall be made from the bond proceeds.

If Bonds are issued, payment for the opinion of West & Associates L.L.P., P.C. (330805) shall be at the rate of \$0.20 per \$1,000.00 increment of obligations issued plus an hourly rate of \$150.00 to \$475.00 for services rendered by individual attorneys and paralegals (estimated at a combined amount to be \$109,000.00) and shall be made from bond proceeds.

SECTION 5. That the City Manager is hereby authorized to use contracted professional services of Norton Rose Fulbright US LLP and Kintop Smith, LLC as co-disclosure counsel in connection with the sale and delivery of the Bonds. Payment for the opinion of Norton Rose Fulbright US LLP (VC0000006239) shall be at the rate of \$0.21 per \$1,000.00 increment of obligations issued plus an hourly rate of \$475.00 and lower for services rendered by individual attorneys and paralegals (estimated at a combined amount to be \$109,850.00) and shall be made from the proceeds after delivery of the Bonds.

If Bonds are issued, payment for the opinion of Kintop Smith, LLC (VC22035) shall be at the rate of \$0.14 per \$1,000.00 increment of obligations issued plus an hourly rate of \$475.00 for services rendered by individual attorneys and paralegals (estimated at a combined amount to be \$69,900.00) and shall be made from bond proceeds.

SECTION 6. That the City Manager is hereby authorized to obtain bond ratings from Fitch Ratings (VC14720), Standard & Poor's, Inc. (954974) in connection with the sale of the Bonds. Payment for the bond ratings is estimated to be \$214,950.00 and shall be made from proceeds after delivery of the Bonds.

SECTION 7. That the Chief Financial Officer is hereby authorized to make payments for printing services to print and mail official statements. Payment for printing services is estimated to be \$4,000.00 and shall be made from the proceeds after delivery of the Bonds.

SECTION 8. That the Chief Financial Officer is hereby authorized to make payment to UMB Bank, N.A. (VS92247) for services provided as paying agent/registrar with respect to the Bonds at an annual cost of \$700.00 plus mailing expenses from Convention and Events Center Operating Fund, Fund 0080, Department CCT, Unit 7840, Object 3537, upon issuance of the Bonds.

SECTION 9. That the proceeds received from the sale of the Bonds shall be deposited by in Series 2021 Convention Center Refunding Bonds Fund, Fund 0093, Department CCT, Unit 9295, Revenue Code 8448. Any accrued interest from these proceeds will be deposited in the Convention Center Debt Service Fund, Fund 0980, Department CCT, Revenue Code 8438.

SECTION 10. That the City Manager is hereby authorized and directed to file an Official Statement with respect to such Bonds and prepare such other documents as are necessary and incidental to the issuance, sale and delivery of the Bonds with the Attorney General; and that the Chief Financial Officer be and is hereby authorized to make the payment for filing with the Attorney General's Office (344989) prior to receiving the Bond proceeds. The cost is estimated to be \$9,500.00 and shall be made from the Convention and Event Services Fund, Fund 0080, Department CCT, Unit 7840, Object 3537, upon issuance of the Bonds.

SECTION 11. That the Chief Financial Officer is hereby authorized to make payments for miscellaneous services relating to the sale of the Bonds. Payments for the miscellaneous services are estimated to be \$15,000.00 and shall be made after delivery of the Bonds.

SECTION 12. That the Chief Financial Officer is hereby authorized to make payments for previously contracted professional services of Weaver and Tidwell, LLP (Vendor VS96896) to obtain an independent auditor's consent letter in connection with the sale and delivery of the bonds. If the bonds are issued, payment for the services of Weaver and Tidwell, LLP are estimated to be \$5,000 and shall be made from the proceeds after delivery of the Bonds.

SECTION 13. 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.





City of Dallas

Agenda Information Sheet

File #: 21-1485 Item #: 7.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize the **(1)** application for and acceptance of a series of grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) (Grant Nos. 3-48-0062-065-2021, TBD, CFDA No. 20.106) in the amount of \$97,859,158.00 and the Texas Department of Transportation - Aviation Division (Grant No. TBD, CFDA No. 20.106) in the amount of \$148,000.00 in a total amount of \$98,007,158.00 for the federal share of the eligible airport programs and projects for the American Rescue Plan Act (ARPA) within the Dallas Airport System; **(2)** establishment of appropriations in an amount not to exceed \$90,936,622.00 in the FAA ARPA - Dallas General Fund, \$6,922,536.00 in the FAA ARPA - Dallas Concessions Fund, and \$148,000.00 in the TXDOT ARPA - Dallas Executive Fund; **(3)** receipt and deposit of ARPA Grant Funds in an amount not to exceed \$90,936,622.00 in the FAA ARPA - Dallas General Fund, \$6,922,536.00 in the FAA ARPA - Dallas Concessions fund and \$148,000.00 in the TXDOT ARPA - Dallas Executive Fund; and **(4)** execution of the ARPA Grant agreement and all terms, conditions, and documents required by the ARPA Act - Total amount of \$98,007,158.00 - Financing: Federal Aviation Administration Grant Funds (\$97,859,158.00) and Texas Department of Transportation Aviation Grant Funds (\$148,000.00)

BACKGROUND

In response to the COVID-19 disaster, Congress approved the Coronavirus Aid, Relief, and Economic Security (CARES) Act in March 2020, which provided, in part, relief for airports nationwide. A second round of funding was approved in December 2020 to provide additional relief under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA). A third round of funding was approved in March 2021, under the American Rescue Plan Act (ARPA). As part of the ARPA, all large and medium hub airports (Dallas Love Field is considered a medium hub) and general aviation facilities (Dallas Executive Airport and the Vertiport at the Dallas Convention Center are considered general aviation facilities) are apportioned grant monies based on a variety of formulas including but not limited to passenger enplanements, National Plan of Integrated Airport System categories, airport revenues and the Airport Improvement Plan. These funds will assist airport sponsors to address the COVID-19 public health emergency. The FAA will distribute these grants under the new Airport Coronavirus Response Grant Program.

File #: 21-1485 Item #: 7.

Approval of this action to accept the ARPA grants enables the Department of Aviation to react quickly and make program and project recovery decisions.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 27, 2020, City Council authorized the application for and acceptance of a series of grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) (Grant Nos. 3-48-0062-059-2020, 20CRDALLS, and 20CRDCBDV, CFDA No. 20.106) in the amount of \$109,800,000.00 and the Texas Department of Transportation - Aviation Division in the amount of \$200,000.00 in a total amount of \$110,000,000.00 for the federal share of the eligible airport programs and projects for the Coronavirus Aid Relief and Economic Security (CARES) Act within the Dallas Airport System; and execution of the CARES Act grant agreement and all terms, conditions, and documents required by the CARES Act by Resolution No. 20-0851.

On April 14, 2021, City Council authorized the application for and acceptance of a series of grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) (Grant Nos. 3-48-0062-063-2021 and 3-48-0062-064-2021 CFDA No. 20.106) in the amount of \$32,400,000.00 and the Texas Department of Transportation - Aviation Division (Grant Nos. 21TWDALLS and 21CRDALLS) in the amount of \$185,000.00, in a total amount of \$32,585,000.00 for the federal share of the eligible airport programs and projects for the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) within the Dallas Airport System; and execution of the CRRSAA grant agreement and all terms, conditions, and documents required by the agreement by Resolution No. 21-0595.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Federal Aviation Administration Grant Funds	\$0.00	\$97,859,158.00	\$0.00
Texas Department of Transportation Grant Funds	\$0.00	\$ 148,000.00	\$0.00
Total	\$0.00	\$98,007,158.00	\$0.00

WHEREAS, the coronavirus disease 2019 (COVID-19) pandemic has been declared a public health disaster; and

WHEREAS, pursuant to the Dallas City Code and state law, the Mayor as the state designated emergency management director and the City Manager as the state designated emergency management coordinator have the authority to obtain vital supplies, equipment, and other properties needed for the protection of health, life, and property; and

WHEREAS, the U.S. Department of Treasury has made funding available to the City of Dallas to cover expenses incurred due to the COVID-19 pandemic through the American Rescue Plan Act (ARPA); and

WHEREAS, the City of Dallas will benefit from the additional funds that will aid the COVID-19 response throughout the City.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to apply for and accept a series of grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) (Grant Nos. 3-48-0062-065-2021, TBD, CFDA No. 20.106) in the amount of \$97,859,158.00 and the Texas Department of Transportation - Aviation Division (Grant No. TBD, CFDA No. 20.106) in the amount of \$148,000.00, in a total amount of \$98,007,158.00, for the federal share of the eligible airport programs and projects for the American Rescue Plan Act (ARPA) within the Dallas Airport System and execute the grant agreement and all terms, conditions, and documents required by the grant agreement, approved as to form by the City Attorney.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in the amount of \$98,007,158.00 as follows:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>
FC20	AVI	923G	3099	\$90,936,622.00
FC25	AVI	924G	3099	\$ 6,922,536.00
FC26	AVI	925G	4599	\$ 148,000.00

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in the amount of \$98,007,158.00 as follows:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	Revenue Amount
FC20	AVI	923G	3099	\$90,936,622.00
FC25	AVI	924G	3099	\$ 6,922,536.00
FC26	AVI	925G	4599	\$ 148,000.00

SECTION 4. That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible as required by the appropriate grant agreement(s), rules, and regulations, and notify the appropriate City Council Committee no later than 30 days after the discovery of expenditures identified as ineligible.

SECTION 5. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report

SECTION 6. That the grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) (Grant Nos. 3-48-0062-065-2021, TBD, CFDA No. 20.106) are designated as Contract No. AVI-2021-00017110.

SECTION 7. That the grants from the Texas Department of Transportation - Aviation Division (Grant No. TBD, CFDA No. 20.106) are designated as Contract No. AVI-2021-00017111.

SECTION 8. 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.





City of Dallas

Agenda Information Sheet

File #: 21-1260 Item #: 8.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Housing & Neighborhood Revitalization

EXECUTIVE: Dr. Eric A. Johnson

SUBJECT

Authorize amendments to the following programs under the Comprehensive Housing Policy (CHP) to (1) amend the Home Improvement and Preservation Program (HIPP) to (a) modify the Major Rehabilitation Forgivable Loan Program, for applications accepted after September 9, 2021, to revise (i) the program name; (ii) revise the funding cap from \$50,000.00 to 27% of the HOME Homeownership Value Limits ("Value Limits") per home (currently \$66,420.00), as established by the U.S. Department of Housing and Urban Development ("HUD"); and (iii) update program administration; (b) modify the Subrecipient Minor Home Repair Grant Program to (i) remove the 1:1 match; (ii) decrease the maximum assistance from \$10,000.00 to \$4,999.99 per home; and (iii) revise the program name and eligibility requirements; (c) modify the Housing Reconstruction Program to (i) revise the funding cap from \$160,000.00 to 75% of the Value Limits per home (currently \$184,000.00); (ii) revise the underwriting criteria; and (iii) revise the program name; (d) modify the Landlord Rental Repair Program to (i) revise all program requirements, including but not limited to funding and eligibility terms, to be consistent with the forgivable loan structure of other HIPP programs; and (ii) revise the per house funding cap from \$40,000.00 to 27% of Value Limits per home (currently \$66,240.00); and (iii) revise the program name; (2) amend the Community Land Trust Program to expand the nonprofit eligibility requirements to be consistent with recent legislation; (3) amend Appendix 18, Targeted Rehabilitation Program - West Dallas Sub-Program Module to clarify the requirements when bond funds are utilized; and (4) amend Appendix 19, Targeted Rehabilitation Program - Tenth Street Historic District Sub-Program Module to (a) change the area median income requirements from at or below 80% to 120%; (b) clarify the requirements when bond funds are utilized; and (c) revise the funding cap from \$20,000.00 to \$50,000.00 - Financing: No cost consideration to the City

BACKGROUND

The CHP has three main goals: (1) create and maintain available and affordable housing throughout Dallas; (2) promote greater fair housing choices; and (3) overcome patterns of segregation and concentrations of poverty through incentives and requirements.

File #: 21-1260 Item #: 8.

HIPP is the Department of Housing and Neighborhood Revitalization's (Housing) main program to preserve affordable housing in the City of Dallas. This amendment clarifies program names and moves all four programs under the HIPP section.

The construction industry is experiencing construction material shortage that has led to significant price increases, which has impacted our ability to continue to serve homeowners who need home rehab assistance at current funding cap per house. The change to a percentage of Home Purchase Limits allows for greater cost per house if needed and adjusts annually based on new HUD data. This change would impact the Major, Reconstruction and Rental Programs.

The amendment to the Minor Home Rehabilitation Program allows for more subrecipients to administer the program and prioritize only minor rehab work under \$5,000.00. Subrecipients had difficulty matching under Housing's original program. Additionally, projects over \$5,000.00 require lead testing and repairs must then address the lead items before the minor home repair and this often costs more than the existing program limit of up to \$10,000.00 per property.

The existing Landlord Rental Repair Program will be renamed Rental Rehabilitation Program and changes the loan terms from a repayable loan to a forgivable loan that is consistent with the other HIPP programs. We have heard from interested landlords that these changes are positive and would allow them to rehab their units and rent to people with low-to moderate incomes. This program has a lien and deed restriction to protect the City's interest for ten years and continue to serve families at or below 80% Area Median Income (AMI). These amendments were presented to the Housing Policy Task Force on June 17, 2021. Feedback was positive on the proposed amendments. Three non-profits who expressed interest in being subrecipients for the Minor Home Rehabilitation Program in addition to the Senior Affairs Commission Housing Subcommittee have expressed support for the proposed amendments.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 9, 2018, City Council adopted the City of Dallas CHP and created the Dallas Housing Policy Task Force to (1) create and maintain available and affordable housing throughout Dallas; (2) promote greater fair housing choices; and (3) overcome patterns of segregation and concentrations of poverty through incentives and requirements by Resolution No. 18- 0704.

On May 22, 2019, City Council authorized a resolution in furtherance of the City of Dallas' efforts to support diverse racial, ethnic, cultural, and socio-economic backgrounds and to promote equity in the Dallas community, and Section 5 of that resolution declared the City's intent to promote equity in budgeting by Resolution No. 19-0804.

On May 22, 2019, City Council authorized an amendment to the CHP to add a Land Transfer Program to incentivize the development of quality, sustainable housing that is affordable to the residents of the City and the development of other uses that complement the City's CHP, economic development policy, or redevelopment policy by Resolution No. 19-0824.

On June 12, 2019, City Council authorized amendments to the CHP to amend and restate the low-income Housing Tax Credit policy by Resolution No. 19-0884.

File #: 21-1260 Item #: 8.

On June 26, 2019, City Council authorized amendments to the CHP to amend the Dallas Homebuyer Assistance Program (DHAP), the Home Improvement Preservation Program (HIPP) Homeowner Program, and the HIPP Landlord Program by Resolution No. 19-1041.

On September 25, 2019, City Council authorized amendments to the CHP to create the Title Clearing and Clouded Title Prevention Pilot Program by Resolution No. 19-1498.

On December 11, 2019, City Council authorized amendments to the CHP to modify the provisions for the housing policy task force, update language to comply with the Mixed Income Housing Development Bonus previously approved by City Council, and remove two application forms by Resolution No. 19-1864.

On January 22, 2020, City Council authorized amendments to the CHP and created a Neighborhood Empowerment Zone (NEZ) Program by Resolution No. 20-0188.

On January 22, 2020, City Council created seven residential NEZs by Resolutions Nos. 20-0189 through 20-0195.

On August 12, 2020, City Council authorized the final adoption of Substantial Amendment No. 4 to the FY 2019-20 Action Plan for the HIPP funded by Community Development Block Grant funds to amend the rehabilitation loan program to increase the maximum loan amount from \$40,000.00 to \$50,000.00 and to change the loan terms from repayable to forgivable annually by Resolution No. 20-1127.

On August 26, 2020, City Council authorized the amendments to the CHP, as reflected in the attached Exhibit A, (a) an amendment to the City of Dallas CHP, previously approved on May 9, 2018, by Resolution No. 18-0704, as amended, to (1) amend the range of income bands to be served from 30% to 120% of the area median income (AMI) to include housing for people at 0% to 120% of the AMI; (2) amend the HIPP and the DHAP to improve program utilization and reduce administrative expenses; (3) amend and restate the DHAP Targeted Homebuyer Incentive Program (DHAP Targeted); (4) amend the tenants served under the Tenant Based Rental Assistance program; (5) amend the Land Transfer Program contract extension provision; (6) create a Targeted Rehabilitation Program (TRP) to provide grants or loans to eligible residents in targeted neighborhoods for housing rehabilitation and delegate authority to the City Manager to modify certain elements outlined in the appendix in an amount not to exceed \$2,750,000.00; (7) amend the NEZ Program to include a definition of income; (8) amend Appendix 2 - Single Family Development Underwriting to amend elements including procurement methods, eligible homeowners, loan types and terms, and cost limitations; (9) add the West Dallas TRP Sub-Program Module as Appendix 18; and (10) add the Tenth Street Historic District TRP Sub-Program Module as Appendix 19; and (11) amend the New Construction and Substantial Rehabilitation Program and Appendix 2 to allow Community Housing Development Organizations to retain a percentage of proceeds in HOME funded-projects as determined on a project-by-project basis; (b) appropriations for the TRP from the Equity Revitalization Capital Fund; and (c) the City Manager to execute individual agreements and other necessary documents, as approved by the City Attorney, up to \$60,000.00 in accordance with the in accordance with the HIPP, DHAP, DHAP Targeted, and TRP, without further City Council approval by Resolution No. 20-1220.

The Housing and Homelessness Solutions Committee was briefed regarding this matter on August 23, 2021.

FISCAL INFORMATION

No cost consideration to the City.

WHEREAS, on May 9, 2018, City Council adopted the City of Dallas Comprehensive Housing Policy (CHP) and created the Dallas Housing Policy Task Force to (1) create and maintain available and affordable housing throughout Dallas; (2) promote greater fair housing choices; and (3) overcome patterns of segregation and concentrations of poverty through incentives and requirements by Resolution No. 18- 0704; and

WHEREAS, on May 22, 2019, City Council authorized a resolution in furtherance of the City of Dallas' efforts to support diverse racial, ethnic, cultural, and socio-economic backgrounds and to promote equity in the Dallas community, and Section 5 of that resolution declared the City's intent to promote equity in budgeting by Resolution No. 19-0804; and

WHEREAS, on May 22, 2019, City Council authorized an amendment to the CHP to add a Land Transfer Program to incentivize the development of quality, sustainable housing that is affordable to the residents of the City and the development of other uses that complement the City's CHP, economic development policy, or redevelopment policy by Resolution No. 19-0824; and

WHEREAS, on June 12, 2019, City Council authorized amendments to the CHP to amend and restate the low-income Housing Tax Credit policy by Resolution No. 19-0884; and

WHEREAS, on June 26, 2019, City Council authorized amendments to the CHP to amend the DHAP, the HIPP Homeowner Program, and the HIPP Landlord Program by Resolution No. 19-1041; and

WHEREAS, on September 25, 2019, City Council authorized amendments to the CHP to create the Title Clearing and Clouded Title Prevention Pilot Program by Resolution No. 19-1498; and

WHEREAS, on December 11, 2019, City Council authorized amendments to the CHP to modify the provisions for the housing policy task force, update language to comply with the Mixed Income Housing Development Bonus previously approved by City Council, and remove two application forms by Resolution No. 19-1864; and

WHEREAS, on January 22, 2020, City Council authorized amendments to the CHP and created a Neighborhood Empowerment Zone (NEZ) Program by Resolution No. 20-0188; and

WHEREAS, on January 22, 2020, City Council created seven residential NEZs by Resolutions Nos. 20-0189 through 20-0195; and

WHEREAS, on August 12, 2020, City Council authorized the final adoption of Substantial Amendment No. 4 to the FY 2019-20 Action Plan for the Home Improvement Preservation Program (HIPP) funded by Community Development Block Grant (CDBG) funds to amend the rehabilitation loan program to increase the maximum loan amount from \$40,000.00 to \$50,000.00 and to change the loan terms from repayable to forgivable annually by Resolution No. 20-1127; and

WHEREAS, on August 26, 2020, City Council authorized the amendments to the CHP, as reflected in the attached Exhibit A, (a) an amendment to the City of Dallas CHP, previously approved on May 9, 2018, by Resolution No. 18-0704, as amended, to (1) amend the range of income bands to be served from 30% to 120% of the area median income (AMI) to include housing for people at 0% to 120% of the AMI; (2) amend the HIPP and the Dallas Homebuyer Assistance Program (DHAP) to improve program utilization and reduce administrative expenses; (3) amend and restate the DHAP Targeted Homebuyer Incentive Program (DHAP Targeted); (4) amend the tenants served under the Tenant Based Rental Assistance program; (5) amend the Land Transfer Program contract extension provision; (6) create a Targeted Rehabilitation Program (TRP) to provide grants or loans to eligible residents in targeted neighborhoods for housing rehabilitation and delegate authority to the City Manager to modify certain elements outlined in the appendix in an amount not to exceed \$2,750,000.00; (7) amend the NEZ Program to include a definition of income; (8) amend Appendix 2 - Single Family Development Underwriting to amend elements including procurement methods, eligible homeowners, loan types and terms, and cost limitations; (9) add the West Dallas TRP Sub-Program Module as Appendix 18; and (10) add the Tenth Street Historic District TRP Sub-Program Module as Appendix 19; and (11) amend the New Construction and Substantial Rehabilitation Program and Appendix 2 to allow Community Housing Development Organizations to retain a percentage of proceeds in Home Investment Partnership Program funded-projects as determined on a project-by-project basis: (b) appropriations for the TRP from the Equity Revitalization Capital Fund; and (c) the City Manager to execute individual agreements and other necessary documents, as approved by the City Attorney, up to \$60,000.00 in accordance with the in accordance with the HIPP, DHAP, DHAP Targeted, and TRP, without further City Council approval by Resolution No. 20-1220.

WHEREAS, City Council must approve any addition to, alteration of, or deletion of a strategy, tool, or program in the CHP; and

WHEREAS, the City desires to maintain affordable housing, to provide greater fair housing choices, and to overcome patterns of segregation and concentrations of poverty; and therefore, it is in the best interest of the City to adopt certain amendments to the CHP.

Now, Therefore,

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

SECTION 1. That the City Council hereby authorizes amendments to the Comprehensive Housing Policy (CHP) as described in Exhibit A, to (1) amend the Home Improvement and Preservation Program (HIPP) to (a) modify the Major Rehabilitation Forgivable Loan Program, for applications accepted after September 9, 2021, to revise (i) the program name; (ii) revise the funding cap from \$50,000.00 to 27% of the HOME Homeownership Value Limits ("Value Limits") per home (currently \$66,420.00), as established by the U.S. Department of Housing and Urban Development ("HUD"); and (iii) update program administration; (b) modify the Subrecipient Minor Home Repair Grant Program to (i) remove the 1:1 match; (ii) decrease the maximum assistance from \$10,000.00 to \$4,999.99 per home; and (iii) revise the program name and eligibility requirements; (c) modify the Housing Reconstruction Program to (i) revise the funding cap from \$160,000.00 to 75% of the Value Limits per home (currently \$184,000.00); (ii) revise the underwriting criteria; and (iii) revise the program name; (d) modify the Landlord Rental Repair Program to (i) revise all program requirements, including but not limited to funding and eligibility terms, to be consistent with the forgivable loan structure of other HIPP programs; and (ii) revise the per house funding cap from \$40,000.00 to 27% of Value Limits per home (currently \$66,240.00); and (iii) revise the program name; (2) amend the Community Land Trust Program to expand the nonprofit eligibility requirements to be consistent with recent legislation; (3) amend Appendix 18, Targeted Rehabilitation Program – West Dallas Sub-Program Module to clarify the requirements when bond funds are utilized; and (4) amend Appendix 19, Targeted Rehabilitation Program - Tenth Street Historic District Sub-Program Module to (a) change the area median income requirements from at or below 80% to 120%; and (b) clarify the requirements when bond funds are utilized; and revise the funding cap from \$20,000.00 to \$50,000.00.

SECTION 2. That the City Manager is hereby authorized to execute individual agreements (and other necessary documents), in accordance with the amounts specified in the applicable program(s), which includes loans exceeding \$100,000.00, without additional City Council approval, approved as to form by the City Attorney. Funds that support these program activities are encumbered annually pursuant to the Consolidated Plan Budget.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

EXHIBIT A









Comprehensive Housing Policy

City of Dallas Department of Housing and Neighborhood Revitalization

Adopted by the Dallas City Council May 9, 2018

Previously Amended January 27, 2021

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BACKGROUND ON DEVELOPMENT OF THE POLICY

Policy Goals

On March 12, 2017, the Dallas City Council Housing Committee established three goals for the development of a comprehensive strategy for housing: 1) Create and maintain available and affordable housing throughout Dallas, 2) Promote greater fair housing choices, and 3) Overcome patterns of segregation and concentrations of poverty through incentives and requirements.

Market Value Analysis

In August 2017, the City of Dallas engaged The Reinvestment Fund to conduct a Market Value Analysis (MVA), which is an analytical tool used to assess the residential real estate market throughout the entire city to determine with granular detail where market strength, transition and stress exists. After briefing the City Council on the results of the MVA on January 17, 2018, eight public town hall meetings were held to develop the recommendations presented here. The town hall topics were:

- How Residential Development Gets Financed,
- How to Reduce Development and Rehabilitation Costs,
- How to Increase Access to Capital and Reduce Cost of Capital, and
- Programs, Tools and Strategies for Increasing Housing Production.

Each town hall provided stakeholders an opportunity to understand the housing challenges from the perspective of the major stakeholders, including lenders, foundations and government sources of finance; consumers and neighbors; developers, builders, and contractors; and regulatory officials, such as zoning, building inspections, and code enforcement. The town halls were held both in person and through virtual telephone communications that aired on Spectrum Channel 95 and streamed online. The in-person town halls had a combined participation of 94 individuals, many of whom also participated in the virtual town hall meetings. The virtual telephone town halls had a total of 38,690 participants for all four meetings, of which 10,000 participated in more than one town hall.

The outcome of public input helped shape the ten policy recommendations presented to the Economic Development and Housing Committee (Committee) on March 19, 2018 and the strategies, tools and programs included in the Comprehensive Housing Policy.

CITY OF DALLAS PLANS

forwardDallas! Comprehensive Plan

The forwardDallas! Plan is Dallas' first citywide comprehensive plan to serve as the policy basis for land development decisions in the City, through reference in the Dallas Development Code. The plan contains eight policy elements: Land Use, Economics, Housing, Transportation, Urban Design, Environment, and Neighborhoods. It provides guidance on important land development considerations related to land use, transportation and economic development. Shaped by extensive community engagement and adopted by City Council in 2006, it envisions a future Dallas built around the core values of:

- Access to good education
- A safe city
- A healthy environment
- Job growth through investment in Southern Dallas
- Convenient transportation through choices in how to get around
- Quality of life through diverse housing, recreational, cultural and educational opportunities

A key initiative of the forwardDallas! Plan was a focus on making high quality housing more accessible. The plan acknowledged that, within the regional context, Dallas has the greatest range of housing needs and problems. It recommended development of a housing strategy aimed at increasing home ownership, diversifying housing stock and providing more opportunities for affordable housing, while sustaining existing neighborhoods.

The forwardDallas! Comprehensive Plan can be found at http://dallascityhall.com/departments/pnv/strategic-planning/Pages/comprehensive-plan.aspx.

Neighborhood Plus Plan

Adopted in 2015, the Neighborhood Plus Plan is a citywide neighborhood revitalization plan intended to update the forwardDallas Housing and Neighborhood elements. The Neighborhood Plus plan focused on the six strategic goals of:

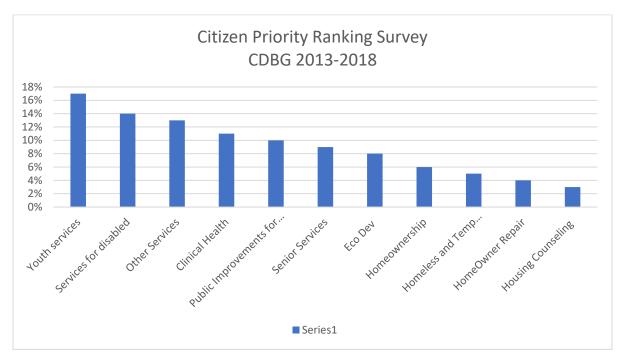
- Creating a Collective Impact Framework
- Alleviating Poverty
- Fighting Blight
- Attracting and Retaining the Middle Class
- Increasing Home Ownership
- Enhancing Rental Options.

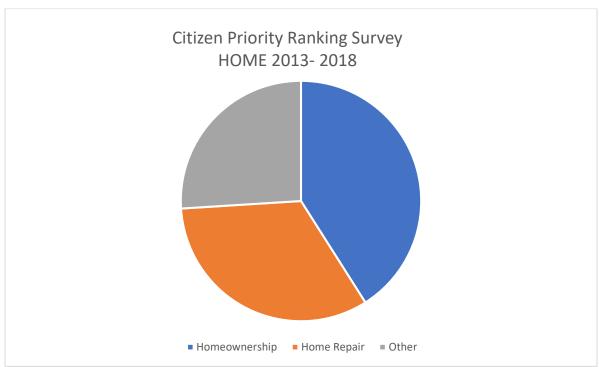
The Neighborhood Plus recommended a holistic approach to neighborhood revitalization and community building that goes beyond production of a limited number of publicly subsidized housing units, to encompass neighborhood quality, safety, mobility and access to education, jobs and health care. The Neighborhood Plus Plan also called for a neighborhood by neighborhood approach to improving quality of life and established the basis for identifying target areas to focus neighborhood revitalization efforts.

The Neighborhood Plus Plan can be found at http://dallascityhall.com/departments/pnv/strategic-planning/DCH%20Documents/Web%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%20Plan%20-%20Neighborhood%20Plus%2

Consolidated Plan Strategies

The Consolidated Plan is a five-year planning document required by HUD to carry out affordable housing and community development activities. The City identified its priorities as follows:





REINVESTMENT STRATEGY AREAS

The Housing Policy provides for tiered Reinvestment Strategy Areas to address three market types in need of City investment:

Redevelopment Areas:

A redevelopment area is characterized by a known catalytic project that has submitted a request for funding that shows preliminary viability and will begin within the next 12 months. The project as proposed must contain a housing component and must address the existing market conditions as identified in the MVA and must demonstrate a level of housing production supported through a third-party independent market analysis and show affordability to a mix of income bands.

Redevelopment Areas: Midtown, High Speed Rail, Wynnewood, and Red Bird.

Stabilization Areas:

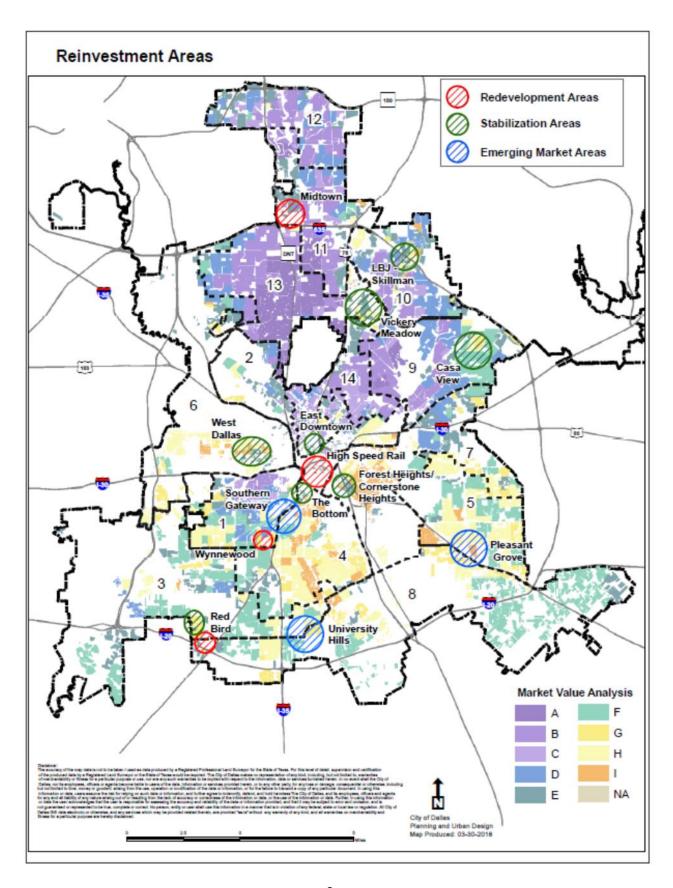
Stabilization areas are characterized as G, H, and I markets that are surrounded by A-E markets and as such are at risk of displacement based on known market conditions including upcoming redevelopment projects. These areas are also where accessory dwelling units should be focused to allow for increased density.

Stabilization Areas: LBJ Skillman, Vickery Midtown, Casa View, Forest District, East Downtown, The Bottom/Tenth Street, West Dallas, and Red Bird North.

Emerging Market Areas:

These markets are characterized as areas in need of intensive environmental enhancements, master planning, and formalized neighborhood organization. In order to facilitate the creation of mixed income developments, the City recommends seeking designation as Neighborhood Revitalization Strategy Areas (NRSA's) through HUD in order to prepare the area for real estate investments in a 3 to 5-year time frame and provide flexibility of use of funds without income qualifications.

Emerging Market Areas: Southern Gateway, Pleasant Grove, and University Hills.



PRODUCTION GOALS AND INCOME BANDS TO BE SERVED

Dallas has a housing shortage of approximately 20,000 units. This shortage is driven by the cost of land and land development, labor and materials shortages, federal, state and local constraints, as well as the single-family rental market which prevents equilibrium in the homeownership market. It is difficult to convert rental homes to homeownership because of the perception of the neighborhood, the condition of the housing stock once it's been in the rental market for a period of time and because income-producing property in a tight market will not be released by landlords until returns are diminished. This shortage is consistent with the overall national trend following the 2009 housing bust. While the housing market has seen a steady but slow recovery, job growth in the Dallas metro area attracted a population growth of about 2.9% that outpaced the growth in the supply of housing. Much of the single-family housing inventory converted to rental following the 2009 bust while 60% or more of the home sales in the three years following were in the price range below \$249,999. In 2014 the housing market was in transition - the number of home sales priced under \$249,999 decreased to less than 40% of the market and by 2017 nearly 58% of home sales were priced between \$300,000 and \$1 million. According to the Real Estate Center at Texas A&M University, while the volume of homes in Dallas only grew by 3.6%, the median sales price in Dallas grew by 9.1% in 2017.

These market conditions have led to an increase in both rental rates and sales prices in the overall market, and 6 out of 10 families in Dallas are housing cost burdened, meaning they spend more than 30% of their income on housing due in part to wages not keeping pace with housing costs. Undoubtedly, families at lower income bands are more financially strained by these market conditions. Therefore, increasing production over a 3-year period and minimizing the regulatory barriers to overall market production is equally important. Furthermore, because this has made even deteriorated housing stock unaffordable, it makes the need for home repair programs more important than ever. Table 1 below shows annual production goals of 3,733 for homeownership units and 2,933 for rental units while still maintaining the 3-year historic average ratio of homeownership and rental percentages.

Beyond unit production, the City supports creating increased availability of housing for people at incomes ranging from 0% to 120% of the HUD Area Median Income by incentivizing homeownership developments for families at 60% or higher AMI and rental developments that include rent restricted units for families at the full range of 0% to 120% of AMI. These targets are also outlined in Table 1 below.

Table 1

Production Goals					
Percentage of HUD Area Median Income Dallas Metro		Homeownership		Rental	
		Production Goals	%	Production Goals	%
Market Rate	101-120%	933	55%	587	40%
	81-100%	1,120		587	
Extremely Low, Very Low, and Low Income	61-80%	1,307	45%	733	60%
	51-60%	373		440	
	31-50%	n/a		293	
	0-30%	n/a		293	
Total		3,733		2,933	

HOUSING POLICY TASK FORCE

Added December 11, 2019

Summary

The Housing Policy Task Force (task force) was established with the adoption of the comprehensive housing policy to solicit input from the general public and industry experts on the city's housing priorities and goals. It creates a forum for open dialogue and education on housing issues and progress updates on how the city is addressing the issues. Through task force activities, the comprehensive housing policy will be tested, implemented and changed all in the interest of serving the residents of Dallas.

Structure

The housing policy task force is led by a steering committee with a chairperson, five focus area facilitators with industry expertise, and five focus area City staff representatives.

The task force itself is open to any member of the public who chooses to attend the meetings and/or submit feedback electronically. This open form of membership is a deliberate design component of the task force so that the City continues to build upon the significant public participation that occurred during the initial development of the comprehensive housing policy

Within the direction provided by City Council, the task force and its steering committee contribute stakeholder input and subject-matter expertise in the following focus areas and to further the following purposes:

- Multifamily development: Develop and refine policy, programs, strategies, and tools, and recommend amendments to the development code that maximize the production of new mixed-income multifamily and rental units by providing incentives for mixed income development.
- Single family and ownership development: Develop and refine policy, programs, strategies, and tools, and recommend amendments to the development code that maximize production of new mixed-income single family and ownership units from 60% to 120% AMI by providing incentives for mixed income development.
- Affordability preservation: Develop and refine policy, programs, strategies, and tools, that encourage rehabilitation and preservation of, and improve access to, existing affordable rental and homeownership housing units
- Neighborhood investment: Develop programs, strategies, and tools to invest funds and city support in neighborhoods in need of investment in preparation for future market-based investment in Reinvestment Strategy Areas while ensuring sustainable, equitable growth and promoting greater fair housing choices.
- Support and funding: Identify and secure new funding sources, maintain and support
 existing funding sources, minimize regulatory barriers, and review all state and federal
 policy recommendations related to housing while ensuring transparency and affirmatively
 furthering fair housing

The steering committee members will regularly communicate with each other, and the task force will engage a broad segment of the public in guiding the implementation of the CHP. See Appendix 1 for the housing policy task force structure and leadership.

HOMEOWNER PROGRAMS

The Housing and Neighborhood Revitalization Department (Housing Department) strengthens families and neighborhoods to cultivate a diverse and economically inclusive City by creating affordable and safe housing and mitigating community member displacement. The City offers several programs to support homeownership: the Home Improvement and Preservation Program (HIPP), the Dallas Homebuyer Assistance Program (DHAP), the DHAP Targeted Homebuyer Incentive Program, and accessory dwelling units.

Home Improvement and Preservation Program

Added/amended June 26, 2019 by Resolution No. 19-1041 Amended August 26, 2020 by Resolution No. 20-1220

The Home Improvement & Preservation Program (HIPP) provides an all-inclusive repair and rehabilitation program for eligible single-family owner-occupied and landlord single-family income qualified rental housing units in the City of Dallas. HIPP is a comprehensive program with four components for the purposes of making needed improvements and preserving affordable housing:

- 1) a Minor Home Rehabilitation Program that provides grant assistance to non-profit organizations to administer the Minor Home Repairs Program to low- and moderate-income homeowners.
- 2) a Major Home Rehabilitation Program that provides loan assistance to low- and moderate-income homeowners needing moderate and substantial rehabilitation to their home.
- 3) a Home Reconstruction Program that provides loan assistance to low- and moderate-income homeowners needing to reconstruct their homes.
- 4) a Rental Rehabilitation Program that provides loan assistance to landlords which lease to lowand moderate-income households needing moderate and substantial rehabilitation to rental properties.

Applicants for HIPP will be prioritized on a first come first served basis for all programs. If an Applicant is within their affordability period from any other program, they are not eligible. If an Applicant is currently being served (not within an affordability period), they are not eligible to receive funding from another program concurrently. If an Applicant has been served in the past, residents that have never been served from the Housing Department will be served first. For the other repair/rehab programs refer to that section on qualifications.

1. Minor Home Rehabilitation Program

The Minor Home Rehabilitation Program provides grant assistance to non-profit organizations to allow much needed emergency health and safety repairs to a home of an eligible homeowner for minor home repairs, as described below. Funding for this program can be provided by both federal and non-federal funding. Funds from partnering non-profits can be provided as long as total funding does not exceed \$4,999.99 per property.

Applicant Eligibility

Homeowners for the Minor Home Rehabilitation Program must meet all of the following requirements to be eligible to participate.

- Applicants must be the owner of the home to be repaired and have occupied the home for at least six months prior to the date of application. Applicants must submit a deed showing the conveyance, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple.
- Applicants must be current on mortgage payments and shall not be in default under the mortgage documents associated with the property or in default under any lien on the property.
- Property taxes must be current and not delinquent for any tax year unless the Applicant
 has entered into a written agreement with the taxing authority outlining a payment plan for
 delinquent taxes and is abiding to the written agreement.
- Applicants must have a gross annual household income at or below the applicable lowand moderate-income limits. Applicants must be at or below 80% AMI when CDBG funds
 are used or at or below 120% of AMI when non-federal funds are used as established by
 HUD for the jurisdiction of Dallas, Texas. Income shall be calculated using the Part 5
 method as outlined in 24 CFR 5.609. Income eligibility shall be determined at the time of
 the application. Applicant household income eligibility is only valid for six months from the
 date of the last application.
- City Council members, Department of Housing & Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with the Minor Home Rehabilitation Program are ineligible for assistance under the Program.
- Applicant can only be served once with this program every five (5) years.

Property Eligibility Requirements

- The property must be a detached, single-family dwelling, owner-occupied, and be located within the city limits of Dallas, Texas.
- The property must obtain environmental clearance under 24 CFR Part 58.5 prior to committing repair funds.
- The property must be in need of repairs designated as eligible repairs under the Subrecipient Repair Program.

Eligible Repair Improvements

Eligible improvements under the Minor Home Rehabilitation Program include the following:

- Roofing repair or replacement
- Ceiling and baseboard holes repair
- Exterior entry doors replacement or repair, including handles and locks
- Exterior windows (for broken windows) replacement or repair
- Accessibility repairs and installation such as ramps, handrails or repairing walkways
- Water heater replacement or repair
- Heating /cooling central air system repair, or installation of wall heaters
- Plumbing, water and sewer pipes, kitchen and bath fixtures repair/replacement
- Electrical repair/replacement of plugs, breakers, panels, or wiring
- Gas pipe repair/replacement and gas testing
- Floor repair
- Installation of smoke, fire and CO₂ detectors
- Interior and exterior repairs as needed
- Any item determined eligible by the Director

Terms of Assistance

Assistance under the Minor Home Rehabilitation Program is provided in the form of a grant to the non-profit partner, who may provide funding from other sources to assist additional homeowners, and who will directly contract with the applicant for repairs.

Assistance Limits

The maximum assistance amount provided under the Minor Home Rehabilitation Program is \$4,999.99 per property.

Non-profit partner(s) subscribed under the Minor Home Rehabilitation Program must complete the repairs at no cost to the homeowner and must ensure repairs are not subject to any real property liens.

Administration

The administration of the Minor Home Rehabilitation Program shall be performed by non-profit partners that are procured by the City and that have experience providing rehabilitation services and have committed to administering the program citywide, although specific geographies can be considered. The non-profit organization may receive reimbursement of allowable costs as direct delivery for the program in addition to the grants for the applicants, provided the non-profit organization follows the grant requirements as provided by the City. To ensure that the correct program has been selected for the applicant, referrals shall be provided by the City. City administration of the program includes eligibility referrals, application evaluation procedures, ongoing compliance, and other duties as established in the contract, the program guidelines, and the policies and procedures. The City at its sole discretion may inspect that the work was needed and completed, examine cost of repairs for reasonableness, review applicant eligibility and review for compliance with any other program guidelines.

2. Major Home Rehabilitation Program

Changes are effective for applications accepted after September 9, 2021. The Major Home Rehabilitation Program is a forgivable loan program to low- and moderate-income homeowners for the purpose of making needed repairs to preserve affordable housing. Major Home Rehabilitation Program is designed to ensure the longevity of the home and to address health, safety, accessibility modification, reconstruction and structural/deferred maintenance deficiencies. Major Home Rehabilitation Program will improve suitable living conditions, health, and welfare and will expand economic opportunities that revitalize neighborhoods. Funding for this program is provided by HUD CDBG funds (limited to assistance provided to households at or below 80% of area median family income (AMI); and potentially non-federal funds for households at or below 120% AMI. Not to exceed 27% of the HOME Homeownership Value Limits, as established by HUD.

Applicant Eligibility

- Applicants must be the owner of the home to be repaired and must have occupied the home for at least six months prior to the date of application ("Applicant"). Applicants must submit a deed showing the conveyance, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple.
- Applicants must be a U.S. citizen or lawful permanent resident, and they must hold a current Texas state-issued identification card or driver's license. Unless allowed by HUD or other applicable law.
- Applicants must be current on mortgage payments and shall not be in default under the mortgage documents associated with the property or in default under any lien on the property.

- Applicants must not have more than one outstanding loan on the property. The City will
 only accept a first or second lien position. Applicants having a reverse mortgage on the
 property are not eligible for this program.
- Property taxes must be current and not delinquent for any tax year unless the Applicant
 has entered into a written agreement with the taxing authority outlining a payment plan for
 delinquent taxes and is abiding to the written agreement.
- Applicants must have a gross annual household income at or below the applicable lowand moderate-income limits. Applicants must be at or below 80% AMI when CDBG funds
 are used or at or below 120% of AMI when non-federal funds are used as established by
 HUD for the jurisdiction of Dallas, Texas. Income shall be calculated using the Part 5
 method as outlined in 24 CFR 5.609. Income eligibility shall be determined at the time of
 the application. Applicant household income eligibility is only valid for six months from the
 date of the last application.
- Applicants must correct all code violations not associated with the repairs to the home that currently exist on the property.
- City Council members, Department of Housing & Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with the program are ineligible for assistance under the program.
- Priority shall be given to Applicants who have not participated in any City repair, rehabilitation, or reconstruction program previously. If the Applicant is in their affordability period under any other program except the Neighborhood Empowerment Zone Program, then they are not eligible to receive funding under this program.
- Applicants must be willing to voluntarily relocate at the homeowner's expense, if necessary.

Property Eligibility Requirements

- Must be a single-family dwelling, owner-occupied, and must be located within the City of Dallas, Texas city limits.
- Must obtain environmental clearance under 24 CFR Part 58.5, as amended, prior to committing rehabilitation funds.
- Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a floodplain, as determined by the City, in its sole discretion, flood insurance must also be maintained with coverage adequate to insure the City's lien position. Insurance will be monitored during the length of the compliance period, which will be until the loan balance is repaid in full or forgiven, as described below. The City has the right to decline a homeowner that may be in a floodplain or floodway.
- Applicant must certify that the home is not for sale and is the primary residence of Applicant.
- If the property was previously assisted with City funds and the property is still within the period of affordability, per the written agreement with the Applicant or the previous owner, Applicant will not be eligible to receive funding for the same property.
- No liens, except those associated with the first mortgage, shall exist on the property.
- The property must be in need of repairs designated as eligible repairs under the Major Rehab Program. The City has the authority to determine what the necessary repairs will be and when the amount exceeds the limits.

Eligible Repair Improvements

Eligible rehabilitation activities include items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes; and will also include items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. Major systems are part of the scope of work and are identified as structural support (foundations); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

Demolition of an accessory structure deemed hazardous, such as a detached garage or work shed, will be made on a case by case basis depending on the available budget, grant requirements, planning requirements, current building codes, and health and safety concerns. The structure will not be rebuilt by the City.

Assistance in removing any items from the property that are considered to be dangerous, hazardous, or a violation of local code is an eligible repair when performed in conjunction with the rehabilitation of eligible improvements on the property.

Assistance may not be used for the purchase or repairs of appliances or renovations not necessary to bring the home up to local code or property standards. Ineligible repairs include but are not limited to luxury and recreational items (swimming pools, spas, high end fixtures). Tree trimming will be in conjunction with repair and only if considered necessary and if allowable under the CDBG regulations. Any other ineligible activity may be considered if deemed necessary by the City to undertake an eligible activity, if allowable under the CDBG regulations, as applicable.

Eligible improvements under the Major Home Rehabilitation Program include the following:

- Cost effective energy conservation measures, including solar heating, cooling, & water systems permanently affixed to dwelling
- Testing & treatment/removal of lead-based paint/asbestos hazards
- Handicapped improvements & removal of barriers to the handicapped
- Removal of termites; removal of rodents and roaches (pest control), but may not be a stand-alone cost
- Replace/repair roofing
- Replace/repair HVAC systems
- Replace/repair plumbing, water and sewer pipes, kitchen and bath fixtures
- Replace/repair gas pipes/gas test
- Install new smoke, fire, and CO₂ alarms
- Install new insulation
- Replace/repair flooring and carpeting
- Replace/repair water heaters
- Replace/repair electrical system and installation of ground fault circuit interrupters
- Replace/repair windows
- Replace/repair window and/or door screens
- Replace/repair plaster, siding and stucco
- Painting (inside and outside)
- Install new deadbolt locks
- Replace/repair kitchen or bath cabinets and countertops
- Replace/repair garage doors
- Structural repairs/modifications (only to correct existing structural code deficiencies or to provide accessibility to disabled persons)

- Foundation repairs
- Any items determined eligible by the Director

Terms of Assistance

Major Home Rehabilitation Program assistance is an interest-free, forgivable, self-amortizing loan in an amount subject to the City's assessment of needs, not to exceed 27% of HOME Homeownership Value Limits, as established by HUD. The City loan shall be secured by a first or second lien on the property, signed by Applicant as the owner of the property.

Loan payments are self-amortized over the ten-year loan term and forgiven annually at the rate of one-tenth of the loan amount for every year the borrower occupies the property continuously as his/her primary residence and complies with the terms and conditions of the contract. The deed restrictions and the deed of trust shall be released on the tenth anniversary of the making of the loan so long as the borrower has met the conditions of the loan, as described under these program requirements, for the entire term. Failure of borrower to occupy the property continuously as his/her primary residence or comply with the terms and conditions of the contract for the entire term shall result in repayment of the unamortized balance of the loan.

The affordability period for the Major Home Rehabilitation Program shall be ten (10) years.

Applicant shall be required to provide on-going proof of insurance to the City, with the City as an added insured. Applicant must certify annually that the home is not for sale, is the primary residence of the Applicant, and any other certifications required by the City in the contract, until the balance of the loan is repaid to the City or until the full amount of the loan is forgiven.

In addition to execution of a loan agreement, execution and recordation of a deed of trust, deed restriction, and a note will be required for the ten-year term.

Applicant may repay Rehabilitation loans at any time without penalty. All loans are immediately payable upon the earlier of:

- The sale, conveyance, transfer, rental, hypothecation of the security; or
- If the home is vacated during the term of the loan; or
- Failure to adhere to the provisions of the loan agreement; or
- If property insurance, satisfactory to the City, is not maintained on the property.
- If the Applicant falls behind on the mortgage of their home.
- Failure to otherwise adhere to the provisions under the City's contract, deed restrictions, deed of trust and/or the note.

Major Home Rehabilitation Program loans are not assumable except under the following limited circumstances:

- Transfer of property to a surviving spouse;
- Transfer of property to an heir(s);
- Transfer of property where spouse becomes the sole owner of the property;
- Transfer of property resulting from a decree of dissolution of marriage, legal separation or from incidental property settlement agreement; or
- Transfer to a Family Trust in which the borrower remains the beneficiary and occupant of property.

All transfers must be approved by the City. Any person that would like to assume the loan must income qualify and utilize the assisted property as their primary residence. If such person does

not meet the income requirements of the program, does not utilize the property as their primary residence, or does not meet any other condition of the loan, then the unamortized balance of the loan amount is due immediately and payable to the City.

Assistance Limits

Under Major Home Rehabilitation Program, the maximum loan assistance amount is not to exceed 27% of HOME Homeownership Value Limits, as established by HUD. Rehabilitation funds may only be used to complete the project-related hard costs such as construction costs. Project-related soft costs such as hazardous materials testing fees, document recordation fees, inspection/construction management fees, escrow fees are program delivery costs of the City and shall not be included as part of the loan provided to the Applicant.

The level of assistance shall be limited to the amount required to address the rehabilitation work scope as defined by the City (except as provided below). The City Manager or designee may on a case by case basis administratively approve (without City Council approval or Council Committee approval) additional assistance not to exceed ten percent above the maximum limit for any owner-occupied rehabilitation project under the following circumstances:

- To address outstanding repairs or necessary work to close out an existing project;
- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unforeseen environmental issues; and
- Addressing issues that threaten life, health, safety and welfare of the public.

Mortgage and Refinancing

The following are the credit and underwriting standards for Major Home Rehabilitation Program loans:

- Chapter 7 or Chapter 13 bankruptcy is not allowed if the primary or any mortgage is included as a secured creditor on the subject property for which the City will place a lien securing the loan.
- Properties may not have more than one outstanding loan on the property. The City will not accept a lien position lower than a second lien.
- Property taxes must be current.
- Applicants must be current on mortgage payments and shall not be in default under the mortgage documents associated with the property.
- Properties with a reverse mortgage are not eligible for this program.

Applicants can refinance their properties for better terms. However, they shall not be allowed to do a cash out refinance.

Administration

The City of Dallas Department of Housing and Neighborhood Revitalization Staff or their designees ("Staff") shall administer the Major Home Rehabilitation Program. As used herein, the term "Staff" may include either employees or consultants of the department under the direction of the Director (defined below) or his/her designee. The administration of the Major Home Rehabilitation Program includes direct delivery costs, application evaluation procedures, rehabilitation assessments, cost estimation, bid solicitation, contractor selection, construction management, inspection, disbursement of program funds and processing of notices of completion, and other duties as established in the program guidelines as well as the policies and procedures.

The Director of Housing and Neighborhood Revitalization (the "Director") shall be responsible for ensuring that all programs are implemented in accordance with all applicable policies and regulations.

3. Home Reconstruction Program.

The Home Reconstruction Program provides loan assistance to eligible homeowners of single-family, detached dwellings for the reconstruction of existing housing. Subject to the requirements stated below, dwellings requiring repairs that exceed 80% of the most recent certified improvement value as determined by the applicable appraisal district qualify for this program assistance. Assistance for this program is provided by HUD through the Home Investment Partnerships Program (HOME), CDBG, and/or non-federal funds. If HOME funds are used, the applicable HOME regulations shall apply, even if such regulations conflict with program requirements detailed below. Not to exceed 75% of HOME Homeownership Value Limits, as established by HUD.

Applicant Eligibility

- Applicants must be referred to the Home Reconstruction Program from the Major Rehab Program.
- Applicants must be the owner of property and must have occupied the home for at least six months prior to the date of application for the Major Rehab Program. Applicants must submit a deed showing the conveyance, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple.
- Applicants must be a U.S. citizen or lawful permanent resident, and they must hold a current Texas state-issued identification card or driver's license.
- Applicants must not have any outstanding loans on the property because the City will only
 accept a first lien position. Applicants having a reverse mortgage on the property shall not
 be eligible for a loan.
- Property taxes must be current and not delinquent for any tax year unless the Applicant
 has entered into a written agreement with the taxing authority outlining a payment plan for
 delinquent taxes and is abiding by the written agreement.
- Where federal funds are provided, Applicant must have a gross annual household income at or below the applicable low- and moderate-income limits (<80% AMI) as established by HUD for the jurisdiction of Dallas, Texas. Income shall be calculated using the Part 5 method as outlined in 24 CFR 5.609. Non-federally funded activities allow applicants to have a gross annual household income at or below 120% of AMI. Income eligibility shall be determined at the time of the application. Applicant household's income eligibility is only valid for six months from the date of the last application.</p>
- City Council members, Department of Housing & Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with the Reconstruction Program are ineligible for assistance under the Reconstruction Program.
- When HOME funds are provided, the Conflict of Interest provisions at 24 CFR 92.356 shall be observed.
- Applicant must correct all code violations not associated with the reconstruction of the home that currently exist on the property.
- After the reconstruction and throughout the course of the affordability period, the Applicant must correct any and all code violations received during that duration.
- Priority shall be given to Applicants who have not participated in any City repair or rehabilitation program previously.

 Applicant must be willing to voluntarily relocate at the Applicant's expense during the course of reconstruction.

Property Eligibility

- Must be a detached single-family dwelling, owner occupied and located within the City of Dallas city limits.
- Must obtain environmental clearance under 24 CFR Part 58.5 prior to committing program funds.
- Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a floodplain, as determined by the City of Dallas, in its sole discretion, flood insurance must also be maintained with coverage adequate to insure the City's lien position. Insurance will be monitored during the length of the compliance period, which will be until the loan is repaid in full. The City has the right to decline a homeowner that may be in a floodplain or floodway.
- No liens may exist on the property.
- Applicant must certify that the home is not for sale and is the primary residence of Applicant.
- The property must require repairs that exceed 80% of the most recent certified improvement value as determined by the applicable appraisal district for this program assistance. The City has the authority to determine what the necessary repairs will be and when the amount exceeds the limits of Major Rehab Program.
- If the property was previously assisted with City funds and the property is still within the period of affordability, per the written agreement with the Applicant or the previous owner, Applicant will not be eligible to receive funding for the same property.
- If the property has been reconstructed pursuant to any City program, the property is not eligible for reconstruction under this Home Reconstruction Program.

Eligible Repair Improvements

Eligible improvements under the Home Reconstruction Program include the demolition of the existing single-family home and reconstruction in substantially the same manner of similar design a replacement detached single-family home on the same lot. The number of dwelling units on a site may not be increased.

Demolition of an accessory structure deemed hazardous, such as a detached garage or work shed, will be made on a case by case basis depending on the available budget, grant requirements, planning requirements, current building codes, and health and safety concerns. The structure will not be rebuilt.

Terms of Assistance

Home Reconstruction Program assistance is provided in the form of a loan. The City loan shall be secured by a first lien on the property, signed by Applicant as the owner of the property. Applicant must certify annually that the home is not for sale and is the primary residence of the Applicant until the loan is repaid to the City in full. Applicant must also correct all code violations that exist on the property. The maximum loan amount is subject to City established underwriting criteria/requirements.

The affordability period for the Home Reconstruction Program shall be 15 years. In addition to execution of a loan agreement, execution and recordation of a deed of trust, deed restriction, and a note will be required.

Applicant may repay the Home Reconstruction Program loan at any time without penalty. All loans are immediately payable upon the earlier of:

- The sale, conveyance, transfer, rental, hypothecation of the security; or
- If the home is vacated during the term of the loan; or
- Failure to adhere to the provisions of the loan agreements; or
- If standard property insurance, satisfactory to the City, is not maintained on the property;
- Failure to adhere to the provisions under the City's contract, deed restrictions, deed of trust and/or the note.

Home Reconstruction Program loans are not assumable except under the following limited circumstances:

- Transfer of property to a surviving spouse;
- Transfer of property to an heir(s);
- Transfer of property where a spouse becomes the sole owner of the property;
- Transfer of property resulting from a decree of dissolution of marriage, legal separation or from incidental property settlement agreement;
- Transfer to a Family Trust in which the borrower remains the beneficiary and occupant of property.

All transfers must be approved by the City. Any person that would like to assume the loan must income qualify and utilize the assisted property as their primary residence. If such person does not meet the income requirements of the program, does not utilize the property as their primary residence, or does not meet any other condition of the loan, then the full loan amount is due immediately and payable, in full, to the City.

Assistance Limits

The maximum amount of assistance provided shall not exceed 75% of HOME Homeownership Value Limits for new construction. The City Manager or designee may on a case by case basis administratively approve (without additional approval of City Council committee or City Council) additional assistance not to exceed 10% above the maximum limit for any owner-occupied reconstruction project under the following circumstances:

- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unanticipated costs deemed necessary to meet applicable City codes;
- Unforeseen environmental issues; and
- Addressing issue that threaten life, health, safety and welfare of the public.

Home Reconstruction Program loan funds may be used to complete project-related hard costs such as demolition and construction costs and designated soft costs of architectural and engineering fees. All other project-related soft costs shall not be included as part of the loan provided to the applicant. These costs may be provided by the City as part of its delivery costs.

Credit and Underwriting Standards

The following are the credit and underwriting standards for Home Reconstruction Program Loans:

• Chapter 7 or Chapter 13 bankruptcy is not allowed if primary or any mortgage is included as a secured creditor on the subject property for which the City will place a lien securing the loan.

- Properties may not have any outstanding loans on the property. The City will not accept a lien position lower than a first lien.
- Property taxes must be current.
- Properties with a reverse mortgage are not eligible for Program funding

Relocation

Relocation costs will not be paid by the City.

Administration

Staff shall administer the Home Reconstruction Program. This administration includes, but is not limited to, application evaluation procedures, assessments, cost estimation, bid solicitation, contractor selection, construction management, inspection, disbursement of program funds and processing of notices of completion, and other duties as established in the program guidelines as well as the policies and procedures.

The Director shall be responsible for ensuring that all programs are implemented in accordance with all applicable policies and regulations.

4. Rental Rehabilitation Program

The Rental Rehabilitation Program is an all-inclusive repair and rehabilitation program for single-family rental units, with up to four units per property. It offers a forgivable loan program to landlords who lease to low- to moderate-income households, with the purpose of making needed improvements and preserving affordable housing. The Rental Rehabilitation Program is designed to finance improvements and address health, safety, accessibility modifications, and structural/deferred maintenance deficiencies.

The Director of Housing and Neighborhood Revitalization (the "Director") shall be responsible for ensuring that all programs are implemented in accordance with all applicable policies and regulations.

Applicant Eligibility

- Applicant must be the owner of the rental unit(s) to be rehabilitated. Applicant must submit a deed showing the conveyance, or similar documentation acceptable to the City in its sole discretion, that proves ownership.
- Applicant must provide a copy of the lease agreement with its tenant.
- Applicant and tenants must be U.S. Citizens or lawful permanent residents, and they must hold a current Texas State issued identification card or Driver License.
- The tenants of the unit to be repaired must have a gross annual household income at or below the applicable low- and moderate-income limits (≤80% AMI) as established by HUD for the jurisdiction of Dallas, Texas. Income shall be calculated using the Part 5 method as outlined in 24 CFR 5.609. Income eligibility shall be determined at the time of the application or construction completion. Applicant household's income eligibility is only valid for six months from the date of the last application.
- Applicant must be willing to correct all code violations that currently exist on the property.
- The Applicant can apply to repair one or all four units as long as the entire structure is brought up to code.
- City Council Members, Department of Housing and Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or

- program decision-making function in connection with the Program are ineligible for assistance under the Program.
- Applicant must adhere to the Dallas City Code, including but not limited to Section 20A and comply with HUD HOME rent limits and other applicable state, local, and federal requirements.

Property Eligibility

- 1. The property must be a single-family (1-4 units) renter occupied dwelling located within the City of Dallas, Texas city limits. Properties with over 4 units are not eligible for rehabilitation assistance under this program.
- 2. If Applicant has a mortgage or other loan then the Applicant(s) must be current in their loan.
- 3. Must obtain environmental clearance under 24 CFR Part 58.5, as amended prior to committing rehabilitation funds.
- 4. Property taxes must be current. Property taxes must not be delinquent for any tax year.
- 5. Applicant must register with the Code Compliance Single Family Rental Division, or successor department, as determined by the City.
- 6. Applicant must certify that the unit is not for sale and that the unit being applied for is occupied by an income-eligible tenant or will be at the completion of construction
- 7. Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a floodplain, flood insurance must also be maintained with coverage adequate to insure the City's lien position. Insurance will be monitored during the length of the compliance period, which will be until the loan is repaid in full or forgiven, as detailed below.
- 8. Must not have more than one outstanding loan on the property. City will only accept a first or second lien position. Applicants having a reverse mortgage on the property shall not be eligible for a loan.
- 9. Repairs must conform with designated as eligible improvements under the program.
- 10. For rehabilitation, if the Applicant's property was previously assisted with City funds and the property is still within the period of affordability, per the written agreement with the Applicant or previous owner, Applicant will not be eligible to receive funding for the same property.
- 11. No liens, except those associated with the first mortgage, shall exist on the property.
- 12. Repairs that exceed eighty percent (80%) of its improvement value are not eligible for assistance.

Eligible Repair Improvements

Eligible rehabilitation activities include items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes and will also include items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. Major systems are part of the scope of work and are identified as structural support (foundations); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

Demolition of an accessory structure deemed hazardous, such as a detached garage or work shed, will be made on a case by case basis depending on the available budget, grant requirements, planning requirements, current building codes, and health and safety concerns. The structure will not be rebuilt by the City.

Assistance in removing any items from the property that are considered to be dangerous, hazardous, or a violation of local code is an eligible repair when performed in conjunction with the rehabilitation of eligible improvements on the property.

Assistance may not be used for the purchase or repairs of appliances or renovations not necessary to bring the unit up to local code or property standards. Ineligible repairs include but are not limited to luxury and recreational items (swimming pools, spas, high end fixtures). Tree trimming will be in conjunction with repair and only if considered necessary and if allowable under the applicable regulations. Any other ineligible activity may be considered if deemed necessary by the City to undertake an eligible activity, if allowable under the applicable regulations, as applicable.

Rental Rehabilitation Program funds may only be used to complete the project-related hard costs such as construction costs. Project-related soft costs such as hazardous materials testing fees, document recordation fees, inspection/construction management fees, or escrow fees shall not be included as part of the loan provided to the Applicant. These costs shall be provided by the City as part of its delivery costs. These costs are program delivery cost of the City, such cost will not be included in the loan amount. Applicant must certify annually that the home is not for sale and is the primary residence of the tenant until the loan is repaid to the City in full. Applicant must also correct all code violations that exist on the property.

Eligible improvements under the Rental Rehabilitation Program include the following:

- Cost effective energy conservation measures, including solar heating, cooling, & water systems permanently affixed to dwelling
- Testing & treatment/removal of lead-based paint/asbestos hazards
- Handicapped improvements & removal of barriers to the handicapped
- Removal of termites; removal of rodents and roaches (pest control), but may not be a stand-alone cost
- Replace/repair roofing
- Replace/repair HVAC systems
- Replace/repair plumbing, water and sewer pipes, kitchen and bath fixtures
- Replace/repair gas pipes/gas test
- Install new smoke, fire, and CO₂ alarms
- Install new insulation
- Replace/repair flooring and carpeting
- Replace/repair water heaters
- Replace/repair electrical system and installation of ground fault circuit interrupters
- Replace/repair windows
- Replace/repair window and/or door screens
- Replace/repair plaster, siding and stucco
- Painting (inside and outside)
- Install new deadbolt locks
- Replace/repair kitchen or bath cabinets and countertops
- Replace/repair garage doors
- Structural repairs/modifications (only to correct existing structural code deficiencies or to provide accessibility to disabled persons)
- Foundation repairs
- · Any items determined eligible by the Director

Terms of Assistance

The Rental Rehabilitation Program assistance is an interest-free, forgivable, self-amortizing loan in an amount subject to the City's assessment of needs. The City loan shall be secured by a first or second lien on the property, signed by Applicant as the owner of the property. Landlord must rent to an income eligible renter for the duration of the affordability period. Landlord must certify annually that it is in compliance with the terms until the loan is repaid to the City in full or forgiven, as detailed below. Landlord must also correct all code violations that exist on the property. The maximum loan assistance amount not to exceed 27% of HOME Homeownership Value Limits and not to exceed 80% of the Appraisal District Improvement Value, not to exceed 4 units per address.

Loan payments are self-amortized over the ten-year loan term and forgiven annually at the rate of one-tenth of the loan amount for every year the Applicant leases to low-income households, the Applicant remains the owner of the property, and complies with the terms and conditions of the contract. The deed restrictions and the deed of trust may be released on the tenth anniversary of the making of the loan, so long as the Applicant has met the conditions of the loan, as described under these program requirements, for the entire term, as determined by the City. Failure of Applicant to rent the property continuously to income qualified residents or comply with the terms and conditions of the contract for the entire term, shall result in repayment of the unamortized balance of the loan. Short term vacancies between tenants may be allowed, as determined by the City, on a case-by-case basis.

The City shall perform required monitoring during the ten-year period of affordability. Applicant shall also be required to provide on-going proof of insurance to the City, with the City as an added insured. Applicant must certify annually that the home is not for sale, the Applicant is leasing to low-income households, and Applicant remains the owner of the property, and any other certifications required by the City in the contract, until the balance of the loan is repaid to the City or until the full amount of the loan is forgiven.

The affordability period for the <u>Rental Rehabilitation Program</u> shall be ten (10) years. In addition to execution of a loan agreement, execution and recordation of a deed of trust, deed restriction, and a note will be required.

Applicant may repay the <u>Rental Rehabilitation Program</u> loan at any time without penalty. All loans are immediately payable upon the earlier of:

- Upon transfer of the property, whether voluntary or involuntary, including but not limited to the sale, conveyance, transfer, or hypothecation of the security; or
- If the home is vacated during the term of the loan, in excess of the short-term vacancies approved by the City, or if it is not rented to an income eligible tenant; or
- Failure to adhere to the provisions of the loan agreements; or
- If standard property insurance, satisfactory to the City, is not maintained on the property; or
- Failure to adhere to the provisions under the City's contract, deed restrictions, deed of trust and/or the note.

Rental Rehabilitation loans are not assumable except under the following limited circumstances:

Transfer of property to a surviving spouse;

- Transfer of property to an heir(s);
- Transfer of property where a spouse becomes the sole owner of the property;
- Transfer of property resulting from a decree of dissolution of marriage, legal separation or from incidental property settlement agreement;
- Transfer to a Family Trust in which the borrower remains the beneficiary and occupant of property.

All transfers must be approved by the City.

The level of assistance shall be limited to the amount required to address the rehabilitation work scope, as defined by the City, and shall not exceed the maximum allowable funding level of 27% of HOME Homeownership Value Limits per property. The City Manager or designee may on a case by case basis administratively approve (without City Council approval or City Council Committee approval) additional assistance not to exceed 10% above the maximum limit for the Rental Rehabilitation Program under the following circumstances:

- To address outstanding repairs or necessary work to close out an existing project.
- The need to provide reasonable accommodations in accordance with the Americans with Disabilities Act or other local, state or federal law;
- Unanticipated costs deemed necessary to meet applicable City Codes;
- Unforeseen environmental issues; and
- To address issues that threaten life, health, safety and welfare of the public.

Applicant is required to ensure that occupancy for all assisted units is maintained by tenants that are income qualified at 80% of AMI or lower, and at rental rates that are consistent with the current HOME Fair Market Rent.

Mortgage and Refinancing

The following are the credit and underwriting standards for Rental Rehabilitation Program loans:

- Chapter 7 or Chapter 13 bankruptcy is not allowed if primary or any mortgage is included as a secured creditor on the subject property for which the City will place a lien securing the loan.
- Properties may not have more than one outstanding loan on the property. The City will not accept a lien position lower than a second lien.
- Property taxes must be current
- Applicants must be current on mortgage payments and shall not be in default under the mortgage documents associated with the property.
- Properties with a reverse mortgage are not eligible for <u>Rental Rehabilitation Program</u> funding.

Tenant Relocation During the Affordability Period

If a tenant relocates for any reason during the affordability period, the Applicant shall have the responsibility of obtaining a new tenant that meets all Rehabilitation Program requirements within the timeframe specified by the City.

Temporary Relocation During Rehabilitation

Relocation is not contemplated for rehabilitation activities, however if an unanticipated event occurs which requires temporary relocation, Applicant shall be responsible for the relocation-related expenses and fees. Applicant shall perform such relocation obligations in compliance with

the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 and Section 104(d) and any other applicable state, federal, or local laws/regulations.

Program Administration

Staff shall administer the <u>Rental Rehabilitation Program</u>. The administration of the <u>Rental Rehabilitation Program</u> includes application evaluation procedures, rehabilitation assessments, cost estimation, bid solicitation, contractor selection, management of the rehabilitation, inspection, disbursement of program funds and processing of the notice of completion, and other duties as established in the program guidelines as well as the policies and procedures.

Dallas Homebuyer Assistance Program

Added/amended June 26, 2019 by Resolution No. 19-1041

Provides homeownership opportunities to low- and moderate-income homebuyers (defined as "Applicant" for this program) through the provision of financial assistance when purchasing a home, in accordance with federal, state and local laws and regulations.

Eligibility

Applicant must meet the following criteria:

- Property must be located in the city limits of Dallas.
- Household projected annual income must be no less than 60% of Area Median Income, but not exceed 120% of the Area Median Income, adjusted for household size, at the time of application to the program. Income eligibility shall be determined at the time of the application. Applicant household's income eligibility is only valid for six months from the date of the last application.
- Applicant must have acceptable credit. High cost or sub-prime loans, adjustable rate mortgages, interest only loans are not allowed.
- Applicant must demonstrate that Applicant has at least two months of cash available and equal to Applicant's projected monthly mortgage payment, including principal, interest, taxes, insurance, and any associated fees.
- Applicant(s) must be U.S Citizens or legal residents.
- City Council members, Department of Housing & Neighborhood Revitalization employees and any employee, official or agent of the City who exercises any policy or program decision-making function in connection with this program are ineligible for assistance under this program. This policy extends for a period of 12 months beyond an individual's disassociation with the City in such a capacity.
- When HOME funds are provided, the Conflict of Interest provisions at 24 CFR 92.356 shall be observed.
- Property to be purchased must be for the primary residence of Applicant. Applicant must certify that the home is not for sale and will be the primary residence of Applicant.
- Applicant must attend an 8-hour homeownership education class from a HUD-certified counseling agency within 12 months of application for assistance.
- Applicant must make a minimum initial cash investment of \$1,000 toward purchase of home.
- The property must meet federal and local requirements, including but not limited to Minimum Housing Standards, Environmental Review, and international residential code.

Eligible Properties

The property can be privately or publicly owned prior to sale to the Applicant. The property must be within the Dallas, Texas city limits and meet City building codes, lead based paint requirements, and environmental standards at the time of initial occupancy. All liens must be paid off at or before closing.

The property must contain adequate living and sleeping space for the Applicant household as verified by the property appraisal, site visit, and/or Dallas Appraisal District Data.

The property can be an existing property, or it may be newly constructed. The property can be:

- Single-family property (one unit); or
- Condominium or cooperative unit

An appraisal is required and may be provided by the first mortgage lender or Applicant. The initial purchase price of an assisted property to be acquired for this activity cannot exceed the HOME Value Limit for Dallas. This limit is updated annually. The sale price of an assisted property may not exceed the "Appraised Value".

Affordability Periods

The residence must remain affordable for a certain period of time, which is dependent on the amount of funds invested. The City's recapture provisions will apply.

Amount of Funds	Required Affordability
Less than \$15,000	5 Years
\$15,000 to \$40,000	10 Years
Over \$40,000	15 Years

Eligible Expenses

Eligible expenses may include principle reduction, down payment and closing cost assistance. If the house is sold before the required affordability period has elapsed, the assistance funds must be recaptured on a pro-rated basis.

Terms of Assistance

- The assistance for the Dallas Homebuyer Assistance Program will be offered in the form
 of a deferred, forgivable loan, which shall be forgivable annually based on the affordability
 period, subject to the terms of the contract.
- In the event of any of the following occurring prior to the completion of the affordability period the balance is payable immediately on a pro-rated basis.
 - (1) The sale, conveyance, transfer, lease, rental, hypothecation of the security, or any part thereof, or any interest therein, or divestment of title or any interest therein in any manner or way, whether voluntarily or involuntarily, without the prior written consent of the City being first had and obtained; or
 - (2) Failure to adhere to the provisions of the contract; or
 - (3) Failure to adhere to the provisions under the City's deed restrictions, deed of trust and/or the note, or any other lien encumbering the property.
- Applicant must certify annually that the home is not for sale and is the primary residence
 of the Applicant until the affordability period ends.
- If there is an underlying development agreement associated with the property, additional requirements may apply. Such determination is made by the City.

Credit and Underwriting Standards

Following are the credit and underwriting standards for Applicant:

- No Chapter 7 or Chapter 13 bankruptcy if primary or any mortgage is included as a secured creditor on the subject property for which the City will place a lien securing the loan.
- Predatory lending describes lending practices that take advantage of clients by charging usurious interest rates or excessive fees and penalties. Loans will not be made with an interest rate more than 2% above the prevailing market rate.

- The maximum assistance available for an Applicant in a High Opportunity Area (of the MVA) is \$60,000. In all other areas, the maximum assistance will be \$40,000 per household. Not all Applicants will qualify for the maximum assistance. The assistance available to any given Applicant is based on the City's assessment of the Applicant's need, taking into account the additional criteria outlined below.
- First mortgage amount must have a front-end ratio of 26%-32%
- First mortgage amount must have a back-end ratio no higher than 45%

Applicants must be qualified by their lender to spend at least 28% of their monthly gross income on their housing.

Heirs

A loan may be transferred to the heir(s) of the borrower if the heir(s) are income qualified and utilize the assisted property as their primary residence for the remainder of the affordability period. If the heir(s) do not meet the income requirements of the program and the loan or does not utilize the property as their primary residence, and the loan is still within the period of affordability, then the prorated loan amount is due immediately and payable, in full, to the City.

Refinancing

Refinancing for better rate and term is permitted upon prior approval of the City. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses. Cash out are also NOT allowed.

DHAP Targeted Homebuyer Incentive Program

This program offers financial assistance for those in educational instruction and library occupations; healthcare practitioners and technical occupations; healthcare support occupations; and protective service occupations, including but not limited to fire fighters and police officers, who purchase a property in the City of Dallas. Applicants with an income up to 120% AMI who qualify for this program may receive down payment assistance funds up to \$45,000. All other DHAP terms, as stated above, shall apply to this program.

Accessory Dwelling Units

(CHP amended December 11, 2019; Code amended June 27, 2018 by Resolution Nos. 18-0978A and 18-0978B)

Sec. 51A-4.209(b)(6) of the Dallas Development Code provides that for single family uses the Board of Adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

In addition, Sec. 51A-4.510 of the Dallas Development Code provides regulations allowing for an accessory dwelling unit overlay district. An accessory dwelling unit overlay district is a compact, contiguous area where residents of a single-family neighborhood may petition City Council to create a zoning overlay that, if approved, allows code-compliant accessory dwelling units by right.

TENANT PROGRAMS

Tenant Based Rental Assistance

The purpose of this program is to provide supplemental financial assistance to individuals and families experiencing homelessness or who are at risk of homelessness to pay the difference between the cost of rent and the actual affordable amount that the tenant can pay. The program shall be operated on a first come first served basis. Only HOME funds can be used to fund Tenant Based Rental Assistance (TBRA) programs. This is not an eligible activity under the Community Development Block Grant (CDBG) Program.

Eligible Uses

Eligible costs include: Subsidy is based on the amount of the rent, household income and City rent standard in a form of a grant. Covered expenses include:

- Rent supplemental financial assistance:
- Utility costs
- Security deposits
- Utility deposits
- Maximum assistance of 24 months
- May provide security deposit and utility deposit assistance upon exiting the program for a permanent unit

No payments will be made directly to the tenant household.

Prohibited Uses

City of Dallas HOME TBRA funds may not be used to assist tenants in conjunction with homebuyer programs, including lease purchase programs.

Eligible Units

Eligible tenants may rent any housing that meets the following criteria:

- Located in Dallas City Limits
- Meets Minimum Housing Quality Standards
- Reasonable rents are charged
- Are not public housing projects or receiving project based federal assistance

Subsidy Amounts and Tenant Contribution

Maximum Subsidy: Maximum assistance that can be provided is the difference between 30% of the household's adjusted monthly income and the payment standard.

Minimum Tenant Contribution: All tenants are required to pay 30% of their monthly adjusted income, or \$20.00 per month, whichever is greater.

Length of Assistance: Assistance will not be provided for a period of time longer than two years, and minimum of one-year lease.

Other Tenant Requirements

Agencies administering TBRA programs may require tenant participation in a self-sufficiency program as a condition of rental assistance.

A legitimate, legal lease is required for program participants.

Income Recertification

Income of tenants receiving HOME tenant based rental assistance must be re-certified on an annual basis, at a minimum. City staff may require recertification of tenant income at any time, at the City's discretion, if it appears that a tenant's income has changed substantially during the contract term. If the tenant's income exceeds eighty percent (80%) of Area Median Family Income, HOME assistance must be terminated.

Payment Standard

The HOME payment standard will be the Small Area Market Rent, annually established and published by the US Department of Housing and Urban Development.

Termination of Assistance

HOME assistance may be terminated if the following occurs:

- Household's income exceeds eighty percent (80%) of Area Median Income;
- Household is evicted from the approved unit by owner for cause;
- After receipt of two official notices requesting cooperation in the re-certification process, the household is unresponsive and uncooperative.

In all cases above, thirty days' notice of the termination must be provided to the tenant and landlord.

DEVELOPER PROGRAMS

New Construction and Substantial Rehabilitation Program

The purpose of the New Construction and Substantial Rehabilitation Program (Development) is to provide financial assistance to new developments and substantial rehabilitation of existing property, where such assistance is necessary, and to appropriately incentivize private investment for the development of high quality, sustainable housing that is affordable to the residents of the City.

The City shall award funds, when available, through a competitive Notice of Funding Availability (NOFA) or a Request for Applications (RFA) process in accordance with the program's scoring policy. The scoring policy shall be determined by the City's development priorities and clearly outlined in the corresponding NOFA or RFA.

Funds may be used to:

- Build new single-family developments with 5 or more homes
- Build new or substantially rehabilitate multi-family rental housing with 5 or more units

Eligibility

To be eligible for funding under the New Construction and Substantial Rehabilitation Program assistance, the proposed project must meet all of the following basic criteria:

- Project must consist of 5 or more units located within the municipal boundaries of the City of Dallas. Note: Extra Territorial Jurisdictions areas are not eligible for financial assistance.
- Substantial rehabilitation projects must, at a minimum, meet the substantial rehabilitation test.

In addition to fully meeting the City's minimum code requirements, a project must meet one or more of the following Substantial Rehabilitation threshold tests:

- Replacement of two or more major building components (roof; wall or floor structures; foundations; plumbing, central HVAC or electrical system); or
- costs are 15% or more, exclusive of any acquisition and/or acquisition and development soft costs, of the property's replacement cost (fair market value) after completion of all required repairs, replacements and improvements; or
- rehabilitation hard costs are \$10,000 or more per unit.

The after-rehabilitation rents required to effectively support the property, including the additional rehabilitation project debt service, must be:

- Reasonable, and fall within the underwriting standards; and
- Affordable and meet the City's definition of affordability.

Owners must exhibit a cash equity participation of at least 10% in the rental property proposed for rehabilitation. Note: Housing tax credits proceeds are to be treated as equity.

Loan Terms

Financial assistance can be provided in the form of a repayable loan as negotiated on a project by project basis and demonstrated by the financial underwriting. The City loan is fully repayable, and the interest rate varies by the type of Borrower. The City may structure loans for projects including permanent supportive housing units as forgivable loans. The interest rate for a qualified CHDO Borrower or Sponsor shall be zero percent (0%) simple annual interest. The interest rate

for a qualified nonprofit Borrower or Sponsors shall be one percent (1%) simple annual interest. The base interest rate for all other Borrowers shall be three percent (3%). However, the 3% base rate can be reduced through a combination of one or more Borrower concessions:

- A Borrower guarantee to make annual interest payments will reduce base interest rate by 1%:
- Borrower agreement to limit loan maturity to 20 years or less reduces base interest rate by 1%; or
- Borrower guarantee of annual interest and principal payments reduces base interest rate by 2%.

The Borrower can combine a) and b) above to reduce the 3% annual simple interest base interest rate by 2% to the 1% annual simple interest floor rate. However, in no instance can the floor interest rate be less than 1% annual simple interest for a Borrower in this category.

Repayment terms will be negotiated based on project underwriting and after review of all other financing commitments. Repayment of loan principal and interest should be either:

- Equal monthly installments over a period of up to 300 months. Subject to City review and approval, multi-family projects may have up to 24 months (in addition to the above stated maturity of 300 months) of deferred principal and interest during a construction and leaseup; or,
- An annual surplus cash payment. The City's surplus cash loans funding will be structured
 with note provisions requiring that at least 50% of Eligible Cash in excess of \$50,000 be
 paid annually to subordinate lenders (including funding partners and related parties) on a
 prorated basis.

Eligible Cash shall be defined as: Surplus cash available for partnership distribution, less any outstanding:

- Credit adjusters
- Asset management fees
- Operating reserve account replenishment
- Limited partner loans that have been approved by the City
- Deferred developer fees
- Supplemental replacement reserve deposits approved by the City

Note: Incentive management fees have been deliberately omitted from the above list. Payment of incentive management fees shall be subordinate to repayment of the City's loan(s).

Additional Requirements for New Construction Development

For new construction housing developments funded by the City, the maximum subsidy per unit is 22.5% of the HUD HOME Value Limit.

Funding will be provided to Community Housing Development Organizations, governmental entities, or public facility corporations at 0% simple interest, which will be forgiven upon sale of the property to home buyer.

In addition, funding will be provided to other qualified non-profit organizations at 1% simple interest, which will be forgiven upon sale of the property to home buyer.

Projects shall submit, on an annual basis, either HUD Form 93489 (HUD Computation of Surplus Cash), or the City's form, with the project audit. The City will invoice the project, allowing for

repayment to occur up to the end of the current calendar year when HUD financing is involved. Otherwise, the surplus cash payment will be due within 45 days of the invoice postmark. Late payments will be assessed a 5% late charge. The loan will be in default if payments are more than 75 days late. The default interest rate shall be 500 basis points (5%) over the note interest rate.

If the City's multi-family rental subsidy is derived from a Federal funding source, investment may not exceed the corresponding annual HUD Section 234 – Condominium Housing Limits in Dallas, Texas for elevator units (by number of bedrooms per unit).

Affordability Period Requirements for All Rental Housing Development and Substantial Rehabilitation Loans

The Period of Affordability (income and rent restrictions) applies to both single-family and multi-family rental housing projects. Affordability periods shall be set as follows, in keeping with HUD requirements.

Amount of CDBG or HOME funds Per Unit	Minimum Period of Affordability		
Under \$15,000/ unit	5 years		
\$15,000 - \$40,000/ unit	10 years		
Over \$40,000 or rehabilitation involving refinancing	15 years		
New construction of rental housing	20 years		

Conditions of All City Loans

- The property must be residential rental property under the existing ownership for the entire loan term. If the property is transferred by any means during the loan term, the remaining unforgiven portion, plus interest based on the existing market, will become immediately due and payable;
- The Borrower must maintain the property according to the Dallas Unified Building Code and agrees to allow City personnel to annually inspect the property;
- The Borrower provides evidence of having paid annual property taxes and having secured fire and extended insurance coverage for the property;
- Borrower must annually provide the City of Dallas with the information on rents and occupancy of HOME-assisted units to demonstrate compliance with the affordability rent requirements;
- The Borrower must maintain reserves for maintenance; and
- No further assistance during the affordability period term of the loan, whichever is longer.

The City loan will be secured by a lien on the property. The lien position will be no less than a second, except upon approval of the appropriate City Department Director, subordinate only to a private financial institution's superior lien for a loan in a greater amount. The City may also require additional security for its loan, including, but not limited to, a first lien position on other investment property of the owner, as well as personal and/or corporate guarantees if it is necessary to secure the loan.

The terms of payment will continue throughout the entire term of the note, provided the Borrower complies with each and every term and condition of the loan documents. If the Borrower does not comply, or if the borrower at any time defaults under the terms of the note, interest on the unpaid principal will thereafter:

- accrue at a rate that is 500 basis points over the Note interest rate, and
- be immediately payable in addition to the entire outstanding principal amount

Financial Structuring

GAP Financing

The City deferred debt (deferred forgivable or surplus cash) only be used for and based upon the financing gap on affordable units. The City loan cannot exceed the financing gap.

Balloon Mortgages

Ballooning senior debt mortgages may require additional mitigating factors depending on overall project sources and uses, projected loan-to-value, and other risk factors. Under no circumstances will the City participate in a transaction where a senior balloon term is less than 15 years.

Surplus Cash Mortgages

The City's surplus cash loans funding will be structured with note provisions requiring that at least 50% of Eligible Cash in excess of \$50,000 be paid annually to subordinate lenders (including funding partners and related parties) on a prorated basis.

Eligible Cash shall be defined as:

- Surplus cash available for partnership distribution, less
- Any outstanding:
- Credit adjusters
- Asset management fees
- Operating reserve account replenishment
- Approved limited partner loans
- Deferred developer fees
- Approved supplemental replacement reserve deposits

Projects shall submit, on an annual basis, either HUD Form 93489 (HUD Computation of Surplus Cash), or the City's form, with the project audit. The City will invoice the project, allowing for repayment to occur up to the end of the current calendar year when HUD financing is involved and general HUD distribution guidelines. Otherwise, the surplus cash payment will be due within 45 days of the invoice postmark. Late payments will be assessed a 5% late charge. The loan will be in default if payments are more than 75 days late. The default interest rate shall be 500 basis points (5%) over the note interest rate.

Appraisal Requirements

Projects Receiving City First Mortgage Acquisition Financing

Prior to funding commitment, the borrower must provide a completed Appraisal Request Form for City-Ordered Appraisals by the date specified in the City's notice of funding award, unless the development is exempt from the appraisal requirement as described below. The establishment of the date will take into account the applicable funding source commitment deadline and the Borrower's project timeline.

Developments exempt from the prior to commitment appraisal requirement:

- Acquisition price under \$100,000
- Land only where there is no identity of interest. Identity of interest is used broadly to include non-arm's length transactions, related-party transactions, etc.

- Single family homes (1-4 family structures) that are aggregated under one loan
- The Borrower has provided a third-party market study
- The Project is HUD 202 or HUD 811 with a funding reservation

Note: Whenever a project is exempt under one of the above provisions, the City will use assessed value unless the borrower requests an appraisal for determining acquisition cost as defined in these Underwriting Standards.

The cost of appraisals must be borne by the Borrower. All costs incurred for the appraisal, and any revisions, will be the responsibility of the applicant. The City will collect the appraisal costs from its loan proceeds at closing.

Appraisals ordered by the Borrower will not be accepted. All appraisals must be ordered by the City, HUD or a designated HUD MAP lender, Fannie Mae or a designated Fannie Mae Delegated Underwriter Services (DUS) lender or a regulated financial institution.

An Agency-ordered appraisal will be used to support the acquisition costs identified at the time of application. The appraised value will be used by the City and its funding partners in underwriting the acquisition cost.

An As-Is Appraisal:

Land Only for New Construction: Fee simple value of the land. The market value appraisal will consider the real property's zoning as of the effective date of the appraiser's opinion of value. If the real property consists of more than one parcel, the parcels will be combined in one appraisal with one value conclusion.

Acquisition/Rehab:

Fee simple "as-is" value of the existing multi-family property assuming market rate rents. Fee simple, in "as-is" condition, with existing restricted rate rents.

Adaptive Re-Use:

Fee simple market value of the property to be adapted for an alternate use. The valuation will assume the highest and best use permitted by law and economically feasible in the current market.

Prior to Closing – Scheduled Payment Loans:

For scheduled payment loans, an as-completed appraisal is required to establish loan to value. An "as-completed and stabilized" appraisal is required for all amortizing loans.

Two hypothetical values are required:

- As completed and stabilized, subject to restricted rents
- As completed and stabilized, assuming market rate rents

The lesser of the two values will be used to determine loan to value for the City's underwriting. The City will finance no more than 87% of appraised value (85% for loans with \$15,000 per unit or less in rehabilitation). Plans and specifications must be sufficiently complete for the appraiser to establish the "as completed" value. The appraisal must be conducted no more than six months prior to closing or end loan commitment (or the borrower will be required to pay for an appraisal update).

Prior to Closing- Deferred Loans:

For non-amortizing loans, the City requires an appraisal prior to closing similar to that required for amortizing loans (above). Borrowers may use another lender's appraisal. Non- Amortizing developments exempt from the prior to closing appraisal requirement include:

• Single family homes (1-4 family) that are aggregated under one loan (the City will use assessed value unless the Borrower requests an appraisal for determining acquisition cost as defined in the Borrower's Underwriting Standards.)

Loan Conditions

As a condition of the City Loan, the Developer must agree:

- To rent these properties in accordance with Affirmative marking standards and the current HUD Section 8 rental income guidelines for the Period of Affordability and the federal equal housing opportunity requirements in the Fair Housing Act.
- Not discriminate on basis or race, religion or national origin.
- To comply with Chapter 20A of the Dallas City Code.
- Not discriminate against lower income prospective tenants, solely on the basis of their receipt of Section 8 Housing assistance support.
- Not convert the rental property to condominiums for the duration of the public note.
- To maintain the property in a safe, sanitary and decent condition, in compliance with the City of Dallas Building Codes throughout the term of the public sector note.
- To provide evidence of having paid annual property taxes unless the property is deemed tax-exempt by the Dallas Central Appraisal District. The City will require owner to provide documentation of property tax payment on an annual basis.
- To secure fire and extended insurance coverage for the property with City named as coinsured on the subject property for the full term of the loan. The City will require owner to provide documentation of insurance coverage on an annual basis.
- Comply with Annual Re-certification of tenant's annual income, which means each year
 the property owner must document the income of the tenant by reviewing documents such
 as W-2s, pay stubs, etc. in order to ensure that their income meets the low-income
 requirements.
- To a property inspection one year after the rehabilitation and every two years thereafter during the period of affordability. The owner must agree to cooperate with and assist in this inspection effort, and to resolve all deficiencies cited within the designated correction period allotted.
- To adhere to Lead-Based Paint Abatement guidelines for all properties built in 1978 and before.
- To the CHDO Proceeds provisions outlined in Appendix 2 (if applicable)

The City will examine the sources and uses for each project and determine whether the costs are eligible and reasonable, the return to the developer is appropriate (not excessive), and the other sources of funds needed for the project are firm commitments. "Reasonableness" of development costs should be based on the following factors:

- Costs of comparable projects in the same geographical area;
- Qualifications of the cost estimators for the various budget line items; and
- Comparable costs published by recognized industry cost index services

Failure to comply with any of the conditions outlined above will constitute a default of the public sector loan, requiring the balance to become immediately due and payable.

If the property is sold or ownership is transferred through any means, the terms and conditions of the loan are binding upon the new owners, successors, and assigns. The loan shall not be assigned and the property shall not be sold without prior written approval from Director.

For HOME projects, a determination of fixed or floating HOME units must be made at the time of Loan commitment. Fixed units must remain the same throughout the period of affordability. Floating units may change in order to maintain conformity so that the total number of units meet the required number of bedrooms to the originally designated HOME-assisted unit.

Loan Closing

The property owner will be required to provide the following items for loan closing:

- For substantial rehabilitation projects, the after-rehabilitation appraisal of the property showing the appropriate value relative to the proposed loan.
- Acceptable Commitment for Title Insurance Policy showing the City's interest in the total amount of the City's Deferred Payment Loan.
- Credit Reports on all Borrowers with a 15% or greater ownership interest.
- List of all real property assets and their value.
- An acceptable bid from an approved contractor. The approved contractor must be licensed, and provide proof of appropriate insurance coverage, covering the total cost of the rehabilitation work and including, but not limited to worker's compensation, general liability, and personal liability.
- Copy of the insurance policy with coverage satisfactory to the City.

Permitted Rehabilitation Program Costs

CDBG or HOME funds will be used to support only the following eligible costs:

- Actual rehabilitation costs necessary to correct substandard conditions to comply with the City of Dallas building Codes, federal environmental conditions standards, and federal lead-based paint abatement requirements.
- Essential improvements including energy conservation-related repairs, and improvements to permit use of the rehabilitated units by persons with disabilities.
- Repairs to major building system in danger of failure.
- Costs, generated by the public sector, for processing and closing the financing for the project, such as: credit reports, fees for title evidence, fees for recordation and filing of legal documents, attorney's fees, permits, and appraisal fees.
- Cost for the relocation of tenants currently residing in the property at the date of initial application, who must be temporarily or permanently displaced as a direct result of the rehabilitation activity.

Involuntary Displacement

The City prohibits involuntary displacement of residents from developments receiving funding. If a development receives federal funds, the Uniform Relocation Act provisions will apply as well as other applicable laws.

Eligible Costs

The following costs may be reimbursed with HOME funds:

Hard Costs	Soft Costs	
Land and Structure Acquisition	Financing Fees & credit reports	

Site preparation, including	Affirmative marketing, initial leasing &				
Demolition	marketing costs				
Construction Materials and Labor	Title binders and insurance				
	Performance bonds and surety fees				
	Recording fees				
	Legal & accounting fees				
	Appraisals				
	Eligible Soft Costs				
	Environmental reviews				

CDBG funds may not be used for new building construction, in accordance with HUD regulations. However, CDBG funds may be used for all other reasonable and eligible costs in the above table.

Monitoring

The City is required by HUD to obtain information on rents and occupancy of HOME – assisted units to demonstrate compliance with the affordability rent requirements on an annual basis.

Additional Requirements for ALL Rental Housing Projects

Tenant Selection/Eligibility:

An owner of rental housing assisted with HOME or CDBG funds must adopt written tenant selection policies and criteria that:

- are consistent with the City's goal of providing housing for very low-income and low-income families;
- are reasonably related to program eligibility and the applicant's ability to perform the obligations of the lease;
- provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable; and
- give prompt written notification to any rejected applicant stating the grounds for the rejection

Income Eligibility and Re-certification:

Tenant incomes must be re-certified annually and verified with source documents every six years. If the income of a household in an assisted unit rises above 80% of Area Median Income, the household may continue to rent the unit and the household must pay monthly rent equal to the lesser of:

- The rent permitted by state law; or
- 30% of the family's adjusted monthly income at annual re-certification.
- If the project was financed with Low Income Housing Tax Credits, the tax credit rent prevails.

Acceptable Rents for HOME Projects Only

The HOME program has established rules in relation to acceptable rents. There are two rent standards: High HOME Rent and Low HOME rent. For properties with five or more HOME assisted united, at least 20% of the units must have rents that meet the "Low HOME" criteria.

High HOME Rent: lesser of the Section 8 Fair Market Rents for existing housing OR 30% of the adjusted income of a family whose annual income equals 65% of the area median income.

Low HOME Rent: 30% of the tenant's monthly adjusted income OR 30% of the annual income of a family whose income equals 50% of the area median income.

Mixed Income Housing Development Bonus

Added December 11, 2019, Code amended March 27, 2019 by Resolution No. 19-0429

Background

On March 27, 2019, City Council approved amendments to Chapter 51A of the Dallas Development Code to allow by-right development bonuses to incentivize new mixed-income rental development. These by-right bonuses are available in MF – Multifamily Districts and MU – Mixed Use Districts, specifically MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts and MU-1, MU-2, and MU-3 Mixed Use Districts. Today, these districts represent approximately 15,000 acres across the city.

The development bonus and number of reserved units required to attain that bonus vary by the location of the development under the City's Market Value Analysis (MVA) categories. Properties in A, B, and C categories are required to serve families at lower income levels than properties in G, H, and I categories, with the percent of reserved units related to the amount of the bonus requested and the income ranges depending on the MVA category.

- A, B, C:
 - (1) 5% of units at 51%-60% Area Median Income (AMI).
 - (2) 5% of units at 51%-60% AMI & 5% at 61-80% AMI, or
 - (3) 5% of units at 51%-60% AMI & 5% at 61-80% AMI & 5% at 81-100% AMI
- D. E. F:
 - (1) 5% of units at 61%-80% AMI,
 - (2) 10% of units at 61%-80% AMI, or
 - (3) 10% of units at 61%-80% AMI & 5% at 81-100% AMI
- G, H, I:
 - (1) 5% of units at 81-100% AMI

The bonuses vary by type of zoning district and by the additional development rights that would be most likely to incentivize development.

- In MF-1(A) and MF-2(A) Multifamily Districts, the percentage of reserved units required increases with height and lot coverage.
- In MF-3(A) Multifamily Districts, the percentage of reserved units required increases with height, lot coverage, and density.
- In MU-1 and MU-2 Mixed Use Districts, the percentage of reserved units increases with increases in density. Base floor area ratios (FAR) apply to non-residential use only.
- In MU-3 Mixed Use Districts the percentage of reserved units increases with an increase in FAR and a small increase in lot coverage.

In all districts:

- Building heights are subject to residential proximity slopes, where applicable, and existing setbacks are maintained.
- For multifamily uses, parking is reduced to 1½ space per unit (versus one space per bedroom in Chapter 51A) and at least 15 percent must be available for guest parking.
- Developments with transit proximity receive an additional parking reduction and additional lot coverage
- Reserved units must be provided on-site, dispersed throughout the development and the unit mix, and be comparable to the market rate units.

Design standards

Additional design standards can reduce auto dependency, reduce the need for parking, encourage alternative modes of transit, and improve transit accessibility, particularly for transit-dependent residents. Design goals include:

- Minimal surface parking, mostly in the side and rear of the lot
- Ground-floor entrances that open directly to sidewalk or open space
- Wide sidewalks and pedestrian lighting
- Parking structures wrapped by other uses
- Only short fences with pedestrian gates are allowed between the front of the building and the street.
- A minimum of 10% of the site provided as open space

Implementation

The regulatory framework for the mixed income housing development bonus is found in Chapter 20A Art. II of the Dallas City Code.

Procedures

- Developer meets with the City's Department of Housing and Neighborhood Revitalization to request an MVA category verification. The MVA category determines the bonuses that the development may utilize in return for a specified number of reserved units.
- Developer begins the permit application process.
- Before the issuance of a building permit, developer submits an official copy of the executed and filed restrictive covenant.
- Before beginning leasing, developer begins compliance process, including following the approved affirmative fair housing marketing plan and reserving units according to the restrictive covenant.
- Developer completes construction and submits documentation for a final certificate of occupancy. City reviews for compliance with all aspects of the permit and, if complete, issues final CO.
- Developer (and all subsequent owners) submits compliance paperwork regularly during period of compliance. Requirements stay with the development, not the ownership.
- Ongoing compliance is monitored by the Housing and Neighborhood Revitalization Department and the Office of Equity and Human Rights.
- Developer (and all subsequent owners) may not discriminate on the basis of source of income. This non-discrimination provision provides housing opportunities for households with rental assistance or vouchers, as applicable.

Program Operation and Compliance

- Term of affordability is 20 years
- Property owner must remain in compliance with restrictive covenant based on the requirements in Chapter 20A-II and Chapter 51A-4.1100.
- Each eligible household must be charged an affordable rent, which is defined as a monthly tenant rental housing payment, less an allowance for utilities, that does not exceed 30 percent of an eligible household's adjusted income.

Land Transfer Program

Added May 22, 2019 by Resolution No. 19-0824

The purpose of this Land Transfer Program (the "Program") is to incentivize: (1) the development of quality, sustainable housing that is affordable to the residents of the City and (2) the development of other uses that complement the City's Comprehensive Housing Policy, economic development policy, or redevelopment policy. Specifically, this Program authorizes the City to sell qualifying city-owned real property and resell tax-foreclosed real property to for-profit, non-profit and/or religious organizations in a direct sale at less than fair market value of the land, consistent with the authorizing state statute or city ordinance.

The sale of real property pursuant to the Land Transfer Program will enable the City to facilitate the development of housing units that will be offered for sale, lease or lease-purchase to low- and moderate-income households and, on appropriate parcels of land, enable the City to facilitate the development of commercial uses such as neighborhood retail.

Consistency with City's Affordable Housing Development Goals

The operation of the Land Transfer Program shall align with the City's existing affordable housing production goals as outlined in the adopted Comprehensive Housing Policy. The portfolio of real property sold under this Program shall be developed to serve the range of income bands as well as the percentage of each income band identified in the production goals of the Comprehensive Housing Policy.

When seeking City Council approval to sell a parcel or parcels of real property pursuant to this Program, staff must identify the proposed developer, indicate the income band for which the parcel(s) of real property is reserved, and provide the City Council with a map depicting the location of the real property that contains the current Market Value Analysis (MVA) and Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) data layers, if such layers exist. The map must also depict the location of all parcels of real property previously sold to the proposed developer pursuant to this Program or any other City affordable housing program in the past two years and the income bands for which each parcel of real property was reserved.

On an annual basis, the Housing and Neighborhood Revitalization Department, or its successor department, shall brief the appropriate City Council committee regarding the year-to-date production data for the Program.

Consistency with Fair Housing Laws

On an annual basis, the Land Transfer Program will be reviewed by the Office of Equity and Human Rights, or its successor department, to ensure that the Program is being operated in a manner that is consistent with fair housing laws. The City will collect and maintain data regarding the location of parcels of real property sold via the Program and demographic information regarding the eligible households who occupy housing units developed pursuant to the Program.

Application Process for Submitting a Proposal to Purchase Parcels of Real Property

The City will create, and will periodically update, an application that is consistent with this Program and the authorizing state statute or city ordinance to be used by developers who are interested in purchasing real property pursuant to the Land Transfer Program. The City may accept proposals to purchase lots on a rolling basis or may solicit purchase proposals through a competitive solicitation process. Only proposals that meet or exceed the minimum developer and project

eligibility criteria will be referred to the appropriate City Council Committee for approval. City Council must approve all sale of real property through the Land Transfer Program.

Each purchase of real property must clarify which Texas statute it is operating under.

	Type of Property	Type of Developer	Uses term low/mod income	Defines targeted incomes	Type of Development Allowed	Add'l state statutory requirements
DCC 2-26 (aka HB 110)	Tax-foreclosed or seized	Nonprofit	Low-income	80% AMFI or below	I .	Enabling Statute: TLGC 253.010
	Any land acquired by municipality	Non-profit and religious organizations	Low-income	Municipality may determine; Should consider AMFI	Affordable housing or a use approved in a written agreement with City	
	Any city-owned land except land acquired by condemnation	No limitation	Low- and Mod- income	No	Low- and moderate income housing	
11.GC 272.001(g)	by condemnation	No illilitation	income	INO	Housing	
			Primarily Low-		A purpose consistent with City urban redevelopment or	Interlocal agreement among taxing entities; land must be vacant/distressed & tax-
TPTC 34.051	Tax-foreclosed land	No limitation	and Mod- income	No	affordable housing plan	delinquent 6+ years

Developer Eligibility Criteria

To be eligible to purchase real property pursuant to the Land Transfer Program, a developer must meet all the following criteria, unless the land is sold pursuant to Dallas City Code Section 2-26.4:

- Developer may be an individual, or may be organized as a corporation, partnership, joint venture or other legal entity, regardless of whether developer is a for-profit, non-profit, or religious organization.
- Developer must be in good standing with the State of Texas and the City, including that the City has not issued a charge against the developer for violating Chapter 20A of the Dallas City Code or Chapter 46 of the Dallas City Code within the past 5 years, may not be debarred under the federal System for Award Management (SAM), may not have uncured violations of Chapter 27 of the Dallas City Code for which it has received notice, may not be indebted to the City or delinquent in any payment owed to the City under a contract or other legal obligation, and must be current on payment of taxes and liens owed to any other affected taxing unit under the Texas Property Tax Code.
- If developer seeks to purchase two or more parcels of real property for the purpose of constructing housing units, developer must have constructed one or more housing units within the three-year period preceding the submission of the proposal to acquire the parcels of real property via the Program. If developer seeks to purchase one or more parcels of real property for the purpose of developing a multifamily or commercial use, developer must demonstrate that it has developed at least one comparable use within the three-year period preceding the submission of the proposal to acquire the parcel of real property via the Program.
- Developer must submit a development plan for all parcels of real property developer seeks to acquire via the Program.
- Developer must demonstrate that it has the financial capacity and staffing/sub-contractor capacity to develop and complete the sale, lease, or lease-purchase, within a two-year period, of its inventory of parcels of real property acquired through the Program. The City Manager or his/her designee may grant up to one, one-year extension of any deadlines in

the development agreement. Any additional extensions of the development agreement must be approved by City Council.

Staff may impose additional eligibility criteria that are consistent with this Program, state statute and city ordinance. If land is sold pursuant to Dallas City Code Section 2-26.4, developer must comply with the eligibility criteria set forth in the ordinance.

Project Eligibility Criteria

To be eligible to purchase real property pursuant to the Land Transfer Program, the proposed project must meet all the following criteria, unless the land is sold pursuant to Dallas City Code Section 2-26.4:

- Parcels of real property must be developed with: (1) a housing unit or units that are offered
 for sale, lease or lease-purchase, or (2) a commercial use that will complement the City's
 Comprehensive Housing Policy, economic development policy, or redevelopment policy.
- Housing units developed on the parcels of real property may only be sold, leased, or
 offered as a lease-purchase to households whose incomes are within the income bands
 prioritized by the adopted Comprehensive Housing Policy.
- Housing units developed on the parcels of real property may be either a single family, duplex, or multi-family housing use.

Staff may impose additional eligibility criteria that are consistent with this Program, state statute and city ordinance. If land is sold pursuant to Dallas City Code Section 2-26.4, the project must comply with the eligibility criteria set forth in the ordinance.

Identification of Eligible Households, Affirmative Fair Housing Marketing and Other Policies

Developers of for-sale housing units must comply with all the terms of the Mixed Income Housing Program as set forth in Chapter 20A of the Dallas City Code, as amended, if applicable. Developers of for-sale housing units may only sell to homebuyers who meet the eligibility criteria set forth in the City of Dallas Homebuyer Assistance Program (DHAP), or a successor program.

Developers of rental housing or lease-purchase units must comply with all the terms of the Mixed Income Housing Program as set forth in Chapter 20A of the Dallas City Code, as amended, if applicable. Such exemptions will be clearly set forth in the development agreement.

Sales Price of Parcels of Real Property Sold via the Land Transfer Program

City-owned real property: Properties will be initially offered at fair market value ("FMV"), as determined by a comparative market analysis. A discount will be available if project underwriting indicates that the discount is needed either to ensure the viable sale, lease or lease-purchase to an income-qualified buyer or the viable development of a commercial use. The discount is subject to City Council approval.

Tax-foreclosed real property: A fixed price of \$1,000 for up to 7,500 square feet of land purchased under a single proposal, plus \$0.133 for each additional square foot of land purchased under the proposal. If land is sold pursuant to Dallas City Code Section 2-26.4, the sales price set forth in the ordinance applies.

Sales Price of For-Sale Housing Units Developed via the Land Transfer Program

For-sale units produced under the Land Transfer Program must be sold at the fair market value as determined by an "as-completed" or "subject to completion" appraisal completed by an independent state-licensed appraiser. However, the terms of the development agreement for

each parcel of real property purchased pursuant to the Program will include any seller-discount that must be provided to the eligible purchaser so that the amount paid by the eligible purchaser is affordable based on their income.

Rental Rates for Rental Housing Units Developed via the Land Transfer Program

Rental units produced under the Land Transfer Program must be leased at affordable rental rates in accordance with the approved development agreement and Chapter 20A of the Dallas City Code, as amended. If land is sold pursuant to Dallas City Code Section 2-26.4, the rental rates set forth in the ordinance applies.

Term of Affordability

The term of affordability for for-sale housing units is 5 years from the filing date of the deed transferring the unit from developer to homebuyer.

The term of affordability for rental units and commercial uses is 20 years from the date that the first unit is occupied by an eligible tenant.

The term of affordability for lease-purchase units will be negotiated on a case-by-case basis in accordance with the goals of this Program.

If land is sold pursuant to Dallas City Code Section 2-26.4, the term of affordability set forth in the ordinance applies.

Deed Restrictions and Right of Reverter

The City will impose restrictive covenants on all parcels of real property its sells pursuant to the Land Transfer Program. If land is sold pursuant to Dallas City Code Section 2-26.4, the deed restrictions and right of reverter requirements set forth in the ordinance applies.

The restrictive covenants will require the parcels of real property to be developed and maintained in accordance with the development agreement and all applicable city, state and federal laws. These restrictions will include that housing units developed on the parcels of real property be offered for sale, lease or lease-purchase to low- and moderate-income households and be occupied by low- and/or moderate-income households for the entire term of the affordability period.

Land acquired by a developer pursuant to the Land Transfer Program may revert to the City if the City Manager or his/her designee determines that the developer has:

- failed to take possession of the land within 90 calendar days after receiving the deed to the parcels of real property;
- failed to complete construction of all required housing units or other required development on the real property, or failed to ensure occupancy by eligible households within the development timeframe set forth in the development agreement;
- incurred a lien on the property because of violations of city ordinances and failed to fully pay off the lien within 180 days of the City's recording of the lien; or
- sold, conveyed, or transferred the land without the consent of the City.

Upon determination by the City Manager or his/her designee that a condition described above has occurred, the City Manager or his/her designee is authorized to execute an instrument, approved as to form by the City Attorney, exercising against the parcel of real property the City's possibility of reverter with right to reentry. The City Manager or his/her designee shall file notice

of the reverter and reentry of the land by the City in the real property records of the county in which the parcel of real property is located, which notice must specify the reason for the reverter and reentry. The City Manager or his/her designee shall provide a copy of the notice to the developer in person or by mailing the notice to the developer's post office address as shown on the tax rolls of the City or of the county in which the land is located.

Release of Non-Tax Liens, Release of Restrictive Covenants and Right of Reverter

Pursuant to this Program and contingent upon City Council approval, and in consideration for developer agreeing to construct affordable housing units or other approved uses on parcel(s) of real property, the City Manager or his/her designee is authorized to execute instruments, approved as to form by the City Attorney, releasing any non-tax City liens that may have been filed by the City during the City's ownership of the parcel(s) of real property.

Additionally, the City Manager or his/her designee is authorized to execute instruments, approved as to form by the City Attorney, releasing the City's possibility of reverter with right of reentry and terminating the restrictive covenants on the land upon compliance with all terms and conditions of the development agreement and this Program.

Type of Transfer

The City will transfer all City-owned parcels and resell all tax-foreclosed parcels via a deed without warranty, approved as to form by the City Attorney.

PRESERVING AFFORDABILITY

Title Clearing and Clouded Title Prevention Program

Added September 25, 2019 by Resolution No. 19-1498

The Title Clearing and Clouded Title Prevention Program (Program) is a legal and professional services program administered by a third-party entity or entities that is designed to focus on effectively and efficiently utilizing a universal representation model to assist qualified clients of the third-party entity (hereinafter referred to as "clients") to clarify the legal ownership of their real property so that homeowners can apply for funding for home repair and other needs and can prevent future heirship issues; and clients with vacant land can sell or build on their land. A secondary focus is to provide associated services, including legal rights information sessions, prevention services, and program evaluation and measurement.

While clarifying ownership (technically, creating a "marketable title") in preparation for eventual sale of a home is a potential outcome, the focus of the Program is on providing legal services that enhance neighborhood stability and enable homeowners to become eligible for funding to invest in their homes. For this reason, eligible legal services include legal rights information sessions and mitigation.

Additionally, on May 22, 2019, by City Council Resolution No. 19-0804, the City passed a resolution to promote equity and committed to make every effort possible to commit more resources to areas and populations where data demonstrates the needs are greatest. In keeping with this resolution, the Program focuses on specific geographical areas of the City where the Program is likely to jumpstart or support neighborhood stabilization, including neighborhoods with high amounts of vacancy, code violations, and historic properties.

The Program addresses the three broad goals of the comprehensive housing policy: to maintain affordable housing, to provide greater fair housing choices, and to overcome patterns of segregation and concentrations of poverty.

Administration

The Program is administered by the Department of Housing and Neighborhood Revitalization, or a successor department.

Award of Funding

A request for proposals, or a similar competitive application process, will be used to award funding under the Program when such funding is available, and any such award will be subject to City Council approval.

Eligible Clients and Prioritization of Clients

Eligible clients are families and individuals with an assumed or possible ownership interest in real estate in eligible geographic areas and who have a household income that is less than or equal to 120% of the Dallas Area Median Family Income, as published by HUD annually, and who are unrepresented by counsel related to title to real property.

Within the eligible geographic areas as further described below, preference will be given to potential clients who have an assumed ownership interest in:

- a home in MVA categories G, H, and I
- real estate in City of Dallas-designated historic districts

real estate in designated Reinvestment Areas.

Preference will also be given to those clients within the eligible geographic areas who have been denied City of Dallas Housing and Neighborhood Revitalization (the "Department") funding for lack of ownership clarity on the title.

Clients with title issues on vacant land, as well as those who are in debt to the City and/or who are involved in a suit against the City, are eligible for this Program, subject to the eligibility requirements detailed herein.

Eligible Geographic Areas

Areas of southern Dallas (south of the Trinity River west of downtown and south of I-30 east of downtown) in Market Value Analysis Categories D, E, F, G, H, and I are eligible for the Program. Uncategorized parcels directly adjacent to a parcel or parcels in one of these categories are also eligible.

Eligible Services and Costs

- Remove ownership clouds on the titles of eligible parcels Screen clients and successfully
 clarify ownership (or make title "marketable") for a significant number of titles in eligible
 geographic areas. Eligible activities include, but are not limited to, client intake and
 screening, legal advice, document preparation and filing, title examination and abstract
 services, and legal representation in court.
- Community legal rights information sessions Conduct legal rights information sessions, including providing information about potential responsibilities and associated future decisions related to having marketable title, and potential financial impacts of keeping or selling the property.
- Conduct client intake Screen clients and employ a direct representation model.
- Prevention Provide legal services to eligible clients to increase the number of families with wills, transfer on death deeds, and/or related documentation necessary to ensure a smooth transition of ownership of the property. As needed, provide guidance on the potential financial impacts to the client of keeping or selling the property.
- Measurement Maintain applicant and client data and report aggregate, non-identifying data to the Department on a quarterly and final basis as detailed in the contract. Reported data should include quantitative data such as number of informational events, legal screenings conducted, titles with ownership clouds removed, wills or transfer on death documents, cases referred, and estimates on the potential depth and scope of the instance of cloudy title. Reported data should also include a qualitative evaluation of efforts and recommendations for improved performance for a potential future program and shall include any other information requested by the City.

Ineligible Services and Costs

This program is not intended to remove any liens, and payment of liens is not an eligible expense.

Community Land Trust Program

Approved December 11, 2019

This Community Land Trust Program (Program) identifies Community Land Trust (CLT) eligibility and operation criteria under which the City Council may initially designate and revoke the redesignation of a CLT, and under which the City Manager, or their designee, may renew or recommend City Council revocation of the designation of CLTs in the City of Dallas.

A CLT in general is an organization that is created to acquire and hold land for the benefit of developing and preserving long-term affordable housing by separating the cost of land ownership from the cost of home ownership with a 99-year ground lease and home resale formula. The homeowner may build equity at a pre-negotiated maximum rate (resale formula) over the tenure of the ground lease and be eligible for a property tax reduction based on the deed restriction, assuming housing market appreciation. The resale formula is the amount a person may sell their home for at any given point. The application process will establish all applicable guidelines in accordance with those described herein. A CLT accomplishes its purposes by separating the cost of land ownership from the cost of home ownership. Specifically, a CLT retains long-term ownership of land, while either selling or leasing the residential structure built or existing on the CLT-owned land in order to create or maintain affordable housing.

The purpose of a CLT is to:

- provide affordable housing for low-income and moderate-income residents in the community;
- promote resident ownership of housing;
- keep housing affordable for future residents; and
- capture the value of public investment for long-term community benefit.

In addition to the statutory eligibility criteria, a CLT organization seeking to be designated or redesignated by the City of Dallas as a CLT must meet the Eligibility and Operation Criteria set forth is this policy.

Consistency with City's Affordable Housing Goals

The operation of CLTs shall align with the Comprehensive Housing Policy. This CLT Program is designed to work in conjunction with other City programs, and the City's existing affordable housing production goals. On an annual basis, the Department shall report to the City Council the year-to-date production data for the program.

Consistency with Fair Housing Laws

On an annual basis, the Program will be reviewed by the Office of Equity and Human Rights, or its successor department, to ensure that the Program is being operated in a manner that is consistent with fair housing laws. The City will collect and maintain data regarding the location of parcels of real property in CLTs. In addition, the City will collect program evaluation data and demographic information regarding the eligible households who occupy housing units in CLTs.

Application Process

Prior to submitting a written application, the CLT must attend a CLT information session facilitated by the Department and receive information about the Program, designation process, and redesignation process.

The City Manager, or their designee, is authorized to create and periodically update an application.

Eligibility Criteria

In its application to the City of Dallas, a non-profit CLT organization must demonstrate that the organization:

- has been created to acquire and hold land for the benefit of developing and preserving long-term affordable housing in the City of Dallas;
- is organized as one of the following:
 - (1) exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt organization under Section 501(c)(3) of that code:
 - (2) a limited partnership of which a nonprofit corporation described by paragraph (1) controls 100 percent of the general partner interest; or
 - (3) a limited liability company for which a nonprofit corporation described by Paragraph (1) serves as the only member.
- has adopted articles of incorporation, or a similar governing document, stating that it has
 the purpose to acquire and hold land for the benefit of developing and preserving longterm affordable housing in the City of Dallas, as required by Chapter 373B, as amended;
- currently owns or intends to own land for the purpose of leasing the land and selling or leasing the housing units located on the land as provided by Chapter 373B, as amended;
- has adopted articles of incorporation, or a similar governing document, stating that on discontinuance of the organization by dissolution or otherwise that the assets related to its CLT activities be transferred to the City of Dallas, the State of Texas, the United States, or an organization that is qualified as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1986 and designated as a CLT by the City of Dallas; and
- is not controlled by, nor receives direction from, a for-profit entity or corporation.

Operation Criteria

In its application to the City of Dallas, a non-profit CLT organization must demonstrate that the organization:

- defines its geographical boundaries of operation. A CLT may operate citywide or may elect to focus on a specific geographic area or areas.
- maintains at least 1/3 representation on the organization's governing board for low-income community residents and, to the extent practicable, low-income beneficiaries of the CLT properties with regard to decisions on the design, siting, development, and management of affordable housing:
- must use standard documents, including but not limited to a ground lease and deed restrictions;
 - (1) that include a resale formula outlining the amount of equity per year that can be built while ensuring long term affordability;
 - (2) that ensures that the owners of housing units built on CLT land will either be eligible for a property tax discount based on the deed restriction or, where the occupant is a tenant, that the occupant will benefit from any property tax discount;
 - (3) that have terms for sale, lease and inheritance,
- must sell or lease housing units only to eligible households as set forth in Chapter 373B.006, as amended;
- may not discriminate on the basis of source of income with tenants. This nondiscrimination provision provides housing opportunities for households with rental assistance or vouchers, as applicable;

- will consider the local neighborhood context for architecture that is respectful and within character of existing style and context, so that if a neighborhood plan exists with Design Guidelines, they will be followed by the organization;
- has a business plan that ensures the CLT will have the financial capacity to perform its
 operations including supporting ongoing maintenance of all property improvement
 exteriors and grounds;
- has at least two years of experience developing and managing affordable housing or has contracted with an organization that has such experience and that will provide management services or technical expertise until the non-profit independently meets the experience requirements;
- maintains paid staff, or has contracted with an organization that has staff, who have successfully developed and/or maintained affordable housing projects;
- annually has a financial audit or audit review prepared by an independent auditor. The
 audit must include a detailed written report describing the CLT's sources and uses of
 funds, including an A-133 analysis of compliance with federal grants, if applicable; an
 analysis of internal controls; and the auditor's opinion letter to the board of directors and
 management; and
- complies with any other requirements imposed by the City Manager, or their designee that are in accordance with the Program and the City's Comprehensive Housing Policy.

Re-Designation

To maintain designation as a CLT in subsequent years after initial designation, a CLT must submit a yearly re-designation application to the Department. The City Manager, or their designee may re-designate the CLT or recommend to the City Council to remove the CLT designation. The CLT must:

- meet the Eligibility and Operation Criteria set forth is this policy:
- certify that the information in the CLT's initial application is still true and correct and that the CLT continues to comply with all local, state and federal regulations OR acknowledge that information in the CLT's initial application has changed and attach updated information:
- submit its annual audit or audit review;
- submit all required evaluation and reporting metrics; and
- submit additional information as required by the Department.

Program Evaluation

During initial application and upon re-application, each CLT must submit the following information that will assist the Department in evaluating the impact of all CLTs operating in the City of Dallas:

- Origin statement (how was this CLT organized/formed and why)
- For re-designation add any changes to format or structure of the organization;
- Definition of "Community" in the Community Land Trust;
- If geographically based within an area, the geographic boundaries;
- Number of units placed in CLT annually since inception;
- Number of units anticipated to be placed in the CLT annually over the next three years;
- Number of families served since inception;
- AMI of families in homes on CLT-owned land at time of sale or transfer;
- Demographic data on family, household size, race/ethnicity, etc.;
- Total acreage of property in CLT designated by land use type (single family, commercial, multi family, etc.);

- Market Value Assessment (MVA) category or other document that shows market realities and how ground lease responds to market conditions; and
- List of services provided to families through CLT such as: maintenance program, legal services, financial education, emergency home repair, etc.
- Upon request, City Staff are eligible to assist in assessing fiscal impact by annually, after the certified tax roll is released, report for each owned CLT property three items: 1) the taxable value and the municipal real property tax amount due during the year the CLT purchased the property, 2) the taxable value for the land and improvements and the real property municipal tax revenue due for the current tax year, and 3) an estimate of the market value of the land and improvements but for the CLT and a corresponding estimate of the municipal real property tax that would have been due based on current appraised values of similarly situated comparable properties.

Targeted Rehabilitation Program

Approved August 26, 2020 by Resolution No. 20-1220

The Targeted Rehabilitation Program (TRP) is intended to preserve and improve residential properties that meet qualifying criteria focused on issues unique to the place, property condition, owner, or other targeted element.

The TRP is designed to be a common framework for the creation by Council of multiple TRP sub-program modules ("Sub-Program Module"). Each Sub-Program Module includes additional criteria based on funding constraints, program design or other factors deemed necessary to that module's implementation and success. In addition, all rehabilitation work on housing units through a Sub-Program Module must meet all applicable City of Dallas Building Codes and standards.

Each Sub-Program Module may address the following common framework:

- Need or targeted issue
- Outreach
- Funding source
- Eligibility requirements
- Eligible repairs
- Assistance terms
- Goals

The TRP is intended to serve all households eligible for support in the CHP. Each Sub-Program Module will identify qualifying factors based on the targeted issue. Additional factors, such as whether financial assistance is a grant or forgivable loan, affordability period terms, deed restriction and/or deed of trust requirements will vary. These additional factors are determined based on the public purpose for the Sub-Program Module and any funding requirements, community feedback, or laws or policies that govern the use of funds.

Need or Targeted Issue

Each Sub-Program Module will establish a clear statement that reflects the targeted issue or need addressed and that guides all module design, including eligibility requirements and funding sources. Sub-Program Modules will be designed to address needs left unmet by other housing programs. All Sub-Program Modules must be approved by City Council.

Outreach

The TRP focuses on specific issues residents face. Therefore, the process for new Sub-Program Module development includes robust resident outreach and community and stakeholder engagement. When applicable, housing staff should work with other departments also conducting community outreach in an area or on a particular issue. Each Sub-Program Module will require a unique method to address this component of the TRP, including focus groups, community meetings, public presentations or inter-departmental communication. Module design must respond to the needs it intends to address.

Funding Source

Funding for TRP originates from multiple sources with varying criteria and must be an integral part of module design. Each Sub-Program Module will clearly state the funding source and established City procedure for use of those funds.

Eligibility Requirements

Eligibility requirements cover both the Applicant and Property and are developed by need and funding as well as established City of Dallas procedure or policy. As a baseline, each new Sub-Program Module aims to meet the following Applicant and Property eligibility depending on applicable law and relevant City policy. Each Sub-Program Module may add criteria(s) not listed above, as needed.

Applicant Eligibility

- For homeowner-occupied-based Sub-Program Modules, Applicant must be one of the owners of the property that lives in the property as their primary residence.
 - a. All household members will need to certify income jointly.
 - b. All property owners must agree to the assistance.
 - c. If the Sub-Program Module requires deed restrictions and/or a deed of trust, the homeowner(s) must provide a deed showing the conveyance of ownership, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple. All fee-simple owners of the property must sign all grant documents.
- For Sub-Program Modules focused on property owners who lease the property, applicant must rent to income-eligible residents and agree to tenant protections established in the Sub-Program Module.
 - a. If the Sub-Program Module requires deed restrictions and/or a deed of trust, the homeowner(s) must provide a deed showing the conveyance of ownership, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple. All owners of the property must sign all grant documents.
- Applicant(s) must be a U.S. Citizen or lawful Permanent Resident, and they must hold a current Texas state-issued identification card or driver's license.
- Applicant(s) or Applicant's tenant must meet the established AMI criteria per Sub-Program Module when applying. Income may be verified using but not limited to the following:
 - a. Social security letter
 - b. Pensions
 - c. Tax returns
 - d. Bank stubs
 - e. Notarized letters from financial institution; or
 - f. Hardship letters
- Applicants must be current on mortgage payments and shall not be in default under the mortgage documents associated with the property.
- Priority shall be given to Applicants who have not previously participated in any City repair, rehabilitation, or reconstruction program.
- Applicants must be willing to voluntarily relocate at their expense, if necessary.
- Applicants for property owners who lease the property must assist their tenants with temporary relocation expenses.
- Applicants must move any items that prohibit the rehabilitation work from being performed, if necessary.
- City Council members, Department of Housing and Neighborhood Revitalization employees and any employee, official or agent of the City is subject to the requirements of the City of Dallas Code of Ethics, and further, those who exercise any policy or program decision-making function in connection with the program are ineligible for assistance under the program, even if it is not a violation of the Code of Ethics.

Property Eligibility

- Must meet the dwelling type, property owner status, location or other Sub-Program Module criteria.
- Property taxes must be current. Property taxes must not be delinquent for any tax year
 unless the Applicant has entered into a written agreement with the taxing authority
 outlining a payment plan for delinquent taxes and is abiding by the written agreement.
- Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is in a floodplain, as determined by the City of Dallas, in its sole discretion, flood insurance must also be maintained with coverage adequate to insure the City's lien position. Insurance will be monitored during the length of the compliance period, which will be until the loan is repaid or forgiven, as specified in each Sub-Program Module.
- Applicant must certify that the home is not for sale.
- Applicant for a homeowner based Sub-Program Module must have occupied the home for at least six months prior to application unless length of occupancy is modified in Sub-Program Module.
- Applicant for a lease based Sub-Program Module must have owned the home for at least six months prior to application.
- If the property was previously assisted with City funds and the property is still within the period of affordability, per the written agreement with the Applicant or the previous owner, Applicant will not be eligible to receive funding for the same property.
- Requested repairs must conform with the designated eligible improvements listed in each Sub-Program Module. The City has the authority to influence and determine in some cases what the necessary repairs will be.

Eligible Repairs

Eligible rehabilitation activities differ for each Sub-Program Module based on funding source, targeted issue, targeted need, or focus and generally includes only items necessary to bring the structure into compliance with the City's Chapter 27 Minimum Property Standards and applicable local residential codes. Eligible activity also includes items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. The rehabilitation item addressed should have a useful life of a minimum of 5 years at project completion.

Improvements to, or demolition of, an accessory structure such as detached garage, work shed, or small residential structure may be made on a case by case basis depending on the eligible repairs listed in each Sub-Program Module, available budget, grant requirements, planning requirements, current building codes, health and safety concerns, and minimum occupancy requirements of property residents.

Assistance in removing any items from the property that are dangerous, hazardous, or a violation of local code may be an eligible repair when performed in conjunction with the rehabilitation of eligible improvements on the property. Homeowner must move any material that is a hindrance to performing the approved repairs.

Assistance may not be used for the purchase or repairs of appliances or renovations not necessary to bring the home up to local code or property standards.

The details of each Sub-Program Module are found in the appendix and include a full list of eligible and ineligible repair items.

Assistance Terms

Financial assistance will be the exact amount required to cover the cost of eligible repairs up to the amount available per property and will be paid directly to the contractor to perform the repair work.

The terms of assistance for the TRP may be in the form of a loan or forgivable grant to the Applicant. The terms may require an affordability period. The loan or forgivable grant amount shall be subject to the City's established loan or grant underwriting criteria/requirements as determined by the applicable Sub-Program Module. The loan or forgivable grant shall be prorated for repayment. Each module will dictate the terms of the repayment based upon factors that may determine this, i.e. funding source.

The loan or forgivable grant may be enforced by a deed restriction and/or secured by a deed of trust. Each Sub-Program Module outlines when these legal agreements will be applied. The terms shall be defined in each Sub-Program Module based upon loan or forgivable grant amount and duration of affordability period in the instance the applicant can no longer meet the terms.

There are no grant repayments unless one of the following happen within the affordability period:

- The sale, conveyance, transfer, rental, or hypothecation of the security of the property; or
- If the home is vacated during the affordability period; or
- Failure to adhere to the provisions of the contract.

During the period of affordability, monitoring shall be performed on an annual basis. Applicant must certify annually that the home is not for sale, the property is in compliance with state, federal, and local laws, the repairs are being maintained, the property is the primary residence of the Applicant (unless it is a module that allows for rentals), and any other certifications required by the City in the contract, until the balance of the loan is repaid to the City or until the full amount of the loan is forgiven, as specified in each Sub-Program Module.

Goals

Goals for each Sub-Program Module, set at Sub-Program Module creation, will align with other sub-program requirements and may be based on funding limits and alignment with other initiatives. Goals may be reviewed yearly and amended as needed.

Administration

The TRP is designed to work in conjunction with other Housing & Neighborhood Revitalization (Housing) Programs, other City initiatives, and philanthropic efforts to permanently address these issues and preserve affordable housing. Activities under the TRP program include income eligibility referrals, application evaluation procedures, repair assessments, ongoing compliance and other duties as established in the contract, the program guidelines, and the policies and procedures.

Housing will create, and will periodically update, an application that is consistent with the TRP and the authorizing statute, as amended, to be used by Applicants who are interested in a Sub-Program Module. The City may accept applications on a rolling basis or may solicit applications through a competitive application process based on Sub-Program Module specifications. Only applications that meet or exceed the minimum criteria of the Sub-Program Module are eligible to be provided assistance.

The Director of Housing & Neighborhood Revitalization (Director) shall be responsible for ensuring that all programs are implemented in accordance with all applicable policies and regulations.

Consistency with City's Affordable Housing Goals

Sub-Program Modules shall align with the Comprehensive Housing Policy. This TRP sets forth the requirements that are designed to work in conjunction with other City programs and the City's existing affordable housing production goals. On an annual basis, the Department shall report to the City Council the year-to-date production data for the program.

Consistency with Fair Housing Laws

On an annual basis, the TRP will be reviewed by the Office of Equity and Human Rights, or its successor department, to ensure that the Program is being operated in a manner that is consistent with fair housing laws. The City will collect and maintain data regarding the location of properties that receive assistance.

NEIGHBORHOOD INVESTMENT

Neighborhood Empowerment Zones

Approved January 22, 2020 by Resolution No 20-0188

The City's Residential Neighborhood Empowerment Zone Program (Program) outlines the guidelines and criteria for tax abatements and economic development grants in amounts equal to development fees and certain development-related costs to be provided for certain housing projects to be developed within designated Neighborhood Empowerment Zones in the City. Eligible projects may include: (1) development of new affordable housing units on previously vacant land, (2) repair of certain owner-occupied housing units, and (3) repair and rehabilitation of single family and duplex rental units, all in accordance with the Program.

The Program promotes economic development by incentivizing developers to build housing for a wide variety of incomes and to develop high-quality housing near stabilization areas as defined in the City's Comprehensive Housing Policy. Existing homes in these proposed NEZ districts are affected by the negative economic impacts of deteriorating structures while also being vulnerable to new high-income development and experiencing escalating taxable values. Concern about increased taxable value can deter a property owner from investing in a property and can create affordability issues for families.

The proposed tax abatement provides needed relief for these vulnerable families while encouraging additional investment. The Program further addresses the three broad goals of the comprehensive housing policy: (1) to create and maintain affordable housing units throughout Dallas, (2) to promote greater fair housing choices and (3) to overcome patterns of segregation and concentrations of poverty through incentives and requirements.

The Program is created pursuant to the Neighborhood Empowerment Zone (NEZ) provisions in Chapter 378 of the Texas Local Government Code (Chapter 378). Chapter 378 allows cities to create NEZs to promote the creation and rehabilitation of affordable housing; an increase in economic development; and an increase of the quality of social services, education, or public safety provided to residents of the NEZ. In addition to the creation requirements in Chapter 378, proposed NEZs must meet certain distress criteria for designation of a reinvestment zone pursuant to Section 312.202 of the Tax Code, including findings that the NEZ retards the provision of housing accommodations in its present condition and use because of a substantial number of substandard, deteriorated, or deteriorating structures; and the predominance of defective or inadequate sidewalks or streets. Once the NEZ is created, the City may enter into agreements to abate municipal property taxes.

In addition, this program provides additional incentives in the form of development grants pursuant to Chapter 380 of the Texas Local Government Code equal to development fees and certain development-related costs.

Definitions

- Affordable Rent means: (i) a monthly rental housing payment, less an allowance for utilities, that does not exceed 30 percent of an eligible household's Adjusted Income divided by 12, or (ii) the voucher payment standard.
- Affordable Sales Price means the fair market value of the home, as determined by an "as-is" or "subject-to-completion" appraisal completed by an independent state-licensed appraiser. However, the terms of the development agreement for the for-sale housing unit

will include any seller discount that must be provided to the eligible household so that the amount paid by the eligible household is affordable based on their income, meaning that their monthly housing payment, including mortgage principal, interest, taxes and insurance, does not exceed 30 percent of the Family's Adjusted Income, divided by 12.

- Eligible Household means, at the time of rental or purchase, 1) for rental, a Family with a gross annual household income at or below 60% of AMFI; 2) for home ownership or purchase, a Family with a gross annual household income at or below 120% AMFI at the time of purchase; 3) for buyers of Land Bank program homes, a Family who also meets all of the homebuyer eligibility criteria for the Land Bank program; or 4) for home ownership or purchase, those in educational instruction and library occupations; healthcare practitioners and healthcare support occupations; and protective service occupations, including fire fighters and police officers, with a gross household income under 140% AMFI.
- Income means income as defined by 24 CFR §5.609.
- Reserved Dwelling Unit means the rental or owner-occupied units in a development available to be leased to and occupied by eligible households, or which are currently leased to and occupied by eligible households and are leased at affordable rental rates, or for-sale units sold to an eligible household at an affordable sales price.

All other capitalized terms in this Definitions section have the meaning assigned in Chapter 20A-24 of the Dallas City Code.

Administration

Under Resolution No. 20-0188 authorized on January 22, 2020, the City Manager is authorized to grant tax abatements to developers developing housing in accordance with the Program's tax abatement guidelines. Additionally, the City Manager may authorize development grants in amounts equal to development fees and certain development-related costs up to \$50,000. The Program is administered by the Department of Housing and Neighborhood Revitalization (Department), or a successor department.

Funding for development grants in amounts equal to development fees and certain developmentrelated costs will be provided as authorized by City Council, including the provision of funding from the Dallas Housing Trust Fund.

Application Process

The Department will create, and will periodically update, an application that is consistent with the Program and the authorizing statute, as amended, to be used by Applicants who are interested in accessing the incentives provided by this Program. The City may accept applications on a rolling basis or may solicit applications through a competitive application process. Only applications that meet or exceed the minimum criteria of the Program are eligible to be provided an incentive. Creation of these tax abatement guidelines does not create any property, contract, or other legal right in any person to be granted a specific application or request for tax abatement or grants herein.

Eligible Geographic Areas

When the City Council adopted the Comprehensive Housing Policy on May 9, 2018 by Resolution No. 18-0704, Council approved the designation of certain geographic areas in Dallas as Reinvestment Strategy Areas (RSAs) where the City would implement specific programs, tools and strategies to address three different real estate market types in need of investment.

The City Council prioritized the creation of NEZs in RSAs that were categorized as Stabilization Areas. Stabilization areas are characterized as areas with Market Value Analysis (MVA) categories G, H, and I that are surrounded by MVA categories A-E and, as such, are areas where residents are at risk of displacement based on known market conditions. Because of this risk, creating NEZs in stabilization areas helps the City preserve affordability and deconcentrate racially and ethnically concentrated areas of poverty (RECAPs).

Only lots within Council-authorized Residential Neighborhood Empowerment Zones are eligible for the Residential NEZ program.

Eligible Activities and Affordability Requirements

- (1) **Development of New Affordable Housing Units on Previously Vacant Land:** New construction of single family or duplex housing units that are sold or rented to eligible households, or new construction of multifamily dwelling units that are sold to eligible households. The Program is limited to new construction that occurs 1) on vacant lots that have not had a residential use (as defined by Sec. 51A-4.209 of the Dallas Development Code, as amended) for at least five years, 2) on lots that are subject to an order of demolition issued under Chapter 27 of the Dallas City Code at the time of application, or 3) lots purchased through the City's Land Bank or Land Transfer programs. The new home shall remain affordable for the period of abatement.
- Investment in Repairs to Owner-Occupied Housing Units: Investment of at least \$5,000 in repairs to a home owned by an eligible household. The minimum investment of at least \$5,000 must be focused first on water/weather proofing, and then on essential systems such as roofing, electrical, HVAC and plumbing.
- Investment in Repairs to Single Family and Duplex Rental Housing Units: Investment in all repairs necessary to bring a single family rental housing unit into full compliance with the Minimum Housing Standards codified in Chapter 27 of the Dallas City Code, as amended, including repairs that make the housing unit water/weather-tight. After completion of repairs, major systems such as roofing, electrical, HVAC and plumbing must have a useful life of at least 5-10 years, depending on the system. For the development grant, the home must be rented to an eligible household for a minimum of 5 years. For the abatement, the home must be occupied by an Eligible Household during the period of the abatement. Minimum investment amount: \$10,000.

Eligible Properties

- The property must be a single-family home, duplex, or owner-occupied multifamily unit located within the city limits of Dallas, Texas.
- Property taxes for the property must be current. Property taxes must not be delinquent for any tax year unless the applicant has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding by the written agreement. Legal, current deferrals for over 65 or disabled are not, on their own, disqualifying.

Eligible Applicants

An Applicant who will be developing a new housing unit or repairing an existing housing
unit must be the owner of the property and must submit a deed, or similar documentation
acceptable to the City, in its sole discretion, that proves that the Applicant owns the
property in fee simple.

- An eligible household who will be investing in repairs to his/her/their owner-occupied
 housing unit does not have to have marketable title, but must submit documentation
 acceptable to the City, in its sole discretion, that proves the eligible household has an
 ownership interest in the property.
- An Applicant who will be developing a new housing unit or repairing a rental housing unit
 must be current on mortgage payments and shall not be in default under the mortgage
 documents associated with the property or in default under any lien on the property.
- Applicants for owner-occupied homes must certify that the home is not for sale and is the primary residence of Applicant.
- City Council members, Department of Housing and Neighborhood Revitalization employees, and any employee, official, or agent of the City who exercises any policy or program decision-making function in connection with the Program are ineligible for assistance under the program.
- Applicants must execute agreements as required by the program.

Eligible Repairs

Eligible repairs for owner-occupied housing units and single-family or duplex rental housing units are listed in the appendix. Applicants must document that the repairs have been completed and paid for, and all applications are subject to City inspection to ensure completion. Applicant must submit proof, acceptable to the City, in its sole discretion, that Applicant made the minimum investment in the housing unit. Applicant must provide cut sheets and warranty information for all mechanical, electrical, and plumbing installed.

Program Benefits

- Development grants in amounts equal to eligible development fees and certain development-related costs: At the completion of construction/repairs and after compliance with all Program requirements and submission of required paperwork, including filing the restrictive covenant, Applicant will receive a grant equal to the eligible fees paid in association with the development and construction of, or repair to, housing units associated with the Program as well as certain development-related costs as detailed in the appendix and below. Developments consisting of more than one housing unit will be eligible for reimbursement of a pro rata share of the eligible development fees and development-related costs based on the percentage of units reserved for eligible households.
- Ten Year Tax Abatement: Upon the completion of construction/repairs and after compliance with all Program requirements and submission of required paperwork, including signing all tax abatement agreements and filing the restrictive covenant, the property may receive a 100% municipal tax abatement each year on the value for that year that exceeds the value for the year in which the agreement is executed for a period not to exceed 10 years. To continue to be eligible, the Applicant or Eligible Household must apply to renew the tax abatement each year during the tax abatement period and must document that the property is in compliance with the Program, as determined by the City, in its sole discretion. Tax abatements from other jurisdictions, such as Dallas County, are subject to separate action by the governing body of the relevant jurisdiction.

Affordability Period Related to Development Grants

The housing unit must be occupied by an eligible household for five years from the date the grant payment is made. Failure to maintain the affordability period will be considered default of the agreement, and an amount equal to the development agreement amount and the taxes abated during the required five-year affordability period will be due upon sale of the property.

Affordability Period Related to Property Tax Abatement

A rental housing unit must be occupied by an eligible household during each year that a tax abatement is requested. An owner-occupied housing unit may be sold subject to the home being purchased by a new eligible household.

Additional Requirements

- While participating in the Program, an Applicant who will be developing a new housing unit or repairing a single-family or duplex rental housing unit shall not discriminate against holders of housing vouchers, including vouchers directly or indirectly funded by the federal government.
- Applicants constructing new housing units to be sold to eligible households must submit
 proof that information about the availability of Housing and Urban Development-approved
 homebuyer education courses was provided to the homebuyer at the time of loan
 application.
- If an Applicant who will be repairing a single family or duplex rental housing unit is leasing to an eligible household at the time of applying for the Program, the Applicant may not evict or decline to renew the lease of the eligible household for at least one year, so long as the eligible household is in compliance with the lease. Further, the Applicant must schedule repair work to minimize disruption to the eligible household.
- Applicants shall document development fees associated with the investment and follow processes as published by the Department.
- The city will draft the required agreements and restrictive covenant. To receive the abatement, the applicant must sign the agreement and execute and file the restrictive covenant on the deed records of the county.
- The abatement requires an annual application and compliance review process and may be denied for any year in which the reserved dwelling is not occupied by a qualified household.
- The Department may impose additional eligibility and compliance criteria that are consistent with the Program and state statute.
- After the initial period of abatement, and subject to program renewal, property owners may apply for an additional period of abatement, subject to all additional investment and program requirements in place at that time.
- All grants and tax abatements are subject to full compliance with city regulations for development. In particular, unauthorized tree removal and construction initiation without required authorizations may, at the Director's discretion, trigger default proceedings.

Termination and amendments

- City Council may amend program details and NEZ boundaries or may terminate NEZ districts. Executed development agreements and tax abatements survive NEZ amendments or termination.
- Tax abatement and development agreements may be terminated two years after execution if work has not begun, as evidenced by a building permit issuance, foundation poured, or other evidence of work acceptable to the City, unless otherwise specified in the agreement.

Program Integration

The Program is designed to work in conjunction with other City programs. Applicants who obtain funding for home repairs through the Home Improvement and Preservation Program (HIPP) or receive mortgage assistance through the Dallas Homebuyer Assistance Program (DHAP) may also participate in this NEZ Program, provided that they meet all requirements of this Program,

and subject to Federal limitations. In addition, developers who receive gap financing from the City or who purchase land through a City program may participate in this Program, provided that they meet all requirements of this Program, and subject to Federal limitations. Additional program integration may also be eligible at the discretion of the Director.

Section 311.0125 of the Texas Tax Code (Chapter 311) requires that tax abatements within TIF districts be approved by the board of directors of the TIF district and the governing body of each participating taxing jurisdiction. Parcels located in a Residential NEZ and in a tax increment finance district may be eligible for a tax abatement provided 1) the board of the relevant TIF district has approved tax abatements pursuant to this Program, along with any applicable amendment to the TIF increment allocation policy, 2) the TIF district's unallocated increment has capacity to support the abatement, and 3) any other participating jurisdictions have approved such abatements. The City Council has approved such abatements as part of the creation of this Program.

FUNDING AND SUPPORTING ACTIONS

Federal Funding Sources

The City receives financial support from the U.S. Department of Housing and Urban Development (HUD) to assist low and moderate-income families in obtaining affordable housing. The City receives several Entitlement (HUD) grants, which it can use to support its housing initiatives. HUD outlines certain regulations that apply when using grant funds. This policy document uses the HUD regulations as a basis and incorporates the City's own policies as adopted by City Council.

Community Development Block Grant (CDBG)

The Community Development Block Grant has been in existence since 1974. The primary objective of the CDBG program is to improve communities by providing decent housing, providing a suitable living environment, and expanding economic opportunities. The primary beneficiary of CDBG funds must benefit low to moderate-income persons; aid in the prevention or elimination of slums or blight; or meet an urgent need.

HOME Investment Partnership Program (HOME)

The HOME Investment Partnership Program has been in existence since 1990. The goals of the HOME program are to provide decent affordable housing to lower-income households, expand the capacity of nonprofit housing providers, strengthen the ability of state and local governments to provide housing, and leverage private sector participation. HOME funds may be utilized for rental activities, homebuyer activities, and homeowner rehabilitation activities. All HOME funds must benefit persons of low and moderate income.

HOME Match Requirement

All housing development projects must meet a twenty-five (25%) HOME matching requirement of contributions made from non-federal resources and may be in the form of one or more of the following:

- Cash contributions from nonfederal sources
- Forbearance of fees
- Donated real property
- Cost, not paid with federal resources, of on-site and off-site infrastructure that the participating jurisdiction documents are directly required for HOME-assisted projects
- Proceeds from multifamily affordable housing project bond financing
- Reasonable value of donated site-preparation and construction materials, not acquired with federal resources
- Reasonable rental value of the donated use of site preparation or construction equipment
- Value of donated or voluntary labor or professional services in connection with the provision of affordable housing

Neighborhood Stabilization Program (NSP)

The Neighborhood Stabilization Program was authorized under Division B, Title III of the Housing and Economic Recovery Act of 2008 (HERA) to help communities recover from the effects of foreclosures, abandoned properties, and declining property values. The City collects program income from this source and appropriates it on an annual basis.

State and Local Funding Sources

General Obligation Bonds

General Obligation Bonds were authorized under the 2017 bond package to help with infrastructure, economic development and housing, and related expenses as authorized by law. Economic Development and Housing have been allocated approximately \$55 million for the next five years.

Tax Exempt Bond Financing (City of Dallas Housing Finance Corporation)

The City of Dallas Housing Finance Corporation (DHFC) was organized in 1984 in accordance with Chapter 394 of the Texas Local Government Code (Code). Under the Code, the purpose of the DHFC is to assist persons of low and moderate income to acquire and own decent, safe, sanitary, and affordable housing. To fulfill this purpose, the DHFC can be an issuer of tax-exempt bonds. The DHFC may issue bonds to finance, in whole or in part, the development costs of a residential development or redevelopment; the costs of purchasing or funding the making of home mortgages; and any other costs associated with the provision of decent, safe, and sanitary housing and non-housing facilities that are an integral part of or are functionally related to an affordable housing development.

Affordable Housing Partnerships: The DHFC can also partner with affordable housing developers for the production of multifamily housing. The DHFC can acquire an ownership stake in the development by becoming the General Partner (GP) of an ownership entity, right of refusal to purchase the improvements, and owning and controlling the land. DHFC is the sole member of the GP. Fifty-one percent of the units must be set aside for affordable housing. If all of the aforementioned criteria are met; then the development can benefit from a tax exemption. Additionally, the DHFC can be the General Contractor to allow for sales tax exemption on construction materials.

City of Dallas Policy for Supporting Housing Developments Seeking Housing Tax Credits

(Amended June 12, 2019)

The City of Dallas ("City") has developed the following policy to outline its approach regarding requests from developers of projects seeking Housing Tax Credits ("HTC") from the Texas Department of Housing and Community Affairs ("TDHCA") for Resolutions of No Objection (sometimes referred to as "No Objection") or Resolutions of Support (sometimes referred to as "Support") from the City.

Background on Housing Tax Credits in Texas

In 1986, Congress, through the Tax Reform Act, enacted Section 42 of the Internal Revenue Code ("Section 42"). Section 42 created Low Income Housing Tax Credits that may be awarded to owners of multi-family rental housing that meet certain income and rent restrictions and other program requirements. At the Federal level, the HTC program has very few requirements but does require that states designate an agency to administer the HTC program and develop a Qualified Allocation Plan ("QAP") outlining how HTC will be allocated and administered. For Texas, the Texas Department of Housing and Community Affairs has been designated as that agency, and the QAP is updated annually.

There are two forms of the HTC: 9% HTC and 4% HTC.

9% HTC are considered to be "competitive." The State receives a per capita allocation of HTC to award each year, and applications are scored and are awarded by TDHCA only once per year. 4% HTC, on the other hand, are "automatically" awarded to projects using eligible tax-exempt debt. As a result, 4% HTC are considered to be "non-competitive" since applications are not competitively scored and are awarded by TDHCA multiple times throughout the year.

Under the 9% HTC, a Proposer may receive points for local government support. To receive points, the application must include a Resolution of Support or No Objection from the governing body of the municipality in which the proposed development site is to be located.

Although 4% HTC applications are not competitively scored, the Proposer must obtain a Resolution of No Objection from the governing body of the municipality in which the proposed development site is to be located. This is a threshold requirement for 4% credit awards. Applications that do not include a Resolution of No Objection cannot proceed.

Overview

This HTC policy seeks support the broad goals of the Comprehensive Housing Policy to do the following:

- Create and maintain affordable housing throughout Dallas,
- Promote greater fair housing choices, and
- Overcome patterns of segregation and concentrations of poverty through incentives and requirements.

The decision to provide a Resolution of No Objection or Support must be aligned with these goals. Unlike other City programs that directly invest in specific projects or provide direct incentives, such as fee waivers or tax abatements, the resolutions are an indirect way for the City to support the proposed development. Because of the points allocation for a Resolution of No Objection or Support for 9% HTC and the threshold requirement of a Resolution of No Objection for 4% HTC,

the City's position regarding a proposed development can greatly affect whether the proposed development is awarded HTC by TDHCA.

Given the substantial need for affordable housing across the City and that TDHCA administers the process for awarding HTC, the City has an interest in broadly supporting quality and responsible HTC proposals across the City. As such, the City will be supportive of maximizing production using HTC.

Definitions:

- Affordability Period has the same meaning as the term is defined in the Qualified Allocation Plan, as amended.
- **Development** has the same meaning as the term is defined in the Qualified Allocation Plan, as amended.
- **Development Site** has the same meaning as the term is defined in the Qualified Allocation Plan, as amended.
- **Historically Underutilized Business** has the same meaning as the term is defined in the Qualified Allocation Plan, as amended.
- **Market Analysis** has the same meaning as the term is defined in the Qualified Allocation Plan, as amended.
- Market Rate Housing Units means units for which the rent may by adjusted by the Owner, as defined in the Qualified Allocation Plan, as amended, subject only to the terms of the lease. Housing units are not considered Market Rate Housing Units if the rent that may be charged and/or the tenant(s) who may occupy the units are limited by a: (1) a Land Use Restrictive Agreement (LURA) or other restrictive covenants, or (2) any other contractual agreement.
- Plan and Cost Review means an analysis, usually conducted by a third-party consultant
 on behalf of a lender prior to approval of a construction loan or of construction-related
 information and documents that is intended to evaluate whether costs are appropriate, the
 construction plan is well-designed and there are appropriate allowances for contingencies.
- **Proposer** means the Proposer, Developer, Development Owner, Development Team, and Owner as those terms are defined in the Qualified Allocation Plan, as amended.
- Qualified Non-Profit Organization has the same meaning as the term is defined in the Qualified Allocation Plan, as amended.
- Registered Neighborhood Organizations means an organization that has registered with and provided its boundaries to the City of Dallas Department of Planning and Urban Design.

Calendar

Proposers may submit a proposal in response to this policy regarding HTC at any time during the year. However, City staff will only review applications and schedule proposals for City Council consideration four times per year. This calendar will be updated and published annually to align with the TDHCA timeline by the City Manager or his/her designee.

Review & Recommendation Process

- City staff will review all applications. For both 4% and 9% HTC applications, City staff will recommend a Resolution of No Objection to City Council if City staff has determined, in its sole discretion, that the threshold requirements, as outlined below, have been met.
- For 9% HTC applications that have met the threshold requirements, as outlined below, and address Priority Housing Needs Developments, as described below, City staff may designate these applications as "Priority Housing Needs Developments" and will

- recommend a Resolution of Support and a \$500.00 funding commitment to City Council if City staff has determined, in its sole discretion, that the threshold requirements and Priority Housing Needs Developments criteria have been met.
- For 9% HTC applications that have met the threshold requirements, as outlined below, and obtain a minimum score of 50 points under the Scoring Factors for Other 9% HTC Applications section, and do not qualify as a "Priority Housing Needs Development", City staff will recommend a Resolution of Support and a \$500.00 funding commitment to City Council if City staff determines, in its sole discretion, that the threshold requirements have been met and that the application has scored at least 50 points.

4% and 9% HTC Applications Threshold Requirements

Applicable to All Applications

- Submission of a complete application to the City;
- The Proposer must have site control (e.g. purchase option);
- If not currently zoned for the intended use, the Proposer must have completed a formal consultation with City Planning staff outlining the process and requirements for rezoning the site:
- The Development must meet TDHCA minimum site and development requirements. If undesirable site features exist, the Proposer must submit a mitigation plan that sufficiently mitigates undesirable site features and supports site eligibility pursuant to TDHCA standards:
- The Development must meet TDHCA underwriting standards;
- The Development must contribute to the City's obligations to affirmatively further fair housing;
- The Proposer must notify existing tenants living at the Development Site at least 45 days prior to submitting the proposal;
- For any Development that is occupied by existing tenants that is not otherwise subject to the Uniform Relocation Act (URA), the development proposal must include a Cityapproved relocation plan that:
 - (1) Minimizes permanent displacement from the Development. In the event of permanent displacement, Proposers will be required to provide compensation to affected tenants that is otherwise in alignment with URA requirements:
 - (2) Must provide reasonable notice to affected tenants prior to any temporary relocation and covers all reasonable out of pocket costs incurred by tenants as a result of moving from one unit to another within the Development or temporarily vacating their units to allow rehabilitation work to proceed; and
 - (3) Proposer must meet all applicable state, federal, or local laws relating to displacement of tenants.
- For any Development involving rehabilitation or adaptive reuse (i.e. conversion of space originally designed and built for other than residential purposes), the Proposer must submit a Plan and Cost Review for the Development including all supporting documentation that formed the basis of the review;
- For any Development located in a census tract with a poverty rate of 40% or higher, the Development must achieve a minimum score under Resident Services element of the scoring factors below of:
 - (1) 17 points for elderly developments;
 - (2) 23 points for family developments; or
 - (3) 22 points for permanent supportive housing developments; and
- The Proposer must be eligible pursuant to TDHCA standards and City standards:

(1) A proposer is not eligible for any resolution if the Proposer i) is in debt to the City or delinquent in any payment owed to the City, in accordance with Dallas City Code Section 2-36, as amended; ii) is currently in litigation with the City, either as a defendant or plaintiff; or iii) within the last 10 years has been found liable of violating Chapter 20A (Fair Housing) or Chapter 46 (Human Rights and Sexual Orientation) of the Dallas City Code.

Developments Involving Rehabilitation of Existing Housing

- The proposed scope of work must be informed by a capital needs assessment (CNA), prepared by a qualified third-party professional that is independent from the Development's architect or engineer, builder/general contractor, or other member of the Development Team. The City will review the CNA and conduct a site visit. The CNA must demonstrate to the City's satisfaction that the initial scope of work is sufficient to address all City code violations (whether formally cited or not). Further, the scope of work, combined with planned replacement reserve funding, must be determined sufficient to address all projected repairs or replacements of the following items through the entire term of the Development's affordability period:
 - (1) All major systems including roof, foundation, electrical, HVAC, and plumbing;
 - (2) Interior and exterior windows and doors;
 - (3) The interiors of all units including the kitchen and bathroom and all major appliances;
 - (4) The exterior of the development, including balconies, walkways, railings, and stairs;
 - (5) Communal facilities such as community rooms, fitness centers, business centers, etc.; and
 - (6) Security features including gates and security cameras.
 - (7) Accessibility

Priority Housing Needs Developments (applicable to only 9% HTC Applications)

A 9% HTC application that meets any of the following criteria may be designated by City staff as a "Priority Housing Needs Development" and recommended for a Resolution of Support and \$500.00 funding commitment to City Council, if City staff has determined, in its sole discretion, that the threshold requirements and Priority Housing Needs Developments criteria have been met:

- The development proposal has been selected within the past three years to receive City funding (including federal funds such as HOME, CDBG, etc. or local funding such as General Obligation Bond funding) under a competitive application process administered by the Department of Housing and Neighborhood Revitalization and otherwise remains in compliance with all funding requirements;
- The proposal includes participation by the Dallas Housing Finance Corporation or City of Dallas Public Facilities Corporation applicable to housing (if created). Such participation must include ownership of the underlying development site by the entity and/or stake in the ownership structure of the development;
- The proposal involves the redevelopment of public housing owned by the Dallas Housing Authority under the Choice Neighborhoods, Rental Assistance Demonstration, HOPE VI, or other similar HUD programs that may be created;
- The development proposal is located in a census tract with a poverty rate below 20%;
- The development proposal is within any area designated as a Redevelopment Reinvestment Strategy Area (RSA) or a Stabilization RSA in this Comprehensive Housing Policy; or

• Developments with at least 50 units for which the Owner must enter into an MOU with the lead entity of the Continuum of Care by which the project will prioritize at least 20% of units for tenants referred from the Continuum of Care Housing Priority List.

Scoring Factors for Other 9% HTC Applications

For 9% HTC Applications that do not qualify as a Priority Housing Needs Development, the application must achieve a minimum score of 50 within this section, **Scoring Factors for Other 9% HTC Applications**, to be recommended by City staff for a Resolution of Support and \$500.00 funding commitment to City Council, if City staff has determined, in its sole discretion, that the threshold requirements have been met and the application scores a minimum of 50 points under this section.

Mixed-Income Projects (Maximum of 20 points)

Proposals including market rate units (i.e. those without income/rent restrictions) as follows:

Percentage of Market-Rate Units	Points
At least 5% but less than 10% market rate units	5
At least 10% but less than 15% market rate units	10
At least 15% but less than 20% market rate units	15
At least 20% market rate units	20

Qualified Nonprofit or Historically Underutilized Business on Development Team (5 points)

To receive these points, the development team must include a Qualified Nonprofit Organization or Historically Underutilized Business ("HUB") that has a controlling interest in the development. If ownership is a limited partnership, the Qualified Nonprofit Organization/HUB must be the Managing General Partner with greater than 50% ownership in the General Partner. If ownership is a limited liability company, the Qualified Nonprofit Organization/HUB must be the controlling Managing Member with greater than 50% ownership in the Managing member. Additionally, the Qualified Nonprofit Organization/HUB or its affiliate or subsidiary must be the developer or a codeveloper of the Development.

Proximity of Amenities to Development Site (Maximum of 25 points)

The following matrix shall be used in scoring the Development under this category:

Amenity	1/4 mile or less	>1/4 mile and < 1/2 Mile	1/2 mile and up to 1 mile
High Frequency Transit	5	3	1
Public Park	5	3	1
Full Scale Grocery Store	5	3	1
Community/Senior Center or Library	5	3	1
Licensed Day Care	5	3	1
Amenity	1/2 mile or less	>1/2 mile and < 1 mile	1 mile and up to 2 miles
Qualifying Medical Clinic or Hospital	5	2	1
Amenity	20 minutes or less	>20 min. and < 40 min.	More than 40 min.
Transit time to Major Employment Center	5	2	0

Resident Services (Maximum of 25 points)

Note: The list of potential resident services is derived from, but not identical to, the QAP, as amended. The services outlined in the table below are shorthand descriptions, but the City will use the same definitions and requirements for each service as outlined in the QAP, as amended. For purposes of this section, however, the City will use its own scoring criteria to award points. In some cases, the points available may vary from those awarded under the QAP, as amended. Additionally, the total points available are not capped in the City's scoring rubric in the same manner as they are for the QAP, as amended. City Manager or designee may amend the service descriptions categories and point allocations on an annual basis based on the annually updated QAP. The maximum points allocated to Resident Services will remain the same (25 points).

Transportation Services		
Min. 3x/week shuttle to grocery/pharmacy or big-box retail; OR daily shuttle during school year to nearby schools not served by school bus system	(A)(i)	3.5
Monthly transportation to community/social events	(A)(ii)	1
Children Services	. , , ,	-
High quality PreK program with dedicated space on-site	(B)(i)	4
Min. 12 hours/week organized on-site K-12 programming (e.g. tutoring, after school and summer care, etc.)	(B)(ii)	3.5
Adult Services		
Min. 4 hours/week organized onsite classes for adults (e.g. GED, ESL, financial literacy, etc.)	(C)(i)	3.5
Annual income tax preparation	(C)(ii)	1
Contracted career training and placement partnerships with local employers	(C)(iii)	2
Weekly substance abuse meetings at project site	(C)(iv)	1
Health Services		
Food pantry accessible to residents (on site or via on-request transportation)	(D)(i)	2
Annual health fair	(D)(ii)	1
Weekly exercise classes	(D)(iii)	2
Contracted on-site occupational or physical therapy for elderly or disabled tenants	(D)(iv)	2
Community Services		
Partnership with local law enforcement to provide quarterly activities with tenants	(E)(i)	2
Notary services for tenants	(E)(ii)	1
Min 2x/month arts, crafts, or other recreational activities (e.g. book club)	(E)(iii)	1
Min 2x/month on-site social events (e.g. potlucks, holiday celebrations, etc.)	(E)(iv)	1
Case management for elderly, disabled, or special needs tenants	(E)(v)	3
Weekly home chore and quarterly preventative maintenance for elderly or disabled tenants	(E)(vi)	2
Social Security Act Title IV-A programming	(E)(vii)	1
Part-time resident services coordinator (min. 15 hours/week) or contract for same through local provider	(E)(viii)	2
Education/tuition savings match or scholarship program for residents	(E)(ix)	2

Community Housing Development Organizations (CHDOs)

A CHDO is defined under 24 Code of Federal Regulations (CFR) Part 92.2 as a nonprofit organization (501©3 or 4) organized under state law; has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; is neither controlled by nor under the direction of individuals seeking to derive profit or gain from the organization. While a CHDO may be sponsored or created by a for-profit entity whose primary purpose is **not** the development or management of housing, such as a builder, developer or real estate management firm, the for-profit entity may not have the right to appoint more than one-third of the membership of the organization's governing body and the board members appointed by the for-profit entity may not appoint the remaining board members. A CHDO does not include a public body although a locally chartered organization may qualify under certain conditions.

The CHDO must be free to contract for goods and services from vendors of its own choosing. The CHDO must comply with certain financial accountability standards as described in the 24 CFR 84.21 Standards for Financial Management Systems. Among the primary purposes of the CHDO's organization, as outlined in their organizational charter, articles of incorporation, resolutions or bylaws must be the provision of decent housing that is affordable to low-to-moderate income persons. A CHDO must remain accountable to the low-income community residents by: 1) maintaining at least one-third of its governing board's membership for residents of low-income neighborhoods, other low-income community residents, or elected representative of a low-income neighborhood organization; 2) providing a formal process for low-income program beneficiaries to advise the organization in its decisions regarding the design, site selection, development and management of affordable housing.

A service area in urban areas such as Dallas, "community" may be defined as a neighborhood, or neighborhoods, city, county or metropolitan area. Additionally, CHDOs are subject to the affirmatively furthering fair housing rules which state that housing should not be located in areas of minority concentration or with high poverty rates. Historically, Dallas CHDOs have elected to work in areas where disinvestment has occurred, and where high concentrations of poverty exist. CHDOs should grow and develop the capacity to partner with for-profit developers to produce market rate housing in areas of disinvestment. Furthermore, CHDOs should work in areas with low poverty rates, have access to a quality education, transportation, and jobs. These high opportunity areas lack quality affordable housing options.

A CHDO must demonstrate the capacity to carry out the activities assisted with HOME Investment Partnership Program (HOME) funds within **12 months** of the project commitment. CHDO's may satisfy the HOME requirement by hiring experienced key staff members who have successfully completed similar projects or a consultant with the same type of qualified experience and a plan to train appropriate key staff member of the organizations. CHDO's must demonstrate a minimum of one-year experience in serving the community in which the assisted housing will be located before funds can be reserved for the organization. This requirement can be satisfied by a parent organization in some cases if a CHDO is formed by a group of local churches or local service organizations. CHDOs must be certified by the City of Dallas to be awarded CHDO set-aside funds for the development of housing and operating assistance.

Set Aside

HUD requires that 15% of the HOME allocation each year be made available to Community Housing Development Organizations (CHDOs) for the development of affordable homebuyer or rental housing.

Operating

In addition, the City can allocate up to 5% of the HOME allocation each year operating expenses for CHDOs. These funds provide operating funds to Community Housing Development Organizations based on financial need and the expectation that the organization is utilizing or will utilize the City's HOME CHDO set aside funding within 24 months of the award.

HOME funding provided for CHDO operating expenses may not exceed \$50,000 or 50% of the organization's total annual operating expenses for that fiscal year, whichever is greater. CHDO operating expense funds may not supplant CHDO set-aside funds for project costs.

Certification

To be eligible to receive HOME CHDO set-aside funding and Operating Assistance Grants, a CHDO must be certified by the City of Dallas. CHDO certification must be done prior to the commitment of funds for a set-aside development, and there cannot be a general CHDO certification. The City can work in advance to determine if a CHDO will likely meet the requirements for certification prior to funding considerations. A CHDO must continue to be certified throughout the development of a project and during the affordability period. the City has developed the "Community Housing Development Organization (CHDO) Policy, Procedure, and Standards" document to outline the process and requirements for CHDO certification. This can be found in Appendix 5.

Strategies, Tools, and Programs that Will Require Additional Action

Housing Trust Fund

The City has established a Dallas Housing Trust Fund (DHTF) that allows monies to be used to make loans or grants to support the production goals of the Housing Policy. On December 12, 2018, Council approved a one-time transfer of \$7 million in unencumbered fund balances from high-performing tax increment financing districts (TIFs), as well as \$7 million from Dallas Water Utility funding set aside to support development. On January 22, 2020, Council approved \$1 million to be used to support residential investment in neighborhood empowerment zones.

Staff will further research potential dedicated revenue sources and additional uses for the DHTF to ensure that the fund supports the broad goals of the CHP.

Tax Increment Financing

Creation of a non-contiguous Tax Increment Finance District for areas not already located in an existing TIF District will leverage TIF on projects that propose to meet the unit production goals with affordability requirements.

Sublease Program

Furthermore, staff will pursue council approval to create a Sublease Program which incentives a landlord/developer to facilitate the rental of units to voucher holders. This program is administered through the Dallas Housing Finance Corporation.

APPENDICES

APPENDIX 1

Housing Policy Task Force Structure and Leadership

Focus areas

Each focus area should be led by an expert or two in the field and supported by a member of staff from the Housing & Neighborhood Revitalization Department. The focus area should include input from a broad range of key stakeholders who are representatives from private and public sector entities whose activities have significant impact on the creation and preservation of affordable housing and City departments. Each representative should have enough experience and responsibility within the relevant organization to fully contribute to the committee.

Multifamily development

- External facilitator: real estate and/or finance expert in multifamily housing
- At least one key stakeholder from each of the following groups: Sustainable Development and Construction staff, Department of Housing and Neighborhood Revitalization staff, Planning & Urban Design staff, associations of builders and contractors, organizations of real estate professionals, and at least one developer and/or builder.

Single family and ownership development

- o External facilitator: real estate and/or finance expert in owner-occupied housing
- At least one key stakeholder from each of the following groups: Sustainable Development and Construction staff, Office of Economic Development staff, Department of Housing and Neighborhood Revitalization staff, Planning & Urban Design staff, associations of builders and contractors, organizations of real estate professionals, associations of Realtors/Realtists, at least one developer and/or builder, and one Community Housing Development Organization executive.

Affordability preservation

- External facilitator: housing advocate
- At least one key stakeholder from each of the following groups: the Office of Fair Housing and Human Rights staff, the Office of Welcoming Communities and Immigrant Affairs staff, the Office of Equity staff, the Office of Community Care staff, the Department of Code Compliance Services staff, the Office of Homeless Solutions staff, Dallas Housing Authority staff, associations of Realtors/Realtists, and at least two community leaders/advocates as recommended by the director of the Department of Housing and Neighborhood Revitalization.

Neighborhood investment

- External facilitator: community development professional
- At least one key stakeholder from each of the following groups: Department of Housing and Neighborhood Revitalization staff, Department of Public Works staff, Dallas Water Utilities staff, Park and Recreation Department staff, representatives from at least one utility service provider, Texas Department of Transportation staff, Dallas Area Rapid Transit staff, real estate and civil engineering professionals, community planners, a certified Community Housing Development Organization, and at least one developer and/or builder.

Support and funding

- External facilitators: one philanthropist and one capital markets/banking expert
- At least one key stakeholder from each of the following groups: Housing and Neighborhood Revitalization staff, Office of Economic Development staff, Office of Strategic Partnerships and Government Affairs staff, Dallas Housing Finance Corporation, Community Development Commission, Dallas Development Fund, Community Reinvestment Act lenders, associations of Realtors/Realtists, Community Development Finance Institution representative, Dallas Housing Authority, at least one philanthropic organization, several certified Community Housing Development Organizations, and legal aid groups.

Communication and meetings

In order to encourage committee participation from a broad and diverse segment of the public, staff from the Department of Housing & Neighborhood Revitalization and task force facilitators engage in the following marketing efforts:

- staff will post a calendar of scheduled meetings and meeting agendas at http://www.dallashousingpolicy.com
- staff will schedule meetings at facilities that offer free parking and accessible meeting space
- staff will send out meeting notices and informational updates to a large list of individuals
 who have asked to be notified of housing task force meetings and other housing-related
 news
- the chairpersons of each committee will conduct outreach within their broad networks.

Meetings will be held as needed and the housing policy task force will report to the city council committee designated by the city manager.

This task force will be successful when it has stakeholder engagement that creates programs, strategies, and tools that catalyze equitable development, preserve affordability, and grow community investment.

The task force will:

- continue to increase the number of people who attend meetings
- broaden the variety and diversity of voices, organizations, and community members heard
- listen to stakeholders, elevate ideas, and communicate back to City leadership unmet needs as well as program, strategy, and tool ideas for improvement
- develop programs, strategies, and tools that respond to community needs and concerns on the ground, policies as listed in CHP, and future program ideas that come to light.

Modifications

The City Manager may modify Housing Policy Task Force structure and leadership focus areas, communication and meetings provisions in this Appendix 1 to increase its effectiveness and will notify by memorandum the City Council, the Housing Policy Task Force steering committee, and the city secretary of any changes.

APPENDIX 2

Single Family Development Requirements/Underwriting

A. Eligible Developer Applicants

The City of Dallas will fund developers of affordable single-family homebuyer units, including for-profit developers, non-profit developers, and City of Dallas-designated CHDOs, with City of Dallas HOME single-family development program funds. Developers must demonstrate the capacity and previous experience developing projects of the type presented in their proposals. Prior to committing funds, the City of Dallas will review the status of any organization seeking funds from the CHDO set-aside to ensure that it meets all HOME requirements and that it has sufficient staff and financial capacity to carry out the project.

Project Location

Projects must be located within the city limits of Dallas.

Project Types

Funds will be provided for new construction projects. In general, the City of Dallas will require that all homes constructed have a minimum square footage of 1,200 square ft, at least 3 bedrooms, and at least 1.5 bathrooms. RFPs issued by the City of Dallas may further specify or provide priority for eligible project types.

Parameters of HOME Investment

Applications must include an investment of \$1,000 in HOME funds per HOME unit. In no case will the City of Dallas investment exceed the maximum HOME investment allowed under 24 CFR 92.250.

Additionally, for projects involving both City of Dallas other HOME funds, the combined HOME funding investment shall not exceed the total maximum HOME investment allowed under 24 CFR 92.250.

Typically, the City of Dallas will also establish a maximum cap on its investment in a single home. Such a limit will be based on the availability of funding and other City of Dallas priorities and will be addressed in any NOFA or Request for Applications (RFA) process issued by the City of Dallas.

B. Eligible Costs

Costs funded with the City of Dallas HOME funds must be eligible according to HOME Final Rule 24 CFR 92.206. The following additional limitations also apply:

- HOME funds shall not be used for luxury improvements according to 24 CFR 92.205.
- Acquisition costs shall be supported by an independent appraisal of the property.
 Acquisition costs exceeding the appraised value of the property will be ineligible for HOME funding reimbursement.
- HOME funds shall not be used for non-residential accessory structures such as freestanding garages, carports, or storage structures. Applicants must delineate project costs in a manner that allows free-standing structures to be clearly paid for using other project funds.

City of Dallas Eligible Project Soft Costs

The HOME program allows the City of Dallas to include, as project costs, its internal soft costs specifically attributable to a HOME project. These may include consulting, legal, inspection, and staff costs associated with reviewing, processing, and overseeing the award of funds to the project. Projects must provide budget allowances for "City of Dallas-Lender Due Diligence & Legal Costs" in the project's sources and uses.

Cost Reasonableness

Per the requirements of 92.250(b) and 2 CFR 200 Subpart E (formerly known as OMB Circular A-87), all project costs must be reasonable, whether paid directly with HOME funds or not. The City of Dallas will review project costs, including hard and soft costs, to evaluate their reasonableness and may, at its option, require applicants to obtain additional quotes, bids, or estimates of costs.

Identity of Interest

Developers must disclose any identity of interest situations that may occur when contracting with related companies during either the development or ongoing operation of the project. City of Dallas staff must be allowed the opportunity to conduct a cost analysis to determine costs reasonableness. Applications may be determined ineligible if access is not granted or costs are determined to be unreasonable.

C. Property Standards

To meet both HOME regulations and City of Dallas goals, all HOME-funded projects must meet certain physical standards intended to provide quality affordable housing that is durable and energy efficient.

Construction must meet all local codes. The City of Dallas regularly adopts and enforces various codes from the International Code Council, as amended. Applicants are responsible for maintaining familiarity with the City's adopted building codes available here:

https://dallascityhall.com/departments/sustainabledevelopment/buildinginspection/Pages/construction_codes.aspx

All HOME projects must meet applicable Section 504/UFAS requirements. Pursuant to 24 CFR 8.29, single-family housing developed with Federal funds must be made accessible upon the request of the prospective buyer if the nature of the prospective occupant's disability so requires. Developers must ensure that projects are designed in a way that can accommodate such a request. Should a prospective buyer request a modification to make a unit accessible, Developer must work with the homebuyer to provide the specific features that meet the need(s) of the prospective homebuyer or occupant. If the design features that are needed for the buyer are design features that are covered in UFAS, those features must comply with the UFAS standard. Developers shall be permitted to depart from the standard in order to have the homebuyer/occupant's needs met.

Site shall be served by public sewer, public water, and public road. Sites should have ready access to recreational opportunities such as parks, playgrounds, etc., nearby shopping and services including transportation, grocery, banking, and medical facilities, and otherwise be located in neighborhoods that provide amenities that support residential development. The City of Dallas also generally prefers that sites have safe, walkable connections—including sidewalks—to the surrounding neighborhood.

Site shall be in a designated Fire District or served by a Fire Department.

Units must be equipped with the following appliances: Refrigerator, range/oven, dishwasher, and garbage disposal. Developers may also propose to include in-unit clothes washers and dryers, microwave/vent fan combination units, as appropriate. If the Energy Star program rates the type of appliances being installed, the developer must furnish the units with Energy Star rated appliances. Note however that not all appliances are rated by the Energy Star program.

D. Sales Price

The sales/purchase prices for homes developed under this program cannot exceed the HOME Homeownership Value Limits published by HUD in effect at the time of project commitment. The City of Dallas will identify the applicable limits in any NOFA or Request for Applications (RFA) process issued.

Units produced under the City of Dallas' single-family development program must be sold at the fair market value as determined by an "as-completed" or "subject to completion" appraisal completed by an independent state licensed appraiser. Developers shall submit such an appraisal prior to project commitment, and the City of Dallas may require an updated appraisal prior to construction completion if the appraisal is more than 9 months old at that point. Any reductions in list or sales price below the City of Dallas-approved appraised value must be approved in writing by the City of Dallas and will generally require updated market information.

E. Eligible Homebuyers

Homebuyers for units produced under the City of Dallas single-family development program must meet the income eligibility guidelines associated with the funding for the development.

F. Environmental Review Requirements

Federally-assisted projects are subject to a variety of environmental requirements. Developers should be familiar with these requirements and are strongly encouraged to discuss any questions they have with City of Dallas staff prior to entering into a purchase agreement or submitting an application.

All projects shall be implemented in accordance with environmental review regulations as defined 24 CFR Part 58.

The City of Dallas shall be responsible for conducting the environmental review and completing all necessary public notifications, and the request for release of funds (RROF) from HUD. The applicant is responsible for cooperating with the City of Dallas in the environmental review process and providing information necessary for the City of Dallas to fulfill its responsibilities under Part 58 and other applicable regulations.

Submitting an application for HOME funds triggers environmental review requirements under 24 CFR 58, including the National Environmental Policy Act (NEPA). Once an application for federal funds is submitted, a development proposal is now subject to the environmental review requirements and requires an environmental clearance and issuance of a Release of Funds (ROF) by the US Department of Housing and Urban Development.

Developers are prohibited from undertaking or committing or expending any funds to (including non-federal funds) any physical or choice-limiting actions on the site prior to an environmental clearance as required by Part 58. Physical and choice limiting actions include, but are not limited to, property acquisition, demolition, movement, rehabilitation, conversion, repair or construction.

This prohibition applies regardless of whether federal or non-federal funds are used, and taking a choice limiting action prior to completion of the required environmental clearance process will result in the denial of any HOME funds from the City of Dallas.

G. Other Federal Requirements

Nondiscrimination and Equal Opportunity

The following federal nondiscrimination and equal opportunity guidelines apply to all projects and affect both development and sales of assisted housing:

- The Fair Housing Act (42 U.S.C. 3601-19) and implementing regulations at 24 CFR part 100 et seq.;
- Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652 and 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107;
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d- 2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1;
- The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146;
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at part 8 of this title;
- Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.; 24 CFR part 8;
 Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135;
- Executive Order 11246, as amended by Executive Orders 11375, [[Page 41]] 11478, 12086, and 12107 (3 CFR, 1964-1965 Comp., p. 339; 3 CFR, 1966-1970 Comp., p. 684; 3 CFR, 1966-1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively) (Equal Employment Opportunity Programs) and implementing regulations at 41 CFR chapter 60;
- Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971- 1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development); and
- Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise). The nondiscrimination provisions of Section 282 of the National Affordable Housing Act of 1982.

Uniform Relocation Act (URA)

All projects fall under requirements of the URA. Any project resulting in permanent relocation/displacement of households will not be funded by the City of Dallas. Applicants must further document that any purchase of property meets the requirements of URA, including provision of notices to the seller identifying the transaction as a voluntary sale not under the threat of eminent domain. To ensure compliance with URA, applicants should consult the City of Dallas to understand the requirements of URA and reference the URA forms included in the RFP prior to submitting an application involving an occupied property.

Davis Bacon

Davis Bacon federal prevailing wage requirements shall apply to all projects with 12 or more units assisted with HOME funds.

Excluded Parties

The City of Dallas will not fund projects owned, developed, or otherwise sponsored by any individual, corporation, or other entity that is suspended, debarred, or otherwise precluded from receiving federal awards. Nor may the developer contract with any other entity (including but not limited to builders/general contractors, property management companies, or other members of the development team) that are suspended, debarred, or otherwise so precluded. Similarly, the general contractor will be required to determine that subcontractors are not so precluded.

H. Ongoing Project Requirements

Deadlines

Construction Start- If construction is not started within 12 months of the date the City of Dallas commits funds to a project, the commitment will be subject to cancellation. If the project is cancelled as a result of failure to meet this deadline, the Developer must repay to the City of Dallas any HOME funds disbursed for the project.

Completion Deadline- Project completion occurs when construction is complete, all HOME funds have been disbursed by the City of Dallas and drawn from the US Treasury, title to the property has transferred to an eligible buyer, and required completion data has been entered in HUD's IDIS system. Project completion must occur within 2 years of the date of commitment of funds to the project. If the Developer fails to meet this 2-year deadline, it must repay to the City of Dallas any HOME funds disbursed for the project.

Sales Deadline- Pursuant to 24 CFR 92.254(a)(3), Developers must have a ratified sales contract with an eligible buyer for each HOME-funded unit within nine (9) months of completion of construction or the unsold units must be converted to rental housing or the project will be deemed ineligible and all HOME funds drawn must be repaid to HUD.

If a unit is unsold after six (6) months, the Developer must present an updated sales and marketing plan to the City of Dallas outlining steps being taken to identify buyers. At the City of Dallas option, the Developer may be required to i) take further steps--such as listing the home with a licensed realtor, adjusting the sales price, etc.—as the City of Dallas may require to facilitate the sale of the home or ii) to transfer title to the City of Dallas or to another entity selected by the City of Dallas that can otherwise identify buyers prior to the regulatory deadline.

At the City of Dallas option, if a unit remains unsold after nine (9) months, the developer shall be required i) to repay the entire HOME investment, including any City of Dallas project soft costs; ii) to convert the project to rental housing in accordance with 24 CFR 92.252; or iii) to transfer title to the City of Dallas or to another entity selected by the City of Dallas for conversion to rental housing.

Units converted to rental housing must be rented to eligible tenants in accordance with 24 CFR 92.252, which includes tenant income eligibility and rent limit requirements. Further, any units converted to rental properties shall be operated in compliance with the City of Dallas Rental Housing Program guidelines.

Reporting and Record Keeping

To allow effective oversight of funded projects and document compliance with applicable HOME requirements, all projects must submit periodic reports to the City of Dallas. While this section outlines standard reporting requirements, the City of Dallas reserves the right to require additional

reporting or to alter the reporting format or frequency based on future changes to HOME requirements or City of Dallas policy. Additionally, the City of Dallas reserves the right to require additional or more frequent reporting for projects with compliance deficiencies.

- Developers are required to report monthly during the development phase and sales phase.
 During the construction phase, developers must provide monthly reports detailing construction progress and barriers to progress, copies of invoices being paid, and evidence of appropriate lien waivers.
- During the sales phase, developers are required to provide monthly reports detailing the number of additional sales, total sales, and marketing activity. These reports are required until all units are sold.
- The City of Dallas may require more frequent reporting due to findings identified during the development and sales phases.
- At the City of Dallas option, Developers may be required to obtain and submit an audit of project costs (i.e. cost certification) prepared by an independent Certified Public Account.
- Developers shall allow City of Dallas, HUD, State of Texas, the Comptroller General of the United States (aka the GAO), and all other pertinent Federal or State agencies or their designated representative the right to inspect records and property. Conflict of Interest

To comply with HOME requirements and to maintain a high standard of accountability to the public, conflicts of interest and perceived conflicts of interest must be avoided. Developers shall maintain compliance with all HUD conflict of interest provisions as stated in 92.356(f).

Developers with officers, employees, family members, consultants, or agents that are otherwise eligible to purchase HOME-funded units must receive waiver/approval from City of Dallas staff before entering into a sales agreement with HOME eligible employees. 92.356(f) provisions apply to all HOME projects.

I. Structure of Transaction

Loan Types and Terms

The City of Dallas will provide HOME funds in the form of a loan to the entity that owns the property. No grants will be awarded, and Funding commitments are not transferable without prior written City of Dallas approval.

The City of Dallas HOME Loan may be used for acquisition and construction financing. Proceeds of the HOME loan will only be released following satisfaction of all requirements outlined below.

In all cases, The HOME loan will:

- Have a maximum term of 2 years;
- Be repayable in full upon sale, refinancing, or transfer of the property or upon maturity, except that repayment will be limited to the net proceeds of a City of Dallas-approved sale to a low-income buyer. Net sales proceeds will exclude any portion of the sale proceeds used to repay senior construction debt, return of City of Dallas-recognized developer equity, approved sales costs, and any HOME-assistance transferred to the buyer(s) at closing as direct homebuyer assistance.: and

- Be secured with a promissory note, mortgage, and appropriate UCC liens. Mortgages will be recorded with the Dallas County Clerk and generally may be subordinate only to an approved amortizing first mortgage.
- Allow for a percentage of proceeds to be retained by the CHDO as CHDO proceeds (as outlined in 24 CFR 92.300 (a) (2)). On a project-by-project basis, CHDO may request to retain proceeds from a HOME-funded project for eligible activities provided the CHDO remains in good standing as a certified CHDO and complies with all contractual obligations as determined in the sole discretion of the City. All proceeds retained by a CHDO that are not used in accordance with the contract within two years after being generated must be returned to the City.

Guarantees

Unless otherwise determined by the City of Dallas, all underlying individuals, corporate entities, partnerships, or limited liability companies with an interest in the project will be required to provide a completion guarantee including provisions guaranteeing construction completion of the project. For nonprofit organizations, including community housing development organizations (CHDOs), a guarantee shall not be required, but in all cases the City of Dallas may require a performance bond or irrevocable letter of credit acceptable to the City of Dallas to ensure project completion.

HOME Agreement

In addition to any financing documents, developers of HOME-financed projects must sign a HOME agreement with the City of Dallas. The HOME agreement will identify requirements for compliance with the HOME regulations and the City of Dallas Single-Family Development. Program requirements and will remain in effect in the event of any prepayment of the HOME loan.

J. Underwriting & Subsidy Layering Reviews

Market Demand

Developers must, as part of their application, provide evidence of sufficient demand for the proposed units. Developers shall provide information from the multiple listing service pertaining to recent sales in the neighborhood, average time on the market for recent sales, availability of other product and average "months of supply" currently available, and any known or planned projects.

Additionally, Developers must complete the HOME Sales and Marketing Plan, identifying among other items the profile of typical buyers, relationships with homeownership counseling agencies or other sources of buyer referrals, and plans for marketing the homes.

In some cases, the City of Dallas may only commit to a specific project (or may limit the number of projects under construction by a given developer) upon demonstration that a home has been pre-sold to an identified low-income buyer who has, at least, executed a reservation or initial purchase agreement with the Developer.

Project Underwriting

All HOME applications must include financial statements from all underlying owners and guarantors. Developers must have a net worth equal to 10% of the total development cost with net liquid assets equal to 3% of the total development cost.

Applicant must provide the amounts and terms for any other financing being provided to the project.

Proforma Requirements

The proforma must explicitly show:

- An itemized breakdown of development hard and soft costs by unit including any allowances for soft costs such as architectural fees, carrying costs, etc.
- The hard costs of any stand-alone accessory buildings, including free-standing garages, carports, or storage structures should be specifically itemized in the Development Sources and Uses so that the City of Dallas can complete preliminary HOME cost allocation calculations. (Stand-alone accessory structures like a detached garage may be included in the project but are not HOME-eligible and must be paid for with another funding source.)
- Costs and fees to be paid to the City of Dallas as permitted by the HOME program. The
 HOME program allows the City of Dallas to include, as project costs, its internal soft costs
 specifically attributable to the project. These may include consulting, legal, inspection, and
 staff costs associated with reviewing, processing, and monitoring award of funds to a
 project. The City of Dallas will notify Developers of the amounts to include in their
 Development Sources and Uses for City of Dallas-Lender Due Diligence & Legal Costs.
- Estimates of the sales transaction to an eligible homebuyer, including a calculation of the
 proposed buyer's ability to qualify for a mortgage meeting City of Dallas requirements, the
 anticipated need to provide direct HOME assistance (e.g. down payment and closing cost
 assistance) to the buyer, projected sales costs (e.g. realtor's commissions), and the
 distribution of sales proceeds (including toward repayment of private construction
 financing)

Cost Limitations

All project costs must be reasonable and customary. The City of Dallas reserves the right to review any line-item cost to ensure that total project costs are not excessive. Additionally, HOME projects will be subject to the following specific cost limitations:

- The maximum allowable developer fee is 15% of total development costs less the developer fee itself and seller's closing costs.
- Acquisition costs are limited to fair market value as determined by a third-party appraisal.
- Unless prior approval has been obtained from the City of Dallas. All project hard costs and all project professional fees should be the result of a competitive bidding process. While developers are not subject to federal procurement rules and may use less formal bid processes, the City of Dallas generally expects developers to seek multiple bids and identify the most advantageous bidder based on cost, track record, and other pertinent factors.

Other Funding Sources

Developers must disclose all other public and private sources or applications for funding with their initial HOME Single-Family Development application to the City of Dallas at the time of application and upon receiving any additional commitments of public source funding. The City of Dallas will conduct a subsidy layering review as part of the underwriting process for all projects. Using its underwriting criteria, the City of Dallas will assess the project and may require changes to the transaction to ensure that return to the owner/developer are not excessive. Changes may include a reduction in HOME funds awarded.

The City of Dallas will consider adjusting its underwriting in consultation with other public funders, if applicable, to the project. The City of Dallas retains, at its sole discretion, the power to decide whether to accept alternative standards.

K. Construction Process

City of Dallas Construction Inspections

The City of Dallas must be provided with copies of all contractor invoices and provided reasonable notice of monthly draw inspections during the construction period. City of Dallas staff will participate in all draw reviews whether or not the specific draw is being funded with HOME or other project funds and conduct inspections to ensure that the project is progressing and that work completed is consistent with all applicable HOME requirements.

Davis Bacon

When Davis Bacon applies to a project, the City of Dallas must be provided with compliance documentation throughout the construction period. Prior to commencing construction, the City of Dallas must approve current wage determinations applicable to the project. The contractor will be required to provide weekly payroll forms to the City of Dallas and allow access to the site and workers for the purpose of completing worker interviews.

Drawing City of Dallas HOME Funds

Proceeds of the HOME loan will only be released as reimbursement for eligible project costs following:

- Review and acceptance of appropriate source documentation by the City of Dallas including evidence of appropriate lien waivers and/or title endorsements.
- A determination by the City of Dallas that all HOME requirements pertaining to the development of the Project have been met, including but not limited to monitoring of Davis Bacon compliance.

For nonprofit developers, including CHDOs, the City of Dallas may release payment based upon outstanding invoices for costs incurred and work completed. In such cases, the City of Dallas reserves the right to disburse through a title company, directly to the vendor, or with two-party checks.

Project Closeout

Developers are required to submit homebuyer eligibility packets to the City for approval of the homebuyers. Data shall include elderly status, race, gender, female head of household, number of household members, and income.

The City of Dallas requires a copy of the final project sources and uses statement and, at the City of Dallas option, may require the submission of the project cost certification prepared by an independent Certified Public Accountant following completion of construction and payment of all development costs.

APPENDIX 3

Rental Development Underwriting

In reviewing applications for HOME assistance, as required by §92.250(b) and prudent business practices, the City's underwriting framework includes evaluations of:

- Regulatory requirements applicable to the project, including compliance (or ability to become compliant) with HOME's affordability restrictions, property standards, and crosscutting federal requirements;
- Market risk, including whether or not sufficient demand exists for the project, the anticipated lease-up period, and whether general economic conditions and other competition supports ongoing viability;
- **Developer risk**, focusing on whether the owner/developer (including but not limited to the underlying owners of special purpose entities) have the technical capacity to develop and operate the property and the financial capacity to safeguard public funds and backstop the project if the event of poor financial performance; and
- Project risk (or "financial underwriting"), testing the economic and financial projections
 for the transaction including both sources and uses as well as ongoing operating
 assumptions. This includes confirmation that all sources of project financing are available,
 commercially reasonable, and have been appropriately maximized prior to awarding
 HOME funds.

Market Assessment

All HOME project applications must include a third-party market study prepared in a manner consistent with TDHCA's market analysis requirements. Unless otherwise approved by the City, market studies shall be prepared by providers included on the list of <u>TDHCA Approved Market Analysts</u>. Owner's may generally submit the market study used in conjunction with the Owner's LIHTC application, if applicable. Market studies must be less than one year old at the time of commitment of HOME funds. For market studies that are more than one year old, the City will typically require an update from the original analyst or a new market study from another analyst. Proposed rent levels must be supported by the applicant's market study and be within HOME regulatory limits.

Additionally, the market study should demonstrate the following:

- All units, including any "market rate" units as well as any units with income/rent restriction imposed by other programs such as LIHTC, must demonstrate viability within the primary market area taking into account any known rent concessions being offered by competing properties;
- Income and rent restricted units must have "discounts" of at least 15% relative to comparable un-restricted units;
- Achievable occupancy rates, based on a comparison of comparable properties in the primary market area, must be at or above 95% (physical occupancy);
- Capture rate for the development as a whole is no more than 10%, and no capture rate for specific unit sizes (e.g. 3-bedroom units) exceeds 25%; and
- Absorption can be expected to result in underwritten occupancy levels within six (6) months of units being ready for occupancy.

For projects not meeting these standards the City, in its sole discretion, may also consider the following:

- For project targeting special needs populations (e.g. homeless households, domestic violence victims, veterans, or other specific subpopulations), the City may accept higher capture rates if data from the local Continuum of Care and/or service providers specializing in the targeted populations (e.g. VA service centers) suggest an adequate pipeline of eligible renters exists and will be consistently referred to the development.
- For existing projects being rehabilitated, the City will consider the recent operating history of the project in terms of actual rents charged/received, eligibility of in-place tenants, and the like for evidence that the development's projections are supported by actual performance.

The City may also consider offsetting the risk of relatively "weaker" market study findings by offering HOME assistance as permanent debt only, to be disbursed following actual lease-up of the development at proforma levels and achievement of stabilized occupancy.

Developer and Development Team

In most cases, projects considered by the City will be owned by single-purpose, single-asset entities created to hold title the development. For various purposes, including structuring necessary to comply with industry norms and take advantage of other funding sources such as LIHTC, the "owner" and "developer" of a project are often legally distinct entities, even if ultimately owned and controlled by the same underlying parties.

Developer Technical/Professional Capacity

In evaluating the capacity of the developer, the City will use the term more loosely to refer collectively to the underlying corporate entities and individuals that will own and control the single-purpose entity (excluding the investor member/limited partner). Additionally, the City requires various guarantees and indemnities from all of the underlying corporate and individual owners of the various limited partnership or limited liability corporation entities involved in the ownership and development of the project.

Developers should demonstrate:

- Recent, ongoing, and successful experience with the development of similar regulated affordable housing; and
- The presence of adequate staff, with specific experience appropriate to their role in the project, to successfully implement and oversee the project. This includes the assembly and oversight of the development team.

The City requires applicants to provide lists of real estate owned (including partnership/membership interests) by the developer as well as all projects underway. The City will review the performance of those projects, including financial factors like net occupancy, actual DCR, cash flow received, outstanding loan balances, and net equity of individual projects and the developer's overall portfolio.

Applicants are also required to provide descriptions of the role played by specific staff members relative to the proposed project along with resumes or other similar information demonstrating experience appropriate to the assigned staff member's role.

Financial Capacity

Developers must also demonstrate the financial capacity to support the proposed project both during construction and lease-up as well during ongoing operations. This includes not just that

the applicant has sufficient financial resources but that it has adequate financial systems in place to appropriately manage project funding, accurately account for all project costs, and provide reliable reporting to the City and other project funders.

At minimum, the City will review audited financial statements, interim financial statements, and individual personal financial statements to ensure that:

- The "primary" development entity's most recent audit must demonstrate compliance with Generally Accepted Accounting Principles (GAAP) and must not express material weaknesses in the entity's system of internal controls or financial management systems;
- The developer's net worth (including the un-duplicated net worth of other guarantors) is equal to at least 10% of the total development cost of all projects underway (i.e. those that have received funding commitments from HOME or LIHTC but have not yet been completed and converted to permanent financing); and
- The developer has net liquid assets (current assets less current liabilities) equal to at least 3% of the total development cost of all projects underway.

Development Team

The City will also review the capacity of the development team including but not limited to the general contractor, architect, engineer, market analyst, management company, accountant, attorney, and any other specialized professionals or consultants.

As a whole, the development team should have the skills and expertise necessary to successfully complete and operate the development. Insomuch as possible, on balance the development teams should have worked successfully on other projects in the past. That is, while a developer may identify new development team members from project to project, an "entirely new" team may present added risk.

Additionally, when using development team members from outside of the region, the City will consider whether assigned team members have recent local experience or have been supplemented with local professionals. This may be particularly important for design professionals and legal counsel.

In no case, may any owner/developer/applicant or any member of the development team be a suspended, debarred, or otherwise excluded party.

Identify of Interest Relationships & Costs

Applicants must disclose all identity of interest relationships/contracts and/or costs involved in a transaction, including during the development period and following completion of the project. The City reserves the right to review any such costs further to ensure they are reasonable and consistent with the costs expected from arms-length relationships.

An "Identity of Interest" (whether or not such term is capitalized) is any relationship based on family ties or financial interests between or among two or more entities involved in a project-related transaction which reasonably could give rise to a presumption that the entities may not operate at arms-length. The City will take a broad approach to defining identities of interest and expects all applicants to err on the side of disclosure. That is, if there is any question about whether an identity of interest may exist, the relationship should be disclosed and explained to the City.

Beyond this general definition, an identity of interest relationship will be deemed to exist if:

- An entity, or any owner of any direct or indirect ownership interest in such entity, or any
 family member of any such owner is also an owner, through a direct or indirect ownership
 interest, or an officer, director, stockholder, partner, trustee, manager, or member of the
 counterparty; or
- Any officer, director, stockholder, partner, trustee, manager, member, principal staff, contract employee or consultant of an entity, or any family member of thereof, is an owner, through any direct or indirect ownership interest, or an officer, director, stockholder, partner, trustee, manager or member of the counterparty.

For purposes of this definition, "family member" means the spouse, parents or stepparents, children or stepchildren, grandparents or step-grandparents, grandchildren or step-grandchildren, aunts, uncles, parents-in-law, and siblings-in-law (or their children or stepchildren). It also includes any other similar relationship established by operation of law, including but limited to guardianship, adoption, foster parents, and the like.

Financial Analysis

As noted in the introduction, the City views underwriting as more than just the financial review of a project. However, a review of the underlying financial assumptions is still a critical and core part of underwriting. In reviewing projects, as a public funder the City must balance two somewhat competing perspectives.

Projects must be viable, that is they must have sufficient allowances for all costs to maximize the chances the project can meet or exceed its financial projections and thereby succeed in the marketplace. In other words, the project must represent a "safe" investment. However, taken to an extreme, "safe" or overly conservative projections can also result in a project that is oversubsidized and risks providing excessive returns to the owner/developer.

As a steward of very limited public funding for affordable housing, the City also needs to ensure that costs are reasonable, that they represent a "good deal" to the public, and that returns to the owner/developer are fair but not excessive. In seeking to balance these perspectives, the City has established the following review factors and principals.

Development Costs

In general, the City will review the entire project budget to all costs are reasonable yet that the budget is sufficient to complete and sustain the project. All line items, whether or not paid directly with HOME funds, must be necessary and reasonable.

The City will consider the cost of both specific line items as well as the total development cost on a per unit and per square foot basis, comparing costs to other projects from the City's portfolio, similar projects in the region (such as those funded by TDHCA), City-data from the Building Department, and/or third-party indices such as RS Means.

Selected Development Cost Items

Acquisition – Acquisition costs must be supported by an independent third-party appraisal prepared by a state-licensed appraiser. The purchase price must be at or below the as-is market value of the property. In the event an applicant has previously purchased land prior to applying to

the City, the project budget may only reflect the lesser of the actual purchase price or the current market value. Standard closing costs from the acquisition may be included.

Applicants who purchased property prior to applying to the City, or following environmental releases under NEPA but prior to closing, may not charge or include financing costs associated with interim financing, whether from third-party or related lenders.

Architectural Fees – Architectural fees cannot exceed the following:

Design services: 6% of total construction costs

Supervision/Administration: 2% of total construction costs

City Soft Costs – The development budget for each project must include an allowance for the City's internal project-related soft costs as specified in periodic RFPs issued by the City. Similar to lender due diligence or lender legal costs, the inclusion of soft costs allows the City to recoup its direct costs of underwriting, processing, closing, and monitoring the project prior to project completion. These costs will be included in the HOME loan but may be drawn directly from HUD by the City rather than via payment requests from the project owner.

Construction Interest – Any budgeted line item for construction interest must be supported by developer period cash flow projections, modeling the actual expenditure of development costs and the anticipated pay-in of equity, HOME funds, and other construction period sources. For presentation purposes, only interest from the date of initial closing through the end of the month in which the building(s) are placed in service (i.e. approved for occupancy) may be included as construction interest. Additional interest following that date and prior to the conversion to (or closing on) permanent debt must be separately itemized and modeled. In most cases, this should be included in the "lease up reserve" noted below.

Contingencies – Applicants should include a contingency (inclusive of hard and soft costs) within the minimum and maximum amounts noted below. The contingency will be measured as a percentage of hard costs (including the construction contract plus any separate contracts for off-site work but excluding contractor fees).

- New construction projects should include a contingency of least 3% and no more than 7% of hard costs;
- Acquisition/rehabilitation projects, including adaptive reuse projects, should include a contingency of at least 5% and no more than 10% of hard costs.
- The City may consider higher contingencies based on identified risk factors such as the known need for environmental remediation or poor subsurface soils.

Contractor Fees – Contractor fees are limited as a percentage of net construction costs as further identified below. Net construction costs exclude the contractor fees, any budgeted contingency, and (even if otherwise included in the construction contract) permits and builder's risk insurance.

- Contractor Profit: 6% of net construction costs
- General Requirements/General Conditions: 6% of net construction costs. General
 requirements include on-site supervision, temporary or construction signs, field office
 expenses, temporary sheds and toilets, temporary utilities, equipment rental, clean-up
 costs, rubbish removal, watchmen's wages, material inspection and tests, all of the
 builder's insurance (except builder's risk), temporary walkways, temporary fences, and
 other similar expenses.
- Contractor Overhead: 2% of net construction costs.

With prior approval of the City, contractor fees may vary from the limits above provided the gross contractor fees do not exceed 14% of net construction costs.

Developer Fees – Developer fees are intended to compensate a developer for the time and effort of assembling a project, overseeing the development team, and carrying a project to fruition. Developer fees are also intended to compensate for the risk inherent in the development process, including that not every potential project proves viable and that developers must necessarily advance funds for their own operating costs and various third-party predevelopment costs prior to closing (or in some cases for projects that never proceed). The City, therefore, allows the inclusion of developer fees as follows:

- Developer Fee: 15% of total development costs less a) the developer fee itself; b) organizational expenses and/or syndication fees/cost (including investor due diligence fees); and c) reserves, escrows, and capitalized start-up/operating expenses (such as working capital, marketing, etc.).
- There is no maximum monetary limit, but at all times the Developer fee must be reasonable. Combined Contractor & Developer Fees: When an identity of interest exists between the owner/developer and the general contractor, the combined total of contractor fees and developer fees cannot exceed 20% of total development cost less a) the developer fee and b) other cost elements excluded from the calculation of the developer fee itself (see above).

In some cases, developers may delegate some of its responsibilities to third-party professionals or consultants. This may include contracting specific tasks – such as construction oversight of the builder or specialized consulting related to applying for or structuring various financial incentives like LIHTC. The costs of engaging such professionals, whether they are third parties or identity of interest relationships, must be paid from (and if separately itemized will be counted against) the allowable developer fee.

Reserves – Capitalized reserves to facilitate the initial start-up and to protect the ongoing viability of the project will include the following:

- Deficit Reserve: The City anticipates that in most cases, developments with predicted deficits during the affordability period would not be funded. However, in the event a development's long-term operating proforma projects actual cash deficits during the affordability period, an operating deficit reserve must be included in the development budget in an amount sufficient, taking into account any interest on reserve balances, to fully fund all predicted deficits through the affordability period.
- Lease-Up Reserve: A lease-up reserve intended to cover initial operating deficits following the completion of construction but prior to breakeven operations may be included. Any such reserve must be based on lease-up projections/cash-flow modeling and the leaseup (or absorption) period identified in the project's market study. In evaluating the appropriateness of any lease-up reserve, the City will consider whether the development budget includes specific line items for other start-up expenses that otherwise are typically part of the ongoing operating budget for a development. This may include budgets for marketing, working capital, etc.
- Operating Reserve: An operating reserve equal to three months of underwritten operating expenses, reserve deposits, and amortizing debt service must be included in the

- development budget. The operating reserve is intended as an "unexpected rainy day" fund and will only be accessible after a project has achieved stabilized occupancy.
- Replacement Reserve: For acquisition-rehabilitation projects, a capitalized replacement reserve must be included in the development budget. The capitalized replacement reserve should be funded at the greater of i) \$1,000 per unit; or ii) the amount determined by a capital needs assessment approved by the City.
- Other: The City may consider other specialized reserves as appropriate based on unique features of the project and/or requirements of other funding sources. These may include special security reserves, supportive service reserves, or transition reserves for projects with expiring project-based rental assistance contracts, etc.

Operating Revenues

The City will review an applicant's projection of operating revenues to ensure they are reasonable and achievable both initially and through the affordability period. In evaluating operating revenues, the City will take into account the i) project-specific market study; ii) actual operating performance from other comparable projects including those from the applicant's existing portfolio of real-estate owned; iii) data available from comparable projects in the City's portfolio; and/or iv) information available from actual performance within TDHCA's portfolio.

For purposes of the long-term operating proforma, operating revenue projections cannot be increased by more than 2% per year. The City reserves the right to "stress" proposals for underwriting purposes to assess the impact of lower inflationary increases, such as modeling the impact of only 1% rent increases for the first three to five years of a project's affordability period.

Rents

All rents should be supported by the market study. Including the utility allowance, the gross rent for any income/rent restricted unit should demonstrate at last a 15% "discount" compared to comparable "market rate" units.

Additionally, to hedge against flat or declining rents to the owner in the event that income limits (and therefore rents) do not increase in a given year (particularly between commitment and lease-up), gross rents should demonstrate at least a 2.5% discount from the regulatory limit imposed on any income/rent restricted units by HOME, LIHTC, or other similar sources. As an alternative to setting rents below the applicable regulatory limit, the City will consider increasing the allowance for vacancy by 2.5%.

Non-Rental Revenue

Non-rental revenue must be fully explained and conservatively estimates. In general, no more than \$60-\$240 per-unit, per-year may be budgeted in "other revenue" including that from tenant's fees (such as fees for late payment of rent, nonsufficient funds, garage/carport upgrades, pet fees, etc. or interest on operating account balances). Exceptions may be considered by the City based on the operating history of an acquisition/rehabilitation project or normalized operations are other comparable properties in the same market area.

Vacancy

Total economic vacancy includes physical vacancy (a unit is unrented), bed debt (a unit is occupied but the tenant is not paying rent), concessions (a unit has been leased for less than the budgeted rent), and "loss to lease" (an pre-existing lease is less than the most recently approved annual rent but will be adjusted upward at renewal).

In all cases, based on the market study or other data available to the City, the City reserves the right to require higher vacancy projections. This may include higher vacancy rates for small

developments (e.g. less than 20 unit) where standard percentage assumptions about vacancy may not be appropriate. Minimum allowances for vacancy must include:

- 5% for projects where all units are supported by a project-based rental assistance contract
 with a term equal to or in excess of the affordability period (e.g. project-based Section 8);
 or
- 7% for all other projects.

As noted above, the minimum vacancy rate will be increased by 2.5% if budgeted gross rents are at the applicable regulatory maximums.

Operating Costs

The City will review an applicant's projection of operating expenses to ensure they are reasonable and adequate to sustain ongoing operations of the project through the affordability period. In evaluating a proposed operating budget, the City will compare projects costs to i) actual operating expenses of comparable projects in the applicant's existing portfolio of real-estate owned (insomuch as possible, comparable projects will be in the same vicinity and operated by the same management company); ii) actual operating expenses of other comparable projects in the City's portfolio; iii) data available on the operating costs of affordable housing in the TDHCA portfolio; and/or iv) minimum per-unit, per-year allowances established by the City through periodic RFPs for rental housing.

For purposes of the long-term operating proforma, operating expenses, including reserve deposits, will be inflated at no less than 3% per year. The City reserves the right to "stress" proposals for underwriting purposes to assess the impact of higher operating cost factors, such as modeling the impact of higher inflation rates in general of for specific items of cost (for example, assessing the impact of high rates of increase for insurance or development paid utility costs).

Selected Items of Operating Cost

City HOME Monitoring Fee – Pursuant to 24 CFR 92.214(b)(1)(i), the City assesses an annual HOME monitoring fee. The operating budget for each project must include an allowance for the City's annual HOME Monitoring Fee as specified in periodic RFPs issued by the City.

Property Management Fees – An allowance of 5% of effective gross income (i.e. gross rent potential plus other revenues minus actual vacancy, bad debt, concessions, etc.) should be included. In the event a lower management fee is proposed, the City will consider using a fee as low as 3% provided the proposed management company is acceptable to the City and has agreed in writing to the lower fee.

Property Taxes – Applicants must provide detailed explanations of property tax projections and, as applicable, provide documentation that any anticipated partial or full exemptions or payments in lieu of taxes (PILOT) have been approved by the appropriate tax assessor. In the absence of a tax exemption or PILOT, the operating budget must provide for a tax rate equal to 1.25% of the market value of the property or the City, at its option, may require confirmation from the tax assessor of the applicant's projection.

Replacement Reserve Deposits – The operating budget must include minimum replacement reserve deposits of:

- New Construction Family: \$300 per-unit, per-year
- New Construction Senior: \$250 per-unit, per-year

 Rehabilitation: The greater of i) \$300 per-unit, per-year; or ii) a higher amount established by a Capital Needs Assessment (CNA) approved by the City.

Note: The City will reserve the right within a project's transactional documents to require periodic CNAs for all projects and to adjust ongoing replacement reserve deposits base on the results of the CNA to ensure that the replacement reserve is sufficient to address all anticipated needs for the project's affordability period of the term of the City's loan, whichever is longer.

Items Payable only from Surplus Cash

Certain costs, sometimes identified by project owners as "operating costs," cannot be included in the operating budget and will only be payable from surplus cash (aka cash flow). These include:

- Incentive Management Fees payable in addition to the allowable management fees noted above, whether paid to related party or independent third-party management fees.
- Asset Management Fees payable to any investor, general or limited partner, or member of the ownership entity.
- Deferred Developer Fees
- Operating Deficit Loan Payments made to any related party including any investor, general or limited partner, or members of the ownership entity.
- Other payments to investors, general or limited partners, or members of the ownership entity, however characterized, including but not limited to negative adjustors, yield maintenance fees, etc.

Ongoing Economic Viability

The City will review the ongoing economic viability of all projects, taking into account long-term projections of revenue and expenses. Projects must demonstrate they can be expected to remain viable for at least the affordability period, taking into account trending assumptions noted above, as well as other any other changes in operating revenues or expenses that can reasonably be anticipated based on other information available to the City or other project funders. In particular, the City will review the debt coverage ratio and operating margin as outlined below.

Debt Coverage Ratio

Projects must demonstrate a minimum debt coverage ratio (DCR) of 1.25 (Net Operating Income divided by amortizing debt service) throughout the affordability period. In some cases, for projects with relatively small levels of mortgage debt, this may require a higher initial DCR to ensure that the DCR in later years remains at or above the appropriate level.

Operating Margin

In addition to considering the DCR, the City will review the operating margin (surplus cash divided by total operating expenses and amortizing debt service). The operating margin must remain at or above 5% for the period of affordability.

Other Funding Sources

Prior to committing funds, all other funding sources necessary for a project must be identified, committed in writing, and consistent with the both the City's underwriting requirements and the affordability restrictions of the HOME program. In general, developers must make all reasonable efforts to maximize the availability of other funding sources, including conventional mortgage debt and tax credit equity (as applicable), within commercially available and reasonable terms.

Additionally, restrictions or limitations imposed by other funding sources cannot conflict with any applicable HOME requirements and cannot, in the discretion of the City, create undue risk to the City.

Senior Mortgage Debt

Any amortizing mortgage debt that will be senior to the City's HOME loan must:

- Provide fixed-rate financing;
- Have a term equal to or in excess of the HOME affordability period. The affordability period will generally be 15 years beyond the date of project completion as defined in 24 CFR 92.2 for acquisition/rehabilitation projects and 20 years for new construction projects. In practice, the date of project completion will not be the same as placed in service date for tax purposes but for most projects will occur prior to permanent loan conversion following property stabilization. Insomuch as possible, the first mortgage should have the longest amortization period available but cannot balloon prior to the expiration of the affordability period; and
- Allow the City's HOME covenant running with the land (i.e. the deed restrictions imposing
 the HOME affordability requirements) to be recorded senior to all other financing
 documents such that the HOME covenant is not extinguished in the case of foreclosure
 by a senior lender. Note the City HOME loan itself will be junior to conventional amortizing
 loans; only the deed restrictions must be senior.

Tax Credit Equity

Projections of tax credit equity must be documented by letters of intent or other similar offers to participate in the transaction by the proposed tax credit investor. Prior to committing funds, the applicant must provide evidence it has received a tax credit reservation from TDHCA and provide the proposed limited partnership agreement or operating agreement, as applicable, documenting the terms of the equity investment.

The City will review proposed equity pricing against information from other projects in the region to assess whether the pricing and terms are reasonable.

Deferred Developer Fee

It is common for projects to include deferred developer fees as a financing source. The City will generally require:

- That projections of surplus cash available (after any cash-flow contingent payment due
 the City) be sufficient to repay the deferred fee within 15 years (notwithstanding other
 waterfall provisions in the partnership or operating agreement, the City will assume that
 all surplus cash distributions will be credited against the developer fee);
- That following the initial application to the City, the level of deferred developer fee will remain fixed (in nominal dollar terms) in the event City underwriting identifies cost reductions, increases in other funding sources, or other changes that result in a net reduction of the "gap" to be filled with HOME funds; and
- That any net savings (or increased funding sources including but not limited to upward
 adjusters for tax credit equity) at project completion and cost certification will be used in
 equal parts to reduce the deferred developer fee and the City's permanent HOME loan. In
 the event savings are sufficient to eliminate the deferred fee in this manner, any remaining
 net savings will be used to further reduce the City's HOME loan, or in the sole discretion
 of the City, to increase the operating reserve.

Exceptions and Interpretation

The City has developed these guidelines for several reasons. Not only are they required by HUD as part of the City's role as a HOME participating jurisdiction, but more generally they are intended to provide clarity to applicants on what the City expects and transparency about the rules of the road. However, the City recognizes that it cannot pre-emptively identify every possible special circumstance that may warrant an exception to its general requirements, nor can it identify every possible loophole whereby a creative presentation of costs or other projections might subvert the general need to balancing of viability and reasonable returns, risk to the City and public benefit.

Consequently, the City reserves the right to waive specific underwriting criteria for specific projects when, in its judgement, the purposes of the program can be better achieved without taking on undue risk. When waiving any given requirement, the City may impose additional special conditions or business terms that are not otherwise typically applied to all projects.

For administrative ease, the City may also align its underwriting standards with those required by other public funders involved in a given transaction, particularly if those standards are more restrictive or conservative than the City's. However, the City retains the right, in its sole discretion, to decide whether to accept alternative standards.

The City also reserves the right to reject any element of a transaction that, despite not being specifically prohibited, was not anticipated by these guidelines of such an element or business term otherwise creates unacceptable risks, excessive returns to the owner/developer, or otherwise undermines the public purposes of the City's program.

Insomuch as is reasonable, the City will update and clarify these guidelines over time to account for exceptions, waivers, or additional restrictions it imposes.

APPENDIX 4 DESIGN GUIDELINES

This portion of the manual outlines the City's policy on Universal Design and the minimum design criteria for new affordable housing projects, to the extent allowed by law.

In order to ensure the sustainability of the projects supported by CDBG and HOME funds, the City has established guidelines in relation to Universal Design. In addition, the City wants to ensure that newly constructed units are compatible with existing neighborhoods.

Universal Design

This comprehensive housing policy creates a Universal Design construction requirement for all new single-family homes, duplexes, and triplexes using financial assistance from the City.

The goal of "Universal Design" is to ensure that housing can accommodate the needs of people with a wide range of abilities, including children, aging populations and persons with disabilities. Consequently, all new construction housing projects using City of Dallas CDBG and/or HOME funds will meet all the following criteria:

- At least one entrance shall have a 36-inch door and be on an accessible route.
- All interior doors shall be no less than 32 inches wide except for a door that provides access to a closet of fewer than 15 square feet in area. Each hallway shall have a width of at least 36 inches and shall be level and ramped or use beveled changes at each door threshold
- All bathrooms shall have the walls reinforced around the toilet, bathtub, and shower for future installation of grab bars.
- Each electrical panel, light switch or thermostat shall be mounted no higher than 48 inches above the floor. Each electrical plug or other receptacle shall be at least 15 inches from the finished floor.
- An electrical panel located outside the dwelling unit must be between 18 inches and 42 inches above the ground and served by an accessible route.
- All hardware installed to open/close doors and operate plumbing fixtures shall be lever handles.

Universal Design Waiver or Exterior Accessibility Requirements

The Director or designee may only grant modifications or an exemption to the requirements regarding full compliance with the exterior path of travel on an individual case-by-case basis. The criteria for granting a modification or exemption are as follows:

- The lots rise or falls so steeply from the street that a maximum 1:12 slope cannot be achieved without extensive grading or
- The site lacks vehicular access via an alley

Universal Design Implementation

- Clearly stamp or print "Universal Design" on plans submitted
- Clearly identify universal design elements
- Certify that the plans comply with these requirements
- Plan checking, construction inspections and enforcement shall be accomplished in accordance with existing procedures.

Design Guidelines

All builders and developers of infill housing are strongly encouraged to incorporate the defining features of a neighborhood into newly constructed infill houses. Those defining features of older neighborhoods may include roof pitches, porches, materials, and window types. Developers must comply with any standards established by an existing neighborhood conservation district and/or approved neighborhood plan. Additionally, all projects must advance the principles and policies contained in the City of Dallas Complete Streets Design Manual. Site plans and building designs should contribute towards safe and convenient pedestrian, bicycle, transit and automobile access to the extent possible within the project site and the adjacent public right-of-way frontage.

For infill projects supported with CDBG and/or HOME funds, developers will be required to demonstrate that the neighborhood association near the land to be developed has been consulted on the design issues. Developers should obtain input and feedback from neighborhood residents and work with them to ensure that designs are compatible with existing housing and development patterns.

In extreme cases where an agreement cannot be reached between the developer and local neighborhood groups, CDBG and/or HOME funding may be pulled from the project.

Specific design guidelines may be developed for certain City sponsored projects. Historic and neighborhood conservation district requirements must also be met for all projects.

For rehabilitation projects, builders and developers are strongly encouraged to retain the defining features of older structures. This applies to multi-family and single-family projects.

APPENDIX 5

City of Dallas Income Limits and Part 5 Requirements

Per 24 CFR Part 92.203(b)(1), the City has elected to utilize the 24 CFR Part 5 definition for determining annual income which is commonly referred to as the "Section 8 Low-Income Limit". To be eligible for HOME or CDBG funds, households must have annual (gross) incomes at or below 80% of area median income, adjusted by household size and determined annually by the U.S. Department of Housing and Urban Development (HUD).

The *Technical Guide for Determining Income and Allowances for the HOME Program* should be utilized as a resource and the standard for the following determinations:

- Whose income to count
- Types of income to count
- Treatment of assets
- Income inclusions and exclusions
- Verifying income
- · Comparing annual income to published income limits
- Determining household size
- Source documentation
- Timing of income certifications

The annual income limits are published by HUD each year at the webpage below. http://www.huduser.gov/portal/datasets/il/il15/index.html

APPENDIX 6

Community Housing Development Organization Policy, Procedure, and Standards

WHAT IS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO)?

A CHDO (pronounced cho'doe) is a private nonprofit, community-based service organization that has significant capacity, and whose **primary** purpose is, to develop affordable housing for the community it serves. Certified CHDOs receive special designation from the City of Dallas (City). The HOME Investment Partnership (HOME) Program definition of a CHDO is found at 24 CFR Part 92.2.

WHAT SPECIAL BENEFITS ARE AVAILABLE TO CHDOs?

HOME regulations require that the City set aside **15%** of its annual HOME allocation exclusively for qualified, eligible CHDO projects. If an organization becomes a certified CHDO, it is eligible to take advantage of the HOME funds set-aside just for CHDOs, as well as financial support for a portion of its operating expenses (Operating Assistance Grants) associated with CHDO projects. The City's CHDOs also have first right of purchase on land bank lots and as a nonprofit they are eligible to purchase HB110 lots.

REGULATORY REQUIREMENTS FOR CHDO CERTIFICATION

The U.S. Department of Housing and Urban Development (HUD) has established standard criteria for organizations to be eligible to become a certified CHDO:

- 1. **Organized Under State/Local Law**. A nonprofit organization must show evidence in its Articles of Incorporation that it is organized under state or local law.
- 2. **Nonprofit Status**. The organization must be conditionally designated or have a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501(c) of the Internal Revenue Code of 1986. A 501(c) certificate from the IRS must evidence the ruling.
- Purpose of Organization. Among its primary purposes, the organization must have the
 provision of decent housing that is affordable to low- and moderate-income people. This
 must be evidenced by a statement in the organization's Articles of Incorporation and/or
 Bylaws.
- 4. **Board Structure**. The board of directors must be organized to contain no more than one-third representation from the public sector and a minimum of one-third representation from the low-income community.
- 5. **No For-Profit Control**. The organization may not be controlled by, nor receive directions from, individuals or entities seeking profit from or that will derive direct benefit from the organization.
- 6. **No Individual Benefit**. No part of a CHDO's net earnings (profits) may benefit any members, founders, contributors, or individuals. This requirement must also be evidenced in the organization's Articles of Incorporation.
- 7. Clearly Defined Service Area. The organization must have a clearly defined geographic service area outlined in its Articles of Incorporation and/or Bylaws. CHDOs may serve individual neighborhoods or large areas. However, while the organization may include an entire community in their service area (such as a city, town, village, county, or multicounty area), they may not include the entire state.
- 8. **Low-Income Advisory Process**. A formal process must be developed and implemented for low- income program beneficiaries and low-income residents of the organization's service area to advise the organization in all of its decisions regarding the design, location, development and management of affordable housing projects.

- Capacity/Experience. The key staff and board of directors must have significant experience and capacity to carry out CHDO-eligible, HOME-assisted projects in the community where it intends to develop affordable housing (key staff and board of directors have successfully completed HOME-funded, CHDO-eligible projects in the past).
- 10. **Community Service**. A minimum of one year of relative experience serving the community(ies) where it intends to develop affordable housing must be demonstrated.
- 11. Financial Accountability Standards. The organization must meet and adhere to the financial accountability standards as outlined in 2 CFR 200 Subpart D, "Standards for Financial and Program Management."

CITY REQUIREMENTS FOR CHDO CERTIFICATION

In addition to the regulatory requirements, the City has established additional criteria for CHDO designation. To be eligible for CHDO designation, an organization must also:

- 1. Maintain a record of good standing with the Texas Secretary of State's office.
- 2. Maintain a staffed, physical office location in the proposed service area that is open for business and accessible by potential program applicants during customary business hours.
- 3. Have established a minimum **3**-year strategic business plan, which must include CHDO-related production and community involvement goals.
- 4. Maintain a history of no significant compliance findings on its City funded projects.

The City will accept applications from new CHDOs year-round; however, CHDO certifications will not be provided until a project is identified for funding and prior to execution of a written agreement. Please note that the criteria noted above is not intended to be all-inclusive and the City may require additional information prior to making a determination for CHDO designation. Meeting the above requirements does not guarantee that the organization will be granted CHDO designation. City reserves the right to deny or revoke CHDO designation based upon its evaluation of the nonprofit organization's performance. Designated CHDOs will be evaluated periodically for production and other benchmarks as established by City.

ORGANIZATIONAL STRUCTURE REQUIREMENTS FOR CHDO CERTIFICATION

The HOME Program establishes requirements for the organizational structure of a CHDO to ensure that the governing body of the organization is **controlled by the community it serves**. These requirements are designed to ensure that the CHDO is capable of decisions and actions that address the community's needs without undue influence from external agendas.

There are four specific requirements related to the organization's board, which must be evidenced in the organization's Articles of Incorporation and/or Bylaws. These are:

- 1. **Low Income Representation.** At least one-third of the organization's board must be representatives of the low-income community served by the CHDO. There are three ways a board member can meet the definition of a low-income representative:
 - The person lives in a low-income neighborhood where **51%** or more of the residents are low-income. This person need not necessarily be low-income.

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• The person is a low-income (below **80%** area median income) resident of the community.

 The person was elected by a low-income neighborhood organization to serve on the CHDO board. The organization must be composed primarily of residents of the lowincome neighborhood and its primary purpose must be to serve the interests of the neighborhood residents. Such organizations might include block groups, neighborhood associations, and neighborhood watch groups.

The CHDO is required to certify the status of low-income representatives.

- 2. Public Sector Limitations. No more than one-third of the organization's board may be representatives of the public sector, including elected public officials, appointees of a public official, any employees of a local government or public school system, or employees of City or the State of Texas. If a person qualifies as a low-income representative and a public-sector representative, their role as a public-sector representative supersedes their residency or income status. Therefore, this person counts toward the one-third public sector limitation.
- 3. Low-Income Advisory Process. Input from the low-income community is not met solely by having low-income representation on the board. The CHDO must provide a formal process for low-income program beneficiaries to advise the CHDO on design, location of sites, development and management of affordable housing. The process must be described in writing in the Articles of Incorporation and/or Bylaws. Each project undertaken by the CHDO should allow potential program beneficiaries to be involved and provide input on the entire project from project concept, design and site location to property management. One way to accomplish this requirement is to develop a project advisory committee for each project or community where a HOME assisted project will be developed. Proof of input from the low-income community will be required at the CHDO's annual recertification.
- 4. **For-Profit Limitations**. If a CHDO is sponsored by a for-profit entity, the for-profit may not appoint more than one-third of the board. The board members appointed by the for-profit may not appoint the remaining two-third of the board members.

EXPERIENCE, CAPACITY AND ROLES (24 C.F.R. 92.300-92.303)

To be certified as a CHDO, the HOME Program requires organizations to demonstrate sufficient experience, capacity, and financial accountability.

Experience & Capacity: A CHDO must certify to City that it has the capacity, demonstrated by having paid staff with demonstrated capacity to perform the specific role for which is it being funded. CHDO staff can be full-time or part-time and can be contract employees. The CHDO cannot count the experience of board members, donated staff, parent organization staff, or volunteers to meet the capacity requirement. The CHDO can only count capacity brought to the table by a consultant in the first year of participation. Afterward, the CHDO must demonstrate capacity based upon paid staff.

The CHDO must demonstrate experience and capacity relevant to the project and its role as owner, developer, or sponsor. If the CHDO is the owner, its staff must have the capacity to act as the owner (this may mean the ability to oversee development.) If the CHDO is the developer or sponsor, its staff must have development experience on projects of similar scope or complexity. CHDOs must demonstrate a history of serving the community where the housing to be assisted with HOME funds will be located. HUD requires that organizations show a history of serving the community by providing:

- A statement that documents at least one year of experience serving the community.
- For newly created organizations, provide a statement that the parent organization (if applicable) has at least 1-year experience serving the community.

CHDOs must provide resumes and/or statements of key staff members that describe their experience of successfully completed projects similar to those proposed.

CHDO SERVICE AREA

While the City does not limit the number of counties is a CHDO's service area, the very definition of a CHDO is that it be community-based. Therefore, an organization proposing a large or regional service area must demonstrate that it is taking the appropriate steps to achieve the community-based component. Some of the ways this can be achieved is by having an active community (nonpublic) representative from each of the counties on the CHDO's board of directors; establishing local advisory councils to advise the CHDO board on topics relative to the organization's activities; hosting "town hall" meetings in the proposed project areas, etc. the City will consider other methods suggested by the CHDO. CHDOs will be required to provide updates on how it is ensuring that it is active and visible in the communities included in its service area.

The City reserves the right to limit CHDOs going into a service area where an existing CHDO is already providing service. Unless a CHDO is already approved to serve a particular territory, the City will not approve CHDOs to serve overlapping territory.

CHDO RECERTIFICATION

To ensure compliance with the HOME regulations, the recertification process will apply to CHDOs with active development projects including those under development and within the affordability period. Each CHDO will be required to submit specific information to City on an annual basis in conjunction with annual monitoring and compliance audits, including, but not limited to:

- The response to questions, numbered exhibits, and attachments listed in the City's CHDO certification application
- An updated 3-year business plan and a description of how the low-income advisory process was implemented. If no HOME funds were used within the reporting period, a detailed description of all other affordable housing initiatives undertaken will be requested.

Recertification will be required **ANNUALLY WHEN THE CITY MONITORS THE CHDO FOR COMPLIANCE**. The CHDO must recertify as to its continued qualifications as a CHDO and its capacity to own, sponsor, or develop housing.

CHDOs that have not been allocated project funds from the HOME CHDO set-aside for **3** consecutive years will be deemed inactive. At its discretion, the City may revoke the designation of inactive CHDOs based upon a review of other non-CHDO housing activities the organization has undertaken (if any), as well as other factors deemed appropriate by City.

CHDO SET-ASIDE

The HOME requirements at 24 CFR Part 92.300 require City to set aside at least **15%** of its annual HOME allocation for projects owned, developed or sponsored by CHDOs. A certified CHDO must serve as the owner, developer or sponsor of a HOME-eligible project when using funds from the

15% percent CHDO set-aside. A CHDO may serve in one of these roles or it may undertake projects in which it combines roles, such as being both an owner and developer. The CHDO must be certified for each type of activity it plans to undertake.

FINANCIAL ACCOUNTABILITY

CHDOs must have financial accountability standards that conform to the requirements detailed in 2 CFR 200 – Subpart D, "Standards for Financial and Program Management." This can be evidenced by:

- A notarized statement by the president or chief financial officer of the organization.
- Certification from a certified public accountant.
- Audit completed by CPA.
- City reserves the right to request additional audited financial statements at any time.

ELIGIBLE AND INELIGIBLE USES OF HOME CHDO SET-ASIDE FUNDS

ELIGIBLE ACTIVITIES - OWNERS, SPONSORS, DEVELOPERS

Using the **15%** set-aside, a CHDO acting as an owner, sponsor, or developer may undertake any of the following activities:

- Acquisition and/or rehabilitation of rental property;
- New construction of rental housing;
- Acquisition, rehabilitation and resale of existing, vacant homebuyer property;
- New construction of homebuyer property;
- Direct financial assistance to purchasers of HOME-assisted housing developed by a CHDO with HOME CHDO set-aside funds.

Please note that to be considered a CHDO-eligible project, CHDO set-aside HOME funds must be used during the construction or rehabilitation of the project.

INELIGIBLE CHDO ACTIVITIES

Using the 15% set-aside, a CHDO may not undertake any of the following activities:

- Rehabilitation of existing homeowners' properties;
- Tenant-based rental assistance (TBRA); or
- Down payment and/or closing cost assistance to purchasers of housing not developed with HOME CHDO set-aside funds.

ELIGIBLE ACTIVITIES - SUBRECIPIENTS

CHDOs may also act as subrecipients with non-set-aside funds by undertaking other HOMEeligible activities such as:

- Tenant-Based Rental Assistance (TBRA);
- Owner-occupied rehabilitation of single-family dwellings; and
- Down payment or closing cost assistance in the acquisition of single-family units.

OPTIONAL OPERATING EXPENSES

From time to time, funds may be available to provide general operating assistance to CHDOs receiving CHDO set-aside funds for activities. When funds are available, certified CHDOs that are administering an eligible project funded from the CHDO set-aside may be eligible to receive funds

to be used for operating expenses. The regulations allow the City to allocate no more than **5%** of its HOME allocation for CHDO operating expenses (Operating Assistance Grants). However, the City reserves the right to further restrict the amount of funds an entity may receive for CHDO operating funds. This allocation does not count toward the required **15%** CHDO set-aside funds that are to be used by CHDOs for projects.

The amount of the optional Operating Assistance Grants awarded will be based on, but not limited to, the following factors:

- The total amount of HOME funds City has available to allocate for reimbursable CHDO operating expenses;
- The anticipated completion date and size of your current CHDO set-aside project(s); and
- The CHDO's past performance as a CHDO developer.
- The CHDO's capacity to complete the project in a timely manner.
- The ability of the CHDO to retain CHDO proceeds.

The City will allocate Operating Assistance Grants on annually. Operating Assistance Grants will be provided on a fiscal year basis (October 1 – September 30) provided funds are available and the CHDO has demonstrated acceptable performance.

Although the disbursement of CHDO operating funds is not tied directly to the drawdown of the CHDO project funds, the City reserves the right to delay disbursement of operating funds if it is evident that the CHDO project is experiencing excessive delays.

City reserves the right to reduce the amount of, or not award, operating funds based upon its evaluation of the CHDO's production and overall performance.

Eligible operating expenses for which CHDOs may use operating funds include:

- Salaries, wages, benefits, and other employee compensation
- Employee education, training and travel
- Rent and utilities
- Communication costs
- Taxes and insurance
- Equipment, materials and supplies

Because the purpose of providing CHDO operating support is to nurture successful CHDOs and ensure their continued growth and success, the City will periodically evaluate the performance of any CHDO wishing to receive CHDO operating funds.

CHDO PROCUREMENT

As noted in HUD CPD Notice 97-11, CHDO organizations are not subject to the requirements of 2 CFR, Part 200 in regard to the procurement of goods and services. However, the City strongly encourages organizations to ensure that costs are reasonable and equitable. This exemption is only applicable to procurement associated with CHDO-eligible projects; CHDOs must still follow appropriate procurement procedures compliant with Part 200 for its non-CHDO projects. City may request a copy of the CHDO's procurement policy for any non-CHDO project funding proposals.

EFFECTIVE PERIOD OF CHDO CERTIFICATION

To maintain its CHDO certification, the CHDO must submit at least **30** days prior to its annual compliance and monitoring audit a copy of the most recent audit financial statements along with all required attachments listed in the City's CHDO Certification Application, which is attached to this manual as **Exhibit "A" – City CHDO Application**. If the CHDO fails to submit the recertification packet, the CHDO may no longer qualify as a CHDO. Prior to awarding any City CHDO funds, the CHDO must recertify that no changes have occurred within the agency that would disqualify the entity as a CHDO for the specific type of activity being undertaken.

HOW TO APPLY FOR CHDO CERTIFICATION

Complete the City's CHDO Certification Application including all requested attachments, documentation, and forms. The applicant has **30** days to respond to any request for additional information. If information is not received within **30** days, the CHDO certification application will be denied.

APPENDIX 7

Recapture/Resale Requirements for Homebuyer Activities

To ensure that HOME investments yield affordable housing over the long term, HOME regulations impose occupancy requirements over the length of an affordability period. If a house purchased with HOME funds is sold during the affordability period, recapture or resale provisions as per 24 CFR 92.254 shall apply to ensure the continued provision of affordable homeownership.

Definitions

<u>Affordability Period</u>: Occupancy restrictions for varying lengths of time for those homeowners assisted with HUD HOME funds. The affordability period affects the terms of the resale/recapture of the property if sold during the affordability period.

HOME Affordability Periods		
HOME subsidy/unit	Minimum Period of Affordability in Years	
Under \$15,000	5	
\$15,000 to \$40,000	10	
Over \$40,000	15	

<u>Direct Homebuyer Subsidy</u>: A direct subsidy consists of any financial assistance that reduces the purchase price from fair market value to an affordable price, or otherwise directly subsidized the purchase (e.g., down payment or closing cost assistance, subordinate financing, etc.).

<u>Development subsidy</u>: A development subsidy is the difference between the cost to develop housing and the market price. For example, the PJ might provide a \$50,000 construction loan to a developer. The appraised value after construction will be \$45,000 because of neighborhood and the market conditions. The \$5,000 difference between the \$45,000 sale price and \$50,000 construction loan is not repaid to the PJ and represents a development subsidy provided to the developer. While the subsidy does not go directly to the homebuyer, it helps make development of an affordable home feasible.

Summary of Provisions for the City of Dallas by Subsidy Type:			
Direct Homebuyer Subsidy (DHS)	DHS + Development Subsidy	Development Subsidy	
Recapture provisions shall apply	Recapture provisions shall apply	Resale provisions shall apply	

<u>Net Proceeds:</u> The sales price minus loan repayment (other than HOME funds) and closing costs.

Recapture Requirements

Pursuant to HOME regulations at 24 CFR 92.254(a)(5) each HOME-funded homebuyer unit must be subject to either resale or recapture requirements during the affordability period. The City of Dallas exclusively uses the recapture provisions as defined herein and does not intend to use resale restrictions.

The City of Dallas provides HOME-funded direct buyer assistance to income eligible buyers based on need as dictated by the City of Dallas Homebuyer Assistance Program Underwriting Guidelines.

The level of HOME assistance provided to a buyer is based on an evaluation of the buyer's individual need taking into account their specific income, debts, etc. according to the City's underwriting policies for homebuyer assistance. Depending on the level of homebuyer assistance provided, the affordability period may be five (5) years (less than \$15,000 in direct assistance), ten (10) years (\$15,000 or more but less than \$40,000 in direct assistance), or fifteen (15) years (\$40,000 or more in direct assistance). Based on the City's program design, most projects trigger a 5- or 10-year affordability period.

All buyers sign a HOME written agreement with the City outlining the affordability period and recapture provisions. HOME assistance is provided in the form of a deferred loan secured by a second-position deed of trust which is due and payable upon sale or transfer of title. In the event buyers remain in the unit beyond the end of the affordability period, the HOME loan remains outstanding until sale or transfer of title while the term of the HOME written agreement expires.

Any sale or transfer of title during the affordability period results in recapture by the City of the lesser of the:

- Entire amount of direct HOME assistance originally provided to the buyer (less any voluntary prepayments previously made); or
- Net proceeds of sale (sales price minus senior secured debt minus reasonable seller's closing costs).

When the net proceeds are inadequate to fully repay the City's HOME loan, the City accepts the net proceed as full and final payoff of the note. The City reserves the right to determine that the sales price reflects an arms-length transaction at fair market value. Receipts received as a result of a sale within the affordability period are recorded as "recaptured funds." When net sales proceeds exceed the HOME assistance, buyers retain all remaining net proceeds after repaying the HOME loan balance.

After the expiration of the affordability period, any sale or transfer requires the HOME loan balance be repaid, and the City similarly limits the payoff to the net proceeds of sale. Receipts collected after the affordability period has expired are recorded as "program income." Net proceeds in excess of the City's HOME loan balance are retained by the original homebuyer.

Resale Requirements

The City of Dallas shall require that Resale provisions be used in the event that only a <u>Development Subsidy</u> is used to make the home affordable (i.e. funding construction to the developer). In a project where both Development and Direct subsidies are provided, recapture provisions apply.

Resale provisions require the homeowner to sell to another low-income homebuyer. The resale requirement must ensure that the price at resale provides the original HOME-assisted owner a fair return on investment and ensure that the housing will remain affordable to a reasonable range of low-income homebuyers as defined below:

Affordable to range of low-income homebuyers (As it relates to the Resale Provision only): That which is affordable to a family earning 80% AMI and below and that who do not pay any more than 30% their gross income for PITI (Principle, Interest, Tax, and Insurance).

<u>Fair Return on Investment (As it relates to the Resale Provision only):</u> A Homeowner can sell the home during the affordability period according to the following chart:

Years	Lower Range	Max Limit
Year 1-5 of Affordability	A Homeowner can sell the	Current (as of date of sale)
Period	home during the affordability period for no more than 15% over DCAD's most recent appraisal value	Affordable Home Price as set forth in the City of Dallas Housing Policy
Year 6-15 of Affordability	No Cap on appreciation rate	Current (as of date of sale)
Period		Affordable Home Price as set
		forth in the City of Dallas
		HousingPolicy

Homeownership projects undertaken using the resale provision shall use deed restrictions, covenants running with land, or other similar mechanisms per 92.254(a)(5)(i)(A) to ensure the resale requirements. The period of affordability specified in the mortgage will be the minimum period for the project as specified above. The period of affordability is based on the total amount of HOME funds invested in the housing.

Either recapture or resale provisions must be detailed and outlined in accordance with 24 CFR in marketing brochures, written agreements and all legal documents with homebuyer. Either recapture or resale may be used within a project, not both. Combining provisions to create "hybrids" is not allowed.

APPENDIX 8

City of Dallas Affirmative Fair Housing Marketing Policy

The Affirmative Fair Housing Marketing (AFHM) Plan is a marketing strategy or approach designed to attract renters and buyers that would be least likely to apply to assisted multi-family or single-family developments. The City of Dallas requires that all recipients and sub-recipients of HOME, CDBG or NSP funds, for all projects resulting in five (5) or more assisted housing units, implement affirmative marking approaches as part of the overall marketing strategy. To market affirmatively means that a good faith effort is made to attract to a project those minority or majority groups who are least likely to apply or are underrepresented in a neighborhood or community. Good faith efforts are recorded activities and documented outreach to those individuals identified as least likely to apply. Affirmative marketing requirements apply to all housing programs, including, but not limited to Tenant- Based Rental Assistance and Down Payment Assistance Programs.

The City of Dallas is committed to affirmatively market to such groups and requires that recipients of HOME/CDBG funds to submit an AFHM Plan using HUD Form 935.2B for single- family developments and HUD Form 935.2A for multi-family developments, prior to expending any funds on a project.

In developing an Affirmative Marketing Plan, the recipient/managing agent shall abide by the following:

Regulations

HOME: The recipient/managing agent shall adopt the affirmative marketing procedures and requirements as specified in the HOME Final Rule 92.351 for all projects resulting in five (5) or more HOME-assisted housing units.

CDBG: The Housing and Community Development Act of 1974, as amended, requires from each federal grantee, through the Consolidated Plan certify the following:

- Examine and attempt to alleviate housing discrimination with their jurisdiction;
- Promote fair housing choice for all persons;
- Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin;
- Promote housing that is accessible to and usable by persons with disabilities;
- And comply with non-discrimination requirements of the Fair Housing Act.

Policy on Nondiscrimination and Accessibility

The recipient/managing agent shall not discriminate against any individual or family because of race, color, national origin, religion, gender, disability, familial status, sexual orientation, gender identity or expression or source of income (disability, child support, spousal support or veteran's income or voucher). Reasonable accommodations will be offered to all disabled persons who request accommodations due to disability at any time during the application, resident selection and rent up process.

Training

• The recipient/managing agent shall provide property management staff with all relevant

regulations and Fair Housing provisions. All property management staff shall be required to follow the procedures and policies adopted by the recipient/managing agent. In the event that property management staff requires fair housing technical assistance, staff is to call the City of Dallas Office of Fair Housing and Human Rights 214-670-FAIR (3247).

 Regular training programs shall include marketing, outreach, data collection, reporting, and record keeping. Property management staff shall annually receive instruction regarding fair housing laws and the recipient/managing agent's Affirmative Marketing Plan.

Marketing and Outreach

• All advertising shall display the Equal Housing Opportunity logo or the phrase "Equal Housing Opportunity" and the accessibility logo when appropriate, as shown below:



- Consistent with resident population the development is designed to serve, the marketing of the project will ensure equal access to appropriate size units for all persons in any category protected by federal, state, and local laws governing discrimination. There will be no local residency requirements nor will preference be given to local residents for the project. Special marketing outreach consideration shall be given to the following traditionally underserved populations:
 - African Americans
 - Native Americans
 - Hispanics
 - Asians and Pacific Islanders
 - Disabled Persons
- Marketing shall include the use of newspapers of general circulation in Dallas. The
 recipient/managing agent will place notices in newspapers, specialized publications, and
 newsletters to reach potential residents. Applications, notices and all publications will
 include a Fair Housing and Equal Opportunity Logo, and the Accessibility Logo.
- The recipients/managing agent will contact local civic and community organizations representative of the ethnic and cultural diversity of the area in order to disseminate information about the development. Groups representing disabled and elderly individuals will be contacted. Where necessary, recipient/managing agent will publish its marketing materials in multiple languages and alternate formats as requested in order to better reach potential recipients and sub-recipients in the area with language limitations.

Race and Ethnic Data Collection and Reporting

An applicant shall be given an application package containing the following: Application, Income Requirements and form <u>HUD-27061-H</u> "Race and Ethnic Data Reporting Form." The recipient/managing agent is required to offer each household member the opportunity to complete the form. Parents or guardians are to complete the form for children under the age of 18. Completed documents for the entire household shall be stapled together and place in the household's file.

Compliance Assessment

- The recipient/managing agent will review the Affirmative Marketing Plan every year and update as needed to ensure compliance. The advertising sources will be included in the review to determine if past sources should be changed or expanded.
- The recipient/managing agent will annually assess the success of affirmative marketing
 actions for the project. If the demographic data of the residents vary significantly from the
 jurisdiction's population data, advertising efforts and outreach will be targeted to
 underrepresentedgroupsinanattempttobalancetheresidents with the demographics of the
 jurisdiction. The recipient/managing agent shall submit any changes to the plan to the Fair
 Housing Office.

Record Keeping

- The assigned recipient/managing agent shall establish and maintain an Affirmative Marketing file to hold advertisements, flyers, and other public information documents to demonstrate that the appropriate logo and language have been used. Additionally, staff shall keep records of its activities in implementing the affirmative marketing plan, including other community outreach efforts and its annual analysis.
- Recipient/managing shall keep up-to-date records based on census data, applications, and surveys about community residents, recipients and sub-recipients, residents of the project, and records about tenant selection or rejection.
- The recipient/managing agent shall provide City staff provide City staff access to any
 pertinent books, documents, papers or other records of their properties, as necessary, for
 determining compliance with civil rights and nondiscrimination requirements.

APPENDIX 9

Residential Anti-Displacement and Relocation Assistance Plan (RARAP)

This Residential Anti-Displacement and Relocation Assistance Plan (RARAP) is prepared by the City of Dallas Housing & Neighborhood Revitalization Department (City) in accordance with the Housing and Community Development Act of 1974, Section 104(d) as amended and HUD regulations at 24 CFR 42.325 and is applicable to CDBG, CDBG-R, Section 108 Loan Guarantee Program, NSP and/or HOME-assisted projects.

Plan to Minimize Displacement of Low/Mod-Income Families as a Result of Any HUD Assisted Activities

Consistent with the goals and objectives of activities assisted under the Act, the City will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Support the Redevelopment and Stabilization Target Areas through this policy
- Ensure the staging of rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Ensure for the arrangement of facilities to house persons who must be relocated temporarily during rehabilitation.
- Identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, allow for demolition or conversion of only dwelling units that are not occupied or vacant occupied dwelling units (especially those units which are "lower- income dwelling units" (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.

Relocation Assistance to Displaced Persons

The City will ensure relocation assistance for lower-income tenants who, in connection with an activity assisted under the above-mentioned Programs, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350.

A displaced person who is not a lower-income tenant, shall be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970m Section 104(d) as amended, and implementing regulations at 49 CFR Part 24.

One-for-One Replacement of Lower-Income Dwelling Units

The City will ensure replacement of all occupied and vacant occupied lower-income dwelling units demolished or converted to use other than lower-income housing in connection with a project assisted with funds provided under the above-mentioned programs in accordance with 24 CFR 42.375.

Before entering into a contract committing the City to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City will ensure publication of such project in a newspaper of general circulation and submit to HUD the following information in writing:

- A description of the proposed assisted project;
- The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of assisted project;
- A time schedule for the commencement and completion of the demolition or conversions;
- To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 420.75(d).
- The source of funding and a time schedule for the provision of the replacement dwelling units;
- The basis for concluding that each replacement dwelling unit will remain a lower- income dwelling unit for at least 10 years from the date of initial occupancy; and
- Information demonstrating that any proposed replacement of lower0income dwelling units
 with smaller dwelling units (e.g., a 2-bedroom unit with two 1- bedroom units), or any
 proposed replacement of efficiency or single-room occupancy (SRO) units with units of a
 different size, is appropriate and consistent with the housing needs and priorities identified
 in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specified location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the general location of such dwelling units will be identified on a map and the City will ensure that the disclosure and submission requirements are completed as soon as the specific data is available.

Replacement not required Based on Unit Available

Under 24 CFR 42.375(d), the City may submit a request to HUD for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

Responsible Entity

The City is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period. This City will also ensure that relocation payments and other relocation assistance are provided to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

APPENDIX 10 Other Federal Requirements

Other Federal Requirements	Apply to Owner Occupied Rehabilitation?	Apply to Homebuyer Programs?	Applies to Rental Housing Programs?
Non-Discrimination a	nd Equal Access Rules		
Fair Housingand Equal Opportunity	Yes. Must affirmatively further Fair Housing	Yes	Yes.
Affirmative Marketing	Yes.	Yes, for all projects of five or more HOME-assisted units.	Yes; for projects containing five or more Home-assisted units.
Accessibility for Disabled Persons	Accessibility features must be part of rehabilitation, if needed by owner/occupant and the overall unit is brought up to the PJ's property standard. (Note: Accessibility improvements are eligible costs.)		Yes.
Employment and Con	tracting Rules		
Equal Opportunity Employment	Yes.	Yes.	Yes.
Section 3 Economic Opportunity		Yes, if amount of assistance exceeds \$200,000 or contract or subcontract exceeds \$100,000.	Yes, if amount of assistance exceeds \$200,000 or contract or subcontract exceeds \$100,000.
Minority/Women Business Enterprises	No.	Yes.	Yes.
Davis-Bacon & other Labor	No.	Yes, if construction contract includes 12 or more units that are HOME-assisted	Yes, if construction contract includes 12 or more units that are HOME-assisted
Conflict of interest	Yes.	Yes.	Yes.
Excluded Parties (e.g., Debarred Contractors)	Yes.	Yes	Yes.
Other Federal Require	ements		
Environmental Reviews	Yes.	Yes	Yes.
Flood Insurance	Yes for PJs that are cities/counties. No for State programs.	Yes if city or county. No if state program	Yes for PJs that are cities/counties. No for State PJs.

Site and Neighborhood Standards	No.	No.	Yes; for rental new construction only
Lead-Based Paint	Yes for pre-1978 units	Yes for pre-1978 units.	Yes for rehabilitation of pre-1978 units. Applies to HOME and non-HOME assisted units. Requirements differ depending on whether rehabilitation work is performed.
Relocation	Yes.	Yes	Yes.

Lead-Based Paint Requirements

This portion of the manual outlines the requirements in relation to Lead-Based Paint.

The U.S. Department of Housing and Urban Development recently adopted new regulations in relation to the treatment of Lead Based Paint in properties built before 1978 that are assisted with HUD funding. The requirements are outlined below based on the activity undertaken. To obtain a copy of the rules from HUD, go to the HUD website at: www.hug.gov/lead and download the regulation.

The section does not outline the City programs that are available to provide financial assistance in relation to lead abatement. Please note, however that any financial assistance provided by the City to address lead-based paint will be in the form of a GRANT to the homeowner to developer.

Down-payment Assistance Programs:

The following are HUD's requirements See 24 CFR part 35 (subpart K):

- Distribute Lead Hazard Information Pamphlet and Disclosure to buyers of homes built prior to 1978.
- Perform Visual Assessment of all painted surfaces.
- If Visual Assessment reveals deteriorated paint, action must be taken to stabilize each deteriorated paint surface.
 - At this point, one will have to assume every component has lead since the Visual Assessment does not determine where lead is present. Safe work practices must be used by trained worker in this field. Paint stabilization works will on non-friction surfaces such as walls (interior/exterior). When dealing with friction points such as windows and doors, abatement procedures (removal, replacement, enclosure) are recommended.
- After paint stabilization, clearance must be performed by a certified Risk Assessor or Lead Inspector. HUD has established lead levels that meet clearance requirements.
- Notify the homebuyer within 15 days of results of clearance exam.

At the Visual Assessment Stage, the homebuyer may opt for a lead test. This will reveal the levels of lead present in the home. A lead inspection will not tell you the risk involved, but only where the leas is located. This is when a buyer may request a Risk Assessment to outline the necessary Lead Hazard Reduction methods needed to insure a lead safe residence.

Following are some options (NOT REQUIREMENTS) to consider in relation to your program design for down payment assistance programs:

- If the visual assessment reveals defective paint in which stabilization and clearance is required then this cost can be funded by the nonprofit or the homebuyer or seller.
- If visual assessment shows no deterioration of a painted surface, the homebuyer can sign a waiver stating that they are aware of the potential presence of lead paint and they choose not to address it.
- A qualified consultant should advise on any lead inspection, lead hazard screen or risk assessments.

For Rehabilitation Programs (Owner-Occupied, Homebuyer, and Rental Property Rehabilitation Programs and Historic Preservation Residential Programs):

See 24 CFR Part 35 (subpart J)

If you are implementing a rehabilitation program, HUD's requirements are a bit more stringent in relation to lead based paint. The following describes HUD's requirements:

For HUD funded rehabilitation activities, lead hazard evaluation and reduction activities must be carried out for all projects constructed before 1978.

In all case, notification must be made to the homeowner/buyer in the form of the HUD Lead Hazard Information Pamphlet and Disclosure or an acceptable alternative pamphlet.

The required evaluation and reduction activity is dependent upon the amount of HUD funding used for the project.

For cases where less than or equal to \$5,000 will be spent on the rehabilitation: Testing: Paint Testing of surfaces to be disturbed by the rehabilitation activities must occur.

Lead Hazard Reduction: Surfaces, which are disturbed during rehabilitation, must be re paired. Safe work practices must be used. After the rehabilitation activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

For cases where \$5,001 to \$25,000 will be spent on the rehabilitation:

Testing: Paint testing of surfaces to be disturbed by rehabilitation must occur. In addition, a risk assessment must be performed.

Lead Hazard Reduction: Interim controls must be used. This means that the friction and impact surfaces would be addressed. Interim controls include paint stabilization and cleaning. Safe work practices must be used. After the rehabilitation activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

For cases where more than \$25,000 will be spent on the rehabilitation: *Testing*: Paint testing of surfaces to be disturbed by rehabilitation must occur. In addition, a risk assessment must be performed.

Lead Hazard Reduction: abatement of hazards is the required approach. Abatement involves permanently removing lead-based hazards, often through paint and component removal, replacement, encapsulation and enclosure. Interim controls and paint stabilization may be used on the home's exterior if it is not involved in the rehabilitation. Safework practices must be used. After the lead hazard reduction activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

Calculating the level of rehabilitation assistance:

When calculating how much HUD funding will be used on a rehabilitation project, the following costs are counted: soft costs, administrative costs, relocation costs, environmental reviews, acquisition of property, and lead hazard evaluation and reduction costs.

Lead-Based Paint Requirements

For HUD funded rehabilitation activities, lead hazard evaluation and reduction activities must be carried out for all projects constructed before 1978.

Less than or equal to \$5,000 spent on the rehabilitation:

Projects where the level of rehabilitation assistance is less than or equal to \$5,000 per unit must meet the following requirements. All work must be conducted using lead safe work practices and workers/contractors must be trained in lead safe work practices. It is presumed that painted surfaces being worked on contain lead-based paint. All disturbed paint must be repaired. Clearance is required by a State of Texas Certified Risk Assessor or Inspector if paint is disturbed. Safe work practices are NOT required when lead hazard reduction activities do not disturb (De Minimis Levels) painted surfaces that total more than 20 sq ft on exterior surfaces, 2 sq ft in any one interior room, or space or 10% of the total surface on an interior or exterior type of component.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

Where \$5,001 to \$25,000 spent on the rehabilitation:

A risk assessment is required to identify lead hazards and identified hazards must be addressed by interim controls. A risk assessment must be conducted by a qualified professional prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation. If the risk assessment identifies lead-based paint hazards, interim controls must be implemented to address lead-based paint hazards. Interim controls must be performed by qualified professionals using safe work practices. Clearance, conducted by a State of Texas Certified Risk Assessor or Inspector, is required when lead hazard reduction activities are complete.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

Where more than \$25,000 will be spent on the rehabilitation:

A risk assessment is required to identify hazards and any identified hazards must be abated by a qualified professional. A risk assessment must be conducted prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation.

To address hazards identified:

 Abatement must be conducted to reduce all identified lead-based paint hazards except those described below. Abatement must be conducted by a certified abatement contractor.

If lead-based paint hazards are detected during the risk assessment on the exterior surfaces that are not to be disturbed by rehabilitation, interim controls may be completed instead of abatement to reduce these hazards.

• Clearance is required when lead hazard reduction activities are complete.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

	<\$5,000	\$5,000 to \$25,000	>\$25,000
Approach to Lead Hazard Evaluation and Reduction	Do no harm	Identify and control lead hazards	Identify and abate lead hazards
Notification	Yes	Yes	Yes
Lead Hazard Evaluation	Paint Testing	Paint Testing and Risk Assessment	Paint Testing and Risk Assessment
Lead Hazard Reduction	Repair surfaces disturbed during rehabilitation	Interim Controls	Abatement (Interim controls may be used on exterior surfaces not disturbed by rehabilitation

Environmental Review Policy, Procedures, and Standards

For every project, an Environmental Review must be completed in accordance with 24 CFR Part 58 prior to executing an agreement with a sub-recipient, developer or CHDO. The City has developed the "Environmental Review Policy, Procedures, and Standards" document to outline the process and requirements of completing an Environmental Review.

APPENDIX 13 SECTION 3

All projects receiving an award of HOME funds must comply with HUD's Section 3 requirements. The purpose of Section 3 is to ensure that employment, training, contracting, and other economic opportunities generated by financial assistance from HUD shall, to the greatest extent feasible, and consistent with existing federal, state, and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very lowincome persons. Recipients of an award of HOME funds will be required to complete Section 3 compliance forms prior to execution of a loan agreement. Applicants requesting HOME funds must provide a written strategy demonstrating understanding of the Section 3 requirements and detailing how they will ensure that, when employment or contracting opportunities are generated because the project or activity necessitates the employment of additional persons or the award of contracts for work, preference shall be given to low- and very low-income persons or business concerns in the neighborhood. Neighborhood is defined in the HOME regulations (24 CFR Part 92. Subpart A) as "a geographic location designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation that is within the boundary but does not encompass the entire area of a unit of general local government."

Developers must obtain the City's approval of the Section 3 plan prior to the construction start of the project.

APPENDIX 14 Minority/Women Business Enterprise

Developers must maintain an M/WBE plan that demonstrates marketing and solicitation of M/WBE businesses and contractors for the construction of the project.

Regulatory References

You may be interested in reading the actual regulations published by the U.S. Department of Housing and Urban Development for CDBG and HOME and the applicable federal requirements. A copy of the regulations may be obtained by contacting the Department of Housing and Neighborhood Revitalization or downloading the information from the HUD website at www.hud.gov.

The regulations for CDBG are located at 24 CFR Part 570: Part 570 – Community Development Block Grants

	Subpart A – General Provisions
Section	Title
<u>570.1</u>	Purpose and PrimaryObjective
<u>570.2</u>	Removed
<u>570.3</u>	Definitions
<u>570.4</u>	Allocations of Funds
<u>570.5</u>	Waivers
	Subpart C – Eligible Activities
Section	Title
<u>570.200</u>	General Policies
<u>570.201</u>	Basic eligible activities
<u>570.202</u>	Eligible rehabilitation and preservation activities
<u>570.203</u>	Special economic developmentactivities
<u>570.204</u>	Special activities by Community-Based Development Organizations (CBDO's)
<u>570.205</u>	Eligible planning, urban environmental design and policy-planning- management- capacity building activities
<u>570.206</u>	Program administration costs
<u>570.207</u>	Ineligible activities
570.208	Criteria for national objectives
<u>570.209</u>	Guidelines for evaluating and selecting economic development projects

The regulations for HOME are located at 24 CFR Part 92: Home Investment Partnerships Program

Section	Title SUBPART A - GENERAL
92.1	Overview
92.2	Definitions
92.4	Waivers and Suspensions of Requirements for Disaster Areas

SUBPART B - ALLOCATIONS FORMULA

92.50	Formula Allocations	
92.60	Allocation Amounts for Insular Areas	
92.61	Program Description	
92.62	Review of Program Description and Certifications	
92.63	Amendments to Program Description	
92.64	Applicability of Requirements to Insular Areas	
92.65	Funding Sanctions	
92.66	Reallocations	

SUBPART C – CONSORTIA; DESIGNATION AND REVOCATION OF DESIGNATION AS A PARTICIPATING JURISDICTION

92.101	Consortia
92.102	Participation Threshold Amount
92.103	Notification of Intent to Participate
92.104	Submission of a Consolidated Plan
92.105	Designation as a Participating Jurisdiction
92.106	Continuous Designation as a Participating Jurisdiction
92.107	Revocation of Designation as a Participating Jurisdiction

SUBPART D - SUBMISSION REQUIREMENTS

92.150 Submission Requirements

SUBPART E - PROGRAM REQUIREMENTS

92.200	Private-Public Partnership
92.201	Distribution of Assistance
92.202	Site and Neighborhood Standards
92.203	Income Determinations
92.204	Applicability of Requirements to Entities that Receive a Reallocation of HOME
	Funds, other than Participating Jurisdictions
92.205	Eligible Activities: General
92.206	Eligible Project Costs
92.207	Eligible Administrative and Planning Costs
92.208	Eligible Community Housing Development Organization (CHDO) Operating
	Expense and Capacity Building Costs
92.209	Tenant-Based Rental Assistance: Eligible Costs and Requirements

Lead Based Paint Regulations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 35, 91, 92, 200, 203, 206, 280, 291, 511, 570, 572, 573, 574, 576, 582, 583, 585, 761, 881, 882, 883, 886, 891, 901, 906, 941, 965, 968, 670, 982, 983, 1000, 1003, and 1005 Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance.

AGENCY: Office of the Secretary – Office of Lead Hazard Control, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to ensure that housing receiving Federal assistance and federally owned housing that is to be sold does not pose lead-based paint hazards to young children. It implements sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992.

The requirements of this rule are based on the practical experience of cities, states and others who have been controlling lead-based paint hazards in low-income privately-owned housing and public housing through HUD assistance. It also reflects the results of new scientific and technological research and innovation on the sources, effects, costs, and methods of evaluating and controlling lead hazards. With today's action, HUD's lead-based paint requirements for all Federal programs are now consolidated in one part of title 24 of the Code of Federal Regulations.

DATES: Effective Dates: Section 35.140 is effective on November 15, 1999. All other provisions of the rule are effective on September 15, 2000.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, call (202) 755-1785, ext. 104 (this is not a toll-free number) or e-mail your inquiry to lead regulations@hud.gov. For lead-based paint program information, contact the Office of Lead Hazard Control, Department of Housing and Urban Development, 451 7th Street, SW, Room B-133, Washington, DC 20410-0500. For legal questions, contact the Office of General Counsel, Room 9262, Department of Housing and Urban Development. Hearing and speech-impaired persons may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

Subpart A – Disclosure of Known Lead-Based Paint Hazards upon Sale or Lease of Residential Property.

Subpart B – General Lead-Based Paint Requirements and Definitions for All Programs

- a. Definitions
- b. Exemptions
- c. Options
- d. Notice of Evaluation and Hazard Reduction Activities

- e. Lead Hazard Information Pamphlet
- f. Use of Paint Containing Lead
- g. Prohibited Methods of Paint Removal
- h. Compliance with Other, State, Tribal, and Local Laws
- i. Minimum Requirements
- j. Waivers
- k. Prior Evaluation or Hazard Reduction
- I. Enforcement
- m. Records

Subpart C - Disposition of Residential Property Owned by Federal Agency Other Than HUD

Subpart D – Project-Based Assistance Provided by a Federal Agency Other than HUD

Subpart E - Reserved

Subpart F – HUD-Owned Single-Family Property

Subpart G – Multifamily Mortgage Insurance

Subpart H – Project – Based Rental Assistance

Subpart I – HUD – Owned and Mortgagee-in-Possession Multifamily Property

Subpart J – Rehabilitation

Subpart K – Acquisition, Leasing, Support Services, or Operation

Subpart L - Public Housing Programs

Subpart M – Tenant-Based Assistance

Subpart N-Q - Reserved

Subpart R – Methods and Standards for Lead-Based Paint Hazard Evaluation and Reduction Activities

- a. Standards
- b. Adequacy of Dust-Lead Standards
- c. Summary Notice Formats
- d. Interim Controls
- e. Standard Treatments
- f. Clearance
- g. Occupant Protection and Worksite Preparation
- h. Safe Work Practices
- i. Ongoing Lead-Based Paint Maintenance and Reevaluation

Community Land Trust Designation Implementation Guidelines

This Community Land Trust Program (Program) identifies Community Land Trust (CLT) eligibility and operation criteria under which the City Council may initially designate and revoke the redesignation of a CLT, and under which the City Manager, or their designee may renew or recommend City Council revocation of the designation of CLTs in the City of Dallas.

The designation and re-designation process are subject to the approved CHP Program and the following general terms and City Manager, or their designee discretion. The elements below will be reviewed by Staff in the Housing and Neighborhood Revitalization Department ("Housing Staff") for accuracy and completeness. Housing staff will then prepare a document to be reviewed by the City Council for its initial designation. Housing staff will review and approve or suggest City Council revoke yearly re-designation of CLTs.

Housing staff is available to discuss the CLT application process and will schedule regular information sessions. In addition, select staff may be available to discuss community engagement and general CLT governance questions.

Applications are subject to verification and follow-up.

General Application Process

- Attend a CLT application info session;
- Request a meeting with Housing Staff to discuss community engagement, outreach and general guidelines;
- Complete an application with all required attachments;
- Amend Application, submit additional details as requested or work with City Staff to meet all Operations and Eligibility Criteria
- Attend the City Council meeting when the CLTs application will be under consideration for designation; and
- Re-certify yearly.

General Application Checklist

- 501(C)(3) tax exemption letter:
- Organization, charter, bylaws or other regulatory document adopted to govern its affairs which includes the following provisions:
 - adopted articles of incorporation, or a similar governing document, stating that it
 has the purpose to acquire and hold land for the benefit of developing and
 preserving long-term affordable housing in the City of Dallas, as required by
 Chapter 373B, as amended; to
 - discontinuance of the organization by dissolution or otherwise that the assets related to its CLT activities be transferred to the City of Dallas, the State of Texas, the United States, or a similar organization that is qualified as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1986 and designated as a CLT by the City of Dallas;
- list of key employees or contractors including, name, title, years of affordable housing experience, area of expertise, date of hire;
- most recent independently conducted audit or audit review (if organization has been in operation for more than 1 year);
- ground lease and deed restrictions documents, approved for use by the City;

- that include a resale formula outlining the amount of equity per year that can be built while ensuring long term affordability;
- that ensures that the owners of housing units built on CLT land will either be eligible for a property tax discount based on the deed restriction or, where the occupant is a tenant, that the occupant will benefit from any property tax discount;
- that have terms for sale, lease and inheritance,
- list of board members, position, title, outreach and recruitment methodology and the CLT board bylaws that indicate the CLT commitment to community ownership and governance and the percent or number of seats of low-income residents or owners of CLT properties on the board of directors and what specific expertise of board members the CLT seek out to govern the CLT;
- list enumerating the parcel(s) to be acquired (with date of purchase) to be included in the CLT, current appraised value, and estimation of taxes;
- business plan that demonstrates the ability to financially cover expenses with 3-year projection;
- list of community engagement activities that may include, number of community meetings, location, time, and number of attendees, outreach methodology, and challenges that the CLT faces with engagement and general outcome of engagement activities within the last year;
- list or explanation of any activities related to how this CLT will be used as a mechanism for anti-displacement, recruiting and retaining people with a historic legacy in the community or other community building methods;
- letters of support (not more than 10) from entities like: neighborhood residents, neighborhood stakeholders, non-profit and community-based organizations and for-profit business; and
- If requesting to operate in the same general geography as an existing CLT, a letter discussing the merits and the need, how and why another CLT should be designated in the same or similar area including how the applicant is different than the existing CLT and any records of outreach to the existing CLT for partnership or collaboration.

Re-Designation Application

To maintain designation as a CLT in subsequent years after initial designation, a CLT must submit a yearly re-designation application to the Department. The City Manager, or their designee may re-designate the CLT or recommend to the City Council to remove the CLT designation. The CLT must:

- Write a letter certifying that the information in the CLT's initial application is still true and correct and that the CLT continues to comply with all local, state and federal regulations OR acknowledge that information in the CLT's initial application has changed and attach updated information;
- submit its annual audit or audit review;
- submit all required evaluation and reporting metrics; and
- submit additional information as required by the Department.

Income Eligibility

A CLT must sell or lease housing units only to eligible households as set forth in Chapter 373B.006, as amended:

- (a) A CLT may sell housing units only to families with a yearly income at the time of sale at or below 80 percent of the area median family income, adjusted for family size;
- (b) Notwithstanding Subsection (a), for housing units located on one or more tracts of land owned by the CLT that constitute a contiguous geographic area or are located in the same

platted subdivision, the CLT may sell not more than 20 percent of the housing units to families with a yearly income at the time of sale that exceeds the amount provided by Subsection (a) but does not exceed 120 percent of the area median family income, adjusted for family size;

- (c) At least 25 percent of the housing units sold by the CLT must be sold to families with a yearly income at the time of sale at or below 60 percent of the area median family income, adjusted for family size;
- (d) The CLT may lease housing units only to families with a yearly income at the time of lease at or below 60 percent of the area median family income, adjusted for family size;
- (e) Notwithstanding Subsection (d), for housing units located on one or more tracts of land owned by the CLT that constitute a contiguous geographic area or are located in the same platted subdivision, the CLT may lease not more than 20 percent of the housing units to families with a yearly income at the time of lease that exceeds the amount provided by Subsection (d) but does not exceed 80 percent of the area median family income, adjusted for family size;

Disqualifying Criteria

The intent of the CLT program is to ensure long term affordability and good stewardship of communities through the unique nature of CLT operations throughout the City of Dallas. If CLT is not operating to ensure this than the CLT may not be eligible for initial designation and may lose its designation. Examples of this may include, but are not limited to, ground leases that do not reflect long term affordability protections, mortgage products that may be predatory in nature, the City receiving community complaints about this CLT management practices, not allowing housing choice vouchers, or not meeting the requirements of income eligibility of clients.

Residential Neighborhood Empowerment Zone Implementation Guidelines

Approved January 22, 2020

Development-Related Costs

Development fees and development-related costs eligible for grants up to \$15,000 per reserved dwelling unit under a Chapter 380 agreement include:

- Fees found in Section 52.300 of the Dallas City Code. However, the following fees are specifically excluded:
 - o 303.5.1.4.1 and 303.5.1.4.2 resubmittal fees
 - 303.5.6 sidewalk waivers
 - o 303.5.7 reinspection fees
 - o 303.5.13 returned check fees
 - o 303.5.16 reinstatement of permit privileges
 - o 303.5.18 appeals to boards
 - o 303.5.19 unauthorized concealment
 - 303.7 beginning work without a permit
- Zoning and platting fees found in Chapter 51A-1.105 of the Dallas Development Code
- Dallas Water Utility fees related to water and sewer service required for the development
- Costs associated with completing a tree survey as required in Chapter 51A-10 of the Dallas Development Code
- Additional professional services related to tree preservation at the discretion of the Director.

For the purposes of Sec. 51A-4.1002(c) of the Dallas Development Code, the Residential Neighborhood Empowerment Zone program is a program administered by the housing and neighborhood revitalization department and authorized by the city council that furthers the public purposes of the city's housing policy, and applicants are therefore eligible to have some or all of the parkland dedication requirements waived subject to compliance with the program.

Grants may be increased to an additional \$5,000 per reserved dwelling unit at the discretion of the Director. Additional grant amounts are allowable subject to Council approval.

Reference:

- Development fees:
 - https://dallascityhall.com/departments/sustainabledevelopment/buildinginspection/DCH %20documents/pdf/BI_Chapter%2052_Amendments_03-01-2017.pdf
- Zoning and platting fees:
 - http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinance s/volumeiii/chapter51adallasdevelopmentcodeordinance/articleigeneralprovisions11?f=te mplates\$fn=default.htm\$3.0\$vid=amlegal:dallas_tx\$anc=JD_51A-1.105
- Dallas Water Utility fees:
 - http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinance s/volumeii/chapter49waterandwastewater?f=templates\$fn=default.htm\$3.0\$vid=amlegal: dallas_tx\$anc=JD_Ch.49
- Tree mitigation standards:
 - https://dallascityhall.com/departments/sustainabledevelopment/buildinginspection/DCH %20documents/pdf/BI Tree%20Mitigation%20Standards.pdf

Reimbursement calculation

Developments consisting of more than one housing unit will be eligible for reimbursement of a pro rata share of the eligible development fees and development-related costs based on the percentage of units occupied by eligible households. For example:

 A developer builds a new 200-unit single family for-sale development and reserves 20 of the units for eligible households under 100% of AMI and 20 of the units for eligible households between 101% and 120% of AMFI. The developer incurs \$100,000 in eligible development-related expenses. The calculation would be:

```
(reserved units/total units) * eligible expenses = development fee reimbursement (40/200) * $100,000 = $20,000
```

 A developer builds 5 new single family for-sale homes and reserves all of them for households between 80% and 100% of AMI. In this case development-related expenses are high and the developer incurs \$100,000 in eligible development-related expenses. The calculation is below. Because it is above \$50,000, the development agreement would require additional Council approval for the portion above \$50,000:

```
(reserved units/total units) * eligible expenses = reimbursement
(5/5) * $100,000 = $100,000 (with additional Council approval)
```

Design review/compliance with Council-adopted area plans

New construction under this Program should respect the architectural character of the surrounding neighborhood and should comply with all Council-adopted area plans. In addition:

- The main pedestrian entrance to the single family or duplex dwelling unit must be closer to the street than the distance of the garage entrance to the street. So called "snout houses," where the garage is more prominent than the front door or front porch, are not eligible for funding under this program.
- All street-fronting facades must have at least one window that provides occupants visibility
 to the street and at least one pedestrian entrance facing the street at street level. The
 entrance must access the street with an improved pedestrian path connecting to the
 sidewalk. The driveway is not considered a pedestrian path.

Eligible Repairs

Eligible repairs for owner-occupied housing units and single-family rental housing units include the following items when associated with weather proofing and water proofing:

- Roofing repair
- Repair/replacement of exterior material, such as siding or brick repointing
- Exterior entry door repair or replacement
- Exterior window repair or replacement
- Exterior caulking, sealant application, and paint
- Plumbing repair/replacement to remediate leaks
- Removal and replacement of water-damaged material
- Mold remediation
- Gutters and downspouts as needed
- Porch repair to protect doorways and windows from water intrusion
- Foundation repair

Additional items as recommended by the assigned inspector and approved by the Director

Additional eligible repairs (once initial weather proofing and water proofing work is complete):

- Additional work related to the weather proofing and water proofing work in the list above
- Accessibility repairs and installation such as ramps, handrails or repairing walkways
- Water heater repair or replacement
- Heating systems/cooling systems repair or replacement
- Plumbing repair or replacement, including water lines, sewer lines, toilet repairs, etc.
- Electrical repair or replacement, including repair of breakers, panels, wiring, or outlets
- · Gas lines repair or replacement
- Floor repair or replacement
- Interior and exterior repairs as recommended by the assigned inspector
- Any item determined eligible by the Director

Termination, clawback, and default terms will be specified in the development and abatement agreements.

Process

Outline of proposed process:

- Application submission/review
- Pre-work inspection
- Application approval
- Tax abatement agreement drafted/signed
- Construction/renovation started/completed
- Paperwork submitted
- Post-work inspections complete
- Abatement recorded on deed (to remain on property during compliance period)
- Development grant paid after all program elements completed

Annual review

- Eligible property owners must annually
 - o apply to the appraisal district for the abatement
 - submit to the city, on a form approved by the director, proof of ongoing compliance with the program
- Subject to receipt of proof of ongoing compliance, the director shall provide verification to the appraisal district on an annual basis for the duration of the tax abatement.

Modifications

The City Manager may modify this Appendix 17 to increase its effectiveness and will notify by memorandum the City Council, the Housing Policy Task Force steering committee, and the city secretary of any changes.

Targeted Rehabilitation Program - West Dallas Sub-Program Module

Need or targeted Issue

Property values are rising quickly as new development spreads throughout West Dallas. The increased cost of taxes often competes with the cost of needed home repair or maintenance. This TRP, the West Dallas Sub-Program Module ("West Dallas TRP"), is directed to aid homeowners who occupy their homes in West Dallas who have home improvement needs but are financially unable to address them. The funding will prioritize exterior improvements. West Dallas TRP geography is defined by the following census tracts: 43, 101.01, 101.02, 105, 106.01, 106.02, 205

Outreach

The West Dallas TRP design was informed by resident feedback. Resident-only focus groups were held to gather information on targeted beneficiaries and needed improvements. The TRP was then developed by staff and details of the program solidified.

The Housing Policy Task Force (HPTF) reviewed the TRP on February 21, 2020 and February 28, 2020 and made recommendations and comments on the overall policy. That feedback was also included in the general policy.

Funding Source

Equity Revitalization Capital Fund

The total amount available is \$2,000,000 and each grant will be an amount not to exceed \$10,000 per property. It will be awarded based upon applicants meeting all criteria as listed herein.

Eligibility Requirements

Applicant Eligibility

Applicants (sometimes referred to as homeowner) must meet all of the applicant criteria in the TRP and must also own the home and live in it to be repaired. Applicant income must be at or below 80% AMI. Applicant(s) must provide a deed showing the conveyance of ownership, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple. All owners of the property must sign all grant documents.

Property Eligibility

Properties must meet the eligibility criteria of the West Dallas TRP and must also be single-family or duplex, homeowner occupied, and be located in one of the following Census tracts: 43, 101.01, 101.02, 105, 106.01, 106.02, 205.

Eligible Repairs

Applicants seeking service will be prioritized based upon the priority tier improvements listed below ("Priority Tier"), and all applicants will be served in the order in which they complete their applications. If funds are available after all priority tier repairs have been completed, repairs from the secondary tier will be vetted in the order in which Applicants complete applications. Applicants that start but do not finish an application will not be considered for assistance.

Eligible improvements under this West Dallas TRP is intended for the primary structure, prioritizing exterior elements of the house and land that include the following, but are not limited to:

- Priority Tier
 - Correction of exterior code violations and elimination of specific conditions detrimental to public health & safety identified by the City

- Roofing repair / replacement / soffit
- Exterior material repair / replacement (siding, repointing, painting)
- HVAC repair / replacement
- Plumbing (exterior gas, sewer, water lines)
- Foundation repair / leveling
- Accessibility repairs and installation such as ramps, handrails or repairing walkways
- o Any item determined eligible by the Director, that aligns with the overall TRP policy;
- Secondary Tier (all exterior)
 - Entry doors
 - Windows
 - Gutters and Downspouts
 - Garage doors
 - Water heater
 - Flooring repair
 - Stairs
 - Flatwork
 - Electrical
 - Any item determined eligible by the Director, that aligns with the overall TRP policy

Ineligible Repairs

Ineligible repairs include but are not limited to:

- Luxury and recreational items (granite counter tops, swimming pools, spas, high end fixtures)
- Tree trimming
- Fences
- Landscaping
- Demolition
- Repair expenses incurred prior to the execution of the contract with the City

Assistance Terms

The West Dallas TRP is a grant program with assistance of an amount not to exceed \$10,000 per property. Financial assistance will be the exact amount required to cover the cost of eligible repairs up to the amount available per property and will be paid directly to the contractor to perform the repair work. Repairs in excess of the program limits or outside the scope of the repair contract are the responsibility of the homeowner.

The grant will be enforced by a deed restriction. The deed restriction will have an affordability period of five (5) years from the date of signing the contract between the city and homeowner. Repayment terms will be prorated equally based upon the grant amount, except when bond funds are utilized.

There are no grant repayments unless one of the following occurs within the affordability period:

- The sale, conveyance, transfer, rental, or hypothecation of the security of the property; or
- If the home is vacated during the affordability period; or
- Failure to otherwise adhere to the provisions of the loan or grant.

During the period of affordability, monitoring shall be performed on an annual basis. Homeowner must certify annually that the home is not for sale, the property is in compliance with state, federal, and local laws, the repairs are being maintained, the property is the primary residence of the

homeowner, and any other certifications required by the City in the contract, until the five (5) year affordability period has lapsed.

Goals

The West Dallas TRP aims to serve at least 200 homeowners within an 18-month period. The City's Request for Proposals for a contractor to provide the repairs in the West Dallas TRP will include local subcontractor hiring.

Targeted Rehabilitation Program - Tenth Street Historic District Sub-Program Module

Need or targeted Issue

Historic properties can be costly to maintain. Many residents in the Tenth Street Historic District TRP ("Tenth Street TRP") face pressure on how to complete needed repairs without violating the requirements as set forth in the Historic District Ordinance (Ordinance #22852). This TRP is directed to aid homeowners who live in their homes in Tenth Street who have home improvement needs but are financially unable to address them. The funding will have a priority on structural elements and then general routine maintenance items. All work must comply and receive a Certificate of Appropriateness and/or Landmark Commission approval before work can be authorized, and must otherwise comply with all applicable state, federal and local laws.

Outreach

The Tenth Street TRP design was informed by resident feedback. Resident-only focus groups were held to gather information on targeted beneficiaries and needed improvements. The TRP was then developed by staff and details of the program solidified.

The Housing Policy Task Force (HPTF) reviewed the TRP on February 21, 2020 and February 28, 2020 and made recommendations and comments on the overall policy. That feedback was also included in the general policy.

Funding Source

Equity Revitalization Capital Fund

The total amount available is \$750,000 and each grant will be in an amount not to exceed \$50,000 per property. It will be awarded based upon applicants meeting all criteria as listed herein.

Eligibility Requirements

Applicant Eligibility

Applicants (sometimes referred to as homeowner) must meet all of the applicant criteria in the Targeted Rehabilitation Program and must also own and live in the home to be repaired. If Applicant, intends to rehabilitate the property to be their primary residence, they may also be eligible to apply, given they occupy the dwelling within 6 months of grant award. Applicant income must be at or below 120% AMI. Applicant(s) must provide a deed showing the conveyance of ownership, or similar documentation acceptable to the City in its sole discretion, that proves ownership in fee simple. All owners of the property must sign all grant documents.

Property Eligibility

Properties must meet the eligibility criteria in the Targeted Rehabilitation Program and must also be:

- Single-family or duplex
- Homeowner occupied
- Contributing or non-contributing structure provided homeowner agrees to work with Landmark Commission to rehab home so that it becomes a contributing structure; and
- Be located within the established Tenth Street Historic District as defined by Ordinance #22852.

Eligible Repairs

Applicants seeking service will be prioritized based upon having a contributing structure with structural needs, major electrical or plumbing issues, or code violations. All applicants will be served in the order in which they complete their applications. If funds are available after all Applicants with contributing structures have been served, Applicants with general routine maintenance will be vetted in the order in which they apply. Applicants that start but do not finish an application will not be considered for assistance.

Eligible improvements under this Tenth Street TRP are intended for the primary structure prioritizing exterior elements of the house that include the following but may not be limited to:

Structural

- Correction of exterior code violations and elimination of specific conditions detrimental to public health & safety identified by the City
- Foundation repair / leveling
- o Roofing repair / replacement / soffit
- Major Electrical or Plumbing
- o Any item determined eligible by the Director that aligns with the overall TRP policy
- Routine Maintenance (all exterior)
 - Accessibility repairs and installation such as ramps, handrails or repairing walkways
 - Exterior material repair / replacement (siding, repointing, painting)
 - HVAC repair / replacement
 - Plumbing (exterior gas, sewer, water lines)
 - Entry doors
 - Windows
 - Gutters and Downspouts
 - Garage doors
 - Water heater
 - Flooring repair
 - o Stairs
 - Flatwork
 - Electrical
 - Any item determined eligible by the Director, that align with the overall TRP policy

Ineligible Repairs

Ineligible repairs include but are not limited to:

- Luxury and recreational items (granite counter tops, swimming pools, spas, high end fixtures)
- Tree trimming
- Fences
- Landscaping
- Demolition
- Repair expenses incurred prior to the execution of the contract with the City

Assistance Terms

The Tenth Street TRP is a grant program with assistance in an amount not to exceed \$20,000 per property. Financial assistance will be the exact amount required to cover the cost of eligible repairs up to the amount available per property and will be paid directly to the contractor to perform

the repair work. Repairs in excess of the program limits or outside the scope of the repair contract are the responsibility of the homeowner.

The grant will be enforced by a deed restriction. The deed restriction will have an affordability period of five (5) years from the date of signing the contract between the city and homeowner, and repayment terms will be prorated equally based upon the grant amount, except when bond funds are utilized.

There are no grant repayments unless one of the following occurs within the affordability period:

- The sale, conveyance, transfer, rental, or hypothecation of the security of the property
- If the home is vacated during the affordability period
- If the Applicant who does not currently occupy the dwelling does not move into the dwelling within 6 months of grant award
- Failure to adhere to the provisions of the loan or grant.

During the period of affordability, monitoring shall be performed on an annual basis. Homeowner must certify annually that the home is not for sale, the property is in compliance with state, federal, and local laws, the repairs are being maintained, the property is the primary residence of the homeowner, and any other certifications required by the City in the contract, until the five (5) year affordability period has lapsed.

Goals

The Tenth Street TRP aims to serve at least 35 homeowners within an 18-month period.

The City Request for Proposals for a contractor to provide the repairs in the Tenth Street TRP will include local subcontractor hiring and experience working on historic properties.

APPENDIX 20 Interventions by Strategy Area

IMPLEMEN	TATION REQU	IREMENTS			
	Requires an ordinance change	Authorized by Resolution	Policy Decision	Available through NEZ	Non-City Action
Accessory Dwelling Units	X				
Building Code Fee Waivers	X			X	
Community Court			X		
Code Lien Foreclosures			X		
Community Land Trust	X				
Contractor Training Program		X	X		
Development Code Fee Waivers	X				
Employer-Assisted Housing Program					X
Envision Centers					X
Expedited Processing			X		
Home Improvement Preservation Program		X	X		
Homestead Preservation Districts			X		
Housing Trust Fund		X			
Incentive Zoning/Density Bonuses	X				
Lien Releases	X				
Multi-Family Rehab Program		X			
Neighborhood Empowerment Zones		X			
Opportunity Zones					
Park Land Dedication Fees					
Property Tax Abatement		X		X	
Rental/Homeowner Maintenance Education Program	X				
Tax Increment Financing (TIF)		X			
Voucher Sublease Program		X	X		

		Redevelop-	Stabiliza-	Emerging		
	Proposed Types of Activities	ment Areas	tion Areas	Markets	Citywide	Council
1	Notice of Funding Availability: New Development (for-sale and rental) or Substantial Rehabilitation	Р	Р	N	Y	MF: 2/20/2019
2	Preservation of owner-occupied housing: Home Improvement and Preservation Program Enhanced 9/25/2019 with title clearing program	Р	Р	Y	Y	11/28/2018 & 6/26/2019
3	Preservation of single-family rental housing: Home Improvement and Preservation Program Enhanced 9/25/2019 with title clearing program and enhanced 12/11/2019 with NEZ	Р	Р	Y	Y	
4	Preservation of multifamily rental housing: Home Improvement and Preservation Program	Р	Р	Y	Y	
5	Landbanking	Ν	Р	Р	N	N/A
6	Code lien foreclosures	N	Р	Р	N	
7	Neighborhood Empowerment Zones	Ν	Υ	N	N	1/22/2020
8	City's second mortgage assistance program (DHAP)	Y	Y	Y	Y	11/28/2018
9	Neighborhood Revitalization Strategy Area Designation	Р	Р	Р	N	in process
10	Dallas Tomorrow Fund (Department of Code Compliance home repair fund through fee assessment)	Y	Y	Y	Y	In process
11	Code academy	Υ	Y	Р	Υ	
12	Tax increment reinvestment zone designation	Υ	Y	Υ	N	
13	Create neighborhood association	Υ	Υ	Р	Υ	
14	Neighborhood sweep - 2-week intensive sweep: minor street repair, code inspections, signage, beautification projects, neighborhood plan	Y	Y	Р	N	
15	Neighborhood beautification projects	Υ	Y	Р	Υ	
16	Low Income Housing Tax Credit City support - with scoring criteria	N	Y	N	Y	6/12/2019
17	Voucher sublease agreements	Υ	Υ	Υ	Υ	
18	Accessory dwelling units	See Citywide	Y	See Citywide	Y-Opt-in	6/27/2018
19	Incentive zoning	Р	Р	N	Y	3/27/2019
20	Homestead preservation district designation	N	Р	N	N	
21	Community land trust	Υ	Υ	Υ	Υ	12/11/2019
22	Tenant based rental assistance program (HILI)	-	-	-	Υ	
23	Express plan review	Р	Р	N	N	
24	Targeted Rehab Program	Υ	Υ	Υ	Υ	8/26/2020
Key:	Key:P= Priority Y=Yes N=No					





City of Dallas

Agenda Information Sheet

File #: 21-1239 Item #: 9.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 1, 2, 3, 9

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction services contract for the construction of Alley Reconstruction Group 17-1003 - (list attached to the Agenda Information Sheet) - CCGMG LLC Series B, lowest responsible bidder of seven - Not to exceed \$497,361.00 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$444,502.00), Wastewater Construction Fund (\$2,090.00), and Wastewater Capital Improvement E Fund (\$50,769.00)

BACKGROUND

This action will authorize a construction services contract with CCGMG LLC Series B for the construction of four alley reconstruction projects as Alley Reconstruction Group 17-1003. The alley reconstruction projects will include improving the alleys with new reinforced concrete alley pavement, storm drainage and wastewater improvements.

CCGMG LLC Series B is a registered vendor with the City of Dallas, and its corporate office is located in Balch Springs, Texas.

Following are the locations and construction costs for each project:

<u>Project</u>	Council District	<u>Amount</u>
Edgefield Avenue and Windomere Avenue/ 12th Street to Wentworth Street (alley)	1	\$115,857.00
Worth Street (4812-4840) and Tremont Street (4807-4841)	2	\$177,343.00
La Rue Street and Wyoming Street from Cockrell Hill Road to La Rue Street (alley)	3	\$108,315.00

File #: 21-1239 Item #: 9.

Alley between Cloister Drive and Estacado Drive and Ash Creek Drive from existing pavement north of McCosh Drive to existing pavement south of Peavy Road

9 \$ 95,846.00

CCGMG LLC Series B has had no contractual activities with the City of Dallas within the past three years.

If this project group is not awarded for construction at this time, the alleys will continue to deteriorate causing additional pavement cracking and potholes to form, creating additional maintenance costs for the City and potential damages to vehicles utilizing the alleys. Field conditions may also change, which will require modifications to the engineering design plans, requiring additional funding and time to address.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction November 2021 Complete Construction March 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Street and Transportation (A) Fund (2017 General Obligation Bond Fund)	\$444,502.00	\$0.00	\$0.00
Wastewater Construction Fund	\$ 2,090.00	\$0.00	\$0.00
Wastewater Capital Improvement E Fund	\$ 50,769.00	\$0.00	\$0.00
Total	\$497,361.00	\$0.00	\$0.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$	
\$497,361.00	Construction	32.00%	100.00%	\$497,361.00	
This contract exceeds the M/WBE goal.					
CCGMG LLC Series B - Local; Workforce 100.00% Local					

File #: 21-1239 Item #: 9.

PROCUREMENT INFORMATION

The following seven bids were received and opened on June 11, 2021:

^{*}Denotes successful bidder

<u>Bidders</u>	Bid Amount
*CCGMG LLC Series B 11118 Leta Street	\$497,361.00
Balch Springs, Texas 75180	
Estrada Concrete Company, LLC	\$521,180.50
Camino Construction, LP	\$547,126.00
Vescorp Construction, LLC	\$553,338.50
MACVAL Associates, LLC	\$575,386.00
HQS Construction, LLC	\$594,275.39
Jeske Construction Company	\$750,116.00

OWNER

CCGMG LLC Series B

Bryndis Perez Velazquez, President

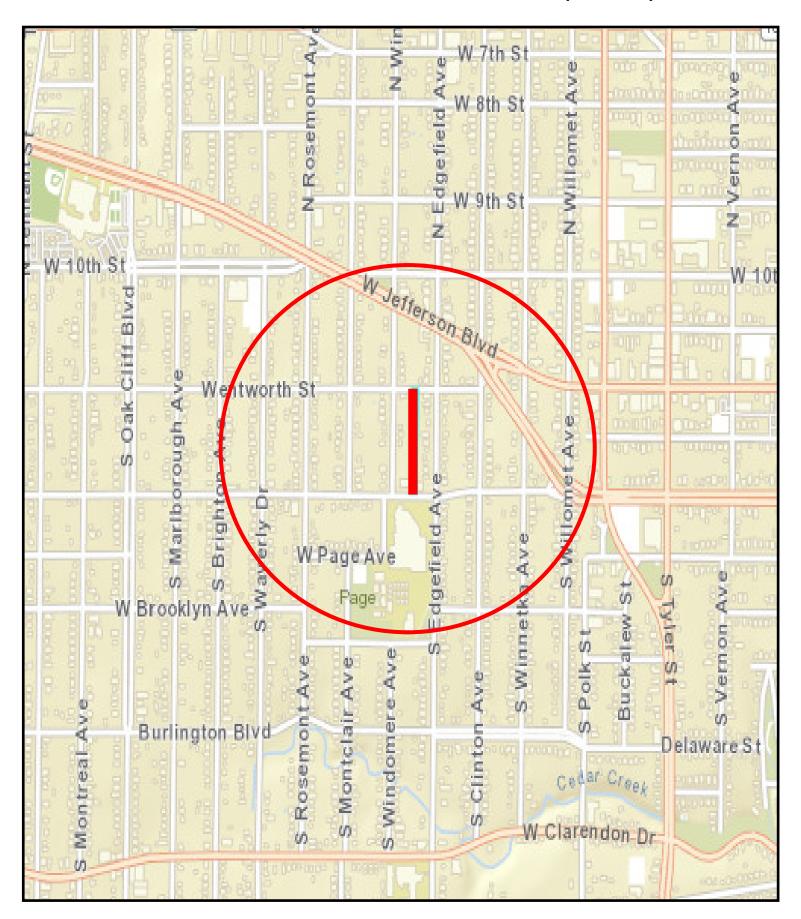
MAPS

Attached

Alley Reconstruction Group 17-1003

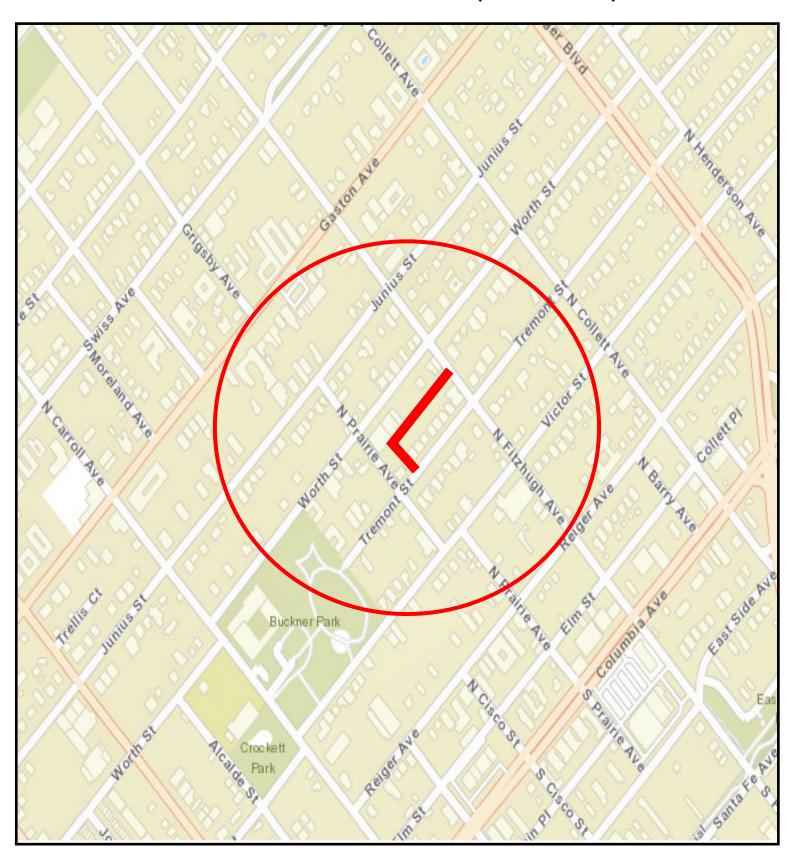
<u>Project</u>	Council District
Edgefield Avenue and Windomere Avenue/ 12 th Street to Wentworth Street (alley)	1
Worth Street (4812-4840) and Tremont Street (4807-4841)	2
La Rue Street and Wyoming Street from Cockrell Hill Road to La Rue Street (alley)	3
Alley between Cloister Drive and Estacado Drive and Ash Creek Drive from existing pavement north of McCosh Drive to existing pavement south of Peavy Road	9

ALLEY RECONSTRUCTON GROUP 17-1003 EDGEFIELD AVENUE AND WINDOMERE AVENUE/12TH STREET TO WENTWORTH STREET (ALLEY)

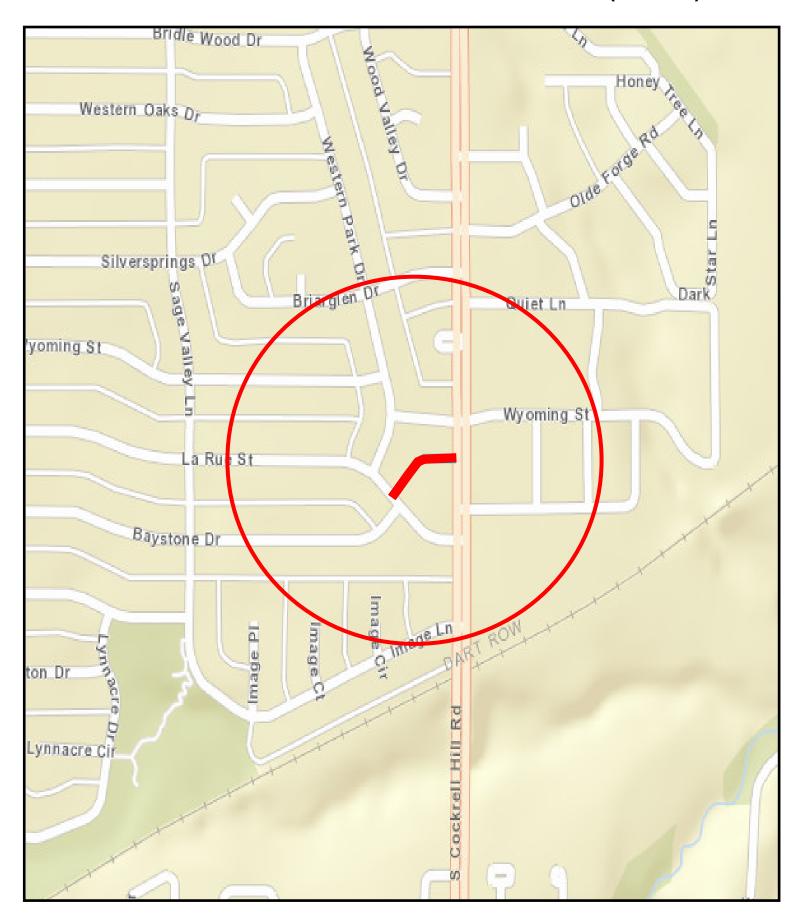


COUNCIL DISTRICT 1

ALLEY RECONSTRUCTON GROUP 17-1003 WORTH STREET (4812 - 4840) AND TREMONT STREET (4807 - 4841)

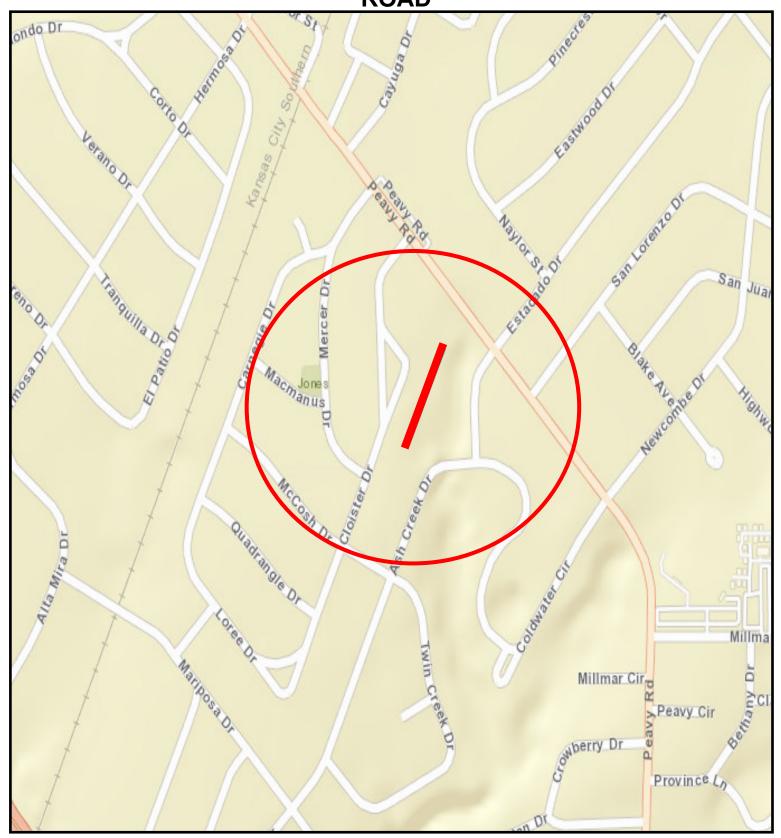


ALLEY RECONSTRUCTON GROUP 17-1003 LA RUE STREET AND WYOMING STREET FROM COCKRELL HILL ROAD TO LA RUE STREET (ALLEY)



COUNCIL DISTRICT 3

ALLEY RECONSTRUCTON GROUP 17-1003 ALLEY BETWEEN CLOISTER DRIVE AND ESTACADO DRIVE AND ASH CREEK DRIVE FROM EXISTING PAVEMENT NORTH OF MCCOSH DRIVE TO EXISTING PAVEMENT SOUTH OF PEAVY ROAD



WHEREAS, on June 11, 2021, seven bids were received for the construction of Alley Reconstruction Group 17-1003, as follows:

<u>Bidders</u>	<u>Amount</u>
CCGMG LLC Series B	\$497,361.00
Estrada Concrete Company, LLC	\$521,180.50
Camino Construction, LP	\$547,126.00
Vescorp Construction, LLC	\$553,338.50
MACVAL Associates, LLC	\$575,386.00
HQS Construction, LLC	\$594,275.39
Jeske Construction Company	\$750,116.00

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a construction services contract with CCGMG LLC Series B, approved as to form by the City Attorney, for Alley Reconstruction Group 17-1003, in an amount not to exceed \$497,361.00, this being the lowest responsible bid received as indicated by the tabulation of bids.

SECTION 2. That in order to reimburse and finance the authorized disbursements described herein, the City intends to issue one or more commercial paper notes as part of its General Obligation Commercial Paper Notes Series A, and Series B, and use the proceeds thereof to reimburse the disbursements described herein.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$497,361.00 to CCGMG LLC Series B, in accordance with the terms and conditions of the contract, as follows:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V001 Activity APET, Object 4510, Program PB17V001 Encumbrance/Contract No. CX-PBW-2021-00016528 Vendor VS100757

\$115,857.00

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V007 Activity APET, Object 4510, Program PB17V007 Encumbrance/Contract No. CX-PBW-2021-00016528 Vendor VS100757

\$124,484.00

SECTION 3. (continued)

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V002 Activity APET, Object 4510, Program PB17V002 Encumbrance/Contract No. CX-PBW-2021-00016528 Vendor VS100757

\$108,315.00

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V003 Activity APET, Object 4510, Program PB17V003 Encumbrance/Contract No. CX-PBW-2021-00016528 Vendor VS100757

\$ 95,846.00

Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Object 3222, Program 721096X Encumbrance/Contract No. CX-PBW-2021-00016528 Vendor VS100757

\$ 2,090.00

Wastewater Capital Improvement E Fund Fund 3116, Department DWU, Unit PS42 Object 4560, Program 721096 Encumbrance/Contract No. CX-PBW-2021-00016528 Vendor VS100757

\$ 50,769.00

Total amount not to exceed

\$497,361.00

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.





City of Dallas

Agenda Information Sheet

File #: 21-1300 Item #: 10.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 1, 2

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction services contract for the construction of Street Reconstruction Group 17-2009 (list attached to the Agenda Information Sheet) - Vescorp Construction, LLC dba Chavez Concrete Cutting, lowest responsible bidder of four - Not to exceed \$1,696,152.50 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Funds) (\$1,495,182.50), Water Capital Improvement D Fund (\$117,040.00), Wastewater Capital Improvement E Fund (\$46,830.00), Water Construction Fund (\$23,300.00), and Wastewater Construction Fund (\$13,800.00)

BACKGROUND

This action will authorize a construction services contract with Vescorp Construction, LLC dba Chavez Concrete Cutting for the construction of four local street reconstruction projects as Street Reconstruction Group 17-2009.

The project scope will include replacing the existing deteriorating roadway with new reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, pavement marking, storm drainage, and water and wastewater improvements.

Vescorp Construction, LLC dba Chavez Concrete Cutting is a registered vendor with the City of Dallas and its office is located in Balch Springs, Texas.

Following are the locations and construction costs for each project:

<u>Project</u>	Council District	<u>Amount</u>
Hay Street from Ring Street to to End of Pavement	2	\$154,930.00
South Patton Avenue from East 10th Street to East Jefferson Boulevard	1	\$409,635.00

File #: 21-1300			Item #: 10.
Murray Street from Main Street to Canton Street	2	\$670,980.00	
North Walton Street from Elm Street to End of Pavement	2	\$460,607.50	

The following chart illustrates Vescorp Construction, LLC dba Chavez Concrete Cutting's contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TRN</u>
Projects Completed	4	1	0	0
Active Projects	3	1	0	0
Change Orders	5	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

If this project is not awarded for construction at this time, the streets will continue to deteriorate causing additional pavement cracking and potholes to form, creating additional maintenance costs for the City and potential damages to vehicles utilizing the streets. Field conditions may also change, which will require modifications to the engineering design plans, requiring additional funding and time to address.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction January 2022 Complete Construction May 2023

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Street and Transportation (A) Fund (2017 General Obligation Bond Funds)	\$1,495,182.50	\$0.00	\$0.00
Water Capital Improvement D Fund	\$ 117,040.00	\$0.00	\$0.00
Water Construction Fund	\$ 23,300.00	\$0.00	\$0.00
Wastewater Capital Improvement E Fund	\$ 46,830.00	\$0.00	\$0.00
Wastewater Construction Fund	\$ 13,800.00	\$0.00	\$0.00
Total	\$1,696,152.50	\$0.00	\$0.00

Council District	<u>Amount</u>		
1	\$ 409,635.00		
2	\$1,286,517.50		
Total	\$1,696,152.50		

File #: 21-1300 Item #: 10.

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$1,696,152.50	Construction	32.00%	100.00%	\$1,696,152.50
This contract exceeds the M/WBE goal.				
Vescorp Construction, LLC dba Chavez Concrete Cutting - Local; Workforce - 100.00% Local				

PROCUREMENT INFORMATION

The following four bids were received and opened on June 25, 2021:

^{*}Denotes successful bidder

<u>Bidders</u>	Bid Amount
*Vescorp Construction, LLC dba Chavez Concrete Cutting 2405 South Peachtree Road Balch Springs, Texas 75180	\$1,696,152.50
Jeske Construction Company	\$1,827,850.00
Urban Infraconstruction	\$1,888,415.20
HQS Construction, LLC	\$1,946,579.40

OWNER

Vescorp Construction, LLC dba Chavez Concrete Cutting

Hugo Chavez, President

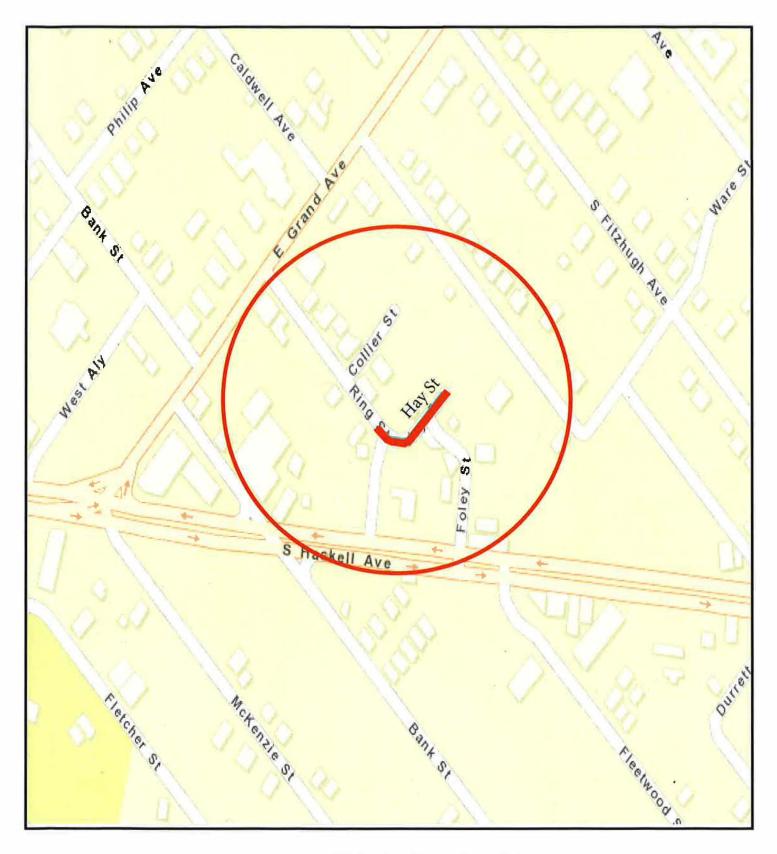
MAPS

Attached

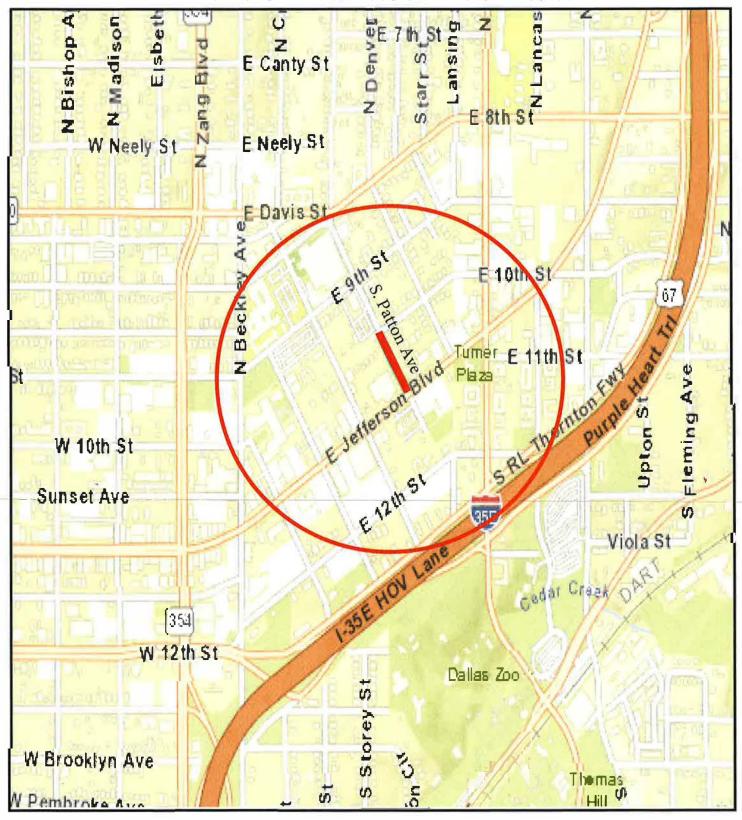
Street Reconstruction Group 17-2009

<u>Project</u>	Council District
Hay Street from Ring Street to End of Pavement	2
South Patton Avenue from East 10th Street to East Jefferson Boulevard	1
Murray Street from Main Street to Canton Street	2
North Walton Street from Elm Street to End of Pavement	2

STREET RECONSTRUCTION GROUP 17-2009 HAY STREET FROM RING STREET TO END OF PAVEMENT

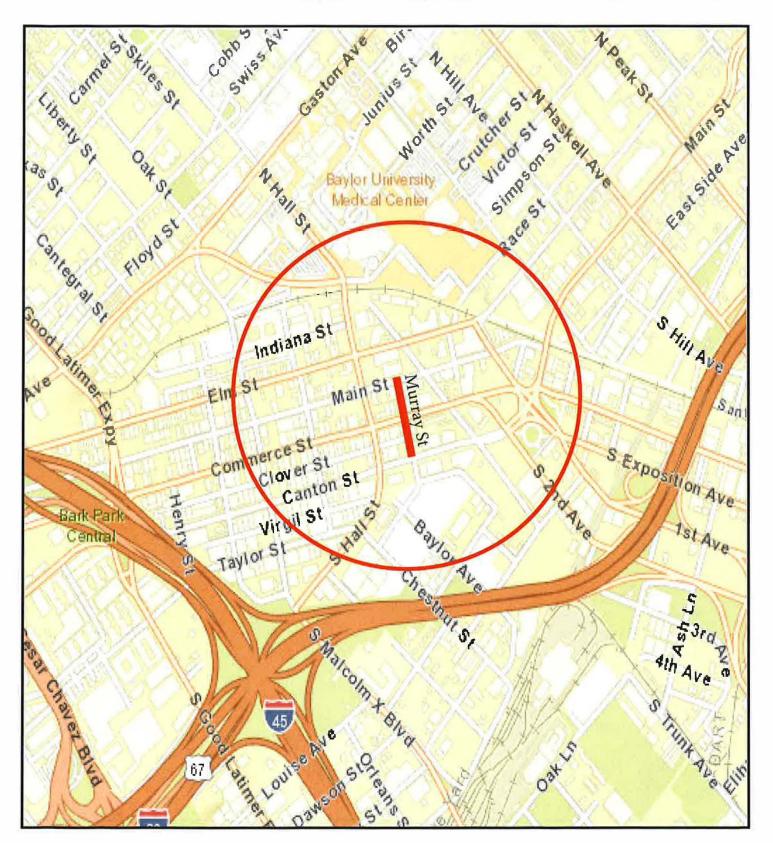


STREET RECONSTRUCTION GROUP 17-2009 SOUTH PATTON AVENUE FROM EAST 10TH STREET TO EAST JEFFERSON BOULEVARD

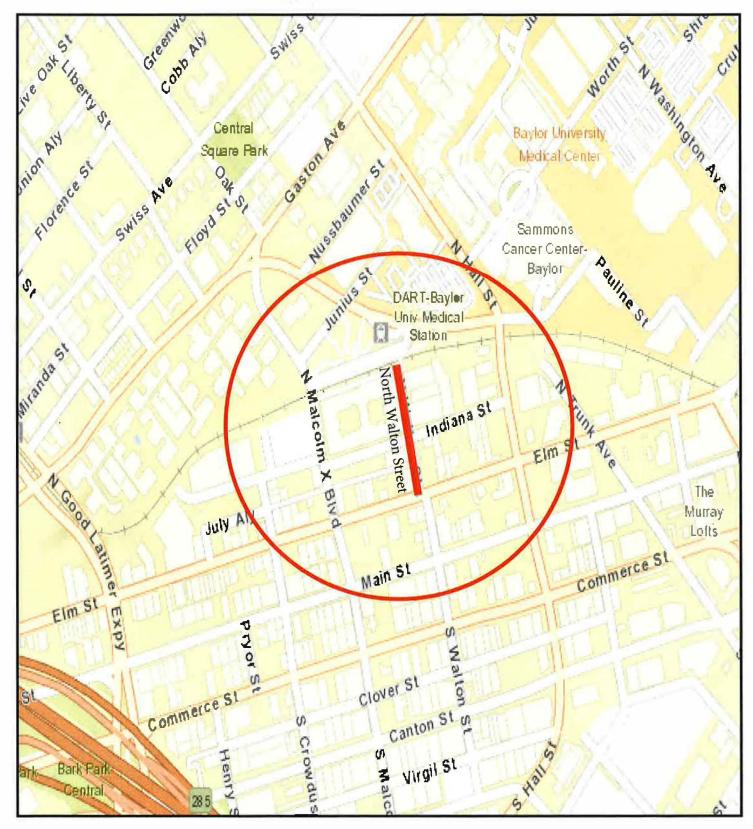


COUNCIL DISTRICT 1

STREET RECONSTRUCTION GROUP 17-2009 MURRAY STREET FROM MAIN STREET TO CANTON STREET



STREET RECONSTRUCTION GROUP 17-2009 NORTH WALTON STREET FROM ELM STREET TO END OF PAVEMENT



WHEREAS, on June 25, 2021, four bids were received for the construction of Street Reconstruction Group 17-2009, as follows:

<u>Bidders</u>	<u>Amount</u>
Vescorp Construction, LLC dba Chavez Concrete Cutting Jeske Construction Company Urban Infraconstruction HQS Construction, LLC	\$1,696,152.50 \$1,827,850.00 \$1,888,415.20 \$1,946,579.40
	ψ 1,0 10,010110

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a construction services contract with Vescorp Construction, LLC dba Chavez Concrete Cutting, approved as to form by the City Attorney, for the construction of Street Reconstruction Group 17-2009, in an amount not to exceed \$1,696,152.50, this being the lowest responsible bid received as indicated by the tabulation of bids.

SECTION 2. That in order to reimburse and finance the authorized disbursements described herein, the City intends to issue one or more commercial paper notes as part of its General Obligation Commercial Paper Notes Series A, and Series B, and use the proceeds thereof to reimburse the disbursements described herein.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,696,152.50 to Vescorp Construction, LLC dba Chavez Concrete Cutting in accordance with the terms and conditions of the contract, as follows:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V239 Activity SREC, Object 4510, Program PB17V239 Encumbrance/Contract No. CX-PBW-2021-00017045 Vendor VS89922	\$ 151,530.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V190 Activity SREC, Object 4510, Program PB17V190 Encumbrance/Contract No. CX-PBW-2021-00017045 Vendor VS89922	\$ 397,735.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V241 Activity SREC, Object 4510, Program PB17V241 Encumbrance/Contract No. CX-PBW-2021-00017045 Vendor VS89922	\$ 497,310.00

SECTION 3. (continued)

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V242 Activity SREC, Object 4510, Program PB17V242 Encumbrance/Contract No. CX-PBW-2021-00017045 Vendor VS89922	\$	448,607.50
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Object 3222, Program 721216X Encumbrance/Contract No. CX-PBW-2021-00017045 Vendor VS89922	\$	13,800.00
Wastewater Capital Improvement E Fund Fund 3116, Department DWU, Unit PS42 Object 4560, Program 721216 Encumbrance/Contract No. CX-PBW-2021-00017045 Vendor VS89922	\$	46,830.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Object 3221, Program 721215X Encumbrance/Contract No. CX-PBW-2021-00017045 Vendor VS89922	\$	23,300.00
Water Capital Improvement D Fund Fund 2115, Department DWU, Unit PW42 Object 4550, Program 721215 Encumbrance/Contract No. CX-PBW-2021-00017045 Vendor VS89922	<u>\$</u>	117,040.00
Total amount not to exceed	\$1	1,696,152.50

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.





City of Dallas

Agenda Information Sheet

File #: 21-1231 Item #: 11.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 4

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction services contract for the construction of Street Reconstruction Group 17-4007 (list attached to the Agenda Information Sheet) - Camino Construction, L.P., lowest responsible bidder of eight - Not to exceed \$1,921,558.00 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$1,569,234.00), Water Construction Fund (\$9,440.00), Water Capital Improvement D Fund (\$211,339.00), Wastewater Construction Fund (\$3,250.00), and Wastewater Capital Improvement E Fund (\$128,295.00)

BACKGROUND

This action will authorize a construction services contract with Camino Construction, L.P., for the construction of two street reconstruction projects as Street Reconstruction Group 17-4007.

The project group scope will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, pavement marking, possible replacement of the drainage system, and water and wastewater improvements.

Camino Construction, L.P. is a registered vendor with the City of Dallas, and has an office located in Lewisville, Texas.

Following are the locations and construction cost for each project:

<u>Project</u>	Council District	<u>Amount</u>
Galloway Avenue from Fernwood Avenue to South Denley Drive	4	\$ 674,484.00
Maywood Avenue from Frio Drive to South Denley Drive	4	\$1,247,074.00

File #: 21-1231 Item #: 11.

The following chart illustrates Camino Construction, L.P.'s contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TRN</u>
Projects Completed	2	0	0	0
Change Orders	2	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

If this project group is not awarded for construction at this time, the roadways will continue to deteriorate causing additional pavement cracking and potholes to form, creating additional maintenance costs for the City and potential damages to vehicle utilizing the roadways. Field conditions may also change, which will require modifications to the engineering design plans, requiring additional funding and time to address.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2021 Complete Construction August 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Street and Transportation (A) Fund (2017 General Obligation Bond Fund)	\$1,569,234.00	\$0.00	\$0.00
Water Construction Fund	\$ 9,440.00	\$0.00	\$0.00
Water Capital Improvement D Fund	\$ 211,339.00	\$0.00	\$0.00
Wastewater Construction Fund	\$ 3,250.00	\$0.00	\$0.00
Wastewater Capital Improvement E Fund	\$ 128,295.00	\$0.00	\$0.00
Total	\$1,921,558.00	\$0.00	\$0.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

File #: 21-1231 Item #: 11.

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$1,921,558.00	Construction	32.00%	81.50%	\$1,566,069.77
This contract exceeds the M/WBE goal.				
Camino Construction, L.P Non-Local; Workforce - 50.00% Local				

PROCUREMENT INFORMATION

The following eight bids were received and opened on June 11, 2021:

^{*}Denotes successful bidder

<u>Bidders</u>	Bid Amount
*Camino Construction, L.P. 1208 Metro Park Blvd.	\$1,921,558.00
Lewisville, Texas, 75057	
Estrada Concrete Company, LLC	\$1,937,672.00
HQS Construction, LLC	\$2,357,387.16
Vescorp Construction, LLC dba Chavez Concrete Cutting	\$2,361,433.50
Jeske Construction Company	\$2,413,281.00
Urban Infraconstruction	\$2,571,500.00
Axis Contracting, Inc.	\$2,592,914.00
MACVAL Associates, LLC	\$2,644,643.00

OWNER

Camino Construction, L.P.

Rogelio Ayala, President

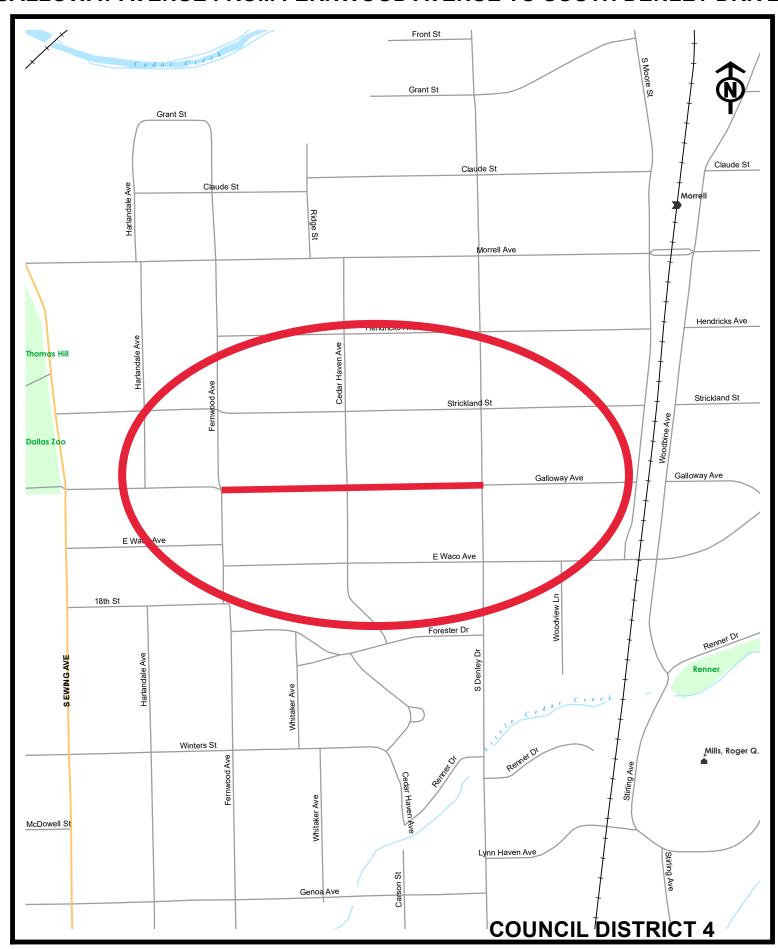
MAPS

Attached

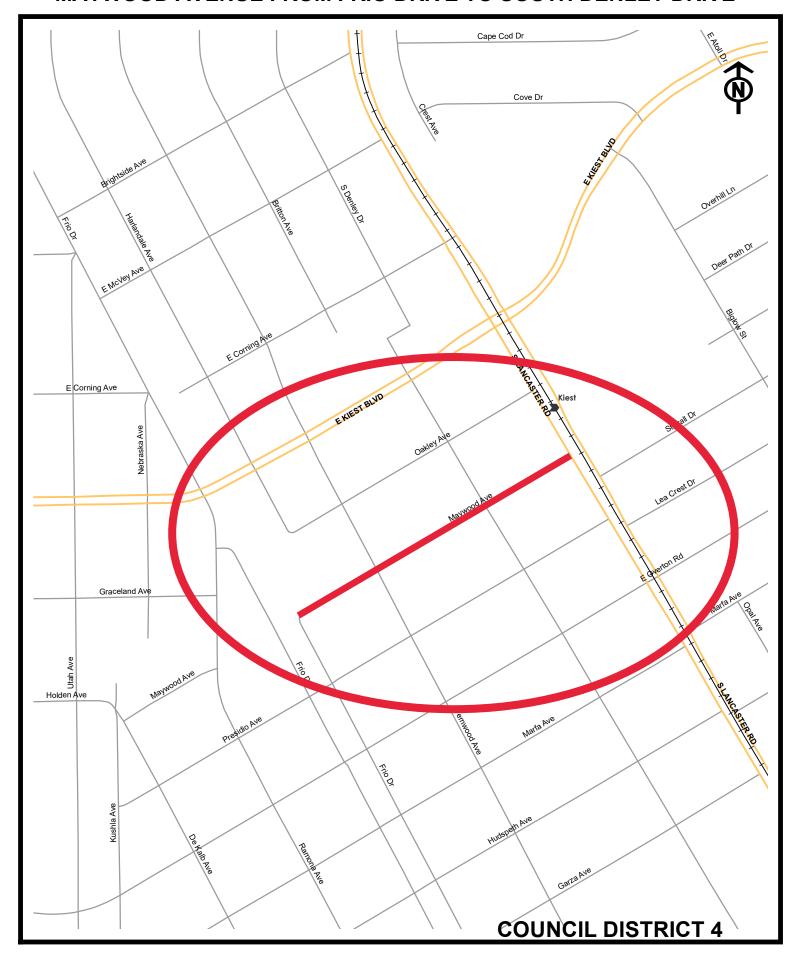
Street Reconstruction Group 17-4007

<u>Project</u>	Council District
Galloway Avenue from Fernwood Avenue to South Denley Drive	4
Maywood Avenue from Frio Drive to South Denley Drive	4

STREET RECONSTRUCTION GROUP 17- 4007 GALLOWAY AVENUE FROM FERNWOOD AVENUE TO SOUTH DENLEY DRIVE



STREET RECONSTRUCTION GROUP 17- 4007 MAYWOOD AVENUE FROM FRIO DRIVE TO SOUTH DENLEY DRIVE



WHEREAS, on June 11, 2021, eight bids were received for the street construction of Street Reconstruction Group 17-4007, as follows:

<u>Bidders</u>	Bid Amount
Camino Construction, L.P.	\$1,921,558.00
Estrada Concrete Company, LLC	\$1,937,672.00
HQS Construction, LLC	\$2,357,387.16
Vescorp Construction, LLC dba Chavez Concrete Cutting	\$2,361,433.50
Jeske Construction Company	\$2,413,281.00
Urban Infraconstruction	\$2,571,500.00
Axis Contracting, Inc.	\$2,592,914.00
Macval Associates, LLC	\$2,644,643.00

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a construction services contract with Camino Construction, L.P., approved as to form by the City Attorney, for the Street Reconstruction Group 17-4007, in an amount not to exceed \$1,921,558.00, this being the lowest responsible bid received as indicated by the tabulation of bids.

SECTION 2. That in order to reimburse and finance the authorized disbursements described herein, the City intends to issue one or more commercial paper notes as part of its General Obligation Commercial Paper Notes Series A, and Series B, and use the proceeds thereof to reimburse the disbursements described herein.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,921,558.00 to Camino Construction, L.P., in accordance with the terms and conditions of the contract, as follows:

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V202
Activity SREC, Object 4510, Program PB17V202
Encumbrance/Contract No. CX-PBW-2021-00016361
Vendor 144735

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V250 Activity SREC, Object 4510, Program PB17V250 Encumbrance/Contract No. CX-PBW-2021-00016361 Vendor 144735

\$ 674,484.00

\$ 894,750.00

SECTION 3. (continued)

Water Construction Fund Fund 0102, Department DWU, Unit CW42 Object 3221, Program 721183X Encumbrance/Contract No. CX-PBW-2021-00016361 Vendor 144735 9.440.00 Water Capital Improvement D Fund Fund 2115, Department DWU, Unit PW42 Object 4550, Program 721183 Encumbrance/Contract No. CX-PBW-2021-00016361 Vendor 144735 \$ 211,339.00 Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Object 3222, Program 721184X Encumbrance/Contract No. CX-PBW-2021-00016361 Vendor 144735 \$ 3,250.00 Wastewater Capital Improvement E Fund Fund 3116, Department DWU, Unit PS42 Object 4560, Program 721184 Encumbrance/Contract No. CX-PBW-2021-00016361 Vendor 144735 \$ 128,295.00 Total amount not to exceed \$1,921,558.00

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.





City of Dallas

Agenda Information Sheet

File #: 21-1231 Item #: 11.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 4

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction services contract for the construction of Street Reconstruction Group 17-4007 (list attached to the Agenda Information Sheet) - Camino Construction, L.P., lowest responsible bidder of eight - Not to exceed \$1,921,558.00 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$1,569,234.00), Water Construction Fund (\$9,440.00), Water Capital Improvement D Fund (\$211,339.00), Wastewater Construction Fund (\$3,250.00), and Wastewater Capital Improvement E Fund (\$128,295.00)

BACKGROUND

This action will authorize a construction services contract with Camino Construction, L.P., for the construction of two street reconstruction projects as Street Reconstruction Group 17-4007.

The project group scope will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, pavement marking, possible replacement of the drainage system, and water and wastewater improvements.

Camino Construction, L.P. is a registered vendor with the City of Dallas, and has an office located in Lewisville, Texas.

Following are the locations and construction cost for each project:

<u>Project</u>	Council District	<u>Amount</u>
Galloway Avenue from Fernwood Avenue to South Denley Drive	4	\$ 674,484.00
Maywood Avenue from Frio Drive to South Denley Drive	4	\$1,247,074.00

File #: 21-1231 Item #: 11.

The following chart illustrates Camino Construction, L.P.'s contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TRN</u>
Projects Completed	2	0	0	0
Change Orders	2	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

If this project group is not awarded for construction at this time, the roadways will continue to deteriorate causing additional pavement cracking and potholes to form, creating additional maintenance costs for the City and potential damages to vehicle utilizing the roadways. Field conditions may also change, which will require modifications to the engineering design plans, requiring additional funding and time to address.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2021 Complete Construction August 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Street and Transportation (A) Fund (2017 General Obligation Bond Fund)	\$1,569,234.00	\$0.00	\$0.00
Water Construction Fund	\$ 9,440.00	\$0.00	\$0.00
Water Capital Improvement D Fund	\$ 211,339.00	\$0.00	\$0.00
Wastewater Construction Fund	\$ 3,250.00	\$0.00	\$0.00
Wastewater Capital Improvement E Fund	\$ 128,295.00	\$0.00	\$0.00
Total	\$1,921,558.00	\$0.00	\$0.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

File #: 21-1231 Item #: 11.

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$1,921,558.00	Construction	32.00%	81.50%	\$1,566,069.77
This contract exceeds the M/WBE goal.				
Camino Construction, L.P Non-Local; Workforce - 50.00% Local				

PROCUREMENT INFORMATION

The following eight bids were received and opened on June 11, 2021:

^{*}Denotes successful bidder

<u>Bidders</u>	Bid Amount
*Camino Construction, L.P. 1208 Metro Park Blvd.	\$1,921,558.00
Lewisville, Texas, 75057	
Estrada Concrete Company, LLC	\$1,937,672.00
HQS Construction, LLC	\$2,357,387.16
Vescorp Construction, LLC dba Chavez Concrete Cutting	\$2,361,433.50
Jeske Construction Company	\$2,413,281.00
Urban Infraconstruction	\$2,571,500.00
Axis Contracting, Inc.	\$2,592,914.00
MACVAL Associates, LLC	\$2,644,643.00

OWNER

Camino Construction, L.P.

Rogelio Ayala, President

MAPS

Attached





City of Dallas

Agenda Information Sheet

File #: 21-1193 Item #: 12.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction services contract for the construction of Street Reconstruction Group 17-6006 (list attached to the Agenda Information Sheet) - Estrada Concrete Company, LLC, lowest responsible bidder of seven - Not to exceed \$2,255,809.03 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$1,490,634.98), Water Construction Fund (\$16,700.00), Water Capital Improvement D Fund (\$511,805.00), Wastewater Construction Fund (\$22,900.00), and Wastewater Capital Improvement E Fund (\$213,769.05)

BACKGROUND

This action will authorize a construction services contract with Estrada Concrete Company, LLC for the construction of three local street reconstruction projects as Street Reconstruction Group 17-6006.

The project scope will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, drainage system, and water and wastewater improvements.

Estrada Concrete Company, LLC is a Dallas-based corporation, operating within the corporate city limits of Dallas, Texas.

Following are the locations and construction costs for each project:

<u>Project</u>	Council District	<u>Amount</u>
Babcock Drive from Bernal Drive to Canada Drive	6	\$634,241.05
Halifax Street from Cash Road to Pulaski Street	6	\$680,914.98
Quebec Street from Sharp Street to Mockingbird Lane	6	\$940,653.00

File #: 21-1193 Item #: 12.

The following chart illustrates Estrada Concrete Company, LLC's contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TRN</u>
Projects Completed	0	0	0	0
Active Projects	10	1	0	0
Change Orders	2	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

If this project group is not awarded for construction at this time, the streets will continue to deteriorate causing additional pavement cracking and potholes to form, creating additional maintenance costs for the City and potential damages to vehicles utilizing the streets. Field conditions may also change, which will require modifications to the engineering design plans, requiring additional funding and time to address.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction November 2021 Complete Construction September 2023

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Street and Transportation (A) Fund (2017 General Obligation Bond Fund)	\$1,490,634.98	\$0.00	\$0.00
Water Construction Fund	\$ 16,700.00	\$0.00	\$0.00
Water Capital Improvement D Fund	\$ 511,805.00	\$0.00	\$0.00
Wastewater Construction Fund	\$ 22,900.00	\$0.00	\$0.00
Wastewater Capital Improvement E Fund	\$ 213,769.05	\$0.00	\$0.00
Total	\$2,255,809.03	\$0.00	\$0.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

File #: 21-1193 Item #: 12.

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$2,255,809.03	Construction	32.00%	100.00%	\$2,255,809.03
This contract exceeds the M/WBE goal.				
• Estrada Concrete Company, LLC - Non-local; Workforce - 67.00% Local				

PROCUREMENT INFORMATION

The following seven bids were received and opened on June 4, 2021:

^{*}Denotes successful bidder

<u>Bidders</u>	Bid Amount
*Estrada Concrete Company, LLC 1623 Garza Avenue Dallas, TX 75216	\$2,255,809.03
Jeske Construction Company	\$2,401,659.00
Camino Construction	\$2,444,145.00
Vescorp Construction, LLC dba	\$2,589,002.50
Chavez Concrete Cutting	
Tiseo Paving Company	\$2,936,382.00
Axis Contracting, Inc.	\$2,994,683.00
HQS Construction	\$3,064,186.00

OWNER

Estrada Concrete Company, LLC

David Bowers, Vice President

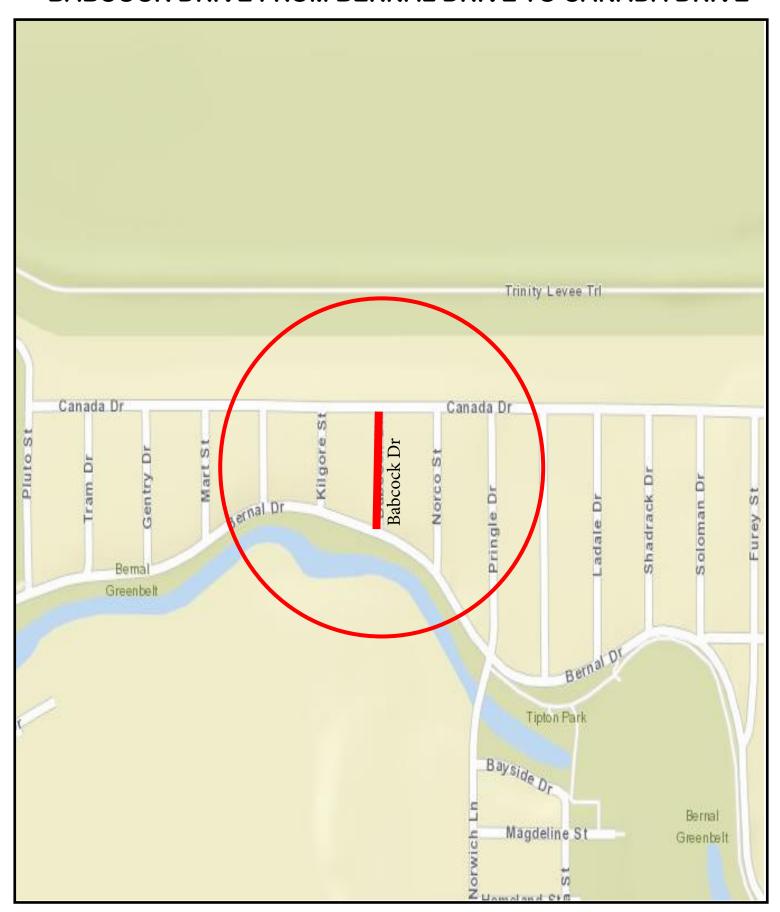
MAPS

Attached

Street Reconstruction Group 17-6006

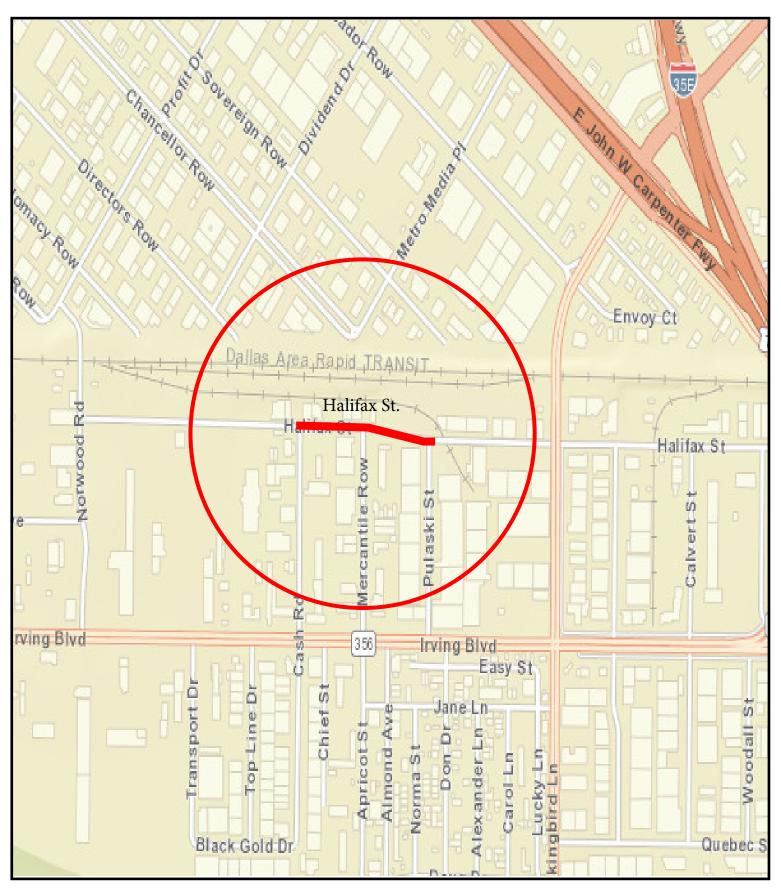
<u>Project</u>	<u>Council District</u>
Babcock Drive from Bernal Drive to Canada Drive	6
Halifax Street from Cash Road to Pulaski Street	6
Quebec Street from Sharp Street to Mockingbird Lane	6

STREET RECONSTRUCTION GROUP 17-6006 BABCOCK DRIVE FROM BERNAL DRIVE TO CANADA DRIVE



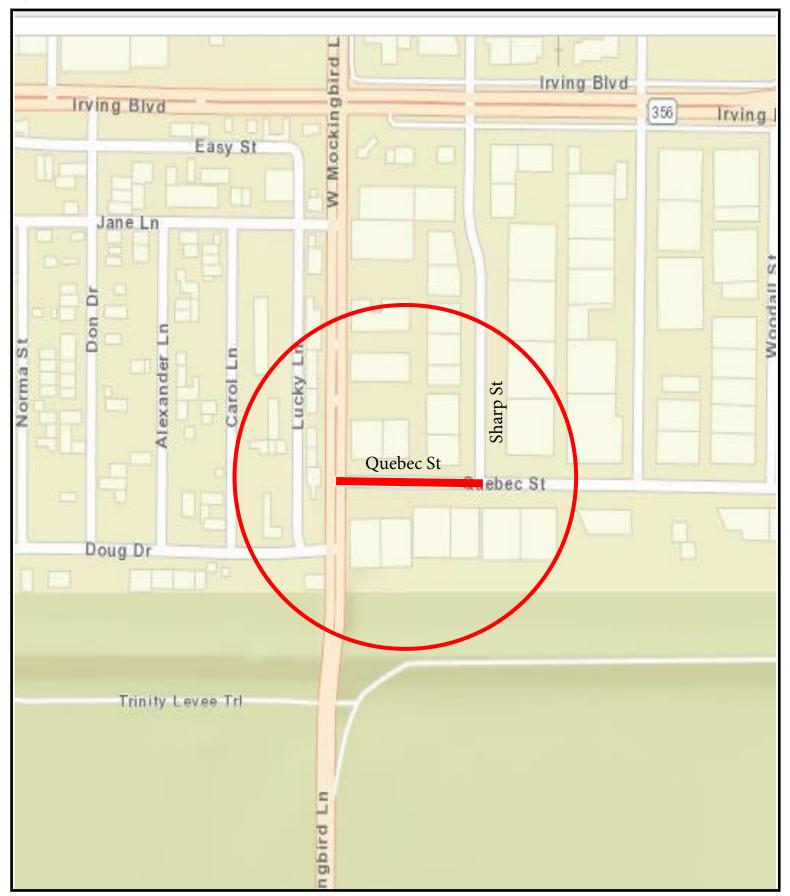
COUNCIL DISTRICT 6

STREET RECONSTRUCTION GROUP 17-6006 HALIFAX STREET FROM CASH ROAD TO PULASKI STREET



COUNCIL DISTRICT 6

STREET RECONSTRUCTION GROUP 17-6006 QUEBEC STREET FROM SHARP STREET TO MOCKINGBIRD LANE



COUNCIL DISTRICT 6

WHEREAS, on June 4, 2021, seven bids were received for the construction of Street Reconstruction Group 17-6006, as follows:

<u>Bidders</u>	<u>Amount</u>
Estrada Concrete Company, LLC Jeske Construction Company Camino Construction Vescorp Construction, LLC dba Chavez Concrete Cutting	\$2,255,809.03 \$2,401,659.00 \$2,444,145.00 \$2,589,002.50
Tiseo Paving Company Axis Contracting, Inc.	\$2,936,382.00 \$2,994,683.00
HQS Construction	\$3,064,186.00

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a construction services contract with Estrada Concrete Company, LLC, approved as to form by the City Attorney, for the construction of Street Reconstruction Group 17-6006, in an amount not to exceed \$2,255,809.03, this being the lowest responsible bid received as indicated by the tabulation of bids.

SECTION 2. That in order to reimburse and finance the authorized disbursements described herein, the City intends to issue one or more commercial paper notes as part of its General Obligation Commercial Paper Notes Series A, and Series B, and use the proceeds thereof to reimburse the disbursements described herein.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,255,809.03 to Estrada Concrete Company, LLC, in accordance with the terms and conditions of the contract, as follows:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V256 Activity SREC, Object 4510, Program PB17V256 Encumbrance/Contract No. CX-PBW-2021-00016187 Vendor 511236

\$ 351,550.00

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V206 Activity SREC, Object 4510, Program PB17V206 Encumbrance/Contract No. CX-PBW-2021-00016187 Vendor 511236

\$ 504,054.98

SECTION 3. (continued)

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V260 Activity SREC, Object 4510, Program PB17V260 Encumbrance/Contract No. CX-PBW-2021-00016187 Vendor 511236	\$	635,030.00
Water Capital Improvement D Fund Fund 2115, Department DWU, Unit PW42 Object 4550, Program 720309 Encumbrance/Contract No. CX-PBW-2021-00016187 Vendor 511236	\$	511,805.00
Wastewater Capital Improvement E Fund Fund 3116, Department DWU, Unit PS42 Object 4560, Program 720310 Encumbrance/Contract No. CX-PBW-2021-00016187 Vendor 511236	\$	213,769.05
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Object 3221, Program 720309X Encumbrance/Contract No. CX-PBW-2021-00016187 Vendor 511236	\$	16,700.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Object 3222, Program 720310X Encumbrance/Contract No. CX-PBW-2021-00016187 Vendor 511236	<u>\$</u>	22,900.00
Total amount not to exceed	\$2	2,255,809.03

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.







Agenda Information Sheet

File #: 21-1180 Item #: 13.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Dr. Eric A. Johnson

SUBJECT

Authorize acquisition of a wastewater easement from Savannah Property Company LLC, of approximately 15,111 square feet of land located near the intersection of University Hill Boulevard and Camp Wisdom Road for the University Hills Infrastructure Project - Not to exceed \$12,858.00 (\$10,358.00, plus closing costs and title expenses not to exceed \$2,500.00) - Financing: Equity Revitalization Capital Fund

BACKGROUND

This item authorizes the acquisition of a wastewater easement from Savannah Property Company LLC, of approximately 15,111 square feet of land located near the intersection of University Hills Boulevard and Camp Wisdom Road for the University Hills Infrastructure Project. This property will be used for wastewater infrastructure improvements for the University Hills area bounded by University Hills Boulevard, Camp Wisdom Road, Lancaster Road and Wheatland Road. The consideration is based on an independent appraisal. There are no relocation benefits associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Equity Revitalization Capital Fund	\$12,858.00	\$0.00	\$0.00

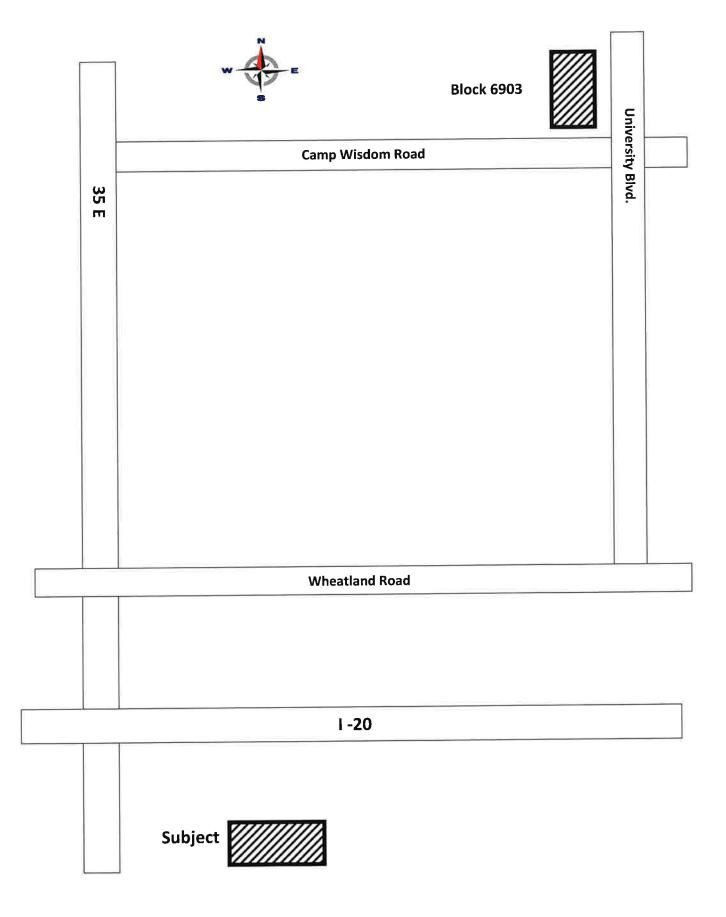
OWNER

Savannah Property Company, LLC

Pettis B. Norman, Director

<u>MAP</u>

Attached



A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 15,111 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": University Hills Infrastructure Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of wastewater together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Easement subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Savannah Property Company LLC, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$10,358.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,500.00

"AUTHORIZED AMOUNT": Not to exceed \$12,858.00

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds **CITY** has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Equity Revitalization Capital Fund, Fund 0719, Department HOU, Unit W490, Activity N/A, Program HOEQ0049, Object 4250, Encumbrance/Contract No. HOU-2020-00014632. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 8. 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.

APPROVED AS TO FORM: CHRISTOPHER J. CASO, City Attorney

Assistant City Attorney

15,111 SQUARE FEET (0.3469 AC.) OF LAND BEING PART OF BLOCK 6903, TO BE ACQUIRED BY THE CITY OF DALLAS FROM SAVANNAH PROPERTY COMPANY LLC. FOR WASTEWATER EASEMENT

All that certain lot, tract, or parcel of land lying and being located in Dallas County, Texas:

Being a 15,111 square foot (0.3469 acre) tract of land out of the Zedekiah Ricketts Survey, Abstract Number 1203 and being part of Block 6903, Official City of Dallas Block number same also being part of a tract of land conveyed to SAVANNAH PROPERTY COMPANY LLC., by SPECIAL WARRANTY DEED, recorded in Volume 2002030, Page 3423 of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows;

Commencing at a 3/8" iron rod found at the northernmost southwest corner of said SAVANNAH PROPERTY COMPANY tract, same being the northeast corner of a tract of land conveyed to Laurel Land Memorial Park, Inc. by Deed recorded in Volume 4296, Page 164 of said Deed records;

Thence S 00° 22' 59" E, a distance of 794.45 feet to the southwest corner of said SAVANNAH PROPERTY COMPANY tract, same being the southeast corner of said Laurel Land Memorial Park tract, same point also being along the north right of way line of Camp Wisdom Road, a right of way width of 100 feet;

Thence N 88° 46' 23" E, along said north line of Camp Wisdom Road same being the south line of said SAVANNAH PROPERTY COMPANY tract a distance of 47.91 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set (State Plane Coordinates N: 6928142.5843, E: 2488562.6286) for the **POINT OF BEGINNING**;

Thence N 00° 49' 38" W, departing said north line of Camp Wisdom Road and crossing said SAVANNAH PROPERTY COMPANY tract a distance of 16.26 feet to a 5/8" iron rod with pink cap stamped BDS TECH set;

Thence N 16° 08' 19" E, a distance of 197.42 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

Thence N 54° 15' 02" E, a distance of 110.21 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

Thence N 17° 53' 26" E, a distance of 184.45 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

Thence S 74° 30' 18" E, a distance of 30.00 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

Thence S 17° 53' 26" W, a distance of 195.60 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;



15,111 SQUARE FEET (0.3469 AC.) OF LAND BEING PART OF BLOCK 6903, TO BE ACQUIRED BY THE CITY OF DALLAS FROM SAVANNAH PROPERTY COMPANY LLC. FOR WASTEWATER EASEMENT

Thence S 54° 15' 02" W, a distance of 109.66 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

Thence S 16° 08' 19" W, a distance of 182.58 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

Thence S 00° 49' 38" E, a distance of 11.58 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set along the aforementioned north line of E Camp Wisdom Road;

Thence S 88° 46' 23" W, with said north line a distance of 30.00 feet to the **POINT OF BEGINNING** and containing approximately 15,111 square feet (0.3469 acre) of land within the metes recited.

Bearings are based on the Texas State Plane Coordinates System, North Central Zone 4202, North American Datum of 1983.

CERTIFICATION

I, Seth Ephraim Osabutey, R.P.L.S. number 6063 do hereby certify that the legal description hereon and the accompanying survey drawing represent an actual survey made on the ground under my supervision.



Exhibit A

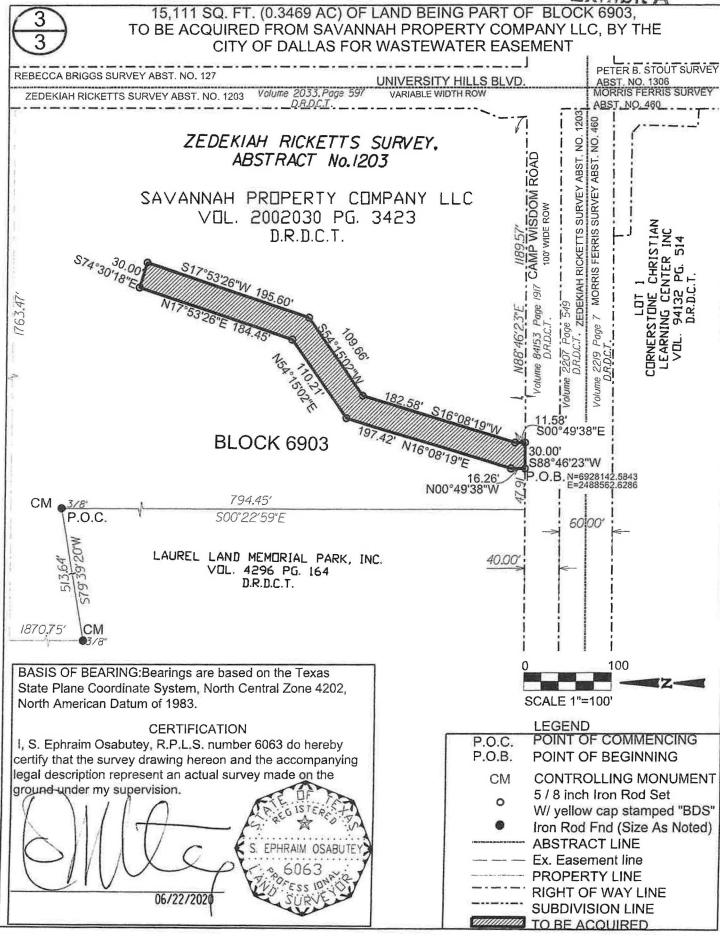


EXHIBIT B

WASTEWATER EASEMENT

THE STATE OF TEXAS

9

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF DALLAS

That Savannah Property Company LLC, a Texas limited liability company (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TEN THOUSAND THREE HUNDRED FIFTY-EIGHT AND NO/100 DOLLARS (\$10,358.00) to the undersigned in hand paid by the City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, an easement for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances and such additional main or mains and appurtenances as are needed in the future in, under, through, across and along all that certain lot, tract or parcel of land described in Exhibit A, attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances, and such additional main or mains and appurtenances as are needed in the future, according to such plans and specifications as will, in City's opinion, best serve the public purpose. The payment of the purchase price shall be considered full and adequate compensation for the easement rights herein granted.

Should one or more of the Grantors herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting the same to, the right of ingress and egress over and across said property to and from said easement for the purpose of constructing, reconstructing, maintaining, inspecting or repairing said main or mains and appurtenances.

The City shall have the right to remove and keep removed from the permanent easement herein granted any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance, repair or operation of the said main or mains. (Grantor, its successors or assigns, shall not place or store any material upon, or cover, bury, pave over or otherwise obstruct any cleanout, valve, meter or manhole located within the herein described permanent easement.)

EXHIBIT B

Grantor, its successors or assigns, shall not be permitted to plant trees or shrubs of any kind within the boundaries of the herein described permanent easement.

All expenses in the construction and maintenance of said main or mains and appurtenances shall be borne by the City. In the construction of said main or mains and appurtenances, should the City find it necessary to remove any improvements now on the above-described property, all of those expenses shall also be borne by the City. Upon completion of construction, all surplus excavation, debris, trash or litter resulting from construction shall be cleaned up and hauled off the premises, and the easement property, including any fences disturbed, shall be restored to its original contour and condition.

Nothing in this easement shall be construed as a waiver by the City of any connection charge or charges imposed by ordinance or Charter of the City of Dallas.

SPECIAL PROVISIONS: "None".

TO HAVE AND TO HOLD the above described easement, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said easement unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this	day of		
Savannah Property Cor	npany LLC, a	Texas limited liab	ility company
By:	irector		

EXHIBIT B

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After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
Attn: Lisa Junge

Wastewater Easement Log No. 49727

15,111 SQUARE FEET (0.3469 AC.) OF LAND BEING PART OF BLOCK 6903, TO BE ACQUIRED BY THE CITY OF DALLAS FROM SAVANNAH PROPERTY COMPANY LLC. FOR WASTEWATER EASEMENT

All that certain lot, tract, or parcel of land lying and being located in Dallas County, Texas:

Being a 15,111 square foot (0.3469 acre) tract of land out of the Zedekiah Ricketts Survey, Abstract Number 1203 and being part of Block 6903, Official City of Dallas Block number same also being part of a tract of land conveyed to SAVANNAH PROPERTY COMPANY LLC., by SPECIAL WARRANTY DEED, recorded in Volume 2002030, Page 3423 of the Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows;

Commencing at a 3/8" iron rod found at the northernmost southwest corner of said SAVANNAH PROPERTY COMPANY tract, same being the northeast corner of a tract of land conveyed to Laurel Land Memorial Park, Inc. by Deed recorded in Volume 4296, Page 164 of said Deed records;

Thence S 00° 22' 59" E, a distance of 794.45 feet to the southwest corner of said SAVANNAH PROPERTY COMPANY tract, same being the southeast corner of said Laurel Land Memorial Park tract, same point also being along the north right of way line of Camp Wisdom Road, a right of way width of 100 feet;

Thence N 88° 46' 23" E, along said north line of Camp Wisdom Road same being the south line of said SAVANNAH PROPERTY COMPANY tract a distance of 47.91 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set (State Plane Coordinates N: 6928142.5843, E: 2488562.6286) for the **POINT OF BEGINNING**;

Thence N 00° 49' 38" W, departing said north line of Camp Wisdom Road and crossing said SAVANNAH PROPERTY COMPANY tract a distance of 16.26 feet to a 5/8" iron rod with pink cap stamped BDS TECH set;

Thence N 16° 08' 19" E, a distance of 197.42 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

Thence N 54° 15' 02" E, a distance of 110.21 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

Thence N 17° 53' 26" E, a distance of 184.45 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

Thence S 74° 30' 18" E, a distance of 30.00 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

Thence S 17° 53' 26" W, a distance of 195.60 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;



15,111 SQUARE FEET (0.3469 AC.) OF LAND BEING PART OF BLOCK 6903, TO BE ACQUIRED BY THE CITY OF DALLAS FROM SAVANNAH PROPERTY COMPANY LLC. FOR WASTEWATER EASEMENT

Thence S 54° 15' 02" W, a distance of 109.66 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

Thence S 16° 08' 19" W, a distance of 182.58 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set;

Thence S 00° 49' 38" E, a distance of 11.58 feet to a 5/8 inch iron rod with pink cap stamped BDS TECH set along the aforementioned north line of E Camp Wisdom Road;

Thence S 88° 46' 23" W, with said north line a distance of 30.00 feet to the **POINT OF BEGINNING** and containing approximately 15,111 square feet (0.3469 acre) of land within the metes recited.

Bearings are based on the Texas State Plane Coordinates System, North Central Zone 4202, North American Datum of 1983.

CERTIFICATION

I, Seth Ephraim Osabutey, R.P.L.S. number 6063 do hereby certify that the legal description hereon and the accompanying survey drawing represent an actual survey made on the ground under my supervision.



Exhibit A 15,111 SQ. FT. (0.3469 AC) OF LAND BEING PART OF BLOCK 6903, TO BE ACQUIRED FROM SAVANNAH PROPERTY COMPANY LLC. BY THE CITY OF DALLAS FOR WASTEWATER EASEMENT PETER B. STOUT SURVEY REBECCA BRIGGS SURVEY ABST. NO. 127 JNIVERSITY HILLS BLVD ABST, NO. 1306 MORRIS FERRIS SURVE VARIABLE WIDTH ROW ZEDEKIAH RICKETTS SURVEY ABST. NO. 1203 ABST, NO. 460 ZEDEKIAH RICKETTS SURVEY. ABSTRACT No.1203 ZEDEKIAH RICKETTS SURVEY ABST. FERRIS SURVEY ABST. SAVANNAH PROPERTY COMPANY LLC V□L. 2002030 PG. 3423 D.R.D.C.T. \$74°30'18"E 11.58' | \$00°49'38"E **BLOCK 6903** 30.00' \$88°46'23"W P.O.B, N=6928142.5843 E=2488562.6286 N00°49'38' 794.45' CM 3/8 P.O.C. S00°22′59"E LAUREL LAND MEMORIAL PARK, INC. 40.00 VOL. 4296 PG. 164 D.R.D.C.T. 1870.75 CM 100 BASIS OF BEARING: Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, SCALE 1"=100" North American Datum of 1983. LEGEND CERTIFICATION POINT OF COMMENCING P.O.C. I, S. Ephraim Osabutey, R.P.L.S. number 6063 do hereby P.O.B. POINT OF BEGINNING certify that the survey drawing hereon and the accompanying legal description represent an actual survey made on the CONTROLLING MONUMENT CM ground under my supervision. 5 / 8 inch Iron Rod Set 0 W/ yellow cap stamped "BDS" Iron Rod Fnd (Size As Noted)

06/22/202

ABSTRACT LINE
Ex. Easement line
PROPERTY LINE
RIGHT OF WAY LINE

SUBDIVISION LINE
TO BE ACQUIRED



1500 Marilla Street

Dallas, Texas 75201

City of Dallas



Agenda Information Sheet

File #: 21-1402 Item #: 14.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Dr. Eric A. Johnson

SUBJECT

Authorize acquisition from Bruce Wilder and Jarvis Land and Timber, LLC, of a total of approximately 8.16 acres of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$41,627.00 (\$38,627.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Water Construction Fund

BACKGROUND

This item authorizes the acquisition from Bruce Wilder and Jarvis Land and Timber, LLC, of a total of approximately 8.16 acres of land located in Kaufman County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Transmission Pipeline Project. The consideration is based on an independent appraisal. There are no relocation benefits required.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, Texas and then to the Eastside Water Treatment Plant located in Sunnyvale, Texas. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Water Construction Fund	\$41,627.00	\$0.00	\$0.00

OWNERS

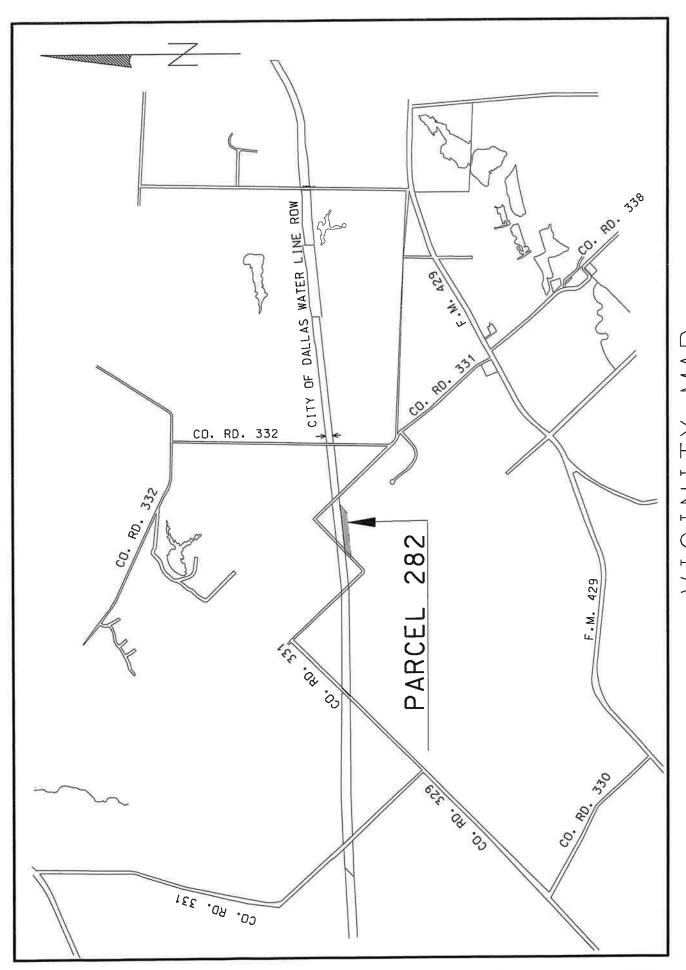
Bruce Wilder

Jarvis Land and Timber, LLC

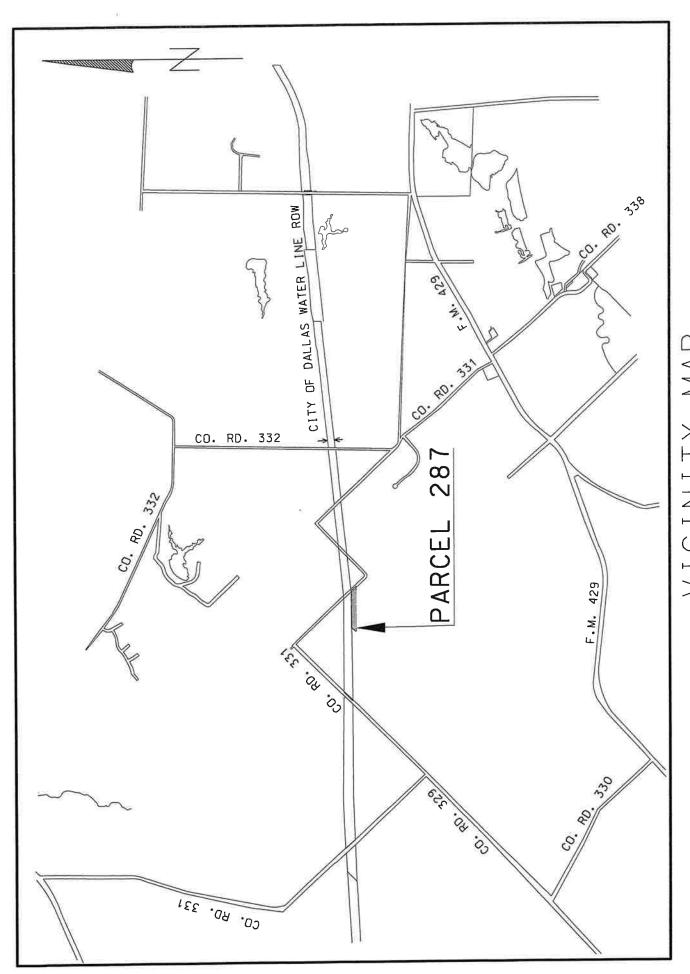
Ben E. Jarvis, President

MAPS

Attached



1"= 2000' VICINITY MAP Approximate scale 1"



2000' VICINITY MAP Approximate scale 1"=

VICINITY MAP Approximate scale 1"= 2000'

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": A total of approximately 8.16 acres of land located in Kaufman County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of raw water together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE here provided.

"PROPERTY INTEREST": Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Bruce Wilder and Jarvis Land and Timber, LLC, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$38,627.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": Not to exceed \$41,627.00

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2021-00015388. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 8. 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.

APPROVED AS TO FORM:

Christopher J. Caso, City Attorney

Assistant City Attorney

EmibitA

FIELD NOTES

DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN

KAUFMAN COUNTY, TEXAS
Parcel: 282

Tract 1

BEING a 3.005 acre tract of land in the E. Ables Survey, Abstract No. 6, in Kaufman County, Texas, and being part of a tract of land described in Warranty Deed to Ben E. Jarvis and Bruce Wilder, dated March 13, 1986, as recorded in Volume 847, Page 127, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 3/8-inch iron rod found at the northwest corner of a called 0.890 acre tract of land described in a deed to Oncor Electric Delivery Company, LLC, as recorded in Volume 3737, Page 415, of the Official Public Records of Kaufman County (O.P.R.K.C.T.), being in the south line of a City of Dallas Water Line Right-of-Way (variable width Right-of-Way), recorded in Volume 440, Page 375, D.R.K.C.T.;

THENCE South 45 degrees 29 minutes 51 seconds West, departing the southeast line of said City of Dallas tract and with the northwest line of said Oncor tract, a distance of 220.65 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the northeast corner of a 70-foot wide Oncor Electric Easement, as recorded in Volume 3728, Page 53, O.P.R.K.C.T.;

THENCE South 81 degrees 35 minutes 44 second West, departing said northwest line and with the north line of said Oncor Easement, a distance of 999.91 feet to a 1/2-inch iron rod with cap set in the northwest line of said Jarvis and Wilder tract, being in the southeast line of a tract of land described as "Tract 2" in a deed to Charles M. Heasley and Linda M. Heasley, as recorded in Volume 1216, Page 131, D.R.K.C.T., also being the approximate center of Kaufman County Road No. 331 (variable width by use and occupation);

THENCE North 43 degrees 15 minutes 53 seconds East, with the northwest line of said Jarvis and Wilder tract, with the southeast line of said "Tract 2" and along the approximate center of said County Road, a distance of 209.61 feet to a 1/2-inch iron rod with cap set at the southwest corner of the aforementioned City of Dallas Water Line Right-of-Way;

THENCE North 81 degrees 35 minutes 44 seconds East, departing said northwest and southeast lines and with the south line of said City of Dallas Water Line Right-of-Way, a distance of 1,013.77 feet to the POINT OF BEGINNING and containing 130,889 square feet or 3.005 acres of land, more or less.



DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN

KAUFMAN COUNTY, TEXAS

Parcel: 282



Tract 1

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name:

DAL-TECH Engineering, Inc.

TBPLS Firm No. 10123500

By:

_ Date: __

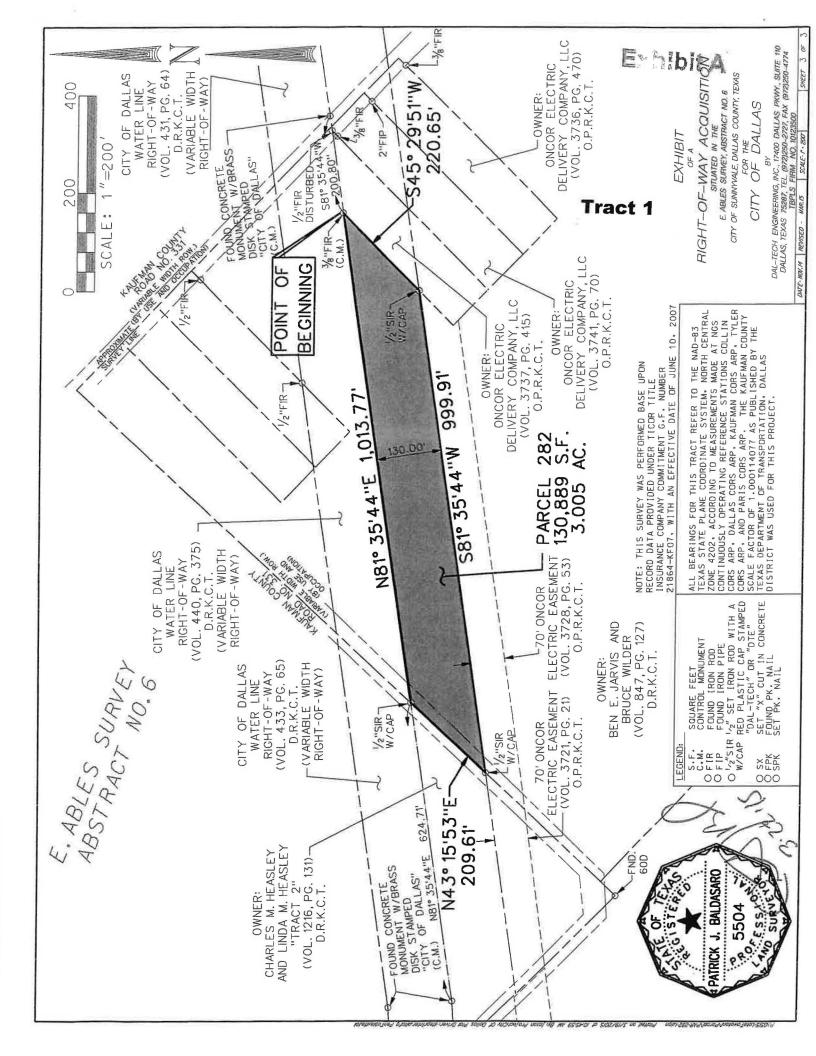
3.22.15

Surveyor's Name:

Patrick J. Baldasaro

Registered Professional Land Surveyor

Texas No. 5504



DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN

KAUFMAN COUNTY, TEXAS Parcel: 287



Tract 2

BEING a 2.350 acre tract of land in the E. Ables Survey, Abstract No. 6, in Kaufman County, Texas, and being part of a tract of land described as "Tract Number One" in Warranty Deed to Ben E. Jarvis and Bruce Wilder, dated February 24, 1981, as recorded in Volume 693, Page 211, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

COMMENCING at a 3/8-inch iron rod found at the most northerly west corner of said "Tract Number One", being the southern most corner of a tract of land described as "Tract 2" in a deed to Charles M. Heasley and Linda M. Heasley, as described in Volume 3940, Page 245, of the Official Public Records of Kaufman County (O.P.R.K.C.T.);

THENCE North 43 degrees 25 minutes 32 seconds East, with a northwest line of said "Tract Number One" and the southeast line of said "Tract 2", a distance of 467.97 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the POINT OF BEGINNING, being in the north line of a 70-foot Oncor Electric Easement, as described in Volume 3728, Page 53, O.P.R.K.C.T;

THENCE North 43 degrees 25 minutes 32 seconds East, continuing with said northwest and southeast lines, a distance of 192.16 feet to a 1/2-inch iron rod with cap set at the southwest corner of a City of Dallas Water Line Right of Way (variable width), as described in Volume 430, page 514, D.R.K.C.T.;

THENCE North 85 degrees 59 minutes 48 seconds East, departing said northwest and southeast lines and with the south line of said City of Dallas Right-of-Way, a distance of 658.83 feet to a 1/2-inch iron rod with cap set in a northeast line of said "Tract Number One" and the southwest line of a tract of land described as "Tract 2" in a deed to Charles M. Heasley and Linda M. Heasley, as described in Volume 1216, Page 131, of the Deed Records of Kaufman County (D.R.K.C.T.), also being the approximate center of Kaufman County Road 331 (variable width – by use and occupation);

THENCE South 45 degrees 35 minutes 52 seconds East, with the northeast line of said "Tract Number One" and the southwest line of said "Tract 2", and along the approximate center of said County Road, a distance of 173.64 feet to a 1/2-inch iron rod with cap set at the northeast corner of said Oncor Easement;

THENCE South 81 degrees 35 minutes 44 seconds West, departing the northeast line of said "Tract Number One", the southwest line of said "Tract 2" and the approximate center of said County Road, and with the north line of said Oncor Easement, a distance of 1.82 feet to a 1/2-inch iron rod with cap set;

THENCE South 85 degrees 59 minute 48 seconds West, continuing with the north line of said Oncor Easement, a distance of 913.80 feet to the POINT OF BEGINNING and containing 102,347 square feet or 2.350 acres of land, more or less.



DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN

KAUFMAN COUNTY, TEXAS

Parcel: 287



Tract 2

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name:

DAL-TECH Engineering, Inc.

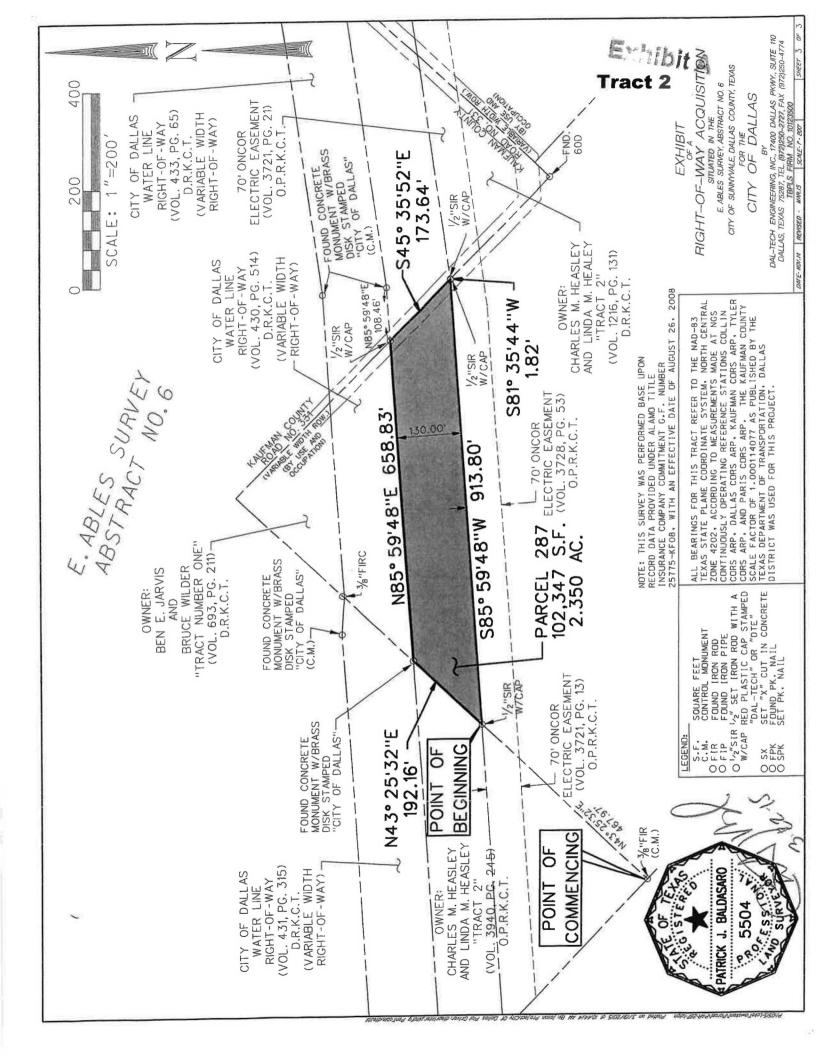
TBPLS Firm No. 10123500

By: Surveyor's Name: Date: 3.22.15

Patrick J. Baldasaro

Registered Professional Land Surveyor

Texas No. 5504



DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN

TRANSMISSION MAIN KAUFMAN COUNTY, TEXAS Parcel: 382



Tract 3

BEING a 2.8071 acre tract of land in the E. Ables Survey, Abstract No. 6, and the W. Strickland Survey, Abstract No. 498, in Kaufman County, Texas, and being part of a tract of land described in a deed to Ben. E. Jarvis and Bruce Wilder, as recorded in Volume 730, Page 496, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the southeast corner of a City of Dallas Water Line Right-of-Way (variable width), as recorded in Volume 432, Page 227, D.R.K.C.T., being in the northeast line of said Jarvis and Wilder tract, also being the northwest corner of a called 5.009 acre tract of land described as "Tract 2" in General Warranty Deed to Charles M. Heasley and Linda M. Heasley, dated April 29, 2011, as recorded in Volume 3940, Page 245, in the Official Public Records of Kaufman County, Texas (O.P.R.K.C.T.);

THENCE South 46 degrees 49 minutes 19 seconds East, with the northeast line of said Jarvis and Wilder tract and the southwest line of said Heasley "Tract 2", a distance of 177.23 feet to a 1/2-inch iron rod with cap set at the northeast corner of a called 1.570 acre easement described as "Tract 2" to Oncor Electric Delivery Company, LLC as recorded in Volume 3728, Page 53, O.P.R.K.C.T.;

THENCE South 85 degrees 59 minutes 48 seconds West, departing the northeast line of said Jarvis and Wilder tract and the southwest line of said Heasley "Tract 2", a distance of 1,077.90 to a 1/2-inch iron rod with cap set in the approximate center of County Road No. 331(by use and occupation);

THENCE North 40 degrees 52 minutes 05 seconds East, with said approximate center of County Road No. 331, a distance of 176.38 feet to a 1/2-inch iron rod with cap set in the south line of the aforementioned City of Dallas Water Line Right-of-Way;

THENCE North 85 degrees 59 minutes 48 seconds East, departing said approximate center of County Road No. 331 and with the south line of said City of Dallas Water Line Right-of-Way, a distance of 298.85 feet to a concrete monument with brass disk stamped, "City of Dallas" found;

THENCE North 80 degrees 16 minutes 49 seconds East, continuing with the south line of said City of Dallas Water Line Right-of-Way, a distance of 50.20 feet to a concrete monument with brass disk stamped, "City of Dallas" found;

THENCE North 85 degrees 59 minutes 48 seconds East, continuing with the south line of said City of Dallas Water Line Right-of-Way, a distance of 484.20 feet to the POINT OF BEGINNING and containing 122,278 square feet or 2.8071 acres of land, more or less.



DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN

TRANSMISSION MAIN KAUFMAN COUNTY, TEXAS Parcel: 382

Tract 3

Evilbita

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name:

DAL-TECH Engineering, Inc.

TBPLS Firm No. 10123500

Dy.

Date

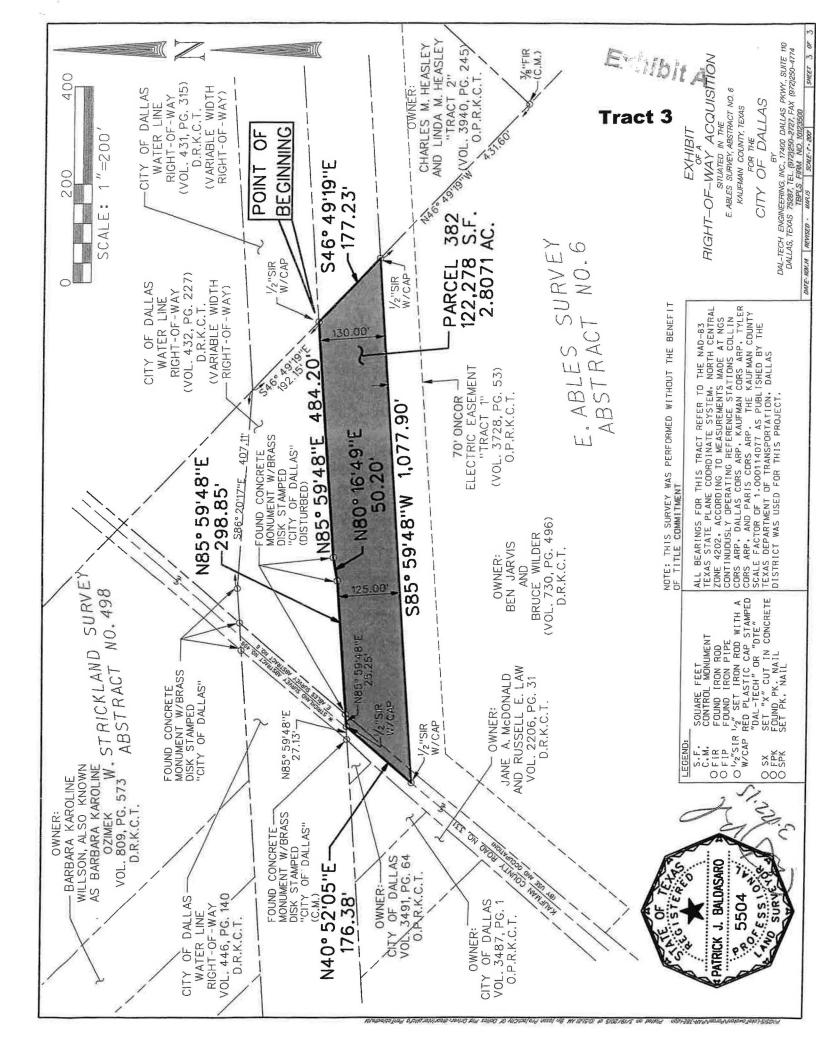
3.22.15

Surveyor's Name:

Patrick J. Baldasaro

Registered Professional Land Surveyor

Texas No. 5504





NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

THE STATE OF TEXAS	8	KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF KAUFMAN	8	

That Bruce Wilder and Jarvis Land and Timber, LLC, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Hunt, State of Texas, for and in consideration of the sum of THIRTY EIGHT THOUSAND SIX HUNDRED TWENTY SEVEN AND 00/100 DOLLARS (\$38,627.00) to the undersigned in hand paid by the City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this	day of	•	
		Bruce Wilder	
		Ren F. Jarvis President	



STATE OF TEXAS
COUNTY OF KAUFMAN 1
This instrument was acknowledged before me on
Notary Public, State of TEXAS
* * * * * * * * * * * * * * * * * * * *
STATE OF TEXAS
COUNTY OF KAUFMAN
This instrument was acknowledged before me on
Notary Public, State of TEXAS

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Christian Roman

Warranty Deed Log No. 42042



City of Dallas

1500 Marilla Street Dallas, Texas 75201

Agenda Information Sheet

File #: 19-1594 Item #: 15.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Dr. Eric A. Johnson

SUBJECT

An ordinance abandoning portions of two street easements to GPI Cedar Maple, LP, the abutting owner, containing a total of approximately 2,906 square feet of land, located near the intersection of Cedar Springs Road and Bookhout Street; and authorizing the quitclaim - Revenue: General Capital Reserve Fund (\$1,159,545.00) and General Fund (\$20,000.00), plus the \$20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of two street easements to GPI Cedar Maple, LP, the abutting owner, containing a total of approximately 2,906 square feet of land. The area will be included with the property of the abutting owner for a mixed-use development. The abandonment fee is based on an independent appraisal.

Notices were sent to 10 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: General Capital Reserve Fund (\$1,159,545.00) and General Fund (\$20,000.00), plus the \$20.00 ordinance publication fee

File #: 19-1594 **Item #:** 15.

OWNER

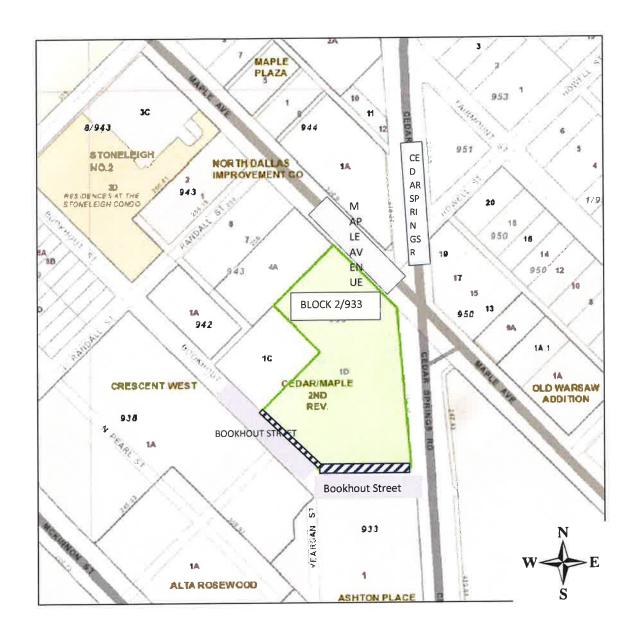
GPI Cedar Maple, LP

Granite Properties, Inc., General Partner

Gregory Fuller, President

<u>MAP</u>

Attached



Abandonment Areas



TWO STREET EASEMENT ABANDONMENTS

An ordinance providing for the abandonment of portions of two street easements located adjacent to City Block 2/933 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to GPI Cedar Maple, LP; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

0000000

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of GPI Cedar Maple, LP, a Texas limited partnership, hereinafter referred to as GRANTEE, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tracts of land to GRANTEE, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said portions of two street easements are not needed for public use, and same should be abandoned and quitclaimed to GRANTEE, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to GRANTEE for the consideration and subject to the terms, conditions and reverter hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the reverter and the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of ONE MILLION ONE HUNDRED SEVENTY-NINE THOUSAND FIVE HUNDRED FORTY-FIVE AND 00/100 DOLLARS (\$1,179,545.00) paid by GRANTEE, and the further consideration described in Sections 8, 9, 10 and 11, the City of Dallas does by these presents QUITCLAIM unto the said GRANTEE, subject to the conditions, reservations, the reverter, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A. Provided however, that if GRANTEE, its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 9 of this ordinance, but no later than the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

"(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator's action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005":

or (ii) the date that is the sixth anniversary of the passage of this ordinance; THEN this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. TO HAVE AND TO HOLD all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE**.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by GRANTEE pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to GRANTEE herein, GRANTEE, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by GRANTEE, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which GRANTEE, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment,

SECTION 8. (continued)

closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. GRANTEE, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response. Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seg., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned areas are located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall remove existing water meter on site per Dallas Water Utilities (DWU) standards. Failure to comply with the terms and conditions of this section shall render this ordinance null and void.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, GRANTEE shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. GRANTEE's responsibility for keeping the areas described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by GRANTEE, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment areas are located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which GRANTEE shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to GRANTEE a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a QUITCLAIM DEED with regard to the areas abandoned herein, subject to a reverter interest, to GRANTEE hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance is also designated for City purposes as Contract No. DEV-2019-00010826.

SECTION 14. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM: CHRISTOPHER J. CASO,	KRIS SWECKARD, Director
City Attorney	Department of Sustainable Development and
	Construction
BY: B N. S. F.	BY: auta Welliams
Assistant City Attorney	Sor Assistant Director
Passed	

STREET RIGHT-OF-WAY EASEMENT ABANDONMENT FXHIBIT A-TRA

Cedar/Maple Addition Second Revision Part of Lot 1D, Block 2/933 John Grigsby Survey, Abstract No. 495 City of Dallas, Dallas County, Texas

DESCRIPTION of a 557 square foot (0.013 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas; said tract being part of Lot 1D, Block 2/933, Cedar/Maple Addition, Second Revision, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2000005, Page 76 of the Deed Records of Dallas County, Texas; said tract also being part of that certain tract of land described in Special Warranty Deed to GPI Cedar Maple, LP recorded in Instrument No. 201200066321 of the Official Public Records of Dallas, County, Texas; said 557 square foot (0.013 acre) tract being more particularly described as follows (Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. Distances reported have been scaled by applying the TxDOT Dallas County surface adjustment factor of 1.0001365060.):

BEGINNING, at a 1/2-inch iron rod found in the northeast right-of-way line of Bookhout Street (a 50-foot wide right-of-way) recorded in Volume 106, Page 258 of said Deed Records; said point being the west corner of said Lot 1D and the south corner of Lot 1C, Block 2/933, said Cedar/Maple Addition;

THENCE. North 44 degrees, 09 minutes, 38 seconds East, departing the said northeast line of Bookhout Street, along the northwest line of said Lot 1D and the southeast line of said Lot 1C, a distance of 3.00 feet to a point for corner;

THENCE, South 45 degrees, 50 minutes, 23 seconds East, departing the said northwest line of Lot 1D and the said southeast line of Lot 1C, a distance of 187.23 feet to a point for corner:

THENCE, South 87 degrees, 28 minutes, 22 seconds West, a distance of 4.12 feet to a point for corner in the said northeast line of Bookhout Street and the southwest line of said Lot 1D; from said point a 5/8-inch iron rod found with yellow cap bears South 45 degrees, 50 minutes East, a distance of 4.0 feet;

THENCE, North 45 degrees, 50 minutes, 23 seconds West, along the said northeast line of Bookhout Street and the said southwest line of Lot 1D, a distance of 184.40 feet to the POINT OF BEGINNING;

CONTAINING: 557 square feet or 0.013 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement abandonment tract described.

Jonathan E. Copper

Date

Registered Professional Land Surveyor No. 5369

Pacheco Koch Consulting Engineers, Inc.

557 Rambler Road, Suite 1400, Dallas TX 75231

(972) 235-3031

TX Reg. Surveying Firm LS-10008000

3482-19.159EX1(rev1).doc 3482-19.159EX1(rev1).dwg kaj

(For SPRG use only)

Reviewed By:

Date:

-5-19 4971

SPRG NO:





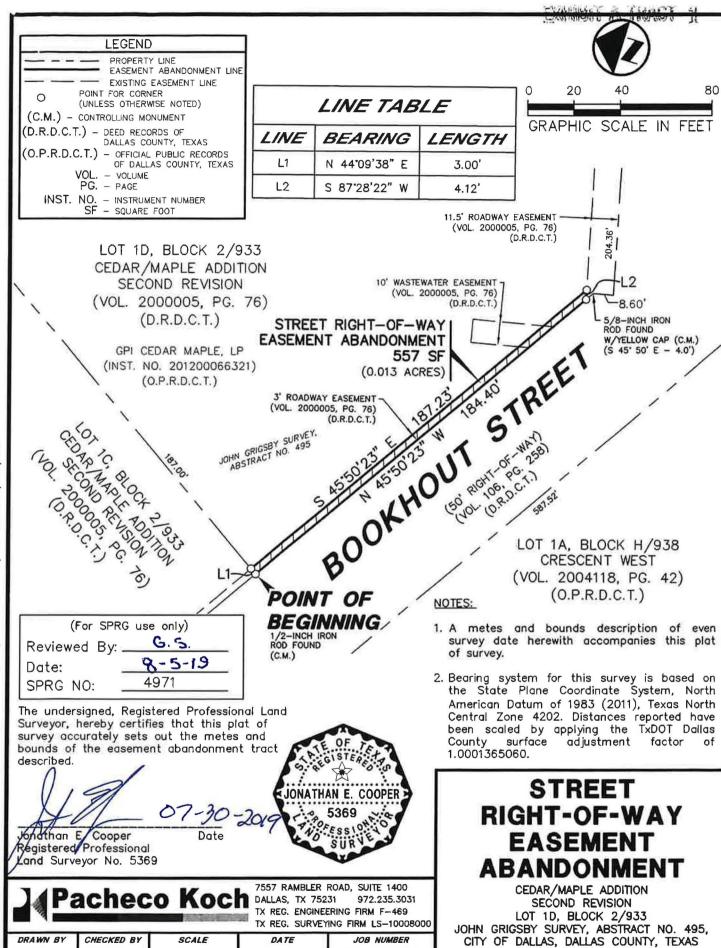
KAJ

MWW/JEC

1'' = 40'

JUNE 2019

3482-19.159



SHEET 2 OF 2

STREET RIGHT-OF-WAY EASEMENT ABANDONMENT

Cedar/Maple Addition Second Revision Part of Lot 1D, Block 2/933 John Grigsby Survey, Abstract No. 495 City of Dallas, Dallas County, Texas EXHIBIT A-TRACT Z

DESCRIPTION of a 2,349 square foot (0.054 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, Texas; said tract being part of Lot 1D, Block 2/933, Cedar/Maple Addition, Second Revision, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2000005, Page 76 of the Deed Records of Dallas County, Texas; said tract also being part of that certain tract of land described in Special Warranty Deed to GPI Cedar Maple, LP recorded in Instrument No. 201200066321 of the Official Public Records of Dallas, County, Texas; said 2,349 square foot (0.054 acre) tract being more particularly described as follows (Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. Distances reported have been scaled by applying the TxDOT Dallas County surface adjustment factor of 1.0001365060.):

BEGINNING, at a 5/8-inch iron rod with "BDD RPLS 2688" cap found at the intersection of the north right-of-way line of Bookhout Street (a 50-foot wide right-of-way) recorded in Volume 106, Page 258 of said Deed Records and the southwest right-of-way line of Cedar Springs Road (a variable width right-of-way) also recorded in Volume 106, Page 258 of said Deed Records; said point being the southeast corner of said Lot 1D;

THENCE, South 87 degrees, 28 minutes, 22 seconds West, departing the said southwest line of Cedar Springs Road, along the said north line of Bookhout Street and south line of said Lot 1D and, a distance of 204.36 feet to a point for corner;

THENCE, North 01 degrees, 19 minutes, 08 seconds West, along an offset in the said north line of Bookhout Street and the said south line of Lot 1D, a distance of 8.60 feet to a 5/8-inch iron rod found with an unreadable cap found for corner;

THENCE, North 45 degrees, 50 minutes, 23 seconds West, continuing along said offset in the said north line of Bookhout Street and the said south line of Lot 1D for a distance of 3.99 feet to a point for corner;

THENCE, North 87 degrees, 28 minutes, 22 seconds East, departing the said north line of Bookhout Street and the said south line of Lot 1D, a distance of 206.19 feet to a point for corner; in the said southwest line of Cedar Springs Road and the east line of said Lot 1D;

THENCE, South 06 degrees, 09 minutes, 18 seconds East, along the said southwest line of Cedar Springs Road and the said east line of Lot 1D, a distance of 11.52 feet to the **POINT OF BEGINNING**:

CONTAINING: 2,349 square feet or 0.054 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement abandonment tract described.

Jonathan E. Cooper

Date

17-30-2019

Registered Professional Land Surveyor No. 5369

Pacheco Koch Consulting Engineers, Inc.

7557 Rambler Road, Suite 1400, Dallas TX 75231

(972) 235-3031

TX Reg. Surveying Firm LS-10008000

3482-19.159EX2(rev).doc 3482-19.159EX2(rev).dwg kaj (For SPRG use only)

Reviewed By:

Date:

SPRG NO:

4972

-5-19

Sheet 1 of 2

1/30/2019 8:45 AM

\DWG-34\3482-19.159\DWG\SURVEY C3D 2018\3482-19.159EX2(REV2).DWG

Pacheco Koch

Cooper Registered Professional

Land Surveyor No. 5369

7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER	
KAJ	MWW/JEC	1"=40'	JUNE 2019	3482-19.159	

STREET RIGHT-OF-WAY EASEMENT ABANDONMENT

CEDAR/MAPLE ADDITION
SECOND REVISION
LOT 1D, BLOCK 2/933
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 2 OF 2

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities. including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.



City of Dallas

Agenda Information Sheet

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Dr. Eric A. Johnson

SUBJECT

An ordinance abandoning portions of a water easement with temporary working space easement to Global Webb, L.P., the abutting owner, containing approximately 3,028 square feet of land, located near the intersection of Webb Chapel Road and Forest Lane - Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of a water easement with temporary working space easement to Global Webb, L.P., the abutting owner containing approximately 3,028 square feet of land. The area will be included with the property of the abutting owner to expand a technology data center. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: General Fund \$5,400.00, plus the \$20.00 ordinance publication fee

OWNER

Global Webb, L.P.

Global Webb GP, LLC

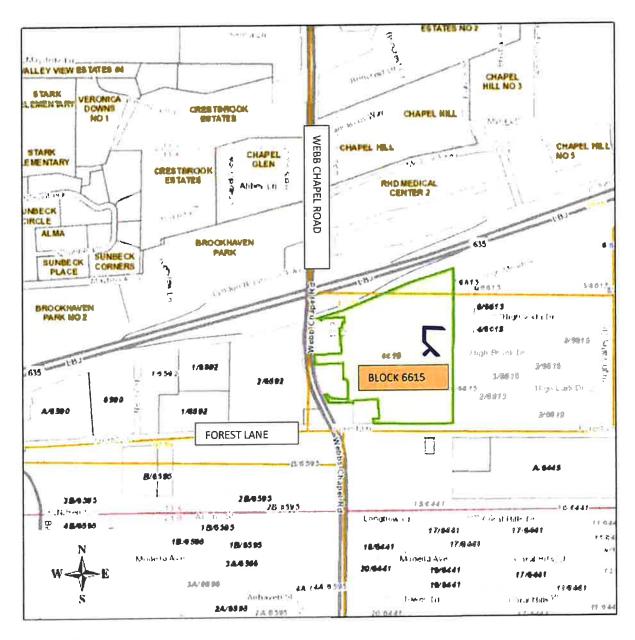
Digital Realty Trust LP

Digital Realty Trust, Inc.

Laurence A. Chapman, Director

<u>MAP</u>

Attached



Log 49908

ORDINANCE	NO.	
011D11111110E		

An ordinance providing for the abandonment and relinquishment of portions of a water easement with temporary working space easement, located in City Block 6615 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Global Webb, L.P., providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement, to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

0000000

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Global Webb, L.P., a Texas limited partnership; hereinafter referred to as GRANTEE, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to GRANTEE, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to GRANTEE as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tracts of land described in Exhibit A, attached hereto and made

SECTION 1. (continued)

a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9 and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tracts or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions providing a future effective date of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to GRANTEE herein, GRANTEE, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by GRANTEE, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A. which GRANTEE, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seg., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seg., as amended. References to particular acts or codifications in this definition

SECTION 8. (continued)

include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and relinquishment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall ensure existing 8-inch water main in easement be relocated in new easement by Private Development Contract prior to release of abandonment.

SECTION 10. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said water easement with temporary working space easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at GRANTEE's expense, to the new easement, to be provided by GRANTEE and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. GRANTEE will grant the new easement at no cost consideration to the City and all work shall be done at the sole cost of GRANTEE and to the satisfaction of the Director of Department of Sustainable Development and Construction. Failure to relocate to the new easement in accordance with the terms of this section shall render this ordinance null and void and of no further effect.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which GRANTEE shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to GRANTEE a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee,

SECTION 11. (continued)

shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance is also designated for City purposes as Contract No. DEV-2021-00015179.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
City Attorney

DR. ERIC A. JOHNSON, Interim Director Department of Sustainable Development and Construction

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1	Assistant City Attorney	Ser L	Assistant Director

Passed .

WATER EASEMENT ABANDOMENT

The Webb @ LBJ Lot 1, Block 6615 William Sprowls Survey, Abstract No. 1370 City of Dallas, Dallas County, Texas

DESCRIPTION, of a 3,028 square foot (0.070 acre) tract of land situated in the William Sprowls Survey, Abstract No. 1370, Dallas County, Texas; said tract being part of that certain tract of land described in Special Warranty Deed to GLOBAL WEBB, L.P. recorded in Volume 2004167, Page 7347 in the Official Public Records of Dallas County, Texas; part of Lot 1, Block 6615, The Webb @ LBJ, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2002243, Page 96 in the Deed Records of Dallas County, Texas; part of that certain tract of land described as "Easement Strip No. 1" in Water Easement recorded in Volume 878, Page 635 (hereinafter referred to as "Easement Strip No. 1"), in said Deed Records and all of that certain tract of land described as "Parcel No. 4" in Water Easement recorded in Volume 2000058, Page 745 (hereinafter referred to as "Parcel No. 4"), in said Deed Records; said 3,028 square foot (0.070 acre) tract being more particularly described as follows (bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (Adjustment Realization 2011), Texas North Central Zone 4202. Distances reported have been scaled by applying the Dallas County TxDOT surface adjustment factor of 1.000136506.):

COMMENCING, at a 1/2-inch iron rod with yellow cap found in the northeasterly right-of-way line of Webb Chapel Road (a variable width right-of-way, Volume 2011, Page 542, Deed Records of Dallas County, Texas) at the northwest corner of Lot 4, Block 6615 of said The Webb @ LBJ and a southwest corner of said Lot 1, Block 6615; said point being in a non-tangent curve to the left;

THENCE, along the said northeasterly line of Webb Chapel Road and a southwest line of said Block 6615, the following two (2) calls:

In a southeasterly direction, along the southwest line of said Lot 4, Block 6615 and said curve to the left, having a central angle of 17 degrees, 58 minutes, 36 seconds, a radius of 905.37 feet, a chord bearing and distance of South 17 degrees, 58 minutes, 23 seconds East, 282.90 feet, at an arc distance of 140.40 feet passing the southwest corner of said Lot 4, Block 6615 and the northwest corner of Lot 3, Block 6615, of said The Webb @ LBJ, continuing along the southwest line of said Lot 3, Block 6615, at an arc distance of 268.55 feet passing the southwest corner of said Lot 3, Block 6615 and a northwest corner of said Lot 1, Block 6615, then continuing along a southwest line of said Lot 1, Block 6615 in all a total arc distance of 284.06 feet to a point at the end of said curve;

South 26 degrees, 52 minutes, 09 seconds East, continuing along the said southwest line of Lot 1, Block 6615, a distance of 49.97 feet to a point; said point being a southwest corner of said Lot 1, Block 6615 and the northwest corner of Lot 2A, Block 6615, Whataburger-Webb Chapel Forest, an addition to the City of Dallas, Texas according to the plat recorded in Volume 96048, Page 1332, in said Deed Records;

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Reviewed By:	<u></u>	
Date:	4-22-21	
SPRG NO:	5466	
O, 110 110.		•

WATER EASEMENT ABANDOMENT

The Webb @ LBJ Lot 1, Block 6615 William Sprowls Survey, Abstract No. 1370 City of Dallas, Dallas County, Texas

THENCE, North 89 degrees, 54 minutes, 55 seconds East, departing the said northeasterly line of Webb Chapel Road, the said southwest line of Block 6615 and along a south line of said Lot 1, Block 6615 and the north line of said Lot 2A, Block 6615, a distance of 214.02 feet to a "+" cut in concrete found in the west line of Lot 2, Block 6615, of said The Webb @ LBJ; said point being a southeast corner of said Lot 1, Block 6615 and the northeast corner of said Lot 2A, Block 6615;

THENCE, South 00 degrees, 27 minutes, 57 seconds East, along the west line of said Lot 2, Block 6615 and the east line of said Lot 2A, Block 6615, a distance of 178.00 feet to a point in the north right-of-way line of Forest Lane (a 120-foot wide right-of-way, Volume 74, Page 543, Deed Records of Dallas County, Texas) and the south line of said Block 6615; said point being the southwest corner of said Lot 2, Block 6615 and the southeast corner of said Lot 2A, Block 6615;

THENCE, along the said north line of Forest Lane and the said south line of Block 6615, the following three (3) calls:

North 89 degrees, 46 minutes, 06 seconds East, along the south line of said Lot 2, Block 6615, at a distance of 171.72 feet passing the westernmost southeast corner of said Lot 2, Block 6615 and a southwest corner of said Lot 1, Block 6615, then continuing along a south line of said Lot 1, Block 6615, in all a total distance of 389.07 feet to a point;

South 00 degrees, 41 minutes, 09 seconds East, continuing along said south line of Lot 1, Block 6615, a distance of 1.20 feet to a point;

North 89 degrees, 42 minutes, 02 seconds East, continuing along said south line of Lot 1, Block 6615, a distance of 461.01 feet to a point at the intersection of the said north line of Forest Lane and the west right-of-way line of a 10-foot wide alley (Volume 43, Page 89, Map Records of Dallas County, Texas); said point being the southernmost southeast corner of said Lot 1, Block 6615 and the southernmost southeast corner of said Block 6615;

THENCE, North 00 degrees, 17 minutes, 57 seconds West, departing the said north line of Forest Lane and along the east line of said Block 6615, the east line of said Lot 1, Block 6615 and the said west line of said alley, a distance of 473.06 feet to a point;

THENCE, South 85 degrees, 42 minutes, 20 seconds West, departing the said east line of Block 6615, the said east line of Lot 1, Block 6615 and the said west line of said alley and into and over said Lot 1, a distance of 56.87 feet to a point on a south line of said "Easement Strip No. 1" at the **POINT OF BEGINNING**;

THENCE, South 85 degrees, 42 minutes, 20 seconds West, departing said "Easement Strip No. 1" south line and crossing the said "Easement Strip No. 1", a distance of 10.00 feet to a point for corner in a north line of said "Easement Strip No. 1";

(For SPRG use only)

Reviewed By:

Date:

SPRG NO:

(For SPRG use only)

4-22-21

5466

Sheet 2 of 6

WATER EASEMENT ABANDOMENT

The Webb @ LBJ Lot 1, Block 6615 William Sprowls Survey, Abstract No. 1370 City of Dallas, Dallas County, Texas

THENCE, North 04 degrees, 11 minutes, 39 seconds West, along the said north line of "Easement Strip No. 1", a distance of 0.89 feet to a point for corner; said point being a reentrant corner of said "Easement Strip No. 1";

THENCE, North 49 degrees, 11 minutes, 39 seconds West, along a northwest line of said "Easement Strip No. 1", a distance of 42.01 feet to a point for corner; said point being the southernmost corner of said "Parcel No. 4";

THENCE, departing the said northwest line of "Easement Strip No.1" and along the southwest, northwest and northeast line of said "Parcel No. 4", the following three (3) calls:

South 42 degrees, 07 minutes, 23 seconds West, a distance of 41.46 feet to a point for corner; said point being the westernmost corner of said "Parcel No. 4";

North 47 degrees, 52 minutes, 37 seconds West, a distance of 10.00 feet to a point for corner; said point being the northernmost corner of said "Parcel No. 4";

North 42 degrees, 07 minutes, 23 seconds East, a distance of 41.23 feet to a point for corner in the said northwest line of "Easement Strip No. 1"; said point being the easternmost corner of said "Parcel No. 4";

THENCE, North 49 degrees, 11 minutes, 39 seconds West, along the said northwest line of "Easement Strip No. 1"; a distance of 43.98 feet to a point for corner; said point being a northwest corner of said "Easement Strip No. 1";

THENCE, North 04 degrees, 12 minutes, 39 seconds West, along a north line of said "Easement Strip No. 1"; a distance of 77.07 feet to a point for corner; said point being a northeast corner of said "Easement Strip No. 1";

THENCE, North 85 degrees, 47 minutes, 21 seconds East, along an east line of said "Easement Strip No. 1", a distance of 92.35 feet to a point for corner;

THENCE, South 50 degrees, 09 minutes, 29 seconds East, departing the said east line of "Easement Strip No. 1" and over and across said "Easement Strip No. 1, a distance of 14.38 feet to a point for corner in a south line of said "Easement Strip No. 1";

THENCE, South 85 degrees, 47 minutes, 21 seconds West, along said south line of "Easement Strip No. 1", a distance of 92.68 feet to a point for corner; said point being a reentrant corner of said "Easement Strip No. 1";

THENCE, South 04 degrees, 12 minutes, 39 seconds East, along an east line of said "Easement Strip No. 1", a distance of 62.93 feet to a point for corner; said point being a reentrant corner of said "Easement Strip No. 1";

(For SPRG use only)
Reviewed By:
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Date:
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SPRG NO: 5466

WATER MAIN EASEMENT ABANDOMENT

The Webb @ LBJ Lot 1, Block 6615 William Sprowls Survey, Abstract No. 1370 City of Dallas, Dallas County, Texas

THENCE, South 49 degrees, 11 minutes, 39 seconds East, along a northeast line of said "Easement Strip No. 1", a distance of 96.00 feet to a point for corner; said point being a reentrant corner of said "Easement Strip No. 1";

THENCE, South 04 degrees, 11 minutes, 39 seconds East, along an east line of said "Easement Strip No. 1", a distance of 5.01 feet to the POINT OF BEGINNING;

CONTAINING, 3,028 square feet or 0.070 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement abandonment tract described.

02-03-2021

Jorathan E. Coop

Date

egistered Professional Land Surveyor No. 5369

Pacheco Koch Consulting Engineers, Inc.

7557 Rambler Road, Suite 1400, Dallas TX 75231 (972) 235-3031

TX Reg. Surveying Firm LS-10008000

3310-20-114EX3.doc 3310-20-114EX3.dwg kaj

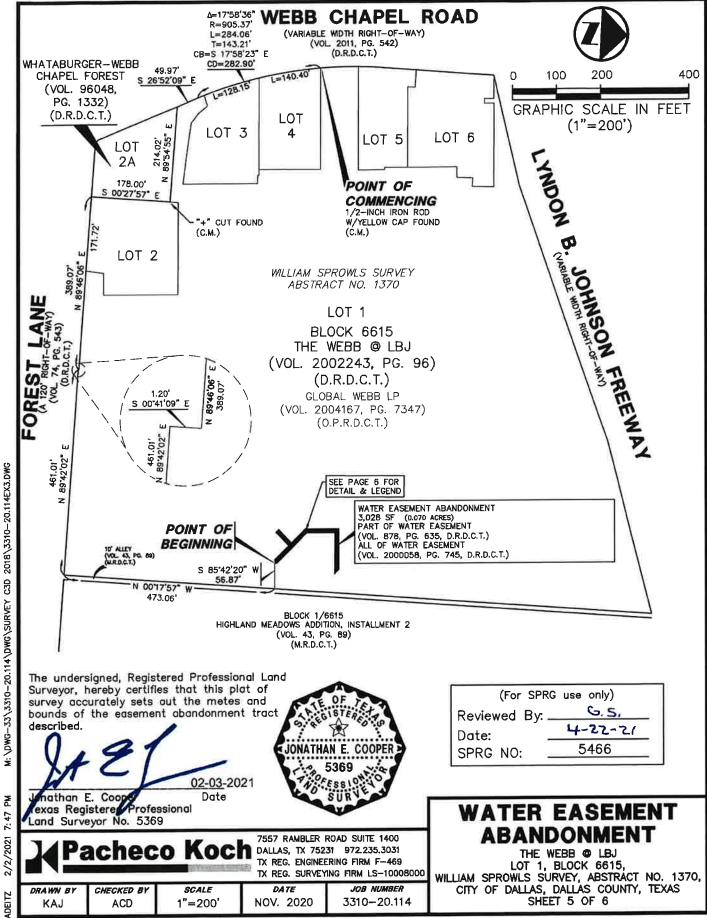
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Reviewed By:

4-22-21

Date: SPRG NO:

5466



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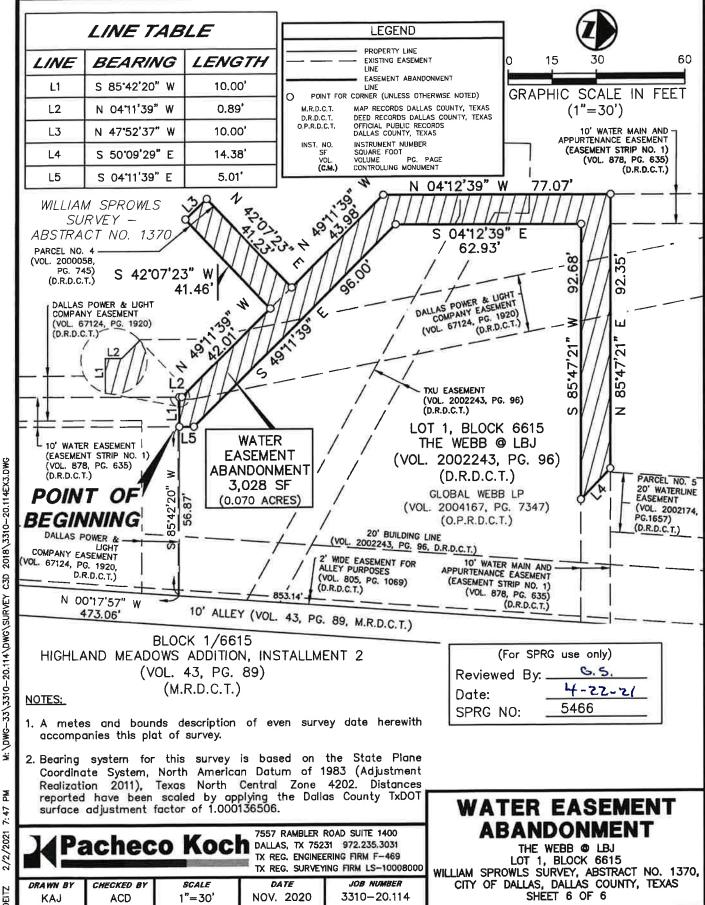
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KAJ

ACD

1"=200'

NOV. 2020



JOB NUMBER

3310-20.114

SCALE

1"=30

DATE

NOV. 2020

₹ 7:47 2/2/2021

DRAWN BY

KAJ

CHECKED BY

ACD



City of Dallas

Agenda Information Sheet

File #: 21-279 Item #: 17.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 5

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Dr. Eric A. Johnson

SUBJECT

An ordinance granting a private license to Dallas Independent School District, for the use of approximately 375 square feet of land to occupy, maintain and utilize a retaining wall on portions of Bruton Road and Citadel Drive rights-of-way located near its intersection with Citadel Drive - Revenue: General Fund \$1,000.00 annual fee, plus the \$20.00 ordinance publication fee

BACKGROUND

This item grants a private license to Dallas Independent School District, for the use of approximately 375 square feet of land to occupy, maintain and utilize a retaining wall on portions of Bruton Road and Citadel Drive rights-of-way near its intersection with Citadel Drive. The use of this area will not impede pedestrian or vehicular traffic. The term of this license is 40 years.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: General Fund \$1,000.00 annual fee, plus the \$20.00 ordinance publication fee

OWNER

Dallas Independent School District

Justin Henry, President

MAP

Attached

LICENSE AREA



LICENSE AREA APPROXIMATELY 375 SQUARE FEET

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An ordinance granting a private license to Dallas Independent School District to occupy, maintain and utilize portions of Bruton Road and Citadel Drive rights-of-way located near the intersection of Bruton Road and Citadel Drive adjacent to City Block 1/6710 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing a retaining wall; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

SECTION 1. That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to Dallas Independent School District, a governmental instrumentality, its successors and assigns, hereinafter referred to as "**GRANTEE**", to occupy, maintain and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

AND NO/100 DOLLARS (\$1,000.00) annually for the license herein granted, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2021. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by GRANTEE. Should GRANTEE fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of the Department of Sustainable Development may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in General Fund, Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event

OS/50013 1

SECTION 3. (continued)

GRANTEE's check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: occupying, maintaining and utilizing a retaining wall.

SECTION 5. That this license is subject to the provisions set forth in Exhibit B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed areas for any public purpose. The Governing Body of the City of Dallas reserves the right by Resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said Resolution shall be final and shall not be subject to review by the Courts. GRANTEE shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or GRANTEE, as the case may be, this license shall become null and void and GRANTEE or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at GRANTEE's expense. Failure to do so shall subject GRANTEE to the provisions contained in Exhibit B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

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SECTION 7. (continued)

(a) **GRANTEE** shall ensure per the City of Dallas Thoroughfare Plan, Section 51A-9, Bruton Road retains required 100 feet of right-of-way (M-6-D[a]).

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 9. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 10. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restrictions and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should GRANTEE fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 11. That in lieu of the insurance requirements specified in Exhibit B, Subsection (c), GRANTEE may self-insure to the extent permitted by applicable law under any plan of self-insurance, maintained in accordance with sound accounting practices, against the risks described in this Subsection (c) and shall not be required to maintain insurance hereunder provided that GRANTEE furnishes the City satisfactory evidence of the existence of an insurance reserve adequate for the risks covered by such plan of self-

OS/50013 3

SECTION 11. (continued)

insurance, evidence of which shall be provided to the City prior to issuance of a certified copy of the ordinance to **GRANTEE**.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which GRANTEE shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to GRANTEE the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance is also designated for City purposes as Contract No. DEV- 2021-00015405.

SECTION 14. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM: CHRISTOPHER J. CASO, City Attorney BY Assistant City Attorney	KRIS SWECKARD, Director Department of Sustainable Development and Construction BY MASSISTANT Director
Passed	

LICENSE AGREEMENT BRUTON ROAD AND CITADEL DRIVE ADJACENT TO BLOCK 1/6710 SOLOMON CARVER SURVEY, ABSTRACT NO. 260 CITY OF DALLAS, DALLAS COUNTY, TEXAS

Description of a 375 square foot, or 0.0086 of an acre, tract of land situated in the Solomon Carver Survey, Abstract No. 260, City of Dallas, Dallas County, Texas and being a portion of Bruton Road (County Road No.43), a 100-foot wide public right-of-way at this point, according to the deeds recorded in Volume 2205, Page 1, Volume 4752, Page 153, Volume 80073, P. 935, Volume 80003, P. 370, Volume 80073, P. 931, Deed Records, Dallas County, Texas, and by the plat of Bruton Park Addition as recorded in Volume 17, Page 187, Map Records, Dallas County Texas; said 375 square foot tract also being a portion of Citadel Drive (formerly Niagra Drive), a 60 -foot wide public right-of-way created by the plat of said Bruton Road Park Addition; said 375 square foot tract also being adjacent to Lot 1A, Block 1/6710, Prairie Creek Academy, an addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 98117, Page 80, Deed Records of Dallas County, Texas, said Lot 1A having been conveyed to the Dallas Independent School District by General Warranty Deed recorded in Volume 97128, Page 5850, Deed Records, Dallas County, Texas; said 375 square foot tract being more particularly described by metes and bounds as follows:

BEGINNING, at a cut "+" in concrete found for the south end of the corner clip at the intersection of the south right-of-way line of Bruton Road (100 foot wide public right-of-way), with the west right-of-way line of Citadel Drive (formerly Niagra Drive), a 60 -foot wide public right-of-way created by the plat of said Bruton Road Park Addition; from which a found 1/2-inch iron rod with plastic cap stamped "Pacheco & Koch" at the southwest corner of said Lot 1A, Block 1/6710 bears South 00 degrees 00 minutes 00 seconds East - 415.00 feet and North 90 degrees 00 minutes 00 seconds West - 160.00 feet and North 00 degrees 00 minutes 00 seconds East - 3.00 feet and North 90 degrees 00 minutes 00 seconds West - feet 265.00 feet from the point of beginning;

THENCE, North 45 degrees 00 minutes 00 seconds West, a distance of 14.14 feet to a point for corner; said point also being on the north line of said Lot 1A, Block 1/6710; said point also being on the south right-of-way line of said Bruton Road;

THENCE, North 90 degrees 00 minutes 00 seconds West, with said south right-of-way line, a distance of 128.37 feet;

THENCE, North 00 degrees 00 minutes 00 seconds East, a distance of 1.50 feet to a point for corner;

THENCE, North 90 degrees 00 minutes 00 seconds East, a distance of 140.33 feet to a point for corner;

THENCE, South 00 degrees 00 minutes 00 seconds East, a distance of 60.05 feet to a point for corner;

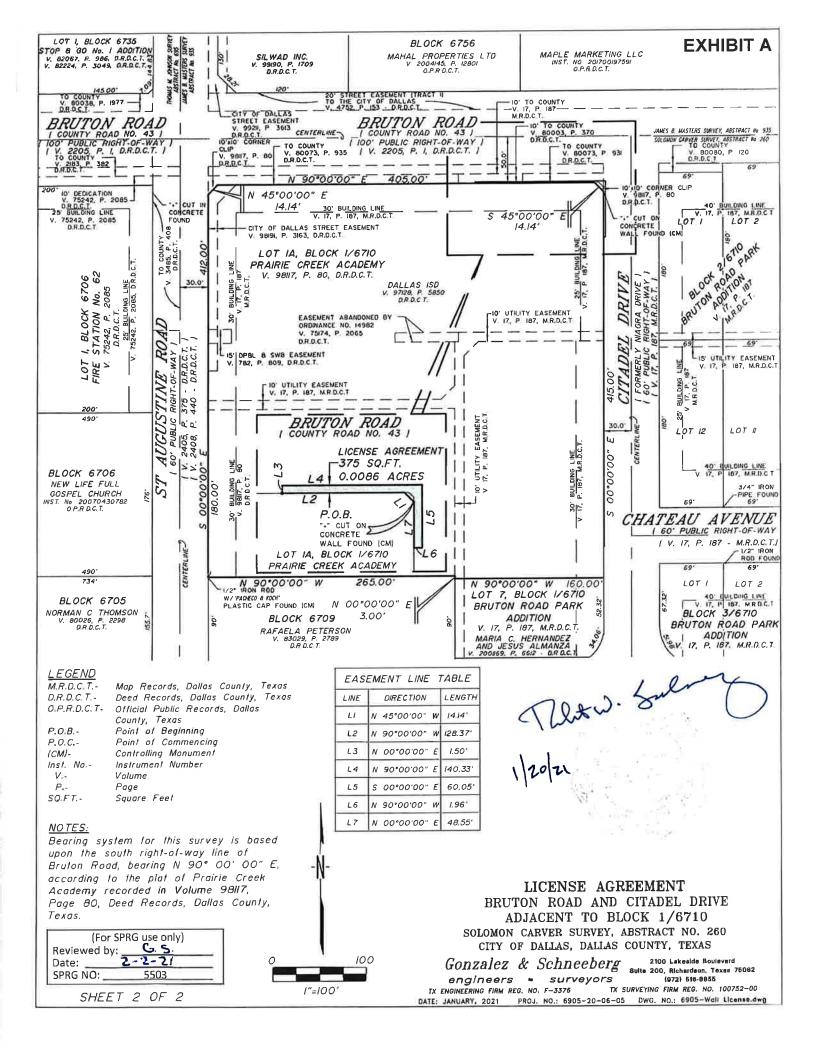
THENCE, North 90 degrees 00 minutes 00 seconds West, a distance of 1.96 feet to a point for corner; said point also being on the east line of said Lot 1A, Block 1/6710; said point also being on the west right-of-way line of said Citadel Drive;

THENCE, North 00 degrees 00 minutes 00 seconds East, with said west right-of-way line, a distance of 48.55 feet to the POINT OF BEGINNING;

CONTAINING 375 square feet or 0.0086 acres of land more or less.

Bearing system for this survey is based upon the south right-of-way line of Bruton Road, bearing North 90 degrees 00 minutes 00 seconds East, according to the plat of Prairie Creek Academy recorded in Volume 98117, Page 80, Deed Records, Dallas County, Texas. 1/20/21

(For SPRG use only) G,S Reviewed by: Date: SPRG NO: 5503



That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, GRANTEE, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of GRANTEE. In the event, upon termination of this license, GRANTEE shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against GRANTEE; in neither event shall the City of Dallas be liable to GRANTEE on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of GRANTEE's installations and improvements thereon, any modifications or changes to GRANTEE's facilities in the licensed area or in construction or reconstruction of any public improvement attributable to GRANTEE's use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of GRANTEE and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) Notwithstanding anything to the contrary herein or in Exhibit B attached hereto, the GRANTEE, an agency of the State of Texas, does not purchase general liability or employer's liability insurance for its general operations. However, the Texas Tort Claims Act (the "Act"), Chapter 101 of the Texas Civil Practice and Remedies Code, does provide a limited waiver of the sovereign immunity that protects governmental units in Texas such as the institutions of the GRANTEE. Thus, the Act may provide a remedy for claimants who make tort claims that fall under its provisions. Similarly, Workers' Compensation Insurance coverage for employees of the GRANTEE is provided by the GRANTEE as mandated by the provisions of Texas Labor Code, Chapter 503. Notwithstanding anything to the contrary herein or in Exhibit B attached hereto, GRANTEE shall have no obligation under this license to obtain policies of insurance. GRANTEE shall have the right, at GRANTEE's option, to determine whether GRANTEE will maintain policies of insurance, operate programs of self-insurance, or utilize any other program of risk-protection in connection with the GRANTEE's operations. Any obligation by GRANTEE under this license to obtain insurance is expressly made subject to GRANTEE's authority under state law to obtain such insurance.

- (d) GRANTEE is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to GRANTEE's use and occupancy thereof, GRANTEE, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, GRANTEE shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. GRANTEE agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of GRANTEE's breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the GRANTEE's use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.
- The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, to the extent authorized by the Constitution and laws of the State of Texas, GRANTEE agrees and is bound to the extent allowed by law to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or GRANTEE's installations and improvements within the licensed area, from any act or omission of any

representative, agent, customer and/or employee of GRANTEE, or by GRANTEE's breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of GRANTEE, its officers, agents, employees or contractors in the use, occupancy and maintenance of GRANTEE's installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the GRANTEE and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas or GRANTEE under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend, to the extent authorized by the Constitution and laws of the State of Texas, shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of GRANTEE's use of the licensed area or GRANTEE's improvements and equipment located thereon. In addition to the foregoing, to the extent authorized by the Constitution and laws of the State of Texas, GRANTEE covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

(h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective

systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.



City of Dallas

Agenda Information Sheet

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Dr. Eric A. Johnson

SUBJECT

An ordinance granting a revocable license to Jackson 3 LLC dba Rokwood, for the use of a total of approximately 242 square feet of land to occupy, maintain and utilize a sidewalk café and five planter boxes on a portion of Jackson Street right-of-way near the intersection with Record Street - Revenue: General Fund \$200.00 annually and \$100.00 one-time fee, plus the \$20.00 ordinance publication fee

BACKGROUND

This item grants a revocable license to Jackson 3 LLC dba Rokwood, for the use of a total of approximately 242 square feet of land to occupy, maintain and utilize a sidewalk café and five planter boxes on a portion of Jackson Street right-of-way near the intersection with Record Street The use of this area will not impede pedestrian or vehicular traffic. The term of this license is four years.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: General Fund \$200.00 annually and \$100.00 one-time fee, plus the \$20.00 ordinance publication fee

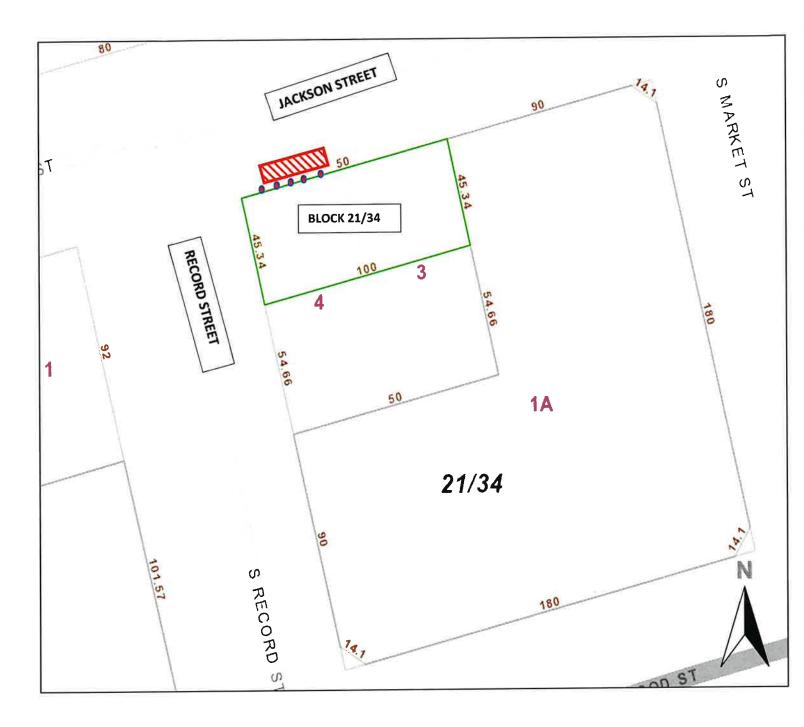
OWNER

Jackson 3 LLC dba Rokwood

Matthew Jones, Managing Member

<u>MAP</u>

Attached



LICENSE MAP

SIDEWALK CAFÉ 232sqft

5 PLANTER BOXES 10sqft

ORDINANCE NO.	
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An ordinance granting a revocable license to Jackson 3 LLC dba Rokwood to occupy, maintain and utilize a portion of Jackson Street right-of-way located near the intersection of Jackson and Record Streets adjacent to City Block 21/34 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing a sidewalk café and five (5) planter boxes; providing for the terms and conditions of this license; providing for the annual and one-time fee compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

SECTION 1. That a revocable license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to Jackson 3 LLC dba Rokwood, a Texas limited liability company, its successors and assigns, hereinafter referred to as "GRANTEE", to occupy, maintain and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of four (4) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas the sum of **TWO HUNDRED AND NO/100 DOLLARS (\$200.00)** annually for the license herein granted for a sidewalk cafe, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **TWO HUNDRED AND NO/100 DOLLARS (\$200.00)** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2021. In addition, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code, **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **ONE HUNDRED AND NO/100 DOLLARS (\$100.00)**, for the license herein granted for the five (5) planter boxes, said sum to be paid prior to the final passage of this ordinance and shall cover the total consideration for said purpose during the license term. Such annual and one-time fee consideration, collectively, shall be in addition to and exclusive of any

SECTION 3. (continued)

other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in General Fund, Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: occupy, maintain and utilize a sidewalk café and five (5) planter boxes.

SECTION 5. That this license is subject to the provisions set forth in Exhibit B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right to terminate and cancel this license, at will, by Resolution passed by said Governing Body. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said Resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall

SECTION 6. (continued)

subject **GRANTEE** to the provisions contained in Exhibit B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

- (a) **GRANTEE** shall comply with the Complete Streets Manual that states there needs to be a 2 feet buffer between the parked cars and a minimum of 6 feet unobstructed sidewalk on a mixed-use street.
- (b) **GRANTEE** shall comply with the site plan as shown in Exhibit A.
- (c) **GRANTEE** shall provide 6 feet of unobstructed sidewalk at all times.
- (d) GRANTEE must comply with the Americans with Disabilities Act (ADA) and Texas Department of Licensing and Regulation (TDLR) for the portion of the sidewalk area that remains unobstructed.
- (e) **GRANTEE** shall obtain required Building Permits and a Right-of-Way Permit must be applied for and issued prior to any work within the right-of-way.

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 9. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 10. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restrictions and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of

SECTION 10. (continued)

Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

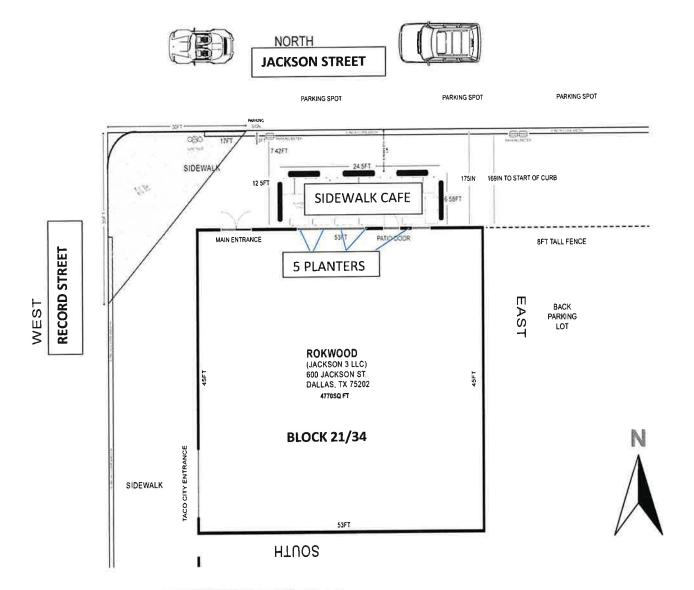
SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fees pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which GRANTEE shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to GRANTEE the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance is also designated for City purposes as Contract No. DEV-2021-00015834.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM: CHRISTOPHER J. CASO, City Attorney Assistant City Attorney	DR. ERIC A. JOHNSON, Interim Director Department of Sustainable Development and Construction BY Assistant Director
Passed	*

EXHIBIT A



SIDEWALK CAFÉ – 232sqft 5 PLANTER BOXES – 10sqft Total 242sqft

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, GRANTEE, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of GRANTEE. In the event, upon termination of this license, GRANTEE shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against GRANTEE; in neither event shall the City of Dallas be liable to GRANTEE on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of GRANTEE's installations and improvements thereon, any modifications or changes to GRANTEE's facilities in the licensed area or in construction or reconstruction of any public improvement attributable to GRANTEE's use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of GRANTEE and to the satisfaction of the Director of Sustainable Development and Construction.
- At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

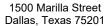
twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

- 1. GRANTEE agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
- 2. GRANTEE shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or GRANTEE fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) GRANTEE is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to GRANTEE's use and occupancy thereof, GRANTEE, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, GRANTEE shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. GRANTEE agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of GRANTEE's breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the GRANTEE's use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

- accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.
- The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- As a condition hereof, GRANTEE agrees and is bound to defend, indemnify and hold the City of (g) Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or GRANTEE's installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of GRANTEE, or by GRANTEE's breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of GRANTEE, its officers, agents, employees or contractors in the use, occupancy and maintenance of GRANTEE's installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the GRANTEE and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of GRANTEE's use of the licensed area or GRANTEE's improvements and equipment located thereon. In addition to the foregoing, GRANTEE covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

(h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing. relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.





City of Dallas

Agenda Information Sheet

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Community Care

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

Authorize the **(1)** acceptance of the award from the Texas Health and Human Services Commission (HHSC) for the Special Supplemental Nutrition Program for Women, Infants and Children provided under the five-year contract executed on September 28, 2020 with the HHSC (Contract No. HHS000802300001, CFDA No. 10.557) in the amount of \$13,902,240.00 in FY 2022 funding for the period of October 1, 2021 through September 30, 2022, **(2)** establishment of appropriations in an amount not to exceed \$13,902,240.00 in the FY 2022 WIC Program Fund; **(3)** receipt and deposit of grant funds for reimbursement from the HHSC in an amount not to exceed \$13,902,240.00 in the FY 2022 WIC Program Fund; and **(4)** execution of any and all documents required for acceptance and receipt of the funds - Not to exceed \$13,902,240.00 - Financing: Health and Human Services Commission Grant Funds

BACKGROUND

Since 1974, the HHSC, previously referred to as the Department of State Health Services, has funded the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in Dallas. The WIC Program provides nutritious food, nutrition education, breastfeeding promotion and support, and referrals to health and social services. The program serves infants, children under age five, and pregnant, postpartum and breastfeeding women. WIC is a United States Department of Agriculture program administered in Texas by the Health and Human Services Commission. In Dallas County, the WIC Program is administered by the City of Dallas, Office of Community Care.

The WIC Program was established as a response to a national survey that discovered anemia and inadequate growth were common amongst American children of low-income families. The survey also found that many women from low-income families have poor pregnancy outcomes due to inadequate nutrition. WIC's primary mission is to give the most vulnerable children the best possible start by providing nutrition education, nutritious foods, and access to other health programs during the critical state of fetal and early childhood development; and to achieve optimal nutritional status for children before they start school. Program eligibility is based on families with household incomes at or below 185 percent of the federal poverty level.

Currently, the WIC Program safely provides services at 17 locations throughout Dallas County. The WIC Program has extended weekday and Saturday hours of service available to accommodate and serve working families and students.

The City of Dallas is reimbursed for all expenses required to operate the WIC Program. Reimbursements are specified in the contract and are, in part, based on the number of WIC participants who are served each month. Approval of this contract will authorize reimbursement to the City of Dallas WIC Program for the FY 2021 - FY 2022 contract amount, not to exceed \$13,902,240.00. The City will receive a Notice of Award by July 1 annually through the term of this contract outlining the funding amount for the upcoming fiscal year.

Since 1974, the City of Dallas has served as the local agency for WIC service delivery in Dallas County via contractual agreement through Health and Human Services Commission (formerly Texas Department of State Health Services); and there is a need for the Nutritional Program for Women, Infants and Children funded through the Health and Human Services Commission. The execution of this new five-year contract will extend the Women, Infants and Children program through FY 2025.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 23, 2020, City Council authorized a contract for the Special Supplemental Nutrition Program for Women, Infants and Children in the amount of \$13,601,737.00, by Resolution No. 20-1432.

On April 28, 2021, City Council authorized additional funds for the Special Supplemental Nutrition Program for Women, Infants and Children, bringing the contract amount to of \$15,514,248.00, by Resolution No. 21-0695.

On August 11, 2021, City Council authorized the receipt of additional funding for the Special Supplemental Nutrition Program for Women, Infants and Children in the amount of \$225,958.00, by Resolution No. 21-1238.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Health and Human Services Commission Grant Funds	\$0.00	\$13,902,240.00	\$0.00

WHEREAS, since 1974, the City of Dallas has served as the local agency for WIC service delivery in Dallas County via contractual agreement through the Texas Health and Human Services Commission (formerly Texas Department of State Health Services); and

WHEREAS, there is a need for the Nutritional Program for Women, Infants, and Children funded through the Health and Human Services Commission; and

WHEREAS, the City of Dallas receives funding for all expenses required to operate the WIC Program under a five-year contract executed on September 28, 2020 with the Health and Human Services Commission acting as a pass-through entity for the U.S. Department of Agriculture; and

WHEREAS, on July 1, 2021, the Health and Human Services Commission delivered a Notice of Award under the contract to provide FY 2022 funding for the City of Dallas WIC Program in an amount not to exceed \$13,902,240.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to accept the award from the Texas Health and Human Services Commission (HHSC) for the Special Supplemental Nutrition Program for Women, Infants, and Children Program provided under the five-year contract executed on September 28, 2020 with HHSC (Contract No. HHS000802300001, CFDA No. 10.557) in the amount of \$13,902,240.00 in FY 2022 funding for the period October 1, 2021 through September 30, 2022 and execute any and all documents required for such acceptance and receipt of funds, approved as to from by the City Attorney.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$13,902,240.00, in the FY 2022 WIC Program Fund, Fund F679, Department MGT, Units 211C-220C, various Object Codes according to the attached Attachment A.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed \$13,902,240.00 from the Health and Human Services Commission in the FY 2022 WIC Program Fund, Fund F679, Department MGT, Units 211C-220C, Revenue Code 6509.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed \$13,902,240.00 from the Health and Human Services Commission in the FY 2022 WIC Program Fund, Fund F679, Department MGT, Units 211C-220C, various Object Codes according to the attached Attachment A.

SECTION 5. That the City Manager is hereby authorized to reimburse the Health and Human Services Commission any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 6. That the City Manager shall keep the appropriate City Council Committee informed of all final Health and Human Services Commission monitoring reports no later than 30 days after the receipt of each such report.

SECTION 7. 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.

Health and Human Services Commission Special Supplemental Nutrition Program for Women, Infants, and Children October 1, 2021 through September 30, 2022

Fund F679, Department MGT, Unit 211C (Admin Only), Revenue Code 6509

Object Code	Description	Add	pted Budget	Increase	e/(Decrease)	Rev	rised Budget
1101	Salaries	\$	5,365,650	\$	-	\$	5,365,650
1111	Cell Phone	\$	7,000	\$	-	\$	7,000
1201	Overtime - Civilian	\$	100,000	\$	-	\$	100,000
1203	SIP Pay	\$	40,500	\$	-	\$	40,500
1301	Pensions - Civilian	\$	823,595	\$	-	\$	823,595
1303	Life Insurance	\$	8,500	\$	-	\$	8,500
1304	Health Insurance	\$	824,516	\$	-	\$	824,516
1306	FICA/Medicare	\$	80,000	\$	-	\$	80,000
1309	Wellness Benefits	\$	3,000	\$	-	\$	3,000
2110	Office Supplies	\$	200,000	\$	-	\$	200,000
2111	Office Supplies Chargeback	\$	35,000	\$	-	\$	35,000
2140	Light and Power	\$	115,000	\$	-	\$	115,000
2160	Fuel Supplies	\$	20,000	\$	-	\$	20,000
2170	Water and Sewer	\$	13,000	\$	-	\$	13,000
2181	Fuel and Lube Rental	\$	5,000	\$	-	\$	5,000
2200	Chemicals	\$	100,000	\$	-	\$	100,000
2252	Meter Postage	\$	4,500	\$	-	\$	4,500
2261	Educational and Rec.	\$	50,000	\$	-	\$	50,000
2710	Furniture and Fixtures	\$	25,000	\$	-	\$	25,000
3050	Communications	\$	350,000	\$	-	\$	350,000
3053	Data Circuits	\$	165,500	\$	-	\$	165,500
3085	Freight	\$	4,000	\$	-	\$	4,000
3090	City Forces	\$	7,388	\$	-	\$	7,388
3091	Custodial Services	\$	100,000	\$	-	\$	100,000
3099	Misc Special Services	\$	75,000	\$	-	\$	75,000
3130	Copy Machine Rental	\$	53,000	\$	-	\$	53,000
3330	Rents	\$	1,605,670	\$	-	\$	1,605,670
3340	Membership Dues	\$	8,000	\$	-	\$	8,000
3361	Professional Development	\$	55,000	\$	-	\$	55,000
3363	Reimbursement for Veh Use	\$	10,000	\$	-	\$	10,000
3364	Personnel Devel	\$	15,000	\$	-	\$	15,000
3410	Equip Rental	\$	9,000	\$	-	\$	9,000
3416	GIS Services	\$	35,000	\$	-	\$	35,000
3430	Computer Services	\$	120,000	\$	-	\$	120,000
3434	Programming	\$	550,000	\$	-	\$	550,000
3651	Indirect Cost Reimbursement	\$	100,000	\$		\$	100,000
	Subtotal	\$	11,082,819	\$	-	\$	11,082,819

Fund F679, Department MGT, Unit 212C (Peer Counselor/Breastfeeding), Revenue Code 6509

Object Code	Description	Adopted Budget		Increase/(Decrease)		Revised Budget	
1101	Salaries	\$	975,000	\$	-	\$	975,000
1201	Overtime - Civilian	\$	37,426	\$	-	\$	37,426
1301	Pensions - Civilian	\$	150,000	\$	-	\$	150,000
1303	Life Insurance	\$	2,500	\$	-	\$	2,500
1304	Health Insurance	\$	175,000	\$	-	\$	175,000
1306	FICA/Medicare	\$	15,000	\$	-	\$	15,000
1309	Wellness Benefits	\$	1,000	\$	-	\$	1,000
2110	Office Supplies	\$	100,000	\$	-	\$	100,000
2200	Chemicals	\$	150,000	\$	-	\$	150,000
2261	Educational and Rec. Supplies	\$	25,000	\$	-	\$	25,000
3361	Professional Development	\$	50,000	\$	-	\$	50,000
	Subtotal	\$	1 680 926	\$		\$	1 680 926

Health and Human Services Commission Special Supplemental Nutrition Program for Women, Infants, and Children October 1, 2021 through September 30, 2022

Fund F679, Department MGT, Unit 213C (Registered Dietician/RD), Revenue Code 6509

Object Code	Description	Adopted Budget		Increase/(Decrease)		Revised Budget	
1101	Salaries	\$	145,000	\$	-	\$	145,000
1201	Overtime - Civilian	\$	1,000	\$	-	\$	1,000
1301	Pensions - Civilian	\$	21,000	\$	-	\$	21,000
1303	Life Insurance	\$	144	\$	-	\$	144
1304	Health Insurance	\$	15,500	\$	-	\$	15,500
1306	FICA/Medicare	\$	2,100	\$	-	\$	2,100
1309	Wellness Benefits	\$	54	\$	-	\$	54
2261	Educational and Rec. Supplies	\$	2,600	\$	-	\$	2,600
3361	Professional Development	\$	2,602	\$	-	\$	2,602
	Subtotal	\$	190.000	\$		\$	190,000

Fund F679, Department MGT, Unit 214C (Lactation Services/LCS), Revenue Code 6509

Object Code	Description	Adopted Budget Increase/(Decrease)		Revised Budget		
1101	Salaries	\$	170,272	\$ -	\$	170,272
1111	Cell Phone	\$	1,000	\$ -	\$	1,000
1201	Overtime - Civilian	\$	1,500	\$ -	\$	1,500
1301	Pensions - Civilian	\$	1,550	\$ -	\$	1,550
1303	Life Insurance	\$	104	\$ -	\$	104
1304	Health Insurance	\$	15,020	\$ -	\$	15,020
1306	FICA/Medicare	\$	2,500	\$ -	\$	2,500
1309	Wellness Benefits	\$	54	\$ -	\$	54
2110	Office Supplies	\$	25,000	\$ -	\$	25,000
2261	Educational and Rec. Supplies	\$	25,000	\$ -	\$	25,000
3361	Professional Development	\$	50,000	\$ -	\$	50,000
	Subtotal	\$	292,000	\$ -	\$	292,000

Fund F679, Department MGT, Unit 215C (Lactation Center/LC), Revenue Code 6509

Object Code	Description	Ado	pted Budget	Increase/(Decrease)		Revised Budget	
1101	Salaries	\$	118,747	\$	-	\$	118,747
1301	Pensions - Civilian	\$	20,397	\$	-	\$	20,397
1303	Life Insurance	\$	150	\$	-	\$	150
1304	Health Insurance	\$	20,020	\$	-	\$	20,020
1306	FICA/Medicare	\$	2,578	\$	-	\$	2,578
1309	Wellness Benefits	\$	108	\$	-	\$	108
2110	Office Supplies	\$	25,000	\$	-	\$	25,000
2140	Light and Power	\$	15,000	\$	-	\$	15,000
2200	Chemicals	\$	15,000	\$	-	\$	15,000
2261	Educational and Rec. Supplies	\$	25,000	\$	-	\$	25,000
3091	Custodial Services	\$	15,000	\$	-	\$	15,000
3330	Rents	\$	115,000	\$	-	\$	115,000
3361	Professional Development	\$	25,000	\$		\$	25,000
	Subtotal	\$	397,000	\$	-	\$	397,000

Health and Human Services Commission Special Supplemental Nutrition Program for Women, Infants, and Children October 1, 2021 through September 30, 2022

Fund F679, Department MGT, Unit 216C (SNAP-Ed Program-Nutritional Edcuation), Revenue Code 6509

Object Code	Description	Adop	Adopted Budget		Increase/(Decrease)		ed Budget
2110	Office Supplies	\$	20,000	\$	-	\$	20,000
3099	Miscellaneous Special Services	\$	10,000	\$		\$	10,000
	Subtotal	\$	30,000	\$	-	\$	30,000

Fund F679, Department MGT, Unit 217C (Extra Funding - Summer Food Program), Revenue Code 6509

Object Code	Description	Adopted Budget		Increase/(Decrease)		Revised Budget	
2110	Office Supplies	\$	7,000	\$	-	\$	7,000
2232	Food Supplies	\$	5,000	\$	-	\$	5,000
3994	Temporary Help	\$	10,579	\$	-	\$	10,579
	Subtotal	\$	22,579	\$	-	\$	22,579

Fund F679, Department MGT, Unit 218C (Extra Funding - TXIN Internet), Revenue Code 6509

Object Code	Description	Adopted Budget		Increase/(Decrease)		Revised Budget	
3050	Communications - TXIN Internet	\$	20,000	\$	-	\$	20,000
3429	Blackberry Fees	\$	20,000	\$	-	\$	20,000
3430	Computer Services - TXIN IT Support	\$	27,080	\$	-	\$	27,080
	Subtotal	\$	67.080	\$	-	\$	67.080

Fund F679, Department MGT, Unit 219C (Extra Funding - IPE), Revenue Code 6509

Object Code	Description	Adopted Budget		Increase	/(Decrease)	Revis	ed Budget
2710	Furniture and Fixtures	\$	10,000	\$	-	\$	10,000
3099	Miscellaneous Special Services		42,500	\$	-	\$	42,500
	Subtotal	\$	52,500	\$	-	\$	52,500

Fund F679, Department MGT, Unit 220C (Other Projects), Revenue Code 6509

Object Code	Description	Adopted Budget		Increase/(Decrease)		Revised Budget	
3020	Food and Laundry Supplies	\$	20,000	\$	-	\$	20,000
3099	Miscellaneous Special Services	\$	67,336	\$	-	\$	67,336
	Subtotal	\$	87,336	\$	-	\$	87,336
	Grand Total	¢	13 002 240	¢	_	¢	13 002 240





City of Dallas

Agenda Information Sheet

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Equity and Inclusion

EXECUTIVE: M. Elizabeth Cedillo-Pereira

SUBJECT

Authorize the **(1)** acceptance of the FY 2021-22 grant from the U.S. Department of Housing and Urban Development (HUD) for the Fair Housing Assistance Program (Grant No. FF206K216005, CDFA No. 14.401) in the amount of \$171,900.00, to process, investigate and conciliate housing discrimination complaints, administrative costs and HUD required staff training for the period October 1, 2021 through September 30, 2022; **(2)** receipt and deposit of grants funds in an amount not to exceed \$171,900.00 in the HUD-FY20 Fair Housing Assistance Program FY21 Fund; **(3)** establishment of appropriations in an amount not to exceed \$171,900.00 in the HUD FY21 Fair Housing Assistance Program FY21 Fund; and **(4)** execution of the Fair Housing Assistance Program Grant and the Cooperative Agreement and all terms, conditions, and documents required by the grant agreement - Not to exceed \$171,900.00 - Financing: U.S. Department of Housing and Urban Development Grant Funds

BACKGROUND

On November 7, 1990 and September 25, 1991, Chapter 20A of the Dallas City Code was amended to obtain certification from HUD that the City of Dallas is a fair housing agency operating substantially equivalent to HUD.

On November 15, 1991, HUD notified the Office of Fair Housing and Human Rights that the City of Dallas Fair Housing Ordinance is substantially equivalent to the Federal Act. Certification of substantial equivalency qualifies the City for federal funding for fair housing enforcement, education and outreach.

On September 1, 1992, a Cooperative Agreement between the City and HUD was executed whereby the City became a Fair Housing agency and began participating in the HUD Fair Housing Assistance Program. This program provides funding for substantially equivalent fair housing agencies.

File #: 21-1544 Item #: 20.

The funding allows HUD to refer housing discrimination complaints of Dallas origin to the City for processing, while HUD monitors the City's performance. Thus far, the funds have been used to facilitate the investigations of 2,759 housing discrimination complaints, to attend HUD required training seminars, and to enhance Fair Housing education and outreach.

On July 28, 2021, the City was notified that it would receive \$171,900.00 in Cooperative Agreement funds for Fiscal Year 2021-22. These funds are to be used for salaries, for four support staff, community outreach, and training and professional development.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 14, 2015, City Council authorized the acceptance of a grant from HUD for the Fair Housing Assistance Program (FHAP) to process, investigate and conciliate housing discrimination complaints, administrative costs and HUD required staff training for the period October 1, 2015 through September 30, 2016; and the execution of the cooperative grant agreement and any other documents related to the grant by Resolution No. 15-1870.

On August 10, 2016, City Council authorized the acceptance of a grant from HUD for the FHAP to expand education and outreach for the period May 20, 2016 through September 30, 2017; and the execution of the cooperative grant agreement and any other documents related to the grant by Resolution No. 16-1178.

On October 11, 2016, City Council authorized acceptance of the FY 2016-17 grant from HUD for the FHAP to process, investigate and conciliate housing discrimination complaints, administrative costs and HUD required staff training for the period October 1, 2016 through September 30, 2017; and execution of the cooperative grant agreement and any other documents related to the grant by Resolution No. 16-1653.

On October 25, 2017, City Council authorized acceptance of the FY 2017-18 grant from HUD for the FHAP (Grant No. FF206K186005, CFDA No.14.401) to process, investigate and conciliate housing discrimination complaints, administrative costs and HUD required staff training for the period October 1, 2017 through September 30, 2018; and execution of the cooperative grant agreement and any other documents related to the grant by Resolution No. 17-1651.

On October 24, 2018, City Council authorized acceptance of the FY 2018-19 grant from HUD for the FHAP (Grant No. FF206K186005, CFDA No. 14.401) to process, investigate and conciliate housing discrimination complaints, administrative cost and HUD required staff training for the period October 1, 2018 through September 30, 2019; and execution of the cooperative agreement by Resolution No. 18-1507.

On September 11, 2019, City Council authorized acceptance of the FY 2019-20 grant from HUD for the FHAP (Grant No. FF206K206005, CFDA No. 14.401) to process, investigate and conciliate housing discrimination complaints, administrative costs and HUD required staff training for the period of October 1, 2019 through September 30, 2020; and execution of the cooperative agreement by Resolution No. 19-1400.

File #: 21-1544 Item #: 20.

On September 23, 2020, City Council authorized acceptance of the FY 2020-21 grant from HUD for the FHAP (No. FF206K206005, CFDA No. 14.401) to process, investigate and conciliate housing discrimination complaints, administrative costs and HUD required staff training for the period of October 1, 2020 through September 30, 2021; and execution of the cooperative agreement by Resolution No. 20-1435.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
U.S. Department of Housing and Urban Development Grant Funds	\$171,900.00	\$0.00	\$0.00

WHEREAS, the Fair Housing Ordinance, Chapter 20A of the Dallas City Code, was amended on November 7, 1990 and September 25, 1991 for the purpose of obtaining certification from the U.S. Department of Housing and Urban Development (HUD) that the City of Dallas is a fair housing agency operating substantially equivalent to HUD; and

WHEREAS, on June 12, 1992, HUD granted the City of Dallas interim certification as a substantially equivalent fair housing agency; and

WHEREAS, on April 24, 1995, HUD granted the City of Dallas final certification as a substantially equivalent fair housing agency; and

WHEREAS, on August 13, 2018, HUD granted the City of Dallas Fair Housing Assistance Program Cooperative Agreement funds for FY 2018-2019 in the amount of \$279,900.00; and

WHEREAS, on July 26, 2019, HUD granted the City of Dallas Fair Housing Assistance Program Cooperative Agreement funds for FY 2019-2020 in the amount of \$257,300.00; and

WHEREAS, on August 26, 2020, HUD granted the City of Dallas Fair Housing Assistance Program Cooperative Agreement funds for FY 2020-2021 in the amount of \$290,000.00 and Partnership Grant Funds for FY 2020-23 in the amount of \$17,500.00 and not to exceed \$307,900.00; and

WHEREAS, on July 28, 2021, HUD granted the City of Dallas Fair Housing Assistance Program Cooperative Agreement funds for FY 2021-2022 in the amount of \$171,900.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to accept the FY 2021-22 grant from HUD for the Fair Housing Assistance Program (Grant No. FF206K216005, CDFA No.14.401) in the amount of \$171,900.00, to process, investigate, and conciliate housing discrimination complaints, administrative costs and HUD required staff training for the period October 1, 2021 through September 30, 2022, and execute the cooperative agreement and all terms, conditions, and documents required by the grant agreement, approved as to form by the City Attorney.

- **SECTION 2**. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed \$171,900.00 in the HUD-FY 21 Fair Housing Assistance Program FY 21 Fund, Fund F682, Department MGT, Unit 227C, Revenue Code 6506.
- **SECTION 3.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$171,900.00 in the HUD-FY 21 Fair Housing Assistance Program FY21 Fund, Fund F682, Department MGT, Unit 227C, various Object Codes according to the attached Schedule A.
- **SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$171,900.00 from the HUD-FY 21 Fair Housing Assistance Program FY21 Fund, Fund F682, Department MGT, Unit 227C, various Object Codes, in accordance with the cooperative grant agreement.
- **SECTION 5.** That the City Manager is hereby authorized to reimburse HUD any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible no later than 30 days after the reimbursement.
- **SECTION 6.** That the City Manager shall keep the appropriate City Council Committee informed of all final HUD monitoring reports no later than 30 days after the receipt of the report.
- **SECTION 7.** That this contract is designated as Contract No. FHO-2021-00017296.
- **SECTION 8.** 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.

SCHEDULE A

FAIR HOUSING ASSISTANCE PROGRAM (GRANT NO. FF206K216005) FAIR HOUSING FHAP AWARD FY 2021-2022

OBJECT

FUND	UNIT	CODE	BUDGET	DESCRIP_
F682		1101	115,500.00	SALARIES
F682		3320	30,000.00	ADMINISTRATIVE
F682		3361	26,400.00	PROF DEVEL
			\$ 171,900.00	





City of Dallas

Agenda Information Sheet

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Government Affairs

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

Authorize the **(1)** acceptance of a grant from the U.S. Department of Justice, Bureau of Justice Assistance for the FY 2021 Edward Byrne Memorial Justice Assistance Grant (Grant No. TBD, CFDA No. 16.738) in the amount of \$1,115,605.00 to support a broad range of activities to prevent and control crime and to improve the criminal justice system for the period October 1, 2020 through September 30, 2024; **(2)** receipt and deposit of funds in an amount not to exceed \$1,115,605.00 in the Bureau of Justice Assistance Grant FY 21 Fund; **(3)** establishment of appropriations in an amount not to exceed \$1,115,605.00 in the Bureau of Justice Assistance Grant FY 21 Fund; **(4)** execution of the grant agreement with the U.S. Department of Justice and all terms, conditions, and documents required by the agreement; and **(5)** execution of a Funds Sharing and Fiscal Agency Agreement between the City of Dallas, Dallas County, and designated units of local governments - Not to exceed \$1,115,605.00 - Financing: U.S. Department of Justice Grant Funds

BACKGROUND

Part E of Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Edward Byrne Memorial Justice Assistance Grant (JAG) Program (the "JAG Program") authorize the Bureau of Justice Assistance (BJA) to make funds available to units of local government in order to support a broad range of activities to prevent and control crime and to improve the criminal justice system.

The JAG Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds can support all components of the criminal justice system from multijurisdictional drug and gang task forces, crime prevention, courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities, and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

File #: 21-1463 Item #: 21.

In recent years, the City of Dallas has used the JAG to fund salaries, benefits, and other associated costs for the Community Prosecution Program. Other past projects include Fair and Impartial Policing Training and SharePoint implementation for the Dallas Police Department. For the fiscal year 2021 award, Dallas will fund salaries and benefits for three Community Prosecutor, cameras for the Nuisance Abatement Unit, and software for the Real Time Crime Center. Ten percent of the total award is also used to reimburse administrative expenses associated with managing the grant.

The City of Dallas, Dallas County, and certain units of local government designated by the BJA are eligible for 2021 JAG funding and have been certified by the BJA as a disparate jurisdiction. The application guidelines ask for one fiscal agent to apply for, accept, and disburse funds throughout the disparate jurisdiction. Dallas County and all eligible units of local government in the disparate jurisdiction have agreed to designate the City of Dallas as the applicant and fiscal agent for the JAG Program.

Dallas County and the eligible cities agree and acknowledge that as a certified disparate jurisdiction, the parties must reach an agreement regarding the sharing of funds prior to submitting a JAG application with the BJA. Accordingly, this resolution will authorize the City Manager to set forth the following: (i) the amount of funds originally allocated by the BJA before the parties were certified to be disparate jurisdictions: (ii) the amounts to be transferred among the respective jurisdictions, including the amount to be paid to the City of Dallas as the fiscal agent for the jurisdiction; and (iii) the final amount for each of the parties.

Initial Allocations

For 2021, the BJA has determined the Initial Allocations of JAG funds for the Parties, as follows.

Dallas County	\$	0
Balch Springs	\$	13,226.00
Carrollton	\$	12,476.00
Dallas	\$	846,732.00
DeSoto	\$	14,883.00
Duncanville	\$	14,857.00
Garland	\$	55,519.00
Grand Prairie	\$	38,384.00
Irving	\$	43,380.00
Lancaster	\$	14,469.00
Mesquite	\$	48,505.00
Richardson	<u>\$</u>	13,174.00

Total \$1,115,605.00

Amounts to be Transferred

All jurisdictions, with the exception of the City of Richardson, have agreed that 30 percent of their funds will be allocated to Dallas County per U.S. Department of Justice guidelines that require fund sharing with any unit of government that bears more than 50 percent of the costs of prosecution or incarceration. The City of Richardson has chosen to reallocate its total award of \$13,174.00 to the County.

The eligible cities agree to have the following funds transferred to Dallas County pursuant to the Funds Sharing and Fiscal Agency Agreement, as follows:

Dallas County	\$	0.00
Balch Springs	\$	3,967.80
Carrollton	\$	3,742.80
Dallas	\$2	254,019.60
DeSoto	\$	4,464.90
Duncanville	\$	4,457.10
Garland	\$	16,655.70
Grand Prairie	\$	11,515.20
Irving	\$	13,014.00
Lancaster	\$	4,340.70
Mesquite	\$	14,551.50
Richardson	<u>\$</u>	13,174.00
Total	\$3	343,903.30

This leaves adjusted allocations, as follows:

Dallas County	\$	343,903.30
Balch Springs	\$	9,258.20
Carrollton	\$	8,733.20
Dallas	\$	592,712.40
DeSoto	\$	10,418.10
Duncanville	\$	10,399.90
Garland	\$	38,863.30
Grand Prairie	\$	26,868.80
Irving	\$	30,366.00
Lancaster	\$	10,128.30
Mesquite	\$	33,953.50
Richardson	<u>\$</u>	0.00

Total \$1,115,605.00

Fiscal Agent Grant Administration Fees

The following amounts reflect each participant's grant administration fee deducted from their adjusted allocations, which shall be transferred to the Fiscal Agent, the City of Dallas.

Dallas County	\$ 24,073.23
Balch Springs	\$ 648.07
Carrollton	\$ 611.32
Dallas	\$ 74,958.02
DeSoto	\$ 729.27
Duncanville	\$ 727.99
Garland	\$ 2,720.43

Grand Prairie	\$	1,880.82
Irving	\$	2,125.62
Lancaster	\$	708.98
Mesquite	\$	2,376.75
Richardson	<u>\$</u>	0.00
Total	\$1	11,560.50

Final Allocations

The following amounts reflect the JAG funds each jurisdiction shall receive upon acceptance of and disbursements of funds from the BJA in accordance with the Funds Sharing and Fiscal Agency Agreement.

Dallas County	\$	319,830.07
Balch Springs	\$	8,610.13
Carrollton	\$	8,121.88
Dallas	\$	629,314.87
DeSoto	\$	9,688.83
Duncanville	\$	9,671.91
Garland	\$	36,142.87
Grand Prairie	\$	24,987.98
Irving	\$	28,240.38
Lancaster	\$	9,419.32
Mesquite	\$	31,576.76
Richardson	\$	0.00
Total	¢ 1	115 605 00

Total \$1,115,605.00

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 12, 2018, City Council authorized an application for and acceptance of the FY 2018 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime and to improve the criminal justice system for the period October 1, 2017 through September 30, 2021; execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and execution of the grant agreement by Resolution No. 18-1271.

On October 8, 2019, City Council authorized an application for and acceptance of the FY 2019 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime and to improve the criminal justice system for the period October 1, 2018 through September 30, 2022; execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and execution of the grant agreement by Resolution No. 19-1599.

On September 23, 2020, City Council authorized an application for and acceptance of the FY 2020 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime and to improve the criminal justice system for the period of October 1, 2019 through September 30, 2023; execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and execution of the grant agreement by Resolution No. 20-1460.

City Council was briefed by memorandum regarding this matter on August 13, 2021

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
U.S. Department of Justice Grant Funds	\$1,115,605.00	\$0.00	\$0.00

WHEREAS, the U.S. Department of Justice (DOJ), Bureau of Justice Assistance (BJA), has made funding available to the City of Dallas, Dallas County and eligible designated cities in order to support a broad range of activities to help control and prevent crime and to improve the criminal justice system; and

WHEREAS, grant monies are being allocated to the City of Dallas, Dallas County and eligible designated cities for the fiscal year (FY) 2021 Edward Byrne Memorial Justice Assistance Grant (JAG); and

WHEREAS, the City of Dallas and other BJA designated cities will benefit from the additional funds that will aid the prevention and control of crime within these areas.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to accept a grant from DOJ, BJA, approved as to form by the City Attorney, for the FY 2021 Edward Byrne Memorial Justice Assistance Grant (Grant No. TBD, CFDA No. 16.738) in the amount of \$1,115,605.00 to support a broad range of activities to prevent and control crime and to improve the criminal justice system for the period October 1, 2020 through September 30, 2024; and execute the grant agreement with the DOJ and all terms, conditions, and documents required by the agreement; and execute a Funds Sharing and Fiscal Agency Agreement between the City of Dallas, Dallas County, and designated units of local governments.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse JAG Program funds in an amount not to exceed \$486,290.13 to Dallas County and other BJA designated cities, as listed below:

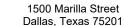
<u>Jurisdiction</u>	<u>Amount</u>
Dallas County	\$319,830.07
Balch Springs	\$ 8,610.13
Carrollton	\$ 8,121.88
DeSoto	\$ 9,688.83
Duncanville	\$ 9,671.91
Garland	\$ 36,142.87
Grand Prairie	\$ 24,987.98
Irving	\$ 28,240.38
Lancaster	\$ 9,419.32
Mesquite	\$ 31,576.76

- **SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed \$517,754.37 for the Justice System Project in the Bureau of Justice Assistance Grant FY21 Fund, Fund TR21, Department MGT, Unit 225C, Revenue Code 6506.
- **SECTION 4.** That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed \$597,850.63 for Management and Administration in the Bureau of Justice Assistance Grant FY21 Fund, Fund TR21, Department MGT, Unit 226C, Revenue Code 6506.
- **SECTION 5.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$517,754.37 in the Bureau of Justice Assistance Grant FY21 Fund, Fund TR21, Department MGT, Unit 225C, Object 3099.
- **SECTION 6.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$597,850.63 in the Bureau of Justice Assistance Grant FY21 Fund, Fund TR21, Department MGT, Unit 226C, Object 3099.
- **SECTION 7.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$517,754.37 from the Bureau of Justice Assistance Grant FY21 Fund, Fund TR21, Department MGT, Unit 225C, Object 3099.
- **SECTION 8.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$597,850.63 from the Bureau of Justice Assistance Grant FY21 Fund, Fund TR21, Department MGT, Unit 226C, Object 3099, amount inclusive of the \$486.290.13 in Section 2 above.
- **SECTION 9.** That the City Manager is hereby authorized to transfer existing positions into Unit 225C and Unit 226C.
- **SECTION 10.** That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.
- **SECTION 11.** That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.
- **SECTION 12.** That the City Manager or his designee is authorized to provide additional information, make adjustments, and take other actions related to the implementation of the grant as may be necessary to satisfy the funder.

SECTION 13. That the grant agreement is designated as Contract No. IGS-2021-00017232.

SECTION 14. That the Funds Sharing and Fiscal Agency Agreement is designated as Contract No. IGS-2021-00017233.

SECTION 15. 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.



City of Dallas



Agenda Information Sheet

File #: 21-1521 Item #: 22.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize (1) a two-year acquisition contract for the purchase of initial licenses and implementation of a regional cyber threat intelligence fusion center solution for the Department of Information and Technology Services in an amount not to exceed \$255,000; and (2) a five-year service price agreement for additional licenses, maintenance, and support services of regional cyber threat intelligence fusion center solution for Department of Information and Technology Services in the estimated amount of \$995,700 - WizNucleus, Inc., most advantageous proposer of fourteen - Total amount of \$1,250,700 - Financing: Homeland Security Urban Area (\$350,770) and Data Services Fund (\$900,000) (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The not to exceed amount establishes firm pricing for a specific scope of work, while the estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This service price agreement will provide for the acquisition and implementation for a regional cyber threat intelligence fusion center solution and additional licenses, maintenance, and support. This initiative will create and sustain an effective Cyber Fusion Center which allows for the sharing of intelligence then applying the information to a collective defense across the Dallas/Ft. Worth region and shared nationally. This technology will allow for a communal approach to threat data, similar to the methods the Police Department uses to share information for the physical protection of residents. This service provides the proactive intelligence to the online and the Police Department community for cyber threat data.

A four-member committee from the following departments reviewed and evaluated the qualifications:

File #: 21-1521 Item #: 22.

•	Department of Information and Technology Services	(1)
•	Police Department	(1)
•	Water Utilities Department	(1)
•	Office of Procurement Services	(1)*

^{*}The Office of Procurement Services evaluated cost and local preference, if applicable.

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

•	Technical match to requirements	30 points
•	Cost	30 points
•	Functional match to requirements	20 points
•	Capability and expertise	15 points
•	Training	5 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$12.38; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Homeland Security Urban Area Fund	\$95,700.00	\$255,000.00	\$ 0.00
Data Services Fund	\$ 0.00	\$ 0.00	\$900,000.00
Total	\$95,700.00	\$255,000.00	\$900,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

File #: 21-1521 Item #: 22.

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$	
\$1,250,700.00	Other Services	N/A	N/A	N/A	
The Business Inclusion and Development Policy does not apply to Other Service contracts.					
• WizNucleus, Inc	Local; Workforce - 14.00%	Local			

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Request for	Utilized for high technology procurements, insurance procurements,
Competitive	and other goods and services
Sealed	Recommended offeror whose proposal is most advantageous to the
Proposal	City, considering the relative importance of price, and other evaluation
	factors stated in the specifications
	Always involves a team evaluation
	 Allows for negotiation on contract terms, including price

The Office of Procurement Services received the following proposals from solicitation number BQZ21 -00015409. We opened them on March 19, 2021. We recommend the City Council award these agreements in their entirety to the most advantageous proposer.

^{*}Denotes successful proposer

<u>Proposers</u>	Address	<u>Score</u>
*WizNucleus, Inc.	3310 Keller Springs Road Suite 100 Carrollton, TX 75006	76.92
Cyber Watch Systems	5717 Legacy Drive Suite 250 Plano, TX 75024	76.27
IntSights Cyber Threat Intelligence	902 Broadway 6th Floor New York, NY 10010	69.67
CDW Government, LLC	230 North Milwaukee Avenue North Vernon Hills, IL 60061	66.87
IBM Security	600 Anton Boulevard Costa Mesa, CA 92626	64.32

File #: 21-1521			Item #: 22.
Accenture	1501 South Mopac Expressway Suite 300 Austin, TX 78751	62.92	
Schneider Electric	1650 West Crosby Road Carrollton, TX 75006	59.49	
Raytheon	22265 Pacific Boulevard Dulles, VA 20166	59.38	
Motorola Solutions	1717 McKinney Avenue Suite 800 Dallas, TX 75202	52.12	
Verizon Wireless	600 Hidden Ridge Drive 3rd Floor, Room D03D06 Irving, TX 75038	51.75	
Ardalyst Federal, LLC	20 Ridgley Avenue Suite 300 Annapolis, MD 21401	49.14	
MGT of America Consulting, LLC	4320 West Kennedy Boulevard Suite 200 Tampa, FL 33609	44.19	
AT&T	208 South Akard Street Dallas, TX 75032	37.67	
SignumVeri	343 Waller Avenue Lexington, KY 40504	33.67	

OWNER

WizNucleus, Inc.

Krishna Shetty, Chief Executive Officer Nathan Adams, Vice President of Security

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

SECTION 1. That the City Manager is hereby authorized to execute an acquisition contract for the purchase of initial licenses and implementation of a regional cyber threat intelligence fusion center solution for the Department of Information and Technology Services with WizNucleus, Inc. (VC23515), approved as to form by the City Attorney, for a term of two years, in an amount not to exceed \$255,000. Payments made to WizNucleus, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by WizNucleus, Inc. under the contract.

SECTION 2. That the City Manager is hereby authorized to execute a service price agreement with WizNucleus, Inc. (VC23515), approved as to form by the City Attorney, for additional licenses, maintenance, and support services of regional cyber threat intelligence fusion center solution for Department of Information and Technology Services for a term of five years, in the estimated amount of \$995,700. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term. Payments made to WizNucleus, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by WizNucleus, Inc. under the service price agreement. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$255,000 (subject to annual appropriations) to WizNucleus, Inc. from Acquisition Contract No. ITS-2021-00015409.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$995,700 (subject to annual appropriations), but not more than the amount of budgetary appropriations for this service price agreement during its term to WizNucleus, Inc. from Service Price Agreement Contract No. ITS-2021-00015409.

SECTION 5. 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.



City of Dallas

1500 Marilla Street Dallas, Texas 75201

Agenda Information Sheet

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a one-year service contract, with two one-year renewal options, for job search, skill training, and placement assistance for seniors for the Office of Community Care - Citizens Development Center dba Achieve, most advantageous proposer of three - Not to exceed \$115,146 - Financing: General Fund (subject to annual appropriations)

BACKGROUND

This service contract provides job search, skill training, and placement assistance for the seniors age 60 and over for the Office of Community Care. The purpose of the Senior Services Employment program is to provide assistance, training, and advocacy to enable senior individuals with disabilities, to successfully obtain and maintain employment. Individuals served through this program are low-and moderate-income seniors who live in the City of Dallas. This contract facilitates access to well suited jobs for seniors through hands-on job preparation and job search assistance, trusted partnerships with area employers, employer education, and advocacy.

The program provides comprehensive services to seniors with disabilities so that they can successfully obtain and maintain employment. This program prepares the client for the job search through job readiness training including the creation of a professional resume and cover letter and instruction in interview skills. This training improves their ability to professionally present themselves. The program also offers job placement assistance, job search referrals, computer skills training, and transportation.

A five-member committee from the following departments reviewed and evaluated the qualifications:

•	Budget and Management Services	(1)
•	Office of Community Care	(2)
•	Office of Economic Development	(1)
•	Office of Procurement Services	(1)*

File #: 21-1265 Item #: 23.

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

•	Experience	35 points
•	Approach	35 points
•	Financial capacity	25 points
•	Local Preference	-5 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$12.38; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
General Fund		\$0.00	\$0.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$115,146.00	Other Services	N/A	N/A	N/A
The Business Inclusion and Development Policy does not apply to Other Service contracts.				
● Citizens Development Center dba Achieve - Local; Workforce - 29.00% Local				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

^{*}The Office of Procurement Services evaluated cost and local preference, if applicable.

I	 Utilized for high technology procurements, insurance procurements, and other goods and services
Proposal	 Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications Always involves a team evaluation Allows for negotiation on contract terms, including price

The Office of Procurement Services received the following proposals from solicitation number BRZ21 -00014983. We opened them on January 28, 2021. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

^{*}Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*Citizens Development Center dba Achieve	8800 Ambassador Row Dallas, TX 75247	72.5
Missionary Church of God in Christ Urban Initiatives, Inc.	6500 Greenville Avenue Suite #500 Dallas, TX 75206	59.8
Bratton Construction LLC	363 Meadow Creek Drive Duncanville, TX 75137	48.3

OWNER

Citizens Development Center dba Achieve

Hugh Breland, Chief Executive Officer

WHEREAS, the City Council desires to assist adults aged 60 and older who reside in the City and are at or below 80% of the Area Median Income to attain financial stability and enhance their overall quality of life by addressing barriers for seniors who seek employment; and

WHEREAS, a Senior Services Employment Initiative Program will provide such senior citizens with (1) job search techniques training; (2) job skills training; (3) assistance on job search referrals; (4) community presentations on employment training and related topics; and (5) job placement services; and

WHEREAS, City businesses will benefit from presentations to encourage businesses to consider hiring senior citizens; and

WHEREAS, the City, in furtherance of these goals, solicited a Request for Competitively Sealed Proposals ("RFCSP") from entities to provide senior employment program services to Dallas senior citizens who meet the income requirements (the "Program") to be funded through the City's general fund; and

WHEREAS, the City desires to contracting with the Citizens Development Center d/b/a Achieve to establish a senior employment program to provide senior employment program services; and

WHEREAS, the City of Dallas will benefit from by promoting financial stability for seniors who are seeking employment.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a service contract with Citizens Development Center dba Achieve (519273), approved as to form by the City Attorney, for job search, skill training, and placement assistance for seniors for the Office of Community Care for a term of one year, with two one-year renewal options, in an amount not to exceed \$115,146. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Citizens Development Center dba Achieve shall be based only on the amount of the services directed to be performed by the City and properly performed by Citizens Development Center dba Achieve under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$115,146. (subject to annual appropriations) to Citizens Development Center dba Achieve from Service Contract No. OHS-2021-00014983.



City of Dallas

Agenda Information Sheet

File #: 21-1377 Item #: 24.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a one-year service contract in the amount of \$50,000, with four one-year renewal options in the amount of \$50,000 for each renewal period, for administration of the international protocol services program for the Office of Government Affairs - World Affairs Council of Dallas/Fort Worth, most advantageous proposer of two - Total not to exceed \$250,000 - Financing: General Fund (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This service contract will provide for staff support to the Mayor as the official head of City government in his or her international activities. Services provided include protocol and logistical support for international dignitaries and delegations visiting Dallas. This includes scheduling opportunities for the Mayor to deliver an international message serving as the point of contact for diplomatic matters with the Consular Corps and the Office of Texas Assistant Secretary of State. This service will strengthen the City's ties with the Consuls General who are accredited and seek to increase the number of trade offices and consulates represented in Dallas. Services also will work with the Office of the Mayor, the diplomatic corps, and other international stakeholders to continue expanding trade and consular representation in Dallas and serve as a resource to City officials on matters of international protocol.

A five-member committee from the following departments reviewed and evaluated the qualifications:

• Office of Economic Development (2)

Office of Government Affairs (1)
 Office of Economic Development Business Workforce and Inclusion Division (1)*

 File #: 21-1377 Item #: 24.

*The Office of Procurement Services only evaluated cost and the Office of Economic Development Business Workforce and Inclusion Division only evaluated the Business Inclusion and Development Policy.

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

30 points
35 points
15 points
15 points
5 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$12.38; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 13, 2016, City Council authorized a nine-month Chapter 380 grant agreement, with four one-year renewal options, for economic development and protocol services with World Affair Council of Dallas/Fort Worth by Resolution No. 16-0133.

On September 28, 2016, City Council authorized the first of four twelve-month renewal options to the grant agreement with World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2016 through September 30, 2017, by Resolution No. 16-1592.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
General Fund	\$0.00	\$50,000.00	\$200,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

File #: 21-1377 Item #: 24.

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$	
\$250,000.00	Other Services	N/A	N/A	N/A	
The Business Inclusion and Development Policy does not apply to Other Service contracts.					
World Affairs Council of Dallas/Fort Worth - Local; Workforce - 53.00% Local					

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Request for	 Utilized for professional, personal, revenue, and planning services
	 Recommended offeror is the responsible offeror whose proposal most closely meets established criteria for the services advertised, based on demonstrated competence and qualifications at a fair and reasonable price Always involves the evaluation by committee Allows for negotiation on contract terms, including price

The Office of Procurement Services received the following proposals from solicitation number BR20-00013994. We opened them on October 9, 2021. We recommend the City Council award this service price agreement in its entirety to the most advantageous proposer.

^{*}Denotes successful proposer

<u>Proposers</u>	Address	<u>Score</u>
*World Affairs Council of Dallas/Fort Worth	325 North St. Paul Street Dallas, TX 75201	78.00
North Texas Council	8445 Freeport Parkway Suite 640 Irving, TX 75063	62.00

OWNER

World Affairs Council of Dallas/Fort Worth

Jorge Baldor, Chairman David Jacobs, Vice Chairman **WHEREAS**, the City recognizes the importance of its role in local economic development; and

WHEREAS, Chapter 380 of the Texas Local Government Code allows the governing body of a municipality to partner with a nonprofit organization to administer a program to promote local economic development and stimulate business and commercial activity in the municipality; and

WHEREAS, on January 13, 2016, City Council authorized a nine-month Chapter 380 grant agreement, with four one-year renewal options, for economic development and protocol services with World Affair Council of Dallas/Fort Worth by Resolution No. 16-0133; and

WHEREAS, on September 28, 2016, City Council authorized the first of four twelvemonth renewal options to the grant agreement with World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1,2016 through September 30, 2017, by Resolution No. 16-1592; and

WHEREAS, the City now desires to authorize the execution of a one-year service contract, with four one-year renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for services relating to business development and protocol for the period October 1, 2017 through September 30, 2018.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a service contract with World Affairs Council of Dallas/Fort Worth (509630), approved as to form by the City Attorney, for administration of the international protocol services program for the Office of Government Affairs for a term of one year in the amount of \$50,000, with four one-year renewal options in the amount of \$50,000 for each renewal period, in a total amount not to exceed \$250,000. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to World Affairs Council of Dallas/Fort Worth shall be based only on the amount of the services directed to be performed by the City and properly performed by World Affairs Council of Dallas/Fort Worth under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$250,000 (subject to annual appropriations) to World Affairs Council of Dallas/Fort Worth from Service Contract No. ECO-2020-00013394.





1500 Marilla Street Dallas, Texas 75201

Agenda Information Sheet

File #: 21-1532 Item #: 25.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 6, Outside City Limits

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three- year master agreement for the purchase of ferric sulfate to be used in the water purification process for the Water Utilities Department - Chemtrade Chemicals US, LLC, lowest responsible bidder of two - Estimated amount of \$37,184,000 - Financing: Dallas Water Utilities Fund

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This master agreement will provide for the purchase of ferric sulfate to be used in the water purification process for the Water Utilities Department. Ferric sulfate is used in the coagulation stage of the chemical treatment process to remove dirt, algae, bacteria, and other contaminants in the water as mandated by Texas Commission on Environmental Quality regulatory requirements.

This master agreement will continue to provide National Sanitary Foundation 60 certified ferric sulfate for use at all three water treatment plants. The Water Utilities Department is responsible for providing clean drinking water to approximately 2.3 million people in Dallas and surrounding communities.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

File #: 21-1532 Item #: 25.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 26, 2018, City Council authorized a three-year master agreement for ferric sulfate to be used in the water purification process with Chemtrade Chemicals US, LLC by Resolution No. 18-1397.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Dallas Water Utilities Fund	\$1,032,888.00	\$12,394,666.00	\$23,756,446.00

Council District Amount

6 \$ 5,824,000.00 Outside of City Limits \$31,360,000.00

Total \$37,184,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$	
\$37,184,000.00	Goods	32.00%	1.19%	\$450,000.00	
This contract does not meet the M/WBE goal, but complies with good faith efforts.					
● Chemtrade Chemicals US, LLC - Non-local; Workforce - 0.00% Local					

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

 Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements
Negotiations are not allowed

The Office of Procurement Services received the following bids from solicitation number BI21-00016502. We opened them on June 18, 2021. We recommend the City Council award this master agreement in its entirety to the lowest responsive and responsible bidder.

^{*}Denotes successful bidder

Bidder	Address	Amount
*Chemtrade Chemicals US, LLC	90 E Halsey Rd. Parsippany, NJ 07054	\$37,184,000.00
Pencco, Inc.	831 Barlet Rd. Sealy, TX 77474	\$39,444,000.00

OWNER

Chemtrade Chemicals US, LLC

Scott Rook, President

WHEREAS, on September 26, 2018, City Council authorized a three-year master agreement for ferric sulfate to be used in the water purification process with Chemtrade Chemicals US, LLC, in the amount of \$27,635,454.00, by Resolution No. 18-1397.

Now, Therefore,

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

SECTION 1. That a master agreement for the purchase of ferric sulfate to be used in water purifications process for the Water Utilities Department is authorized with Chemtrade Chemicals US, LLC (053277), approved as to form by the City Attorney, for a term of three years, in the estimated amount of \$37,184,000.00. The amount payable pursuant to this master agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this master agreement during its term. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for ferric sulfate to be used in water purifications process for the Water Utilities Department. If a written contract is required or requested for any or all purchases of ferric sulfate to be used in water purifications process for the Water Utilities Department under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$37,184,000.00, but not more than the amount of budgetary appropriations for this master agreement during its term to Chemtrade Chemicals US, LLC from Master Agreement Contract No. DWU-2021-00016502.



City of Dallas

Agenda Information Sheet

File #: 21-1525 Item #: 26.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize an increase to the master agreement with AC Printing in the amount of \$493,467.50, from \$1,973,870.00 to \$2,467,337.50, Janus Signs dba FastSigns Skillman in the amount of \$113,586.75, from \$454,347.00 to \$567,933.75, and Visual Communications in the amount of \$80,637.75, from \$322,551.00 to \$403,188.75, for printed goods - Total not to exceed \$687,692.00, from \$2,750,768.00 to \$3,438,460.00 - Financing: General Fund (\$488,261.28), Aviation Fund (\$61,892.29), Dallas Water Utilities Fund (\$61,892.29), and Sanitation Operation Fund (\$75,646.14)

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide for continued printed goods for all departments. Printed goods are a business necessity due to the various communication requirements needed to conduct outreach efforts and business transactions.

Communication efforts are conducted in many ways and this master agreement makes available an array of printed media such as, brochures, signs, posters, promotional, and specialty items. Communication printed media will be used by the City when specific information is required to reach large numbers of people throughout the City.

Additionally, this agreement allows departments to purchase printed paper goods to complete day-to-day business transactions. Many departments depend on paper goods such as, but not limited to, business forms, letterhead, envelops, and business cards in order to conduct City business.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 13, 2018, City Council authorized a three-year master agreement for printed goods with AC Printing, Janus Signs dba FastSigns Skillman, and Visual Communications by Resolution No. 18-0841.

File #: 21-1525 Item #: 26.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
General Fund	\$ 66.908.44	\$341,806.47	\$ 79,546.37
Aviation Fund	\$ 20,630.76	\$ 20,630.76	\$ 20,630.77
Dallas Water Utilities Fund	\$ 6,189.23	\$ 55,703.06	\$ 0.00
Sanitation Operation Fund	\$ 37,823.07	\$ 37,823.07	\$ 0.00
Total	\$131,551.50	\$455,963.36	\$100,177.14

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$	
\$687,692.00	Goods	18.00%*	100.00%	\$687,692.00	
• *This item reflects previous Business Inclusion and Development Policy M/WBE goal.					
This contract exceeds the M/WBE goal.					
• AC Printing - Non-local; Workforce - 2.70% Local • Janus Signs dba FastSigns Skillman - Local;					
Workforce - 54.54% Local ● Visual Communications - Non-local; Workforce - 0.00% Local					

OWNERS

AC Printing

Shirazali Kanji, President Razia Kanji, Vice President Riyaz Samnani, Secretary

Janus Signs dba FastSigns Skillman

Sarosh Nayar, President Karin Nayar, Vice President

Visual Communications

Michelle Simpson, Co-Owner Wendy Donckers, Co-Owner

WHEREAS, on June 13, 2018, City Council authorized a three-year master agreement for printed goods with AC Printing in the amount of \$1,973,870, Janus Signs dba FastSigns Skillman in the amount of \$454,347, and Visual Communications in the amount of \$322,551, in a total amount not to exceed \$2,750,768, by Resolution No. 18-0841.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to increase the master agreement with AC Printing (513136) in the amount of \$493,467.50 from \$1,973,870.00 to \$2,467,337.50, Janus Signs dba FastSigns Skillman (VS0000042373) in the amount of \$113,586.75 from \$454,347.00 to \$567,933.75, and Visual Communications (338878) in the amount of \$80,637.75 from \$322,551.00 to \$403,188.75, approved as to form by the City Attorney, for printed goods, increasing the master agreement in the total amount not to exceed \$687,692.00, from \$2,750,768.00 to \$3,438,460.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$687,692.00 to AC Printing, Janus Signs dba FastSigns Skillman, and Visual Communications from Master Agreement Contract No. POM-2018-00006278.





1500 Marilla Street Dallas, Texas 75201

Agenda Information Sheet

File #: 21-1526 Item #: 27.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year service price agreement for laboratory instruments preventive maintenance services for the Water Utilities Department - Brinkmann Instruments, Inc. dba Metrohm USA, Inc. in the estimated amount of \$191,227.65, Thermo Electron North America LLC in the estimated amount of \$136,520.15, Agilent Technologies, Inc. in the estimated amount of \$53,908.48, and Biotage LLC in the estimated amount of \$43,100.00, lowest responsible bidders of four - Total estimated amount of \$424,756.28 - Financing: Dallas Water Utilities Fund

BACKGROUND

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This service price agreement will provide for laboratory instruments preventive maintenance services for the Water Utilities Department (DWU). This service agreement allows for the proper and timely calibration, maintenance, and repairs of DWU laboratory instruments. Routine maintenance of the instruments safeguards DWU's ability to perform accurate analysis and comply with the standards for our National Laboratory Accreditation Program Certification.

DWU owns and operates a large assortment of laboratory instruments to conduct precise analysis of analytes monitored in various treatment applications including water, wastewater, soil, and source quality control. The instruments are also used to monitor the treatment process and test for water quality indicators to ensure performance metrics are continuously met.

DWU water and wastewater process laboratories analyzes over 900 samples daily to ensure regulatory compliance standards are maintained as mandated by the United States Environmental Protection Agency and Texas Commission on Environmental Quality.

File #: 21-1526 Item #: 27.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out email notifications to vendors registered under relevant commodity codes. To further increase competition, the Office of Procurement Services uses historical solicitation information, the Internet, and vendor contact information obtained from user departments to contact additional vendors.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$12.38; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Dallas Water Utilities Fund	\$11,796.00	\$141,552.00	\$271,408.28

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$	
\$424,756.28	Other Services	N/A	6.97%	\$31,816.78	
The Business inclusion and Development Policy does not apply to Other Service contracts, however the prime contractor is subcontracting with certified M/WBEs.					
● Brinkmann Instruments, Inc. dba Metrohm USA, Inc Non-Local; Workforce - 0.00% Local ●					
Thermo Electron North America LLC - Non-Local; Workforce - 0.00% Local • Agilent Technologies,					
Inc Non-Local; Workforce - 0.14% Local ● Biotage LLC - Non-Local; Workforce - 0.00% Local					

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

v t	 Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements Negotiations are not allowed
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File #: 21-1526 Item #: 27.

The Office of Procurement Services received the following bids from solicitation number BV21-00014405. We opened them on March 11, 2021. We recommend the City Council award this service price agreement to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

^{*}Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Brinkmann Instruments, Inc. dba Metrohm USA, Inc.	6555 Pelican Creek Cr. River View, FL 33578	Multiple Groups
*Thermo Electron North America LLC	355 River Oaks San Jose, CA 95134	Multiple Groups
*Agilent Technologies, Inc.	2850 Centerville Rd. Wilmington, DE 19808	Multiple Groups
*Biotage LLC	10430 Harris Oaks Blvd. Suite C Charlotte, NC 28269	Multiple Groups

OWNERS

Brinkmann Instruments, Inc. dba Metrohm USA, Inc.

Ed Colihan, Chief Executive Officer Rob Harshberger, Vice President

Thermo Electron North America LLC

Mark N. Casper, President Konrad Bauer, Vice President

Agilent Technologies, Inc.

Mike McMullen, President Henrik Ancher-Jensen, Vice President

Biotage LLC

Scott Carr, President Eberhard Rau, Vice President

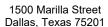
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a service price agreement with Brinkmann Instruments, Inc. dba Metrohm USA, Inc. (VS0000047807) in the estimated amount of \$191,227.65, Thermo Electron North America LLC (520497) in the estimated amount of \$136,520.15, Agilent Technologies, Inc. (353704) in the estimated amount of \$53,908.48, and Biotage LLC (VC20706) in the estimated amount of \$43,100.00, approved as to form by the City Attorney, for laboratory instruments preventive maintenance services for the Water Utilities Department for a term of three years, in the total estimated amount of \$424,756.28. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term. Payments made to Brinkmann Instruments, Inc. dba Metrohm USA, Inc., Thermo Electron North America LLC, Agilent Technologies, Inc., and Biotage LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Brinkmann Instruments, Inc. dba Metrohm USA, Inc., Thermo Electron North America LLC, Agilent Technologies, Inc., and Biotage LLC under the service price agreement. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$424,756.28, but not more than the amount of budgetary appropriations for this service price agreement during its term to Brinkmann Instruments, Inc. dba Metrohm USA, Inc., Thermo Electron North America LLC, Agilent Technologies, Inc., and Biotage LLC from Service Price Agreement Contract No. DWU-2020-00014405.









STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize Supplemental Agreement No. 4 for a five-year service price agreement for licensing, hosting, maintenance, and support for an electronic patient care reporting and data collection system for the Fire-Rescue Department - ImageTrend, Inc., sole source - Estimated amount of \$1,032,164.32 - Financing: General Fund

BACKGROUND

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This service price agreement will provide licensing, hosting, maintenance, and support for an electronic patient care reporting and data collection system. The electronic patient care reporting system captures and transmits critical data used for documenting patient care and transmitting patient information to receiving hospitals. The information collected also allows the Fire-Rescue Department to monitor quality management and billing processes for emergency medical services provided.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$12.38; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 28, 2018, City Council authorized a three-year service contract for licensing, hosting, implementation, maintenance and support of an electronic patient care reporting and data collection system with ImageTrend, Inc. through the U.S. General Services Administration by Resolution No. 18-0451.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
General Fund	\$25,000.00	\$250,000.00	\$757,164.32

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$	
\$1,032,164.32	Other Services	N/A	N/A	N/A	
The Business Inclusion and Development Policy does not apply to Other Service contracts.					
● ImageTrend, Inc Non-local; Workforce - 0.00% Local					

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Sole Source	 Utilized for procurements where functional requirements can only be satisfied by one vendor, such as those where patents, copyrights or monopolies exists
	 Exempted from competitive bidding process The Office of Procurement Services conducted a sole source review and found no exceptions

OWNER

ImageTrend, Inc.

20855 Kensington Blvd. Lakeville, MN 55044

Michael J. McBrady, Chief Executive Officer

Joseph T. Graw, President

WHEREAS, on March 28, 2018, City Council authorized a three-year service contract for licensing, hosting, implementation, maintenance and support of an electronic patient care reporting and data collection system with ImageTrend, Inc., in an amount not to exceed \$856,059.95, by Resolution No. 18-0451; and

WHEREAS, on August 11, 2020, Administrative Action No. 20-5821 authorized Supplemental Agreement No. 1 to add a module for the MCHP to the existing ePCR System in an amount not to exceed \$26,500, from \$856,059.95 to \$882,559.95; and

WHEREAS, on October 28, 2020, Administrative Action No. 20-6138 authorized Supplemental Agreement No. 2 to the original contract with ImageTrend, Inc. for the ePCR System to include Rescue Test Site, with zero cost, having no effect on the contract amount; and

WHEREAS, on May 4, 2021, Administrative Action No. 21-5619 authorized Supplemental Agreement No. 3 to extend the term of the agreement ImageTrend, Inc. for licensing, hosting, implementation, maintenance and support of an electronic patient care reporting and data collection system through September 27, 2021, with zero cost, having no effect on the contract amount.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 4 with ImageTrend, Inc. (VS0000078827), approved as to form by the City Attorney, for licensing, hosting, maintenance and support for an electronic patient care reporting and data collection system for the Fire-Rescue Department for a term of five years, in the estimated amount of \$1,032,164.32. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term. Payments made to ImageTrend, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by ImageTrend, Inc. under the service price agreement. The City Manager is further authorized, in the City Manager's sole discretion, to exercise an option to extend the agreement for six months by filing a notice of extension with the City Secretary's Office.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$1,032,164.32, but not more than the amount of budgetary appropriations for this service price agreement during its term to ImageTrend, Inc. from Service Price Agreement No. DFD-2021-00016768.



City of Dallas

Agenda Information Sheet

File #: 21-1529 Item #: 29.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize Supplemental Agreement No. 3 to exercise the second of three, one-year renewal options to the service contract with CP&Y, Inc. for maintenance and support of a large-scale hazardous containment system for the Department of Aviation - Not to exceed \$513,842.97 - Financing: Aviation Fund (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are order on an as needed basis.

This Supplemental Agreement will allow the City to provide maintenance and support for Aviation's large-scale hazardous containment system at Love Field and Dallas Executive airports. The system protects and preserves surrounding land and water areas from an environmental hazard by actuating sliding gates to route and contain hazardous liquid inside specialized containers on airport property.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. This contract renewal option includes the most current living wage of \$12.38.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 10, 2015, City Council authorized a five-year service, with three one-year renewal options contract for maintenance and support of a large-scale hazardous containment system for Aviation by Resolution 15-1045.

On May 23, 2018, City Manager authorized to sign Supplemental Agreement No. 1 to increase the service contract by \$339,052.00, increasing the service contract amount from \$1,356,215.70 to\$1,695,267.70, by Resolution No. 18-0759.

File #: 21-1529 Item #: 29.

On August 12, 2020, City Council authorized Supplemental Agreement No. 2 to (1) exercise the first of three, one-year renewal options to the service contract with CP&Y, Inc. for maintenance and support of a large-scale hazardous containment system for the Department of Aviation and (2) increase the service contract with CP&Y, Inc. for additional scope of work and support services of the Outfall Closure Devices System by Resolution No. 20-1327.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Aviation Fund	\$0.00	\$0.00	\$513,842.97

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$	
\$513,842.97	Other Services	N/A	94.16%	\$483,834.57	
This contract exceeds the M/WBE goal.					
Supplemental Agreement No. 3 - 88.03% overall M/WBE participation					
CP&Y, Inc Local; Workforce - 15.78% Local					

OWNER

CP&Y, Inc. 1820 Regal Row Suite 200 Dallas, TX 75235

Pete Patel, President

WHEREAS, on June 10, 2015, City Council authorized a five-year service contract, with three one-year renewal options, for maintenance and support of a large-scale hazardous containment system for Aviation by Resolution No. 15-1045; and

WHEREAS, on May 23, 2018, City Council authorized Supplemental Agreement No. 1 to increase the service contract with CP&Y, Inc. for maintenance, support and integration of the newly constructed deicing pads, including one deicing control panel, a set of deicing valves, and to integrate the existing Outfall Closure Devices Control Systems at Dallas Love Field and Dallas Executive airports for the Department of Aviation, in an amount not to exceed \$339,052.00, from \$1,356,215.70 to \$1,695,267.70, by Resolution No. 18-0759; and

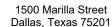
WHEREAS, on August 12, 2020, City Council authorized Supplemental Agreement No. 2 to (1) exercise the first of three, one-year renewal options to the service contract with CP&Y, Inc. for maintenance and support of a large-scale hazardous containment system for the Department of Aviation in the amount not to exceed \$218,775.00; and (2) increase the service contract with CP&Y, Inc. for additional scope of work and support services of the Outfall Closure Devices System in the amount of \$332,683.78, from \$1,695,267.70 to \$2,246,726.48, in the amount not to exceed \$551,458.78, by Resolution No. 20-1327.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 3 to exercise the second of three, one-year renewal options, to the service contract with CP&Y, Inc. (080659), approved as to form by the City Attorney, for maintenance and support for a large-scale hazardous containment system for the Department of Aviation in an amount not to exceed \$513,842.97.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$513,842.97 (subject to annual appropriations) to CP&Y, Inc. from Service Contract No. AVI-2018-00005975.



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City of Dallas

Agenda Information Sheet

File #: 21-1536 Item #: 30.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 10

DEPARTMENT: Park & Recreation Department

EXECUTIVE: John D. Jenkins

SUBJECT

Authorize a decrease in the construction services contract for a change in the scope of work resulting in a reduction of \$48,986.27 to the contract with J.C. Commercial, Inc. for surveillance and communications systems at the Willie B. Johnson Recreation Center located at 12225 Willowdell Drive - Not to exceed (\$48,986.27), from \$7,623,547.13 to \$7,574,560.86 - Financing: Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)

BACKGROUND

This action will authorize Change Order No. 9 to the construction services contract with J.C. Commercial, Inc. The original scope was for the addition of a senior activity center, technology center, gymnasium, and expansion of the parking lot, all work related to the addition of Hose Bibb at the Senior Center, repair of glass blocks, additional framing at Senior Center, asbestos/lead survey at existing building, to provide and install additional heating, ventilation, and air conditioning system, repair masonry, add additional support angles at the Senior Center. This action will add additional drain lines and adjust for surveillance and communications systems that were removed from scope of work in the amount of \$48,986.27, decreasing the contract amount from \$7,623,547.13 to \$7,574,560.86.

On January 8, 2020, City Council authorized a construction services contract with J.C. Commercial, Inc. by Resolution No. 20-0133.

On June 11, 2020, Administrative Action No. 20-0692 authorized Change Order No. 1 with J.C. Commercial, Inc. for an increase in the construction contract, in an amount not to exceed \$41,786.39, from \$7,199,777.00 to \$7,241,563.39.

On August 5, 2020, Administrative Action No. 20-0948 authorized Change Order No. 2 with J.C. Commercial, Inc. for an increase in the construction contract, in an amount not to exceed \$24,542.15, from \$7,241,563.39 to \$7,266,105.54.

File #: 21-1536 Item #: 30.

On November 17, 2020, Administrative Action No. 20-1634 authorized Change Order No. 3 with J.C. Commercial, Inc. for an increase in the construction contract, in an amount not to exceed \$24,174.15, from \$7,266,105.54 to \$7,290,279.69.

On December 15, 2020, Administrative Action No. 20-1655 authorized Change Order No. 4 with J.C. Commercial, Inc. for an increase in the construction contract, in an amount not to exceed \$39,383.91, from \$7,290,279.69 to \$7,329,663.60.

On January 27, 2021, City Council authorized Change Order No. 5 with J.C. Commercial, Inc. for an increase in the construction contract, in an amount not to exceed \$81,651.92, from \$7,329,663.60 to \$7,411,315.52.

On March 17, 2021, Administrative Action No. 21-0182 authorized Change Order No. 6 with J.C. Commercial, Inc. for an increase in the construction contract, in an amount not to exceed \$39,758.59, from \$7,411,315.52 to \$7,451,074.11.

On April 27, 2021, Administrative Action No. 21-0658 authorized Change Order No. 7 with J.C. Commercial, Inc. for an increase in the construction contract, in an amount not to exceed \$48,014.80, from \$7,451,074.11 to \$7,499,115.91.

On June 23, 2021, City Council authorized Change Order No. 8 with J.C. Commercial, Inc. for an increase in the construction contract, in an amount not to exceed \$124,458.22 increasing the contract amount from \$7,499,088.91 to \$7,623,547.13.

ESTIMATED SCHEDULE OF PROJECT

Began Construction April 2020

Complete Construction September 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 12, 2019, the Park and Recreation Board authorized a contract with J.C. Commercial, Inc. for the construction of the addition of a senior activity center, technology center, and gymnasium and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive.

On January 8, 2020, City Council authorized a contract for the construction of the addition of a senior activity center, technology center, and gymnasium and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive by Resolution No. 20-0133.

On January 14, 2021, the Park and Recreation Board authorized Change Order No. 5 to the construction services contract with JC Commercial, Inc. for the Willie B. Johnson Recreation Center located at 12225 Willowdell Drive.

On January 27, 2021, City Council authorized Change Order No. 5 to the construction services contract with JC Commercial, Inc. for the Willie B. Johnson Recreation Center located at 12225 Willowdell Drive by Resolution No. 21-0256.

File #: 21-1536 Item #: 30.

On June 3, 2021, the Park and Recreation Board authorized Change Order No. 8 to the construction services contract with JC Commercial, Inc. for the Willie B. Johnson Recreation Center located at 12225 Willowdell Drive.

On June 23, 2021, City Council authorized Change Order No. 8 to the construction services contract with JC Commercial, Inc. for the Willie B. Johnson Recreation Center located at 12225 Willowdell Drive by Resolution No. 21-1137.

FISCAL INFORMATION

Fund		FY 2021	FY 2022	Future Years
Park and Recreation Facilities (B) Fund		\$(48,986.27)	\$0.00	\$0.00
(2017 General Obligation Bond Fund)		•		
Construction Contract	\$7	7,199,777.00		
	Ψ <i>1</i> \$	41,786.39		
	Ψ \$	24,542.15		
•	Ψ \$	24,174.15		
•		39,383.91		
•	\$ ¢	•		
•	\$	81,651.92		
•	\$	39,758.59		
Change Order No. 7	\$	48,014.80		
Change Order No. 8	\$	124,458.22		
Change Order No. 9 (this action)	\$	(48,986.27)		
Total	\$7	,574,560.86		

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE\$	
\$-48,986.27	Construction	32.00%	-62.33%	-\$35,170.68	
This contract does not meet the M/WBE goal, but complies with good faith efforts.					
Change Order No. 9 - 29.68% overall M/WBE participation					
● J.C. Commercial, Inc Non-local; Workforce - 0.00% Local					

OWNER

J.C. Commercial, Inc.

Larry Wagner, President

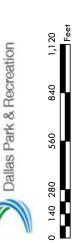
MAP

Attached

Willie B. Johnson Recreation Center 12225 Willowdell Drive

0 2

Mapsco 16 T



1,120	Feet
840	
260	
280	

WHEREAS, on January 8, 2020, City Council authorized a contract with J.C. Commercial Inc. for the addition of a senior activity center, technology center, gymnasium, and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive, in an amount not to exceed \$7,199,777.00, by Resolution No. 20-0133; and

WHEREAS, on June 11, 2020, Administrative Action No. 20-0692 authorized Change Order No. 1 to the construction services contract with J.C. Commercial, Inc. for the addition of a senior activity center, technology center, gymnasium, and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive for the installation of additional construction fence, abatement and lead based paint removal on the basketball court canopy, in an amount not to exceed \$41,786.39, from \$7,199,777.00 to \$7,241,563.39; and

WHEREAS, on August 5, 2020, Administrative Action No. 20-0948 authorized Change Order No. 2 to the construction services contract with J.C. Commercial, Inc. for the addition of a senior activity center, technology center, gymnasium, and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive for the abatement of areas in Office 106A and the west entry storefront, including surrounding sheetrock around the entry, in an amount not to exceed \$24,542.15, from \$7,241,563.39 to \$7,266,105.54; and

WHEREAS, on November 17, 2020, Administrative Action No. 20-1634 authorized Change Order No. 3 to the construction services contract with J.C. Commercial, Inc. for the addition of a senior activity center, technology center, gymnasium, and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive for project modifications including ramp demolition, concrete placement, utility changes, and landscaping, in an amount not to exceed \$24,174.15, from \$7,266,105.54 to \$7,290,279.69; and

WHEREAS, on December 15, 2020, Administrative Action No. 20-1655 authorized Change Order No. 4 to the construction services contract with J.C. Commercial, Inc. for the addition of a senior activity center, technology center, gymnasium, and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive for all work related to replacing existing exterior mechanical pad and replacing existing underground roof drain, including demolition and removal of existing mechanical pad, soil prep for new concrete pad, remove, store and reinstall existing exterior air conditioning (A/C) units, disconnect power and reconnect power to exterior A/C units after installation of new pad and the adjustment of temporary fencing to allow for tree removal, in an amount not to exceed \$39,383.91, from \$7,290,279.69 to \$7,329,663.60; and

WHEREAS, on January 27, 2021, City Council authorized Change Order No. 5 to the construction services contract with J.C. Commercial, Inc. for the addition of a senior activity center, technology center, gymnasium, and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive to add increased scope of work for all work related to adjustment of the exterior Fire Line and it adds additional 59 days to the contract due to permit delays and changes to the existing heating and air conditioning (HVAC) systems due to required coronavirus disease 2019 (COVID-19) upgrades, in an amount not to exceed \$81,651.92, from \$7,329,663.60 to \$7,411,315.52; and

WHEREAS, on March 17, 2021, Administrative Action No. 21-0182 authorized Change Order No. 6 to the construction services contract with J.C. Commercial, Inc. for the addition of a senior activity center, technology center, gymnasium, and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive for project modifications including revision of heating and air conditioning diffusers, revision of door hardware, heavy door changes, upgrade of roof and overflow drains, install sleeve on gas line per city inspector request, replace 27 existing door hardware cores to set up keying as desired by City, and relocate 4 power outlets to the south of gym wall, in an amount not to exceed \$39,758.59, from \$7,411,315.52 to \$7,451,074.11; and

WHEREAS, on April 27, 2021, Administrative Action No. 21-0658 authorized Change Order No. 7 to the construction services contract with J.C. Commercial, Inc. for the addition of a senior activity center, technology center, gymnasium, and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive for all work related to revision of HVAC system for COVID-19 enhancements and the addition of 34 days to the contract time due to weather delays, in an amount not to exceed \$48,014.80, from \$7,451,074.11 to \$7,499,088.91; and

WHEREAS, on June 23, 2021, City Council authorized Change Order No. 8 to the construction services contract with J.C. Commercial, Inc. for the addition of a senior activity center, technology center, gymnasium, and expansion of the parking lot at Willie B. Johnson Recreation Center located at 12225 Willowdell Drive to add increased scope of work to include heating and air conditioning system and electrical changes, emergency egress light changes, remobilization, installation of cell phone lockers, and changes due to Architect's Supplemental Instructions No. 6, in an amount not to exceed \$124,458.22, from \$7,499,088.91 to \$7,623,547.13.

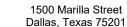
WHEREAS, this action will authorize Change Order No. 9 to the construction services contract with J.C. Commercial, Inc. for the addition of a Senior Activity Center, Technology Center, gymnasium, and expansion of the parking lot project, including addition of Hose Bibb at the Senior Center, repair of glass blocks at the existing building, additional framing at Senior Center, asbestos/lead survey at existing building, installation of additional HVAC System at the equipment room, repair masonry in existing building, add additional support angles at the Senior Center, add additional drain lines, revision of structural support for kitchen overhead door at Senior Center, add additional 64 days to the contract time, and adjust for surveillance and communications systems that were removed from scope of work in the amount of \$48,986.27, decreasing the contract amount from \$7,623,547.13 to \$7,574,560.86.

Now, Therefore,

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

SECTION 1. That a decrease in the construction services contract with JC Commercial Inc. (Change Order No. 9) is authorized to adjust for surveillance and communications systems that were removed from scope of work in the amount of \$48,986.27, decreasing the contract amount from \$7,623,547.13 to \$7,574,560.86.

SECTION 2. That the Chief Financial Officer is hereby authorized to reduce the encumbrance in an amount not to exceed \$48,986.27 from J.C. Commercial Inc. to Park and Recreation Facilities (B) Fund, Fund 1V00, Department PKR, Unit VB25, Object 4599, Activity RECC, Program PK17VB25, Encumbrance/Contract No. PKR-2020-00012145, Commodity 91200, Vendor VS0000012563.







Agenda Information Sheet

File #: 21-1563 Item #: 31.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 8

DEPARTMENT: Park & Recreation Department

EXECUTIVE: John D. Jenkins

SUBJECT

Authorize Amendment No. 1 to the grant agreement with the Texas Parks and Wildlife Department for the Urban Outdoor Recreation Grant Program for the design and development of the Judge Charles R. Rose Community Park to (1) extend the term of the agreement to August 31, 2023 and (2) provide for cooperation by the City with a non-profit organization to meet the City's obligations pursuant to the grant agreement - Financing: No cost consideration to the City

BACKGROUND

The City entered into a grant agreement with the Texas Parks and Wildlife Department for acceptance of a \$1,000,000.00 grant. The grant was included at the end of the 86th legislative session on May 31, 2019, and passage on June 15, 2019, under House Bill 1, Article IX, Sec. 18.100 which appropriated \$1,000,000.00 in the state's fiscal year 2020 budget for the purpose of making a grant to the City for the design and development of the future Judge Charles R. Rose Community Park.

The grant agreement terminates August 31, 2021. This first amendment provides for a termination date of August 31, 2023. Additionally, the grant agreement provides clarification to and provides for the ability of the City to collaborate with a non-profit organization (The Trust for Public Land) in carrying out the City's Agreement obligations including the ability to transfer funds to the non-profit organization pursuant to said grant agreement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 24, 2019, City Council authorized a development and funding agreement with The Trust for Public Land for property located at 3200 Simpson Stuart Road for a proposed new park; and acquisition from The Trust for Public Land of approximately 1,760,971 square feet of land located at 3200 Simpson Stuart Road by Resolution No. 19-0606.

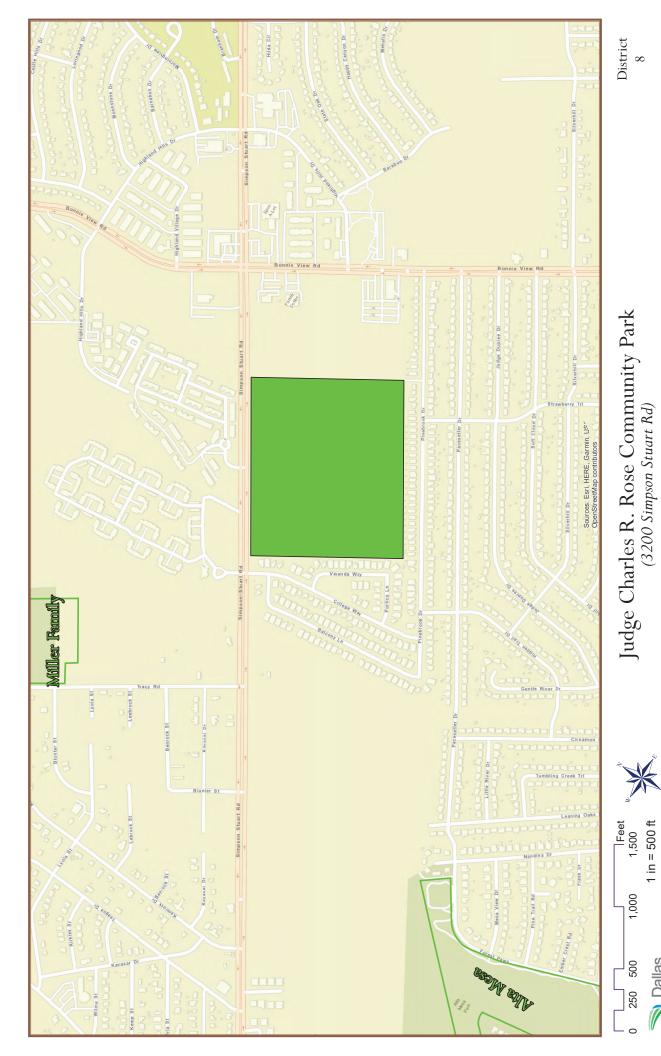
On August 19, 2021, the Park and Recreation Board authorized Amendment No. 1 to the Judge Charles R. Rose Community Park Grant Agreement with the Texas Parks and Wildlife.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



Dallas Park & Recreation WHEREAS, on April 24, 2019, City Council authorized a development and funding agreement with The Trust for Public Land for property located at 3200 Simpson Stuart Road for a proposed new park; and acquisition from The Trust for Public Land of approximately 1,760,971 square feet of land located at 3200 Simpson Stuart Road by Resolution No. 19-0606; and the City is owner of said parkland; and

WHEREAS, on June 15, 2019, House Bill 1, Article IX, Sec. 18.100 appropriated \$1,000,000.00 in the state's fiscal year 2020 budget for the purpose of making a grant to the City of Dallas for design and development of the future Judge Charles R. Rose Community Park; and

WHEREAS, on November 13, 2019, City Council approved acceptance of \$1,000,000.00 in grant funds from the Texas Parks and Wildlife Department's (TPWD) Urban Outdoor Recreation Grant Program and execution of a Grant Agreement with TPWD and all documents required by the grant, approved as to form by the City Attorney, by Resolution No. 19-1786; and

WHEREAS, it is necessary to enter into Amendment No. 1 to the Grant Agreement with TPWD for the development of Judge Charles R. Rose Community Park located at 3200 Simpson Stuart Road to extend the term of the grant agreement to August 31, 2023.

Now, Therefore,

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

SECTION 1. That the Park and Recreation Board and the City Manager are hereby authorized to execute Amendment No. 1 to the grant agreement with the Texas Parks and Wildlife Department for the Urban Outdoor Recreation Grant Program, approved as to form by the City Attorney, for the design and development of Judge Charles R. Rose Community Park, to **(1)** extend the term of the agreement to August 31, 2023 and **(2)** permit the City to cooperate with non-profits to meet the City's obligations pursuant to the grant agreement, approved as to form by the City Attorney.

SECTION 2. That this contract is designated as Contract No. PKR- 2021-00017286.



City of Dallas

Agenda Information Sheet

File #: 21-1537 Item #: 32.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 10

DEPARTMENT: Park & Recreation Department

EXECUTIVE: John D. Jenkins

SUBJECT

Authorize a construction services contract for the construction of the Flagpole Hill - Phase One Improvements Project located at Flagpole Hill, 8015 Doran Circle - Joe Funk Construction, Inc., lowest responsible bidder of five - Not to exceed \$1,117,367.46 - Financing: Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)

BACKGROUND

On May 5, 2021, the City of Dallas advertised for bids for the Flagpole Hill - Phase One Improvements. In response to the advertisement, the Office of Procurement Services received bids from five firms on May 21, 2021.

This action will award a contract for construction of the Flagpole Hill - Phase One Improvements. This project was included in the 2017 Bond Program.

The scope of work includes construction of new parking lots, a new ceremonial approach to the historic flagpole, 10'-0" wide Multi-Use Trail, relocation of existing lighting fixtures, new lighting and electrical, and site furniture.

ESTIMATED SCHEDULE OF PROJECT

Began Design August 2019
Completed Design August 2020
Begin Construction December 2021
Complete Construction December 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 12, 2018, City Council authorized a professional services contract with Dunaway Associates, Inc. for landscape architectural and engineering services for the schematic design, design development, construction documents, and limited construction administration for the construction of the Flagpole Hill - Phase One Improvements in Dallas, Texas. Notice to proceed was issued on January 11, 2019.

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On August 19, 2021, the Park and Recreation Board authorized a contract for the construction of the Flagpole Hill - Phase One Improvements Project located at Flagpole Hill, 8015 Doran Circle, with Joe Funk Construction, Inc.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Park and Recreation Facilities (B) Fund	\$1,117,367.46	\$0.00	\$0.00
(2017 General Obligation Bond Fund)			

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$1,117,367.46	Construction	32.00%	27.13%	\$303,131.00
This contract does not meet the M/WBE goal, but complies with good faith efforts.				
Joe Funk Construction, Inc Local; Workforce - 100.00% Local				

PROCUREMENT INFORMATION

The following five bids were received and opened on May 21, 2021:

^{*}Denotes the successful bidder

Base Price	Alternates 1 and 2	Total Price
\$1,117,367.46	\$31,622.50**	\$1,117,367.46
\$1,311,017.70	\$29,100.00**	\$1,311,017.70
\$1,638,082.00	\$54,978.00**	\$1,638,082.00
\$1,442,329.00	\$36,432.00**	\$1,442,329.00
\$1,571,586.10	\$40,200.00**	\$1,571,586.10
	\$1,117,367.46 \$1,311,017.70 \$1,638,082.00 \$1,442,329.00	\$1,117,367.46 \$31,622.50** \$1,311,017.70 \$29,100.00** \$1,638,082.00 \$54,978.00** \$1,442,329.00 \$36,432.00**

^{**}The City is not awarding any Alternates at this time.

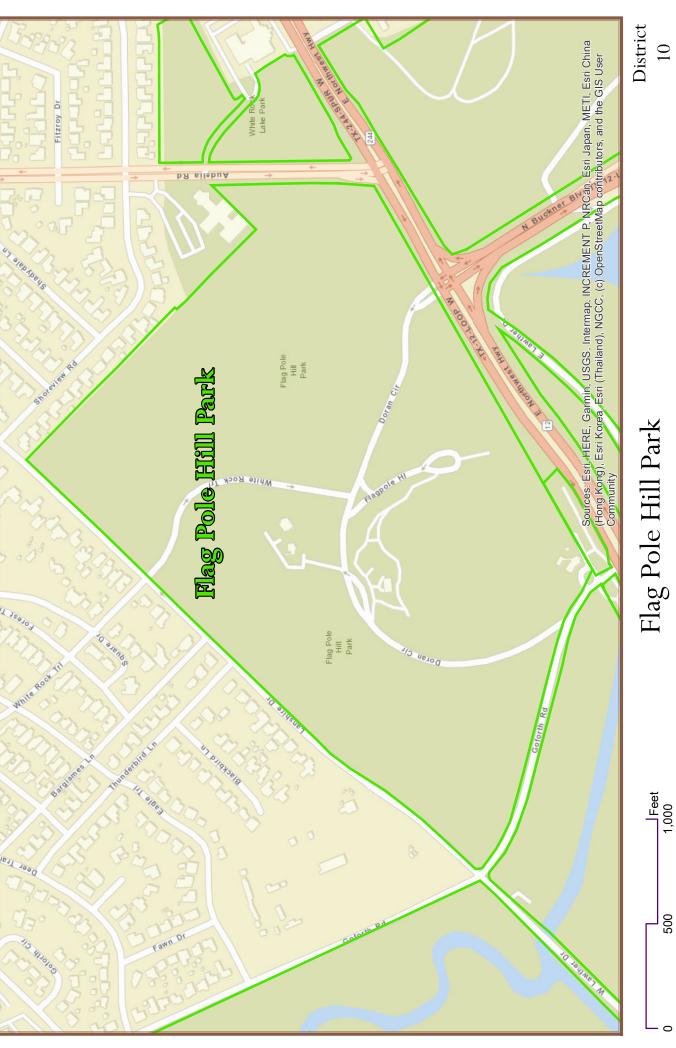
OWNER

Joe Funk Construction, Inc.

Rusty Norris, President

<u>MAP</u>

Attached



Flag Pole Hill Park 8015 Doran Circle

10







200

WHEREAS, on May 21, 2021, five bids were received for the construction of the Flagpole Hill – Phase One Improvements, located at Flagpole Hill, 8015 Doran Circle, in Dallas, Texas.

<u>Bidders</u>	Base Bid	Alternate 1 8	2** Total Bid
Joe Funk Construction, Inc.	\$1,117,367.46	\$31,622.50	\$1,117,367.46
RoeschCo Construction, Inc.	\$1,311,017.70	\$29,100.00	\$1,311,017.70
Jeske Construction	\$1,571,586.10	\$40,200.00	\$1,571,586.10
Axis Contracting, Inc.	\$1,638,082.00	\$54,978.00	\$1,638,082.00
Greenscaping, LLC	\$1,442,329.00	\$36,432.00	\$1,442,329.00

^{**}Alternates 1 and 2 – provided for custom picnic tables and additional site furniture. The City is not accepting any alternates for this Contract.

WHEREAS, it has been determined that acceptance of the bid proposal from Joe Funk Construction, Inc. for the construction of the Flagpole Hill – Phase One Improvements located at Flagpole Hill, 8015 Doran Circle, Dallas, Texas in an amount not to exceed \$1,117,367.46 is the best value for the City of Dallas.

Now, Therefore,

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

SECTION 1. That the Park and Recreation Board and the City Manager are hereby authorized to execute a construction services contract with Joe Funk Construction, Inc., approved as to form by the City Attorney, for construction of the Flagpole Hill – Phase One Improvements, located at Flagpole Hill, 8015 Doran Circle, Dallas, Texas, in an amount not to exceed \$1,117,367.46.

SECTION 2. That in order to reimburse and finance the authorized disbursements described herein, the City intends to issue one or more commercial paper notes as part of its General Obligation Commercial Paper Notes Series A, and Series B, and use the proceeds thereof to reimburse the disbursements described herein.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in a total amount not to exceed \$1,117,367.46 to Joe Funk Construction, Inc. from the following funds:

Park and Recreation Facilities (B) Fund Fund 1V00, Agency PKR, Unit VK36, Object 4599 Activity MAPK, Program PK17VK36 Encumbrance/ Contract No. CX-PKR-2021-00016701 Commodity 91200, Vendor VS0000015179

SECTION 3. (continued)

Park and Recreation Facilities (B) Fund Fund 1V00, Agency PKR, Unit VK32, Object 4599 Activity MAPK, Program PK17VK32 Encumbrance/ Contract No. CX-PKR-2021-00016701 Commodity 91200, Vendor VS0000015179

\$ 134,000.00

Park and Recreation Facilities (B) Fund Fund 1V00, Agency PKR, Unit VB21, Object 4599 Activity MAPK, Program PK17VB21 Encumbrance/ Contract No. CX-PKR-2021-00016701 Commodity 91200, Vendor VS0000015179

\$ 84,136.46

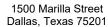
Park and Recreation Facilities (B) Fund Fund 1V00, Agency PKR, Unit VB20, Object 4599 Activity MAPK, Program PK17VB20 Encumbrance/ Contract No. CX-PKR-2021-00016701 Commodity 91200, Vendor VS0000015179

\$ 176,439.00

Total amount not to exceed

\$1,117,367.46

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.



City of Dallas



Agenda Information Sheet

File #: 21-1290 Item #: 33.

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Police Department

EXECUTIVE: Jon Fortune

SUBJECT

Authorize (1) renewal of the contract with El Centro College of the Dallas County Community College District (DCCCD) for instructional services for police academy training; (2) the receipt and deposit of funds in an amount not to exceed \$550,548.00 from El Centro College of DCCCD in the DCCCD El Centro Police Training Funds; and (3) an increase in appropriations in an amount not to exceed \$550,548.00 in the DCCCD El Centro Police Training Funds for the two-year period September 1, 2021 through August 31, 2023 - Not to exceed \$550,548.00 - Financing: DCCCD El Centro Police Training Funds

BACKGROUND

The City of Dallas operates a police academy that provides basic training to all new recruits as well as in-service training to all veteran personnel. Through this agreement, the Texas Higher Education Coordinating Board in coordination with El Centro College of DCCCD will reimburse the City of Dallas for instructional and administrative costs in support of the academy training program including, but not limited to, instructional aids, operational equipment and supplies, and staff development. All expenditures by the Police Department shall be approved by El Centro College and the Chief of Police or designee of the Chief of Police. The reimbursement is paid to the City based on certifiable instructional hours from the Texas Higher Education Coordinating Board.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 26, 2015, City Council authorized renewal of the contract with El Centro College of DCCCD for instructional services for police academy training by Resolution No. 15-1554.

On November 9, 2016, City Council authorized an amendment to the Interlocal contract with Dallas County Community College District (dba El Centro College) to modify the clauses of the original contract by Resolution No. 16-1817.

File #: 21-1290 Item #: 33.

On August 23, 2017, City Council authorized the renewal of the contract with El Centro College of DCCCD for instructional services for police academy training by Resolution No. 17-1318.

On August 28, 2019, City Council authorized the renewal of the contract with El Centro College of DCCCD for instructional services for police academy training by Resolution No. 19-1282.

FISCAL INFORMATION

Fund	FY 2022	FY 2023	Future Years
DCCCD El Centro Police Training Funds	\$275,274.00	\$275,274.00	\$0.00

WHEREAS, the City of Dallas owns and operates a police academy approved by the Texas Higher Education Coordinating Board and the Commission on Law Enforcement Officer Standards and Education; and

WHEREAS, El Centro College of the Dallas County Community College District (hereafter referred to as the "College") has agreed to place all basic training for police recruits, including regular and reserve, and in-service training for veteran officers, in its Community Service Program; and

WHEREAS, on August 23, 2017, City Council authorized renewal of the contract with College for instructional services for police academy training, including receipt of payment from El Centro for the two-year period September 1, 2017 through August 31, 2019, in an amount not to exceed \$500,548.00, by Resolution No. 17-1318; and

WHEREAS, on August 28, 2019, City Council authorized renewal of the contract with College for instructional services for police academy training, including receipt of payment from El Centro for the two-year period September 1, 2019 through August 31, 2021, in an amount not to exceed \$500,548.00, by Resolution No. 19-1282.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute renewal of the contract with El Centro College of the Dallas County Community College District (DCCCD), approved as to form by the City Attorney, for instructional services for police academy training for the two-year period September 1, 2021 through August 31, 2023, in an amount not to exceed \$550,548.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed \$550,548.00 in DCCCD El Centro Police Training Fund, Fund 0699, Department DPD, Unit 6303, Revenue Code 6526.

SECTION 3. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$550,548.00, in accordance with the attached Schedule A.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$550,548.00 in DCCCD El Centro Police Training Fund, Fund 0699, Department DPD, Unit 6303, in accordance with the attached Schedule A.

SECTION 5. That this contract is designated as Contract No. DPD- 2021-00017053.

SECTION 6. 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.

SCHEDULE A

DCCCD El Centro Policing Training Fund 0699, Unit 6303 September 1, 2021- August 31, 2023

OBJT	Current Budget	Increase for 2021- 2023 Budget	2021-2023 Budget
1202	70,000	· ·	70,000
2110	87,000		87,000
2120	57,000		57,000
2185	-		0
2200	-		0
2231	337,313		337,313
2232	-		0
2252	-		0
2261	41,000		41,000
2280	2,666,528	275,274	2,941,802
2590	0		0
2710	135,700		135,700
2720	-		0
2730	-		0
2731	265,203.53		265,204
2735	-		0
2760	-		0
2770	160,519.37		160,519
2780	100,725.36		100,725
2790	91,000.00		91,000
2860	1,000.00		1,000
2890	60,000.00		60,000
3030	3,000.00		3,000
3040	-		0
3050	25,000		25,000
3053	-		0
3060	20,000		20,000
3070	173,000		173,000
3085	9,560		9,560
3090	14,700		14,700
3099	727,748		727,748
3110	72,475		72,475
3150	1,000		1,000
3210	128,000		128,000
3320	_		0
3340	10,000		10,000
3341	13,000		13,000
3361	770,931.80	275,274	1,046,206
3363	-		0

3364	_		0
3420	15,000.00		15,000
3435	3,000.00		3,000
3450	4,000.00		4,000
	4,000.00		
3549	-		0
3610	5,000		5,000
4310	38,000		38,000
4420	8,000		8,000
4710	220,583		220,583
4720	63,000		63,000
4731	449,461		449,461
4735	-		0
4740	16,000		16,000
4760	11,000		11,000
4770	355,000		355,000
4780	40,000		40,000
4860	2,000		2,000
4890	120,021		120,021
5110	-		0
	\$7,391,469.06	\$550,548	\$7,942,017.06





City of Dallas

Agenda Information Sheet

File #: 21-1247 Item #: 34.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 1, 2, 4, 5, 6, 13, 14

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction services contract for the installation of water and wastewater main improvements at 16 locations (list attached to the Agenda Information Sheet) - Estrada Concrete Company, LLC, lowest responsible bidder of eight - Not to exceed \$9,332,392.00 - Financing: Wastewater (Clean Water) - 2020 TWDB Fund (\$4,518,110.50), Water (Drinking Water) - TWDB 2019 Fund (\$4,228,579.61), and Water (Drinking Water) - TWDB 2020 Fund (\$585,701.89)

BACKGROUND

This action will authorize a construction services contract with Estrada Concrete Company, LLC for the replacement and rehabilitation of approximately 34,500 feet of water and wastewater mains. This includes approximately 220 feet of 4-inch, 1,040 feet of 6-inch, 18,450 feet of 8-inch, and 110 feet of 12-inch water mains, and approximately 520 feet of 6-inch, 12,155 feet of 8-inch, 1,245 feet of 12-inch, and 760 feet of 16-inch wastewater mains.

The existing water and wastewater mains were built between 1916 and 1971. These mains are contributing to an increase in maintenance costs as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs.

The following chart illustrates Estrada Concrete Company, LLC's contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TRN</u>
Projects Completed	0	0	0	0
Active Projects	10	1	0	0
Change Orders	1	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

File #: 21-1247 Item #: 34.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2021 Complete Construction October 2023

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Wastewater (Clean Water) - 2020 TWDB Fund	\$4,518,110.50	\$0.00	\$0.00
Water (Drinking Water) - TWDB 2019 Fund	\$4,228,579.61	\$0.00	\$0.00
Water (Drinking Water) - TWDB 2020 Fund	\$ 585,701.89	\$0.00	\$0.00
Total	\$9,332,392.00	\$0.00	\$0.00

Council District	<u>Amount</u>
1	\$4,180,404.00
2	\$ 661,788.12
4	\$1,559,461.12
5	\$ 250,824.25
6	\$1,385,168.41
13	\$ 556,950.40
14	<u>\$ 737,795.70</u>
Total	\$9,332,392.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$9,332,392.00	Construction	32.00%	100.00%	\$9,332,392.00
This contract exceeds the M/WBE goal.				
• Estrada Concrete Company, LLC - Non-local; Workforce - 67.00% Local				

PROCUREMENT INFORMATION

The following eight bids with quotes were opened on April 2, 2021:

^{*}Denotes successful bidder

Bid Amount
\$ 9,332,392.00
\$ 9,989,662.00
\$10,499,984.00
\$10,779,582.65
\$10,995,000.00
\$11,009,321.50
\$12,770,872.80
\$13,264,570.50

OWNER

Estrada Concrete Company, LLC

Francisco Estrada Sr., Owner

MAPS

Attached

Segment List Contract No. 20-173/174 Water and Wastewater Main Installation

District 1

Alley/Easement between 12th Street and Gladstone Drive from Superior Street west Easement between Richmondell Avenue and Coombs Creek Drive from north of Gibsondell Avenue north

Jefferson Boulevard from Rosemont Avenue west

District 2

*La Joya Drive from Larga Drive to Dunhaven Road

District 4

Alley between Arborvitae Avenue and Beckley Avenue from Whippoorwill Drive to South Shore Drive

Jaffee Street from Kolloch Drive to Interstate Highway 45 (Julius Schepps Freeway) Moore Street from north of Claude Street to Compton Street

District 5

Renda Drive from Lacy Boulevard south

District 6

*La Joya Drive from Larga Drive to Dunhaven Road Don Drive from Doug Drive to Jane Lane Linda Drive from Larga Drive to Marsh Lane Manana Drive from Larga Drive to Marsh Lane

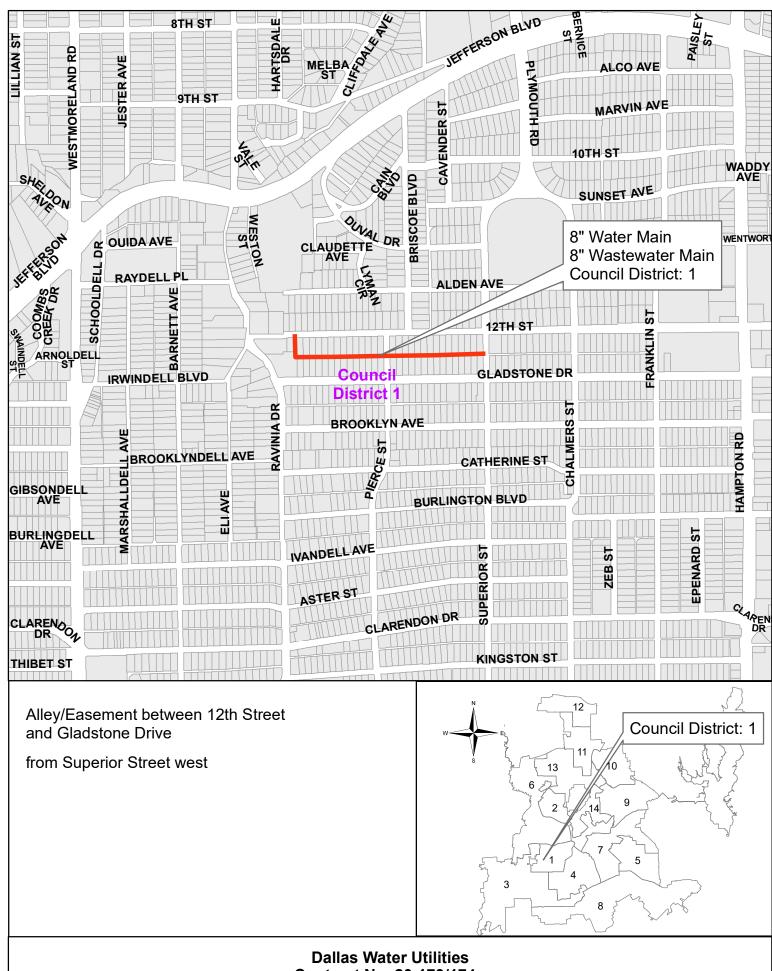
District 13

Alley between Caladium Drive and Preston Haven Drive from Quincy Lane east

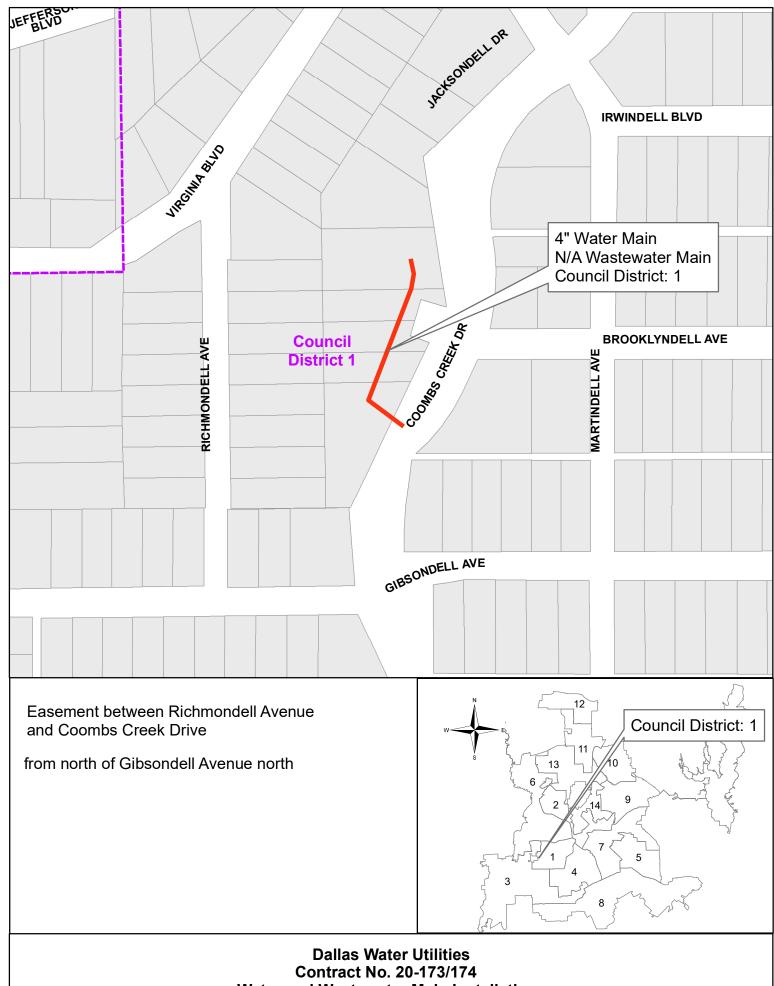
District 14

2101 Washington Avenue from Washington Avenue to Caddo Street Alley between Tremont Street and Victor Street from Lowell Street east Easement between Travis Street and Cole Avenue from Haskell Avenue northeast McKinney Avenue from St. Paul Street north

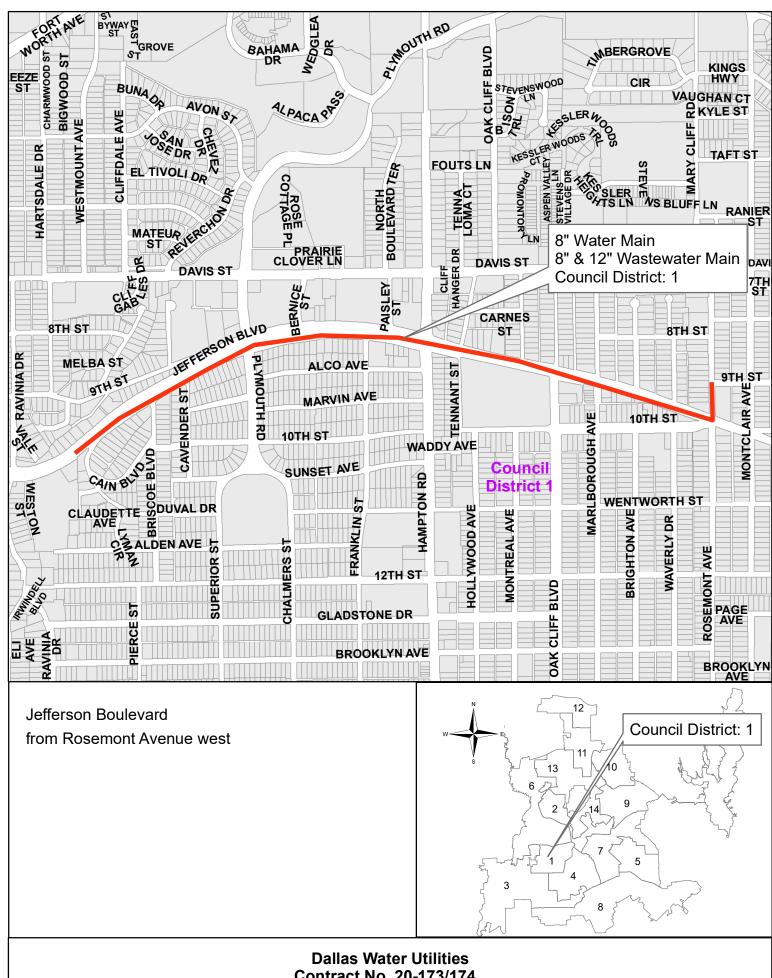
*Project limits in more than one Council District



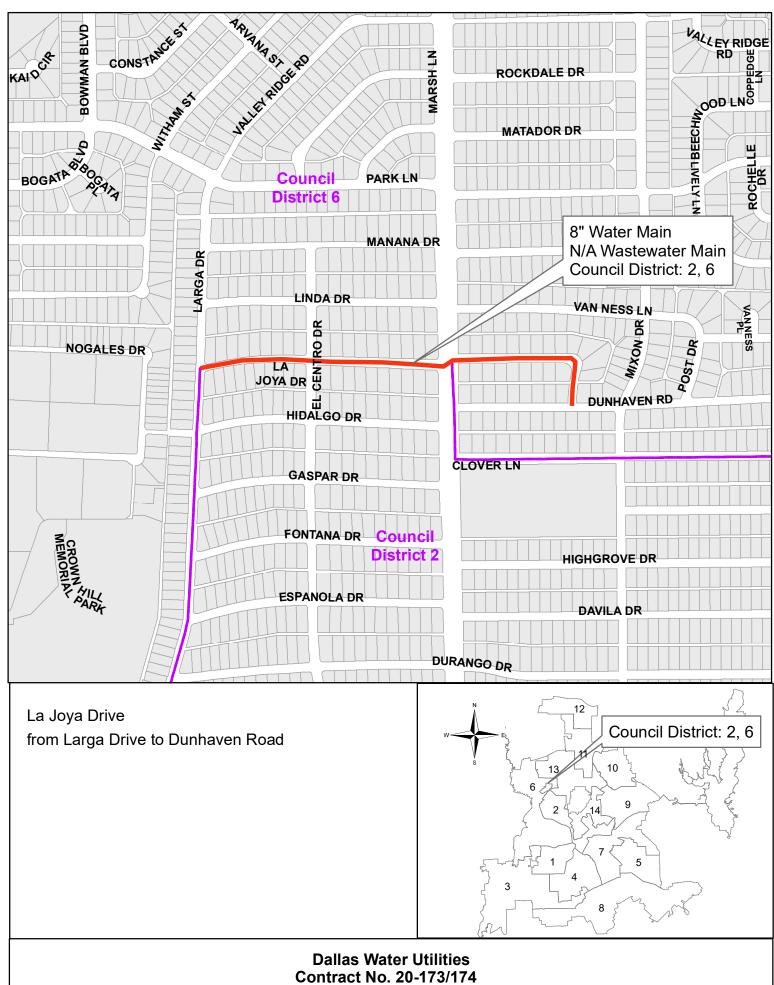
Contract No. 20-173/174
Water and Wastewater Main Installations
at 16 Locations



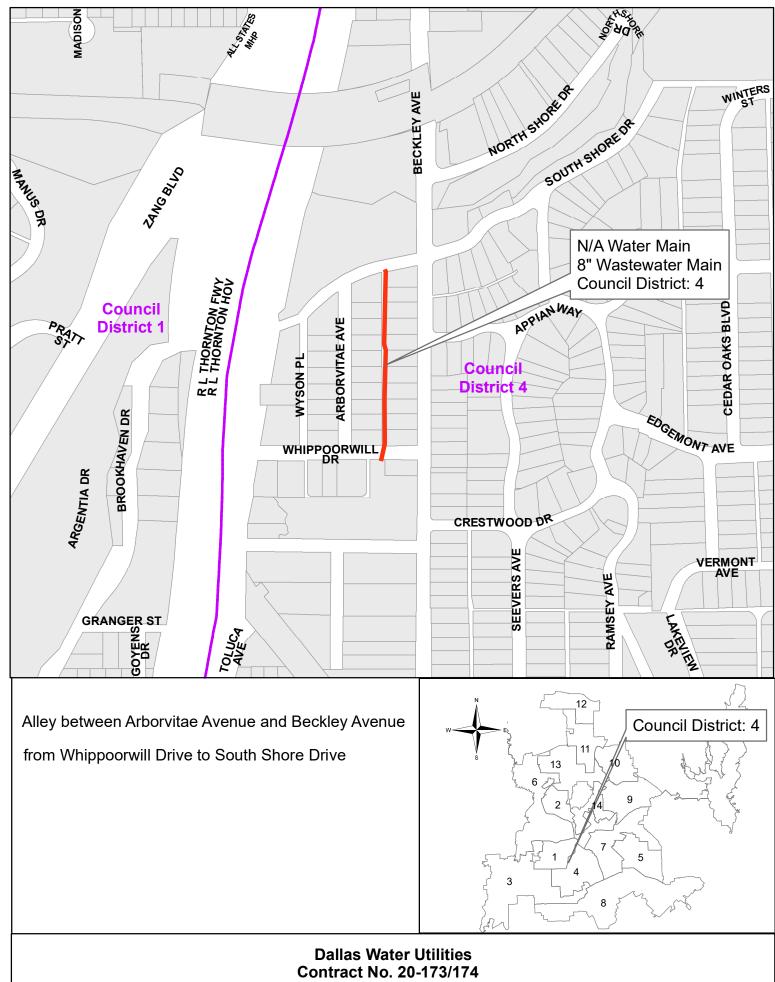
Water and Wastewater Main Installations at 16 Locations



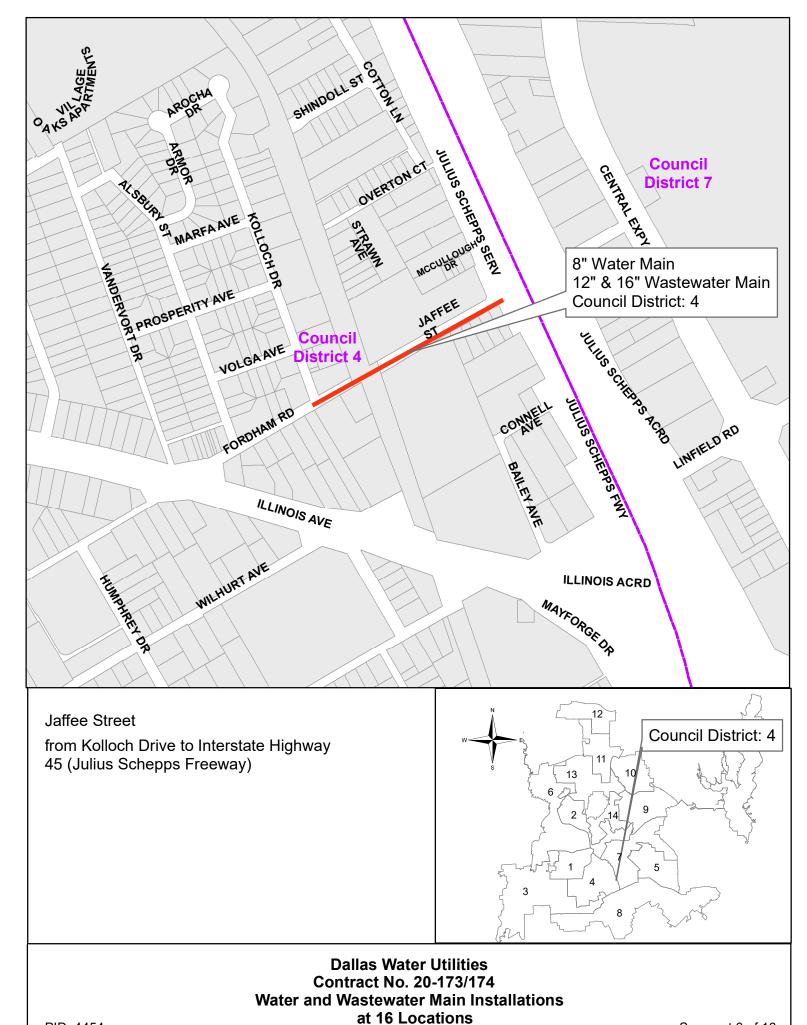
Dallas Water Utilities
Contract No. 20-173/174
Water and Wastewater Main Installations
at 16 Locations



Dallas Water Utilities
Contract No. 20-173/174
Water and Wastewater Main Installations
at 16 Locations

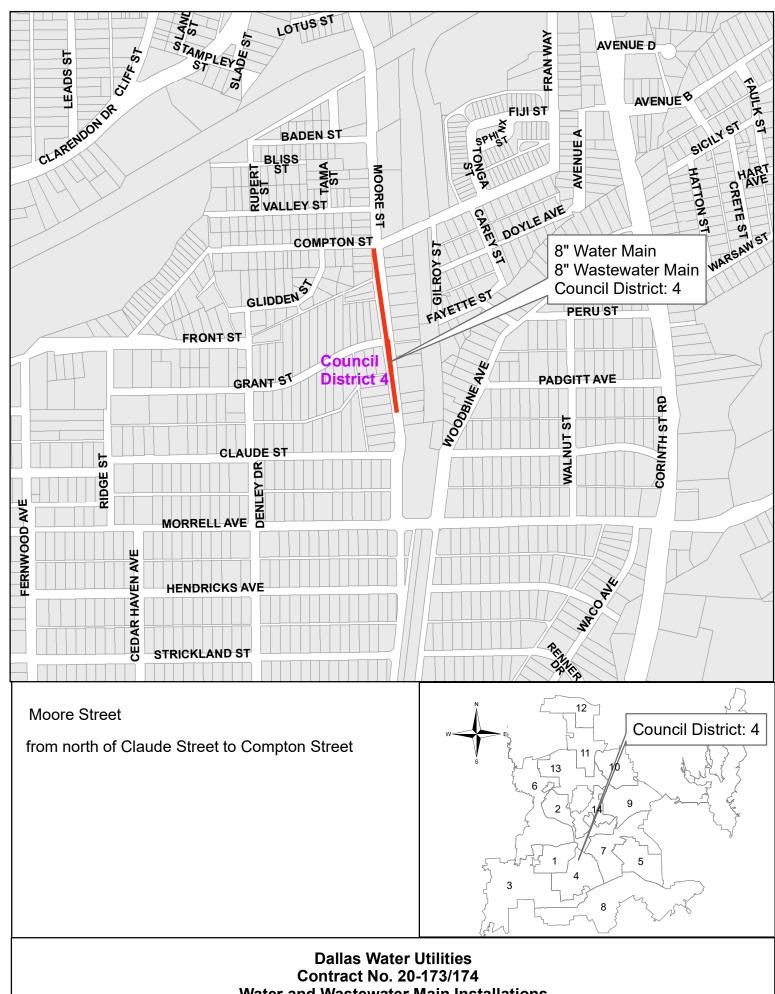


Water and Wastewater Main Installations

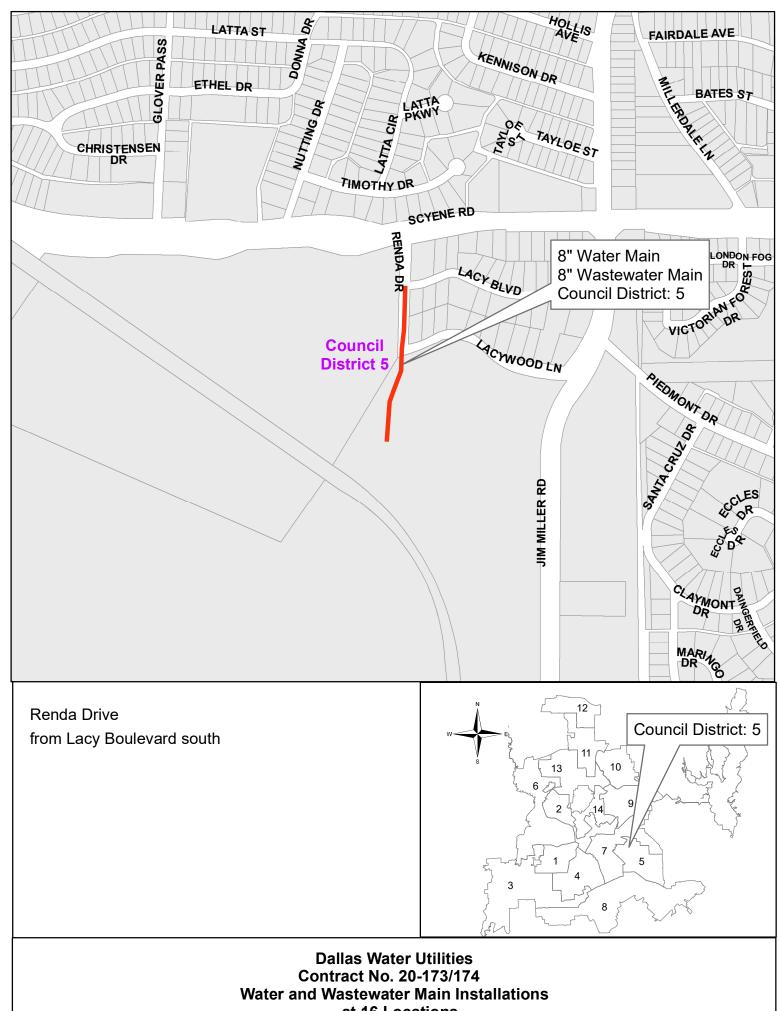


PID: 4454

Segment 6 of 16

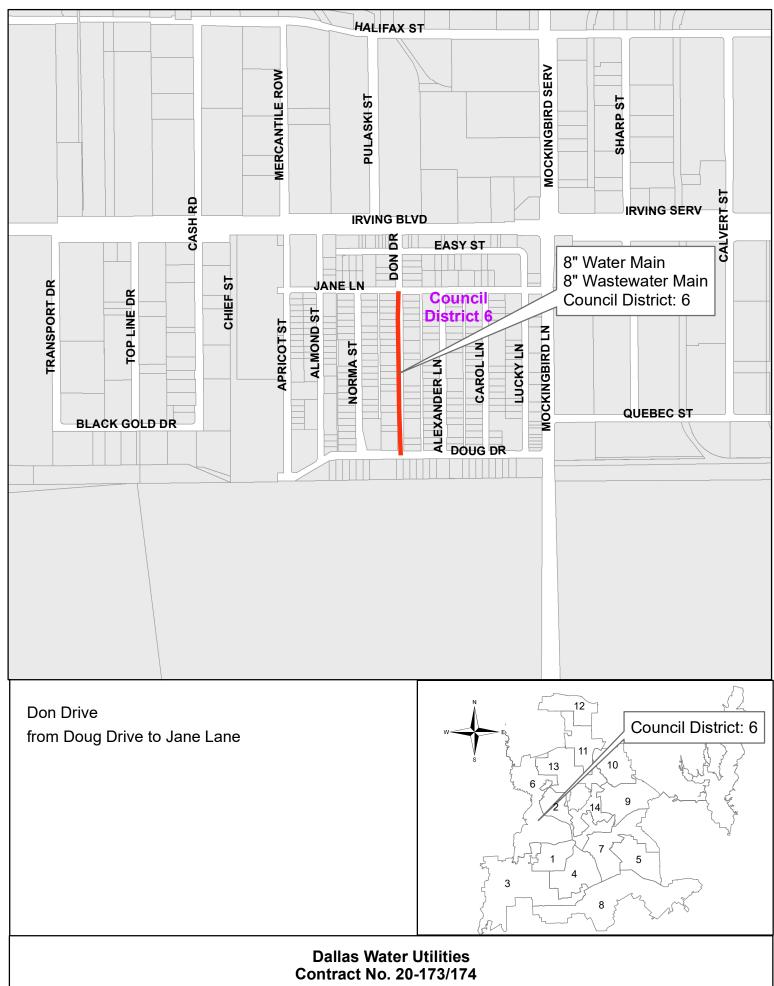


Water and Wastewater Main Installations at 16 Locations

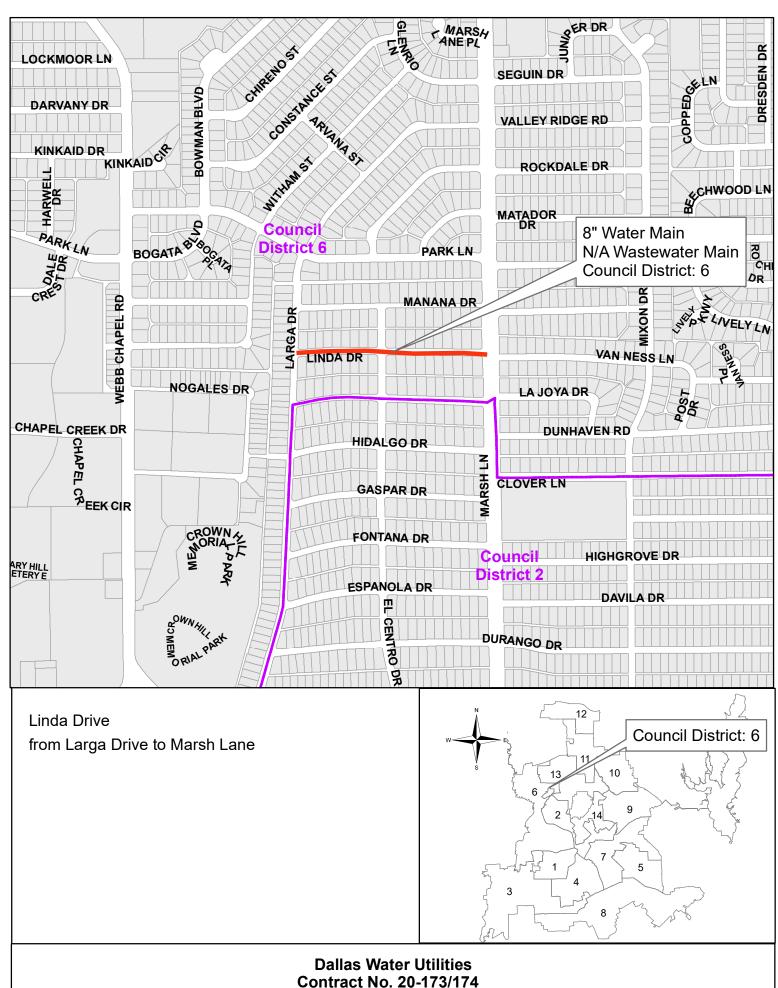


PID: 5755 at 16 Locations

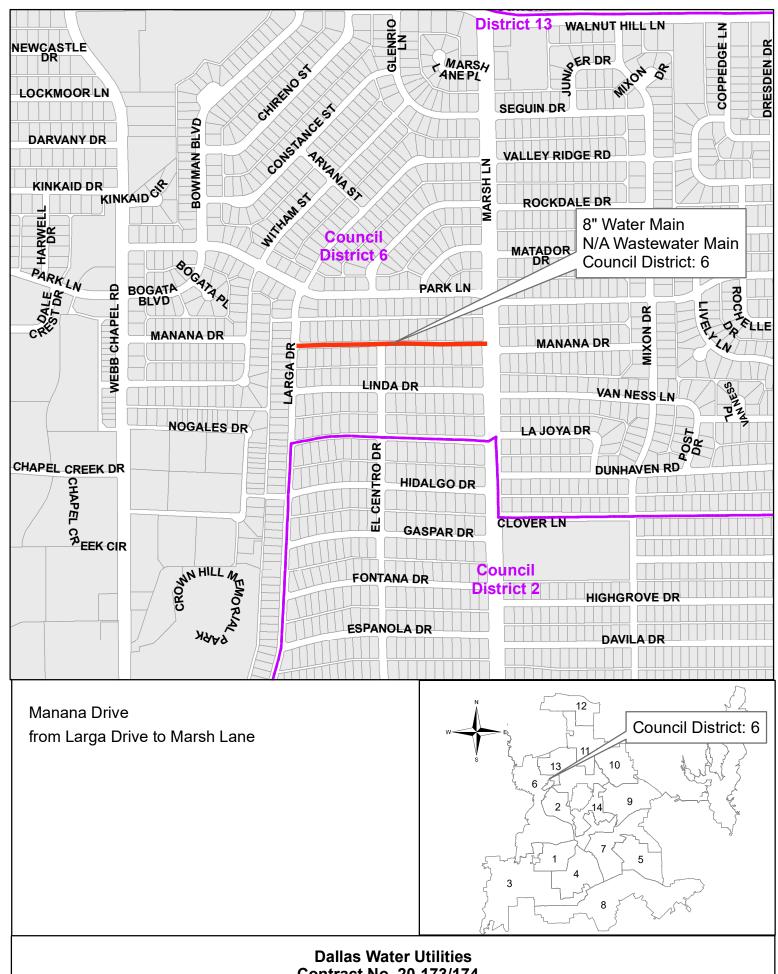
Segment 8 of 16



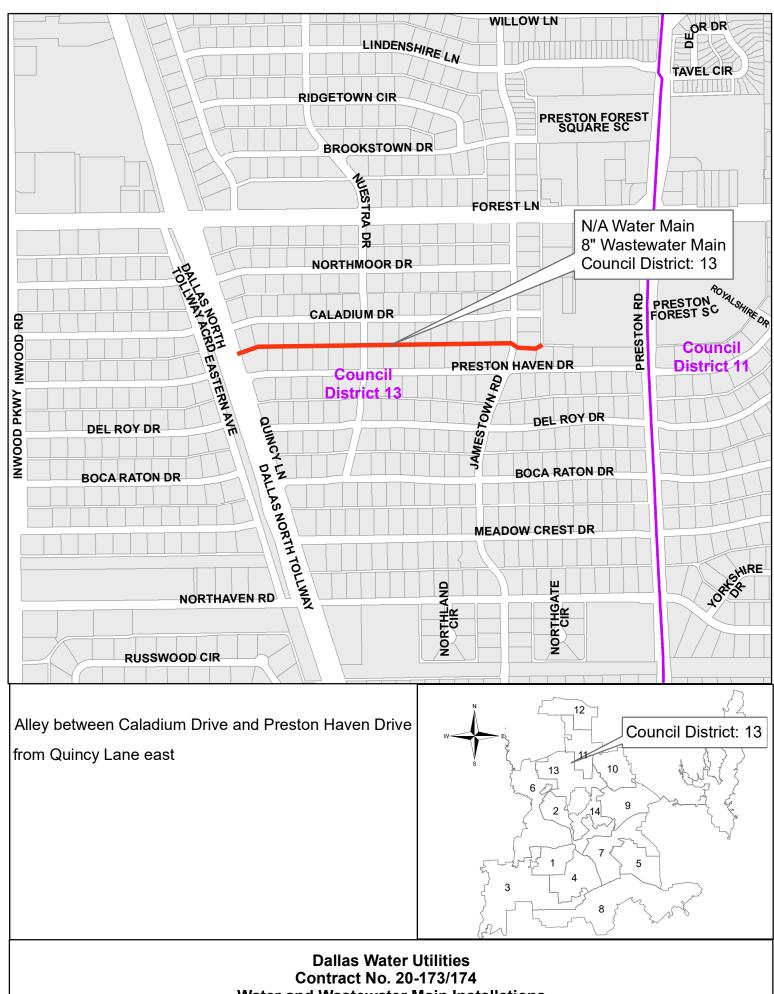
Water and Wastewater Main Installations



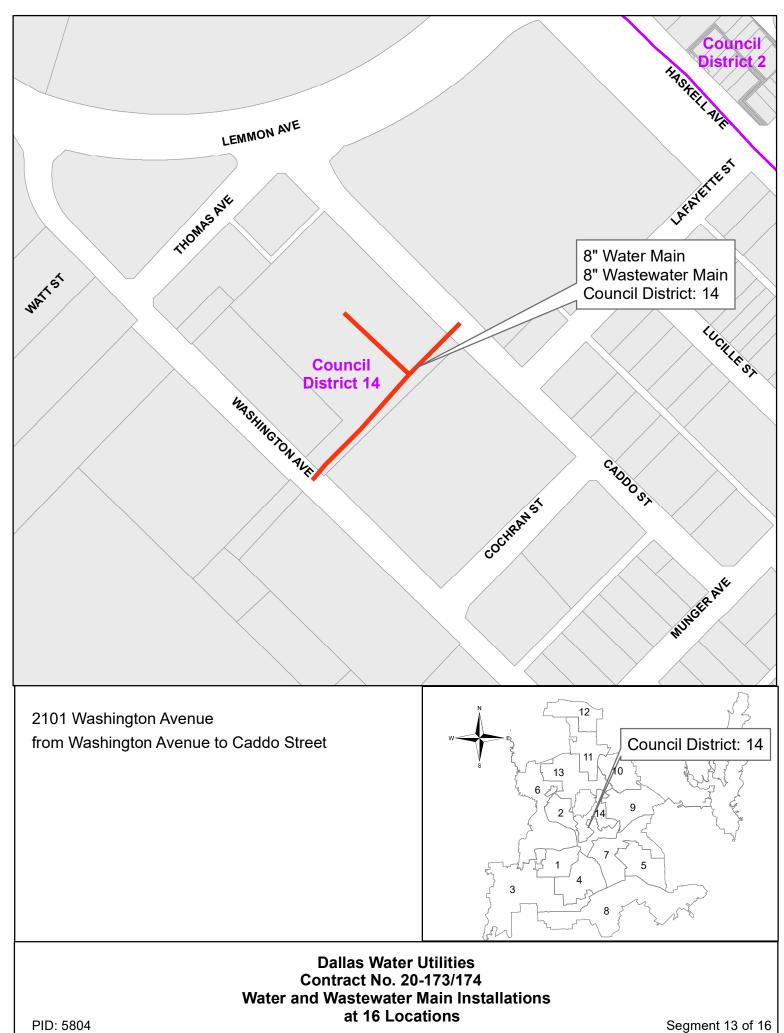
Contract No. 20-173/174
Water and Wastewater Main Installations
at 16 Locations

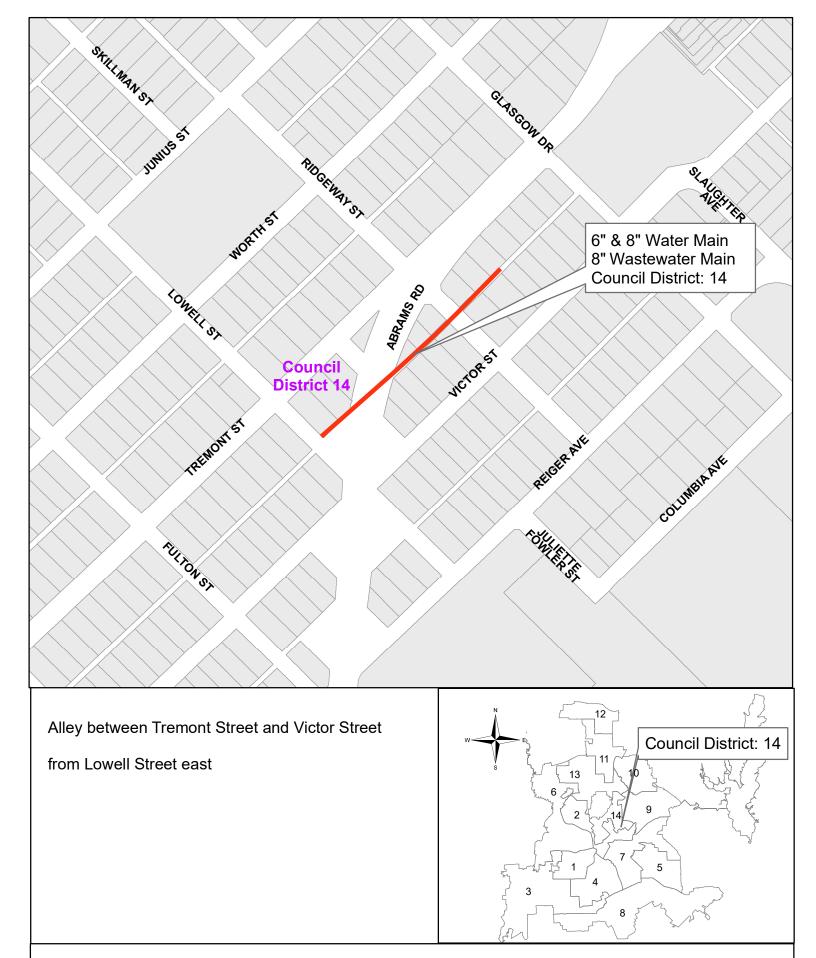


Contract No. 20-173/174
Water and Wastewater Main Installations
at 16 Locations



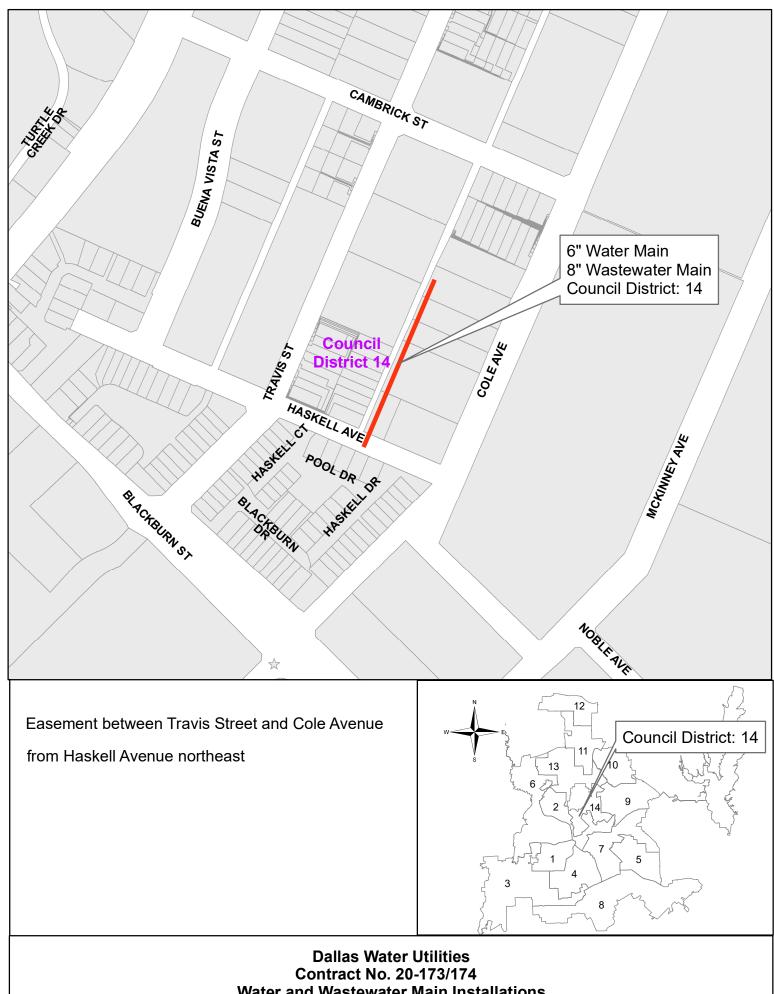
Water and Wastewater Main Installations at 16 Locations



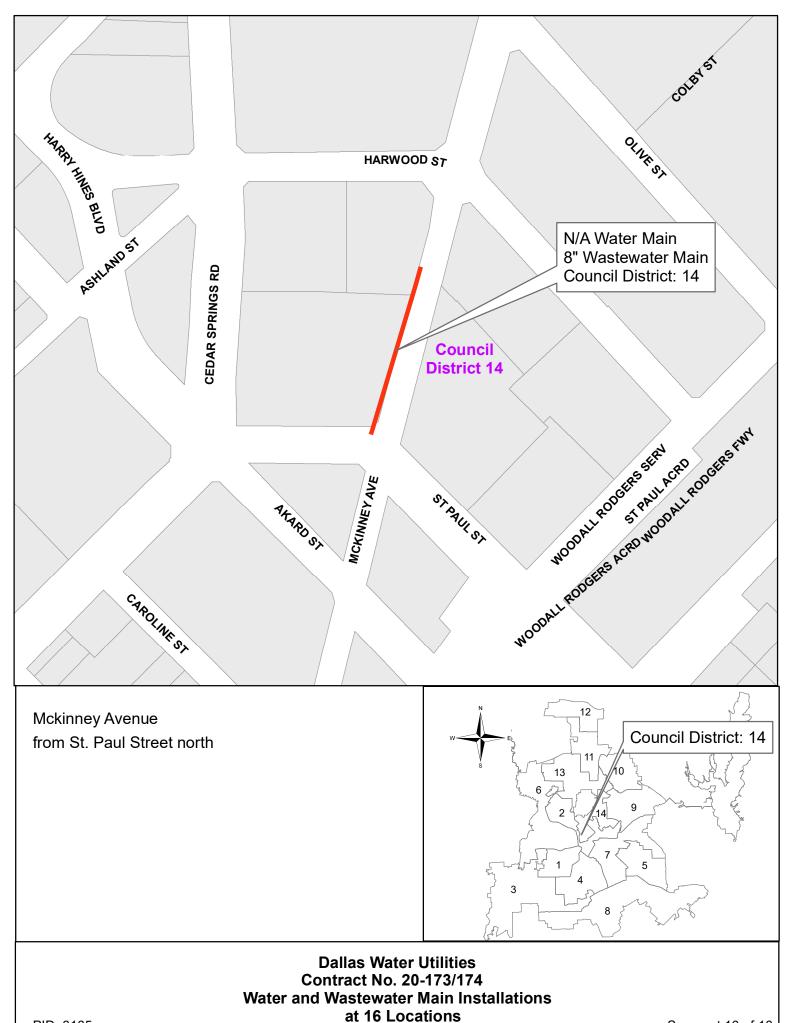


Dallas Water Utilities
Contract No. 20-173/174
Water and Wastewater Main Installations
at 16 Locations

PID: 3090



Water and Wastewater Main Installations at 16 Locations



PID: 6165

Segment 16 of 16

WHEREAS, on April 2, 2021, eight bids were received for the installation of water and wastewater main improvements at 16 locations, Contract No. 20-173/174, listed as follows:

<u>Bidders</u>	Bid Amount
Estrada Concrete Company, LLC	\$ 9,332,392.00
John Burns Construction Company of Texas, Inc.	\$ 9,989,662.00
Douglas Dailey Construction, LLC	\$10,499,984.00
Omega Contracting, Inc.	\$10,779,582.65
Ark Contracting Services, LLC	\$10,995,000.00
Camino Construction, L.P.	\$11,009,321.50
Canary Construction, Inc.	\$12,770,872.80
SYB Construction Co., Inc	\$13,264,570.50

WHEREAS, the bid submitted by Estrada Concrete Company, LLC, 309 Nichols Drive, Hutchins, Texas 75141, in the amount of \$9,332,392.00, is the lowest and best of all bids received.

Now, Therefore,

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

SECTION 1. That the bid submitted by Estrada Concrete Company, LLC, in the amount of \$9,332,392.00 for doing the work covered by the plans, specifications, and contract documents, Contract No. 20-173/174, be accepted.

SECTION 2. That the City Manager is hereby authorized to execute a construction services contract with Estrada Concrete Company, LLC, approved as to form by the City Attorney, for the installation of water and wastewater main improvements at 16 locations, in an amount not to exceed \$9,332,392.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$9,332,392.00 to Estrada Concrete Company, LLC, as follows:

Wastewater (Clean Water) – 2020 TWDB Fund Fund 1190, Department DWU, Unit FS40 Object 4560, Program 720174 Encumbrance/Contract No. CX-DWU-2021-00016917 Vendor 511236

\$4,518,110.50

SECTION 3. (continued)

Water (Drinking Water) – TWDB 2019 Fund Fund 1160, Department DWU, Unit FW40 Object 4550, Program 720173 Encumbrance/Contract No. CX-DWU-2021-00016917 Vendor 511236

\$4,228,579.61

Water (Drinking Water) – TWDB 2020 Fund Fund 1191, Department DWU, Unit FW40 Object 4550, Program 720173 Encumbrance/Contract No. CX-DWU-2021-00016917 Vendor 511236

\$ 585,701.89

Total amount not to exceed

\$9,332,392.00

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.





City of Dallas

Agenda Information Sheet

File #: 21-1249 Item #: 35.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 1, 2, 6, 7, 14

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction services contract for the installation of water and wastewater main improvements at 24 locations (list attached to the Agenda Information Sheet) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of six - Not to exceed \$8,260,288.00 - Financing: Wastewater (Clean Water) - 2020 TWDB Fund (\$3,313,542.00) and Water (Drinking Water) - TWDB 2020 Fund (\$4,946,746.00)

BACKGROUND

This action will authorize a construction services contract with John Burns Construction Company of Texas, Inc., for the replacement and rehabilitation of approximately 28,870 feet of water and wastewater main improvements. This includes the installation of approximately 140 feet of 4-inch, 920 feet of 6-inch, 13,150 feet of 8-inch, and 3,360 feet of 12-inch water mains, and approximately 70 feet of 6-inch, 6,110 feet of 8-inch, 550 feet of 12-inch, 30 feet of 18-inch, 10 feet of 42-inch and 370 feet of 48-inch wastewater mains. In addition, the improvements include the rehabilitation of 3,680 feet of 8-inch, 180 feet of 12-inch, 120 feet of 18-inch and 180 feet of 21-inch wastewater mains.

The existing mains targeted for replacement and rehabilitation were built between 1935 and 1982. These mains are contributing to an increase in maintenance costs, as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs.

The following chart illustrates John Burns Construction Company of Texas, Inc.'s contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TRN</u>
Projects Completed	0	1	1	0
Active Projects	0	3	0	0
Change Orders	0	2	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

File #: 21-1249 Item #: 35.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2021 Complete Construction October 2023

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Wastewater (Clean Water) - 2020 TWDB Fund	\$3,313,542.00	\$0.00	\$0.00
Water (Drinking Water) - TWDB 2020 Fund	\$4,946,746.00	\$0.00	\$0.00
Total	\$8,260,288.00	\$0.00	\$0.00

Council District	<u>Amount</u>
1	\$ 124,661.28
2	\$ 1,227,335.32
6	\$ 5,136,301.93
7	\$ 596,317.90
14	<u>\$ 1,175,671.57</u>
Total	\$8,260,288.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE\$
\$8,260,288.00	Construction	32.00%	32.06%	\$2,648,295.00
This contract exceeds the M/WBE goal.				
John Burns Construction Company of Texas, Inc Non-local; Workforce - 64.00% Local				

PROCUREMENT INFORMATION

The following six bids with quotes were opened on May 28,2021:

Bidders Bid Amount

*John Burns Construction Company of Texas, Inc. \$ 8,260,288.00

655 East Main Street Lewisville, Texas 75057

Ark Contracting Services, LLC \$ 9,250,000.00

^{*}Denotes successful bidder

Sisters Asphalt, Inc. dba SAI Construction	\$ 9,623,848.25
Omega Contracting, Inc.	\$ 9,999,585.60
SYB Construction Co., Inc.	\$10,175,401.00
Douglas Dailey Construction, LLC	\$13,371,545.00

OWNER

John Burns Construction Company of Texas, Inc.

Paul O'Malley, Owner

MAPS

Attached

Segment List Contract No. 20-239/240 Water and Wastewater Main Installation

District 1

Sabine Street from Blaylock Drive to Marsalis Avenue

District 2

Easement between Young Street and Cadiz Street from Harwood Street northeast Easement east of Inwood Road from Inwood Road east Houston Street from Main Street south Malcolm X Boulevard from Indiana Street to Main Street St. Louis Street from Park Avenue to Harwood Street

District 6

Algiers Street from Burgess Boulevard north
Burgess Boulevard from Memphis Street to Iberia Avenue
Chemical Street from Farrington Street to Converse Street
Commerce Street from Evanston Avenue to Beaver Street
Conant Street from Farrington Street to Converse Street
Converse Street from Chemical Street to Conant Street
Easement between Chemical Street and Crampton Street from Converse Street to
Farrington Street

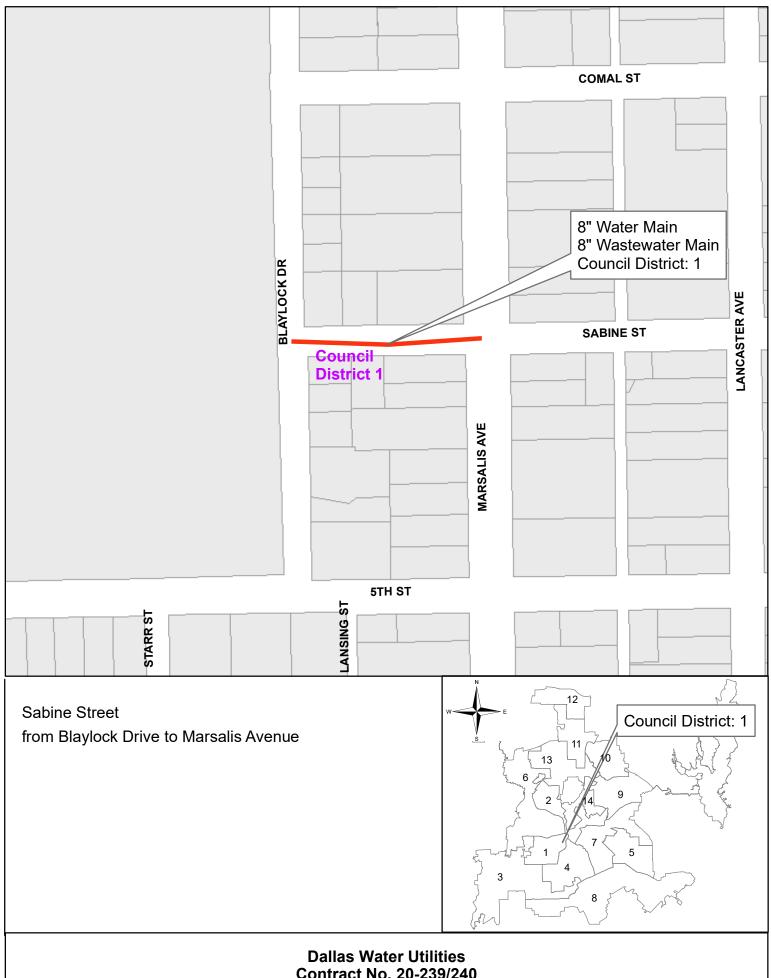
Easement between Conant Street and Crampton Street from Converse Street south Furey Street from Singleton Boulevard to Toronto Street Gretna Street from Lupo Drive to Mississippi Avenue Mican Drive from Bastille Road north Weir Street from Singleton Boulevard south Winnetka Avenue from Fort Worth Avenue to Walmsley Avenue

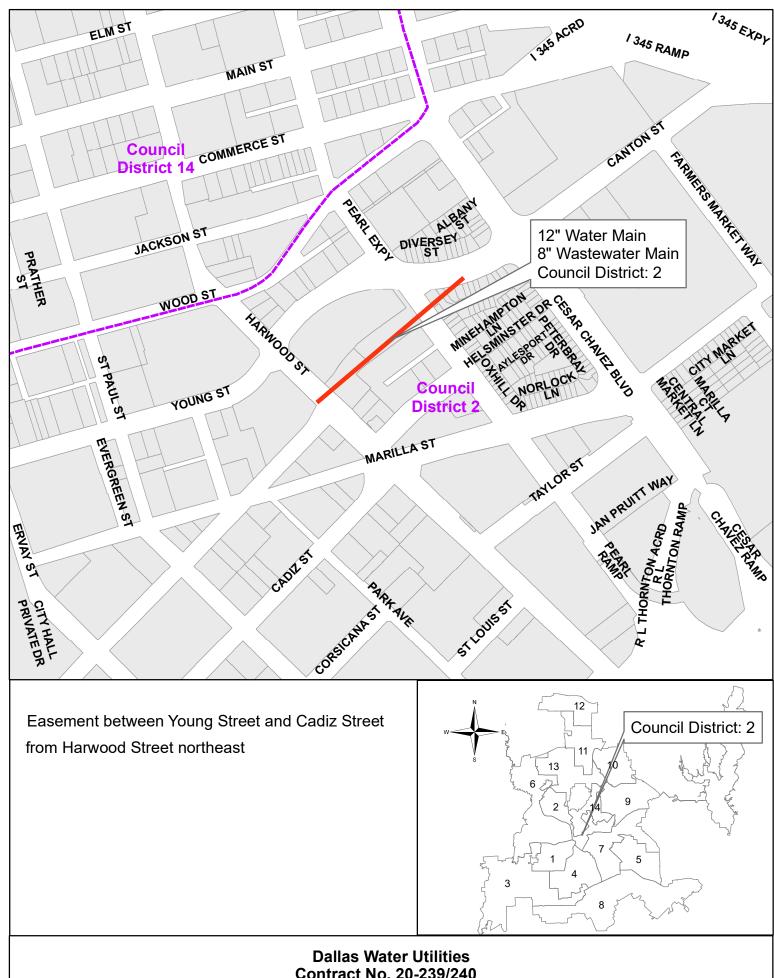
District 7

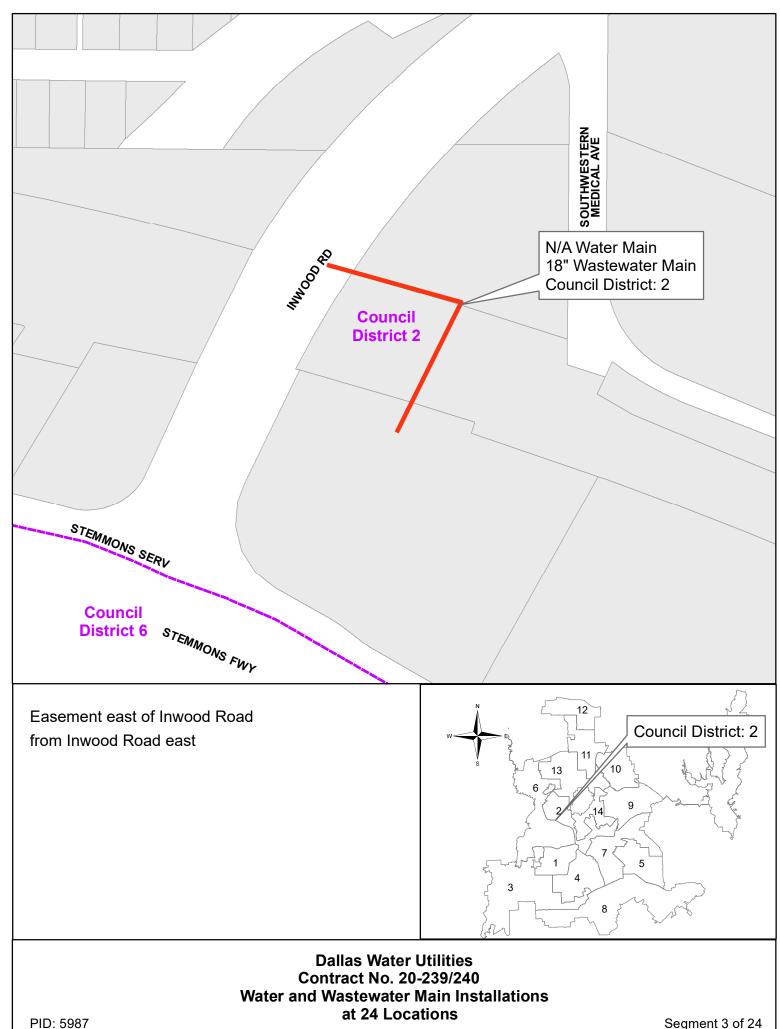
Parry Avenue from 4th Avenue to 3rd Avenue

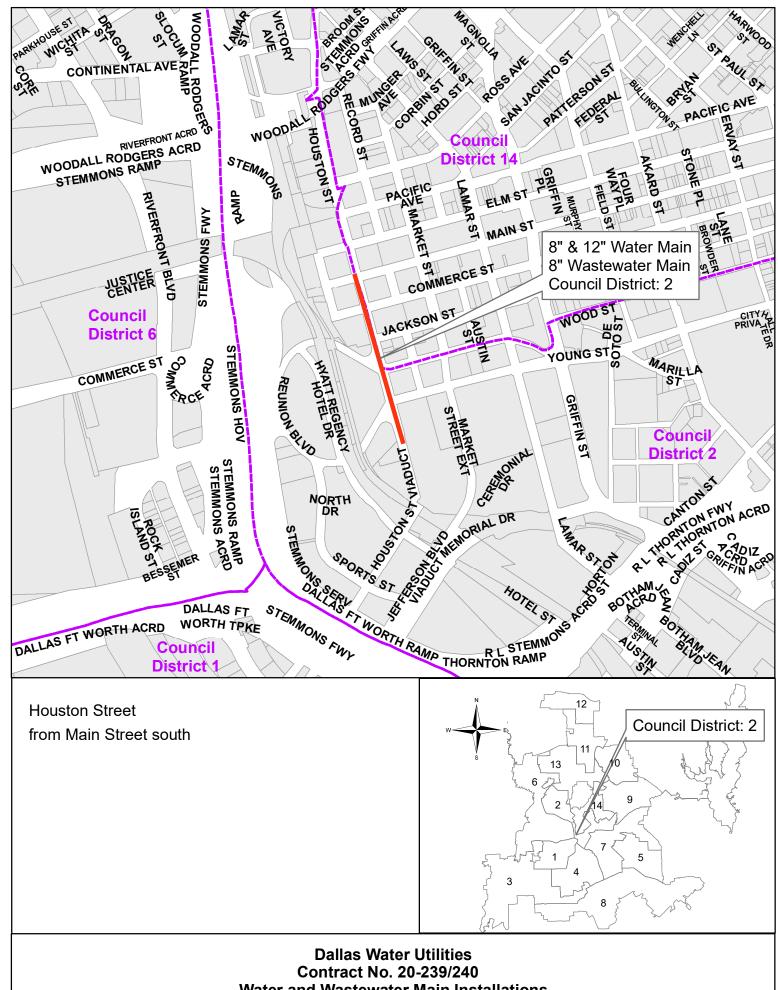
District 14

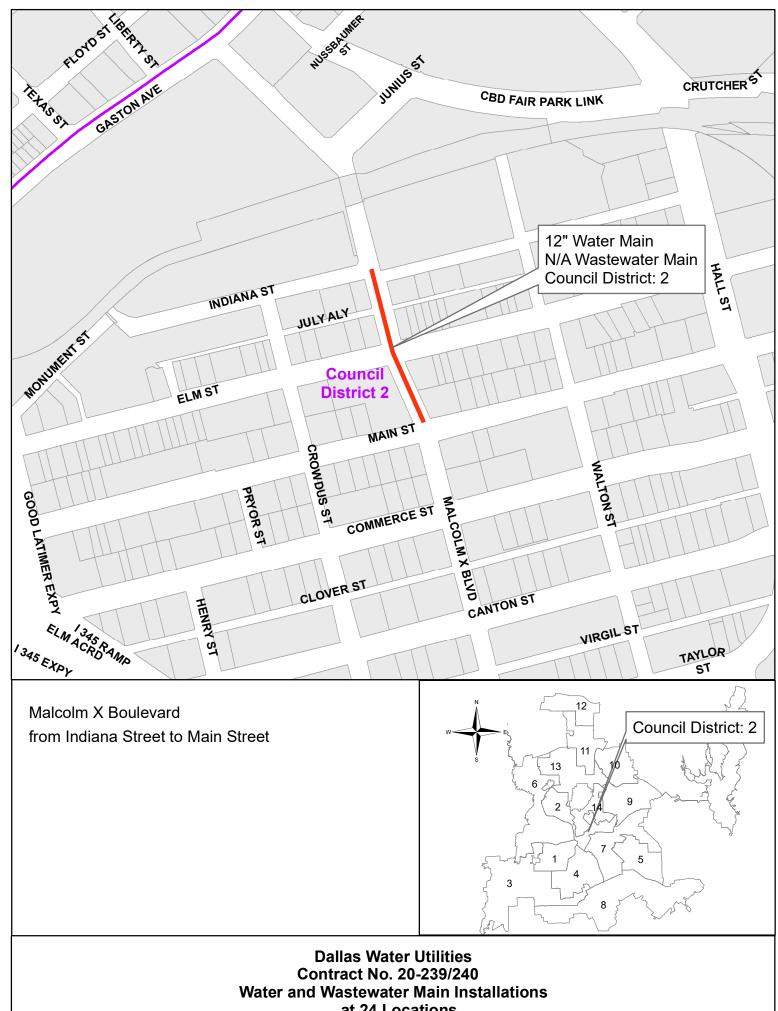
McKinnon Street (northside) from Hunt Street to Payne Street McKinnon Street (southside) from Hunt Street to Cedar Springs Road Skiles Street from Bryan Street to Live Oak Street St. Joseph Street from Live Oak Street southeast





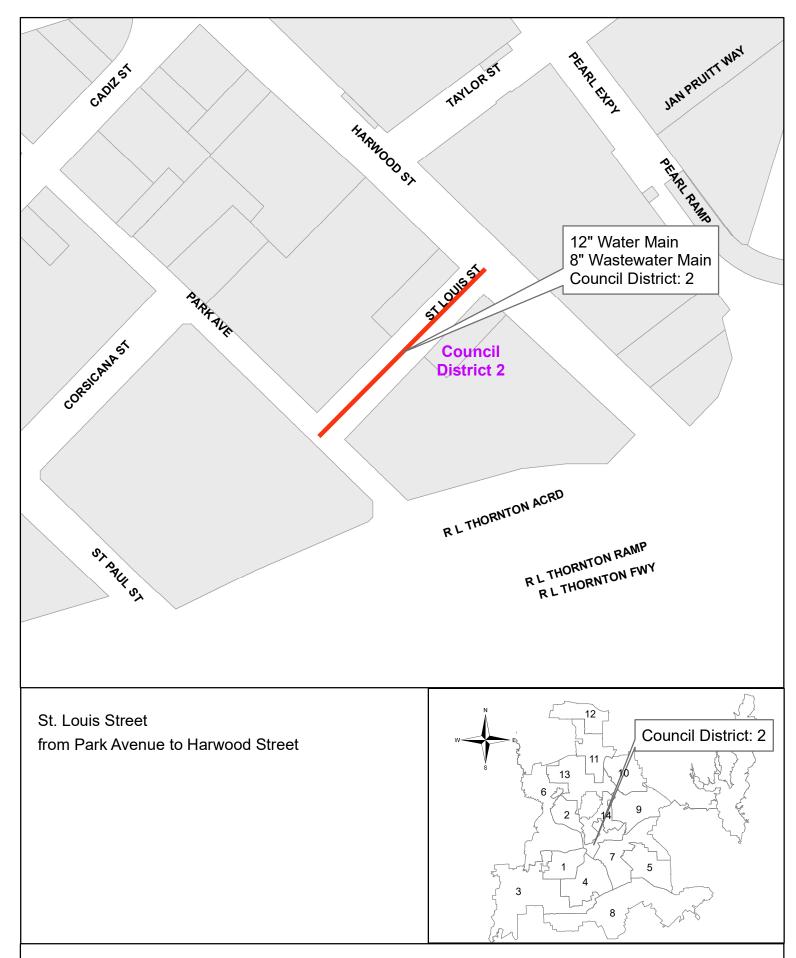




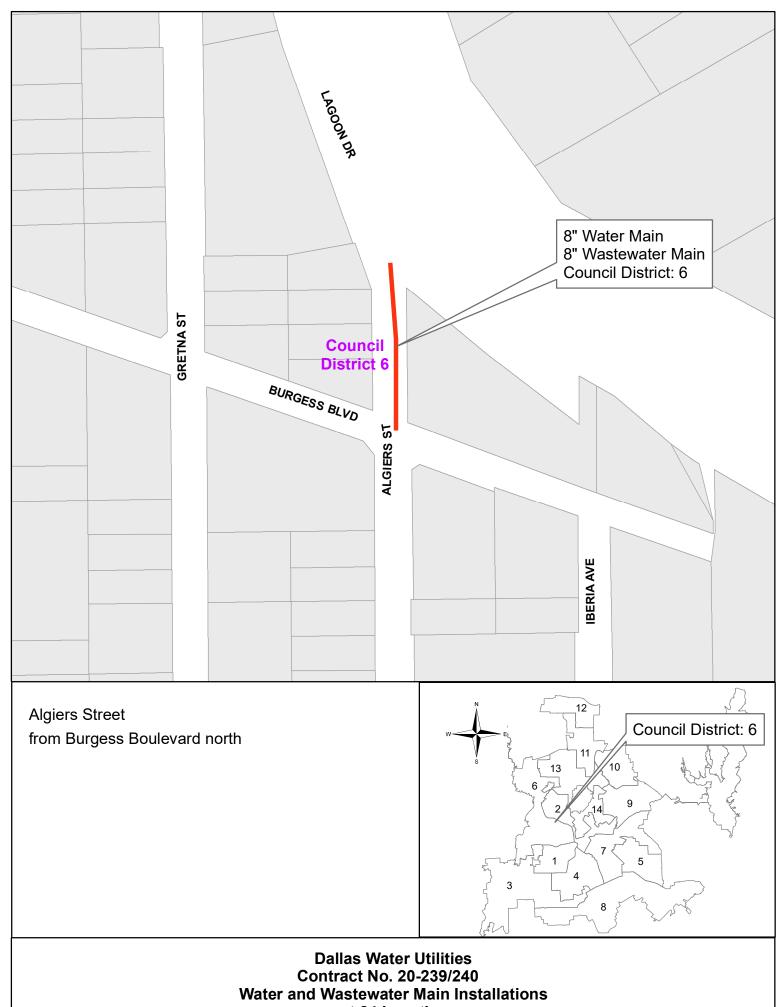


at 24 Locations PID: 5544

Segment 5 of 24

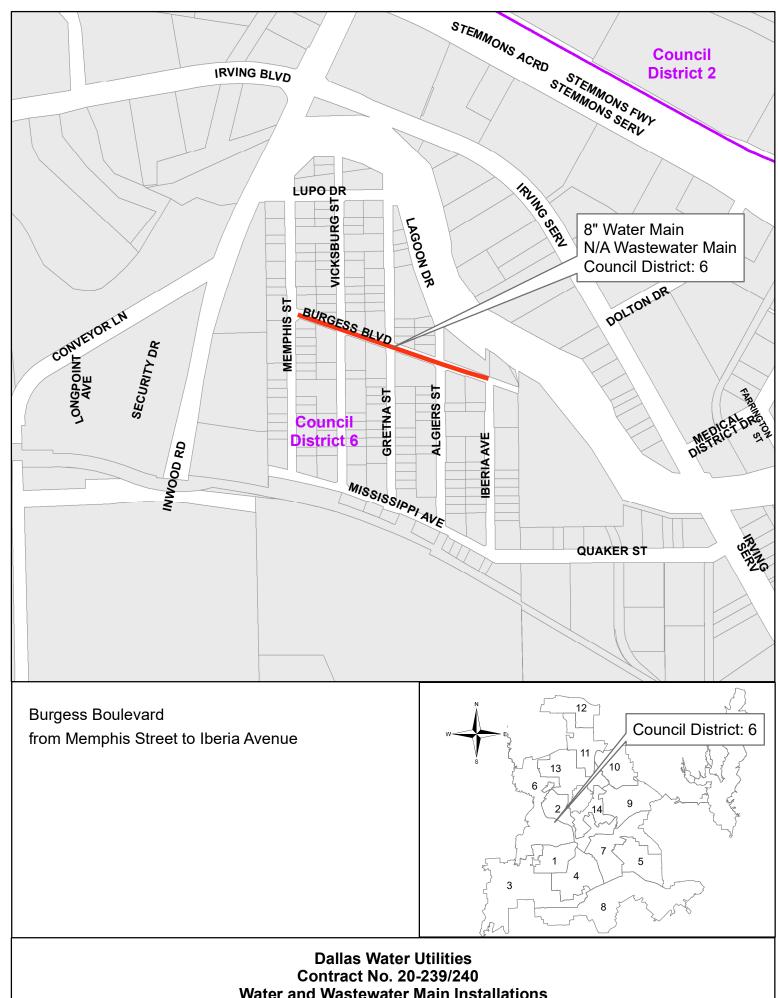


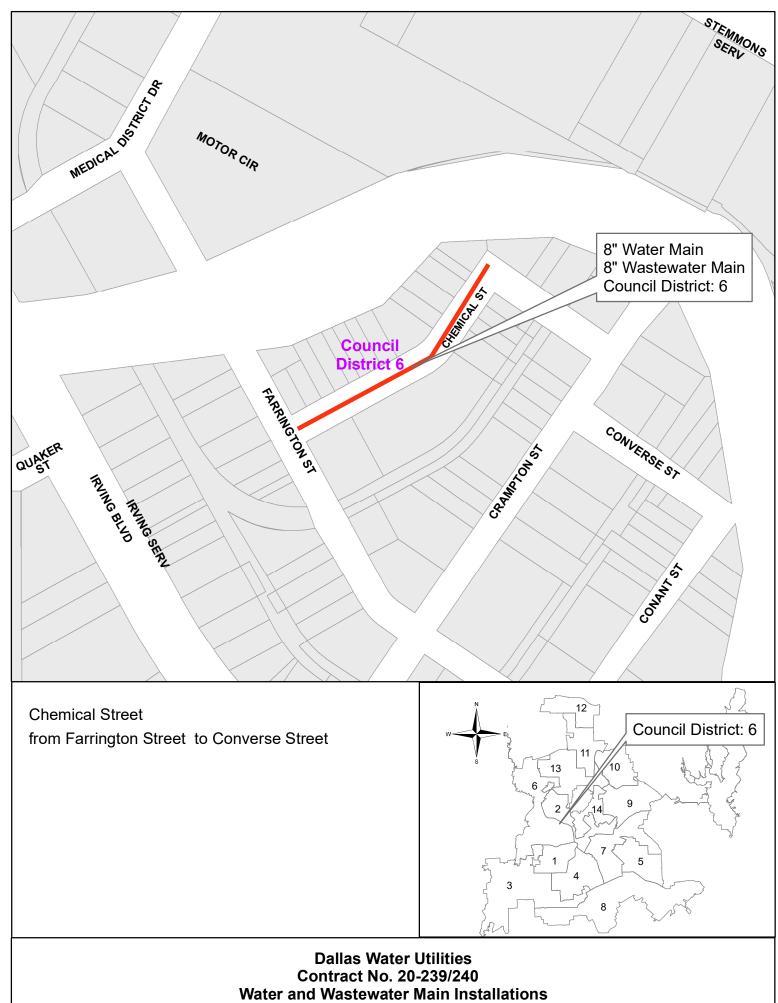
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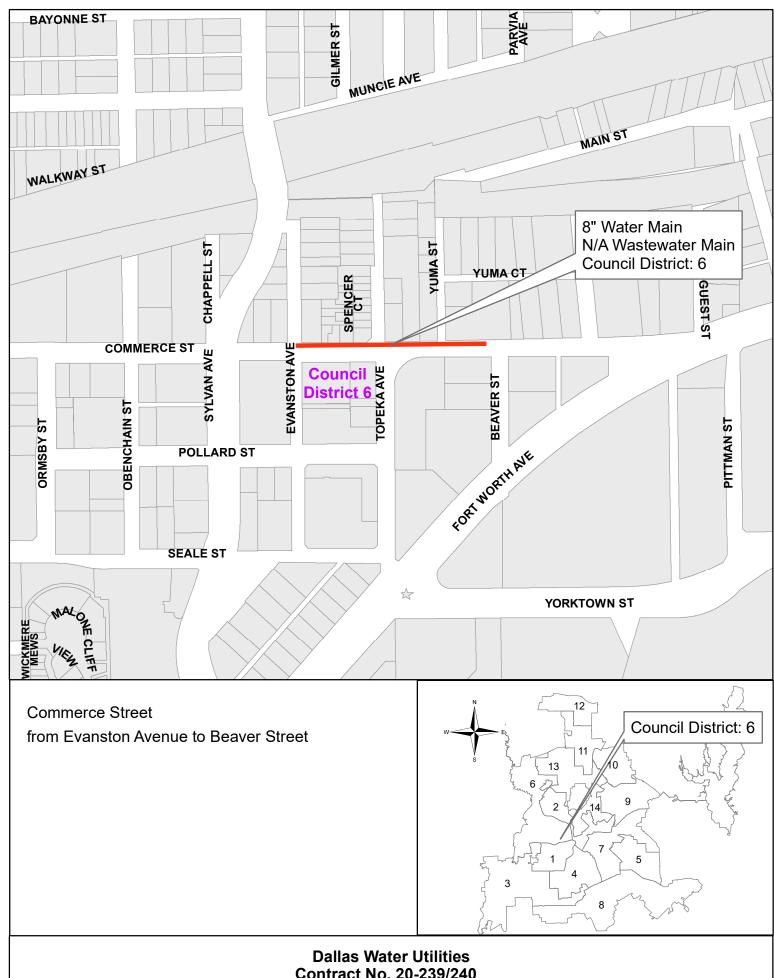
at 24 Locations

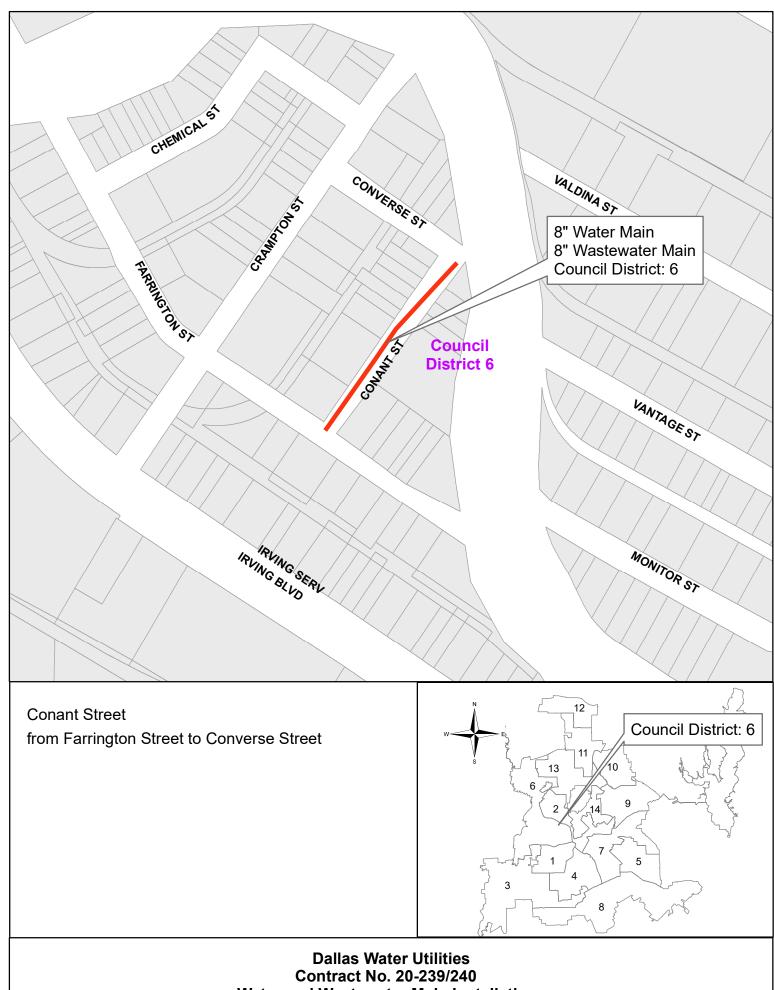
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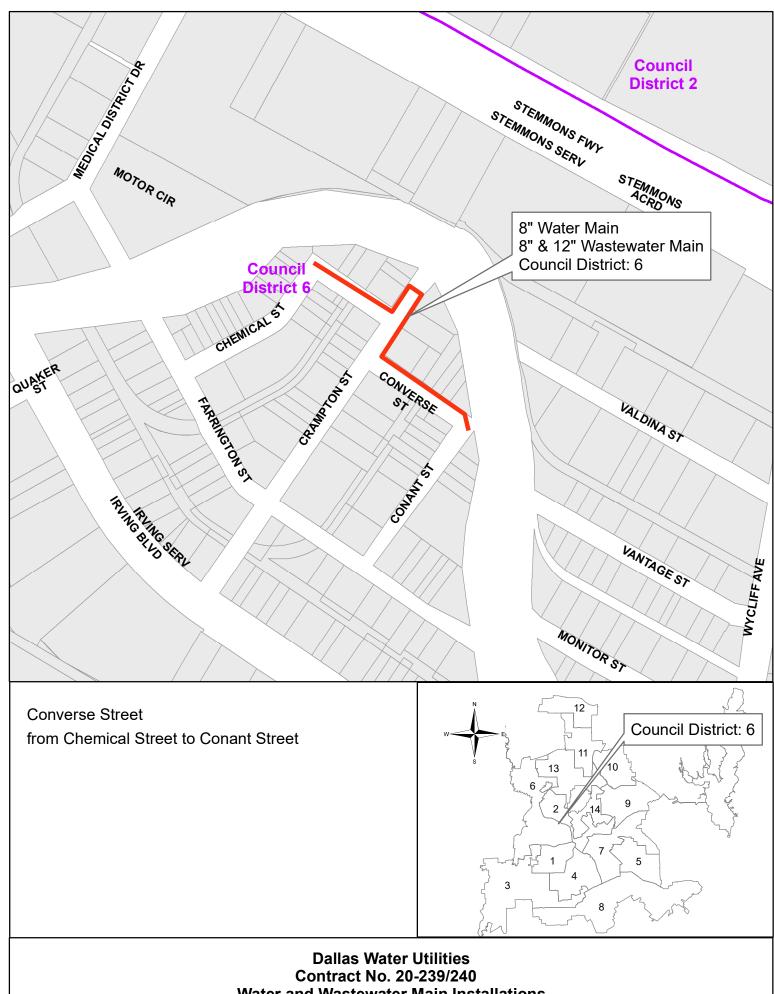


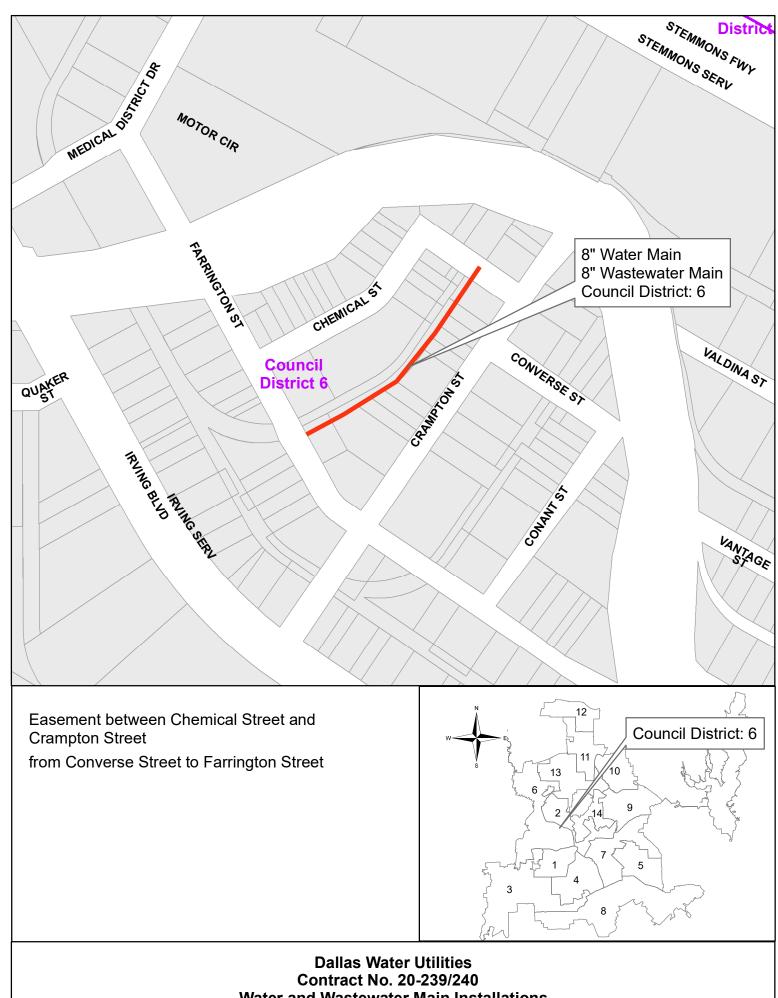


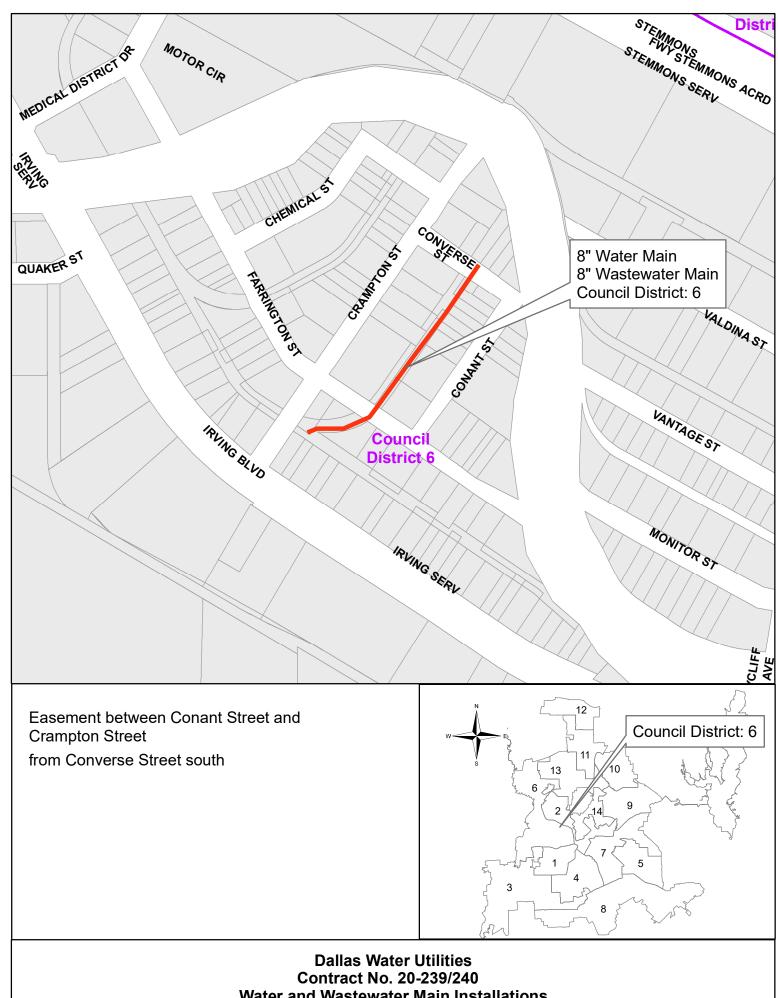
at 24 Locations

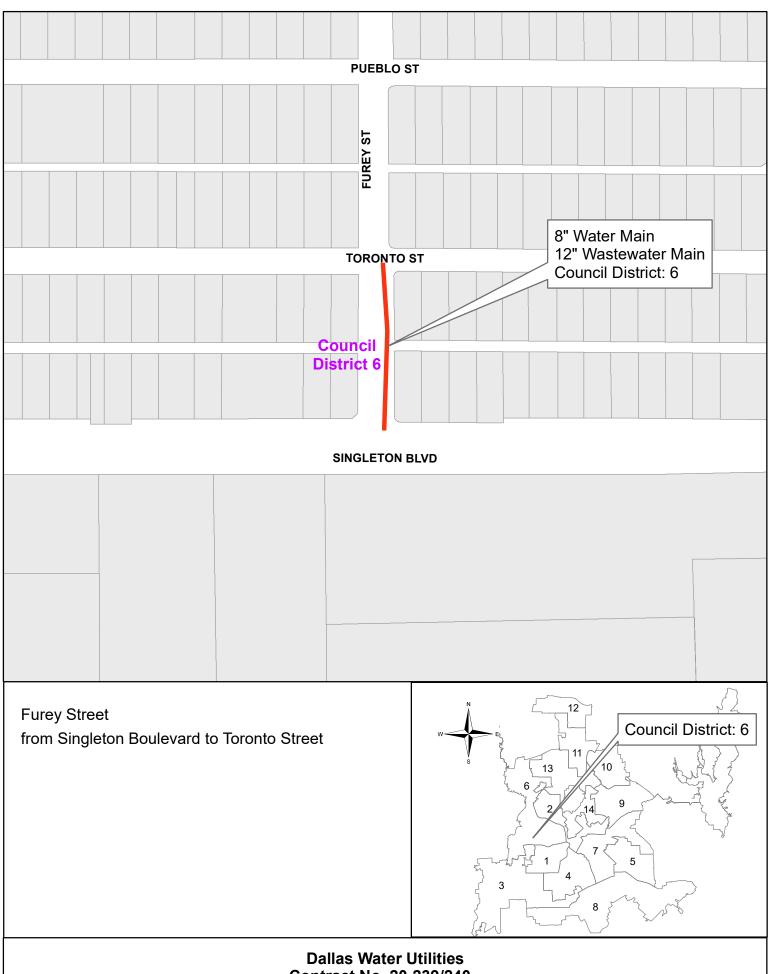


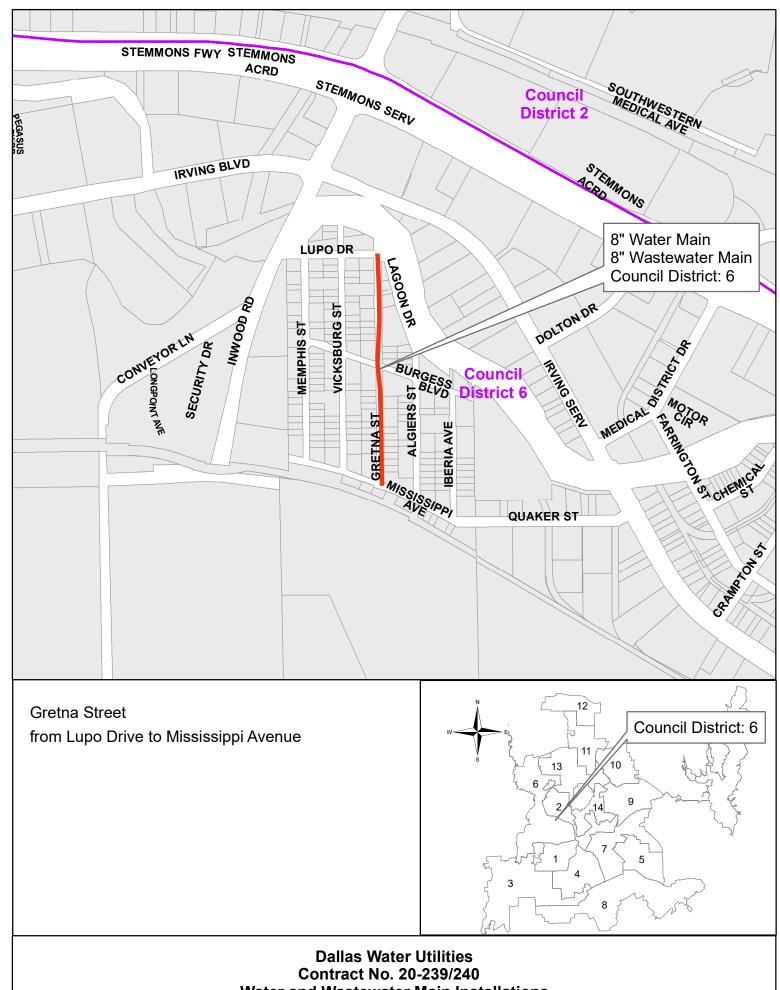


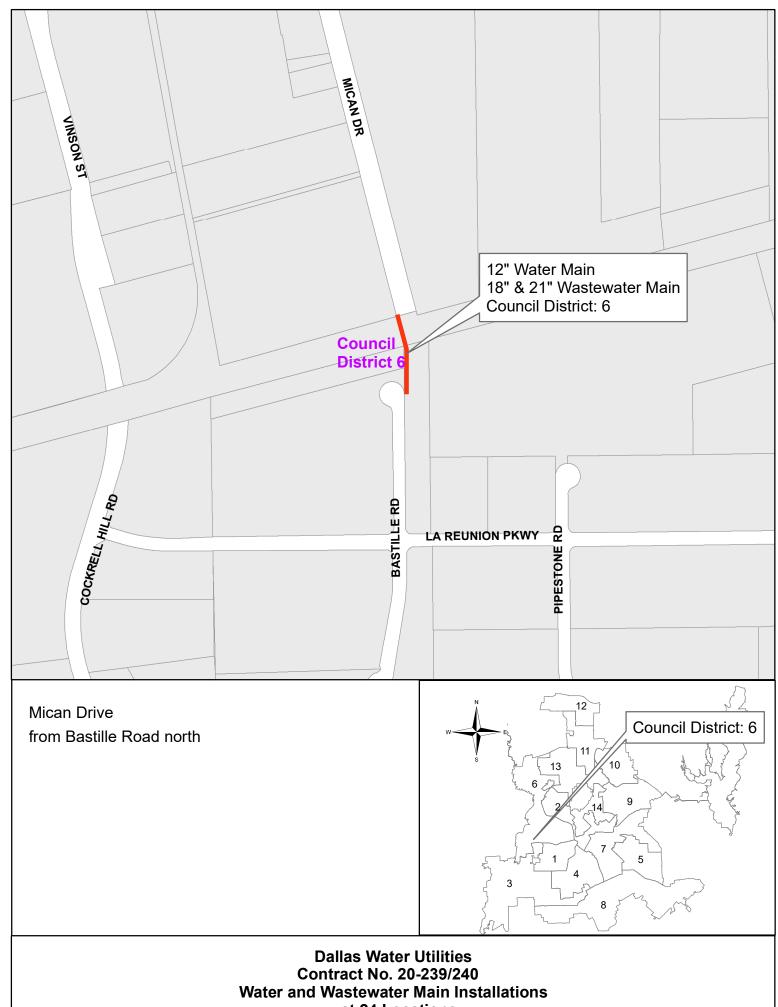




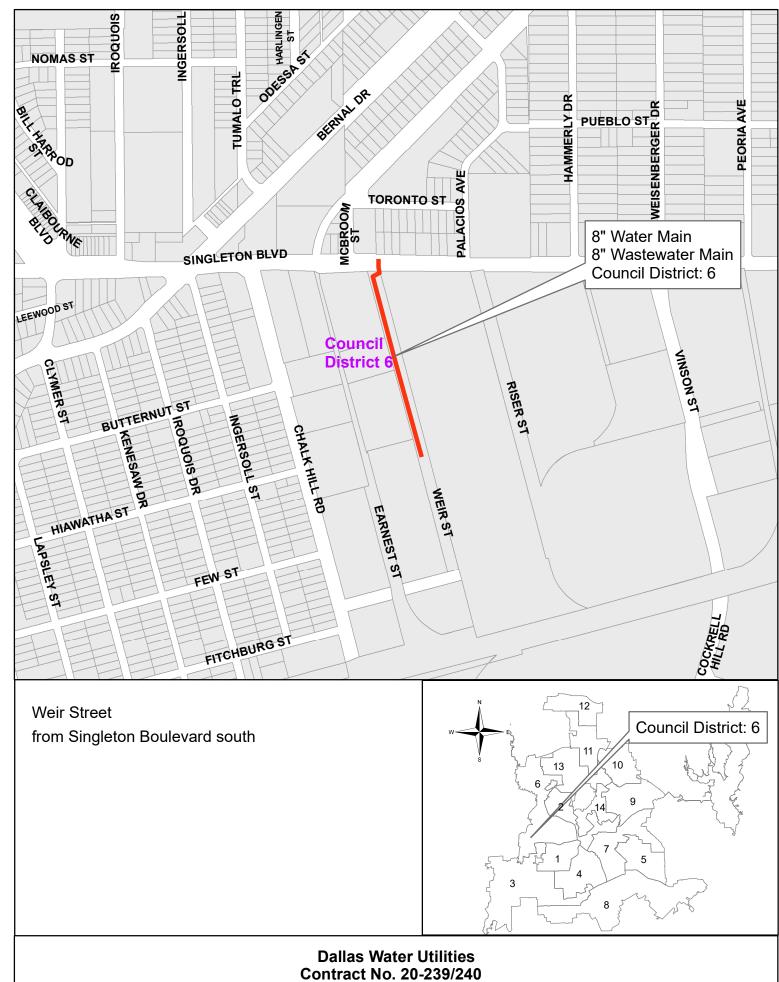


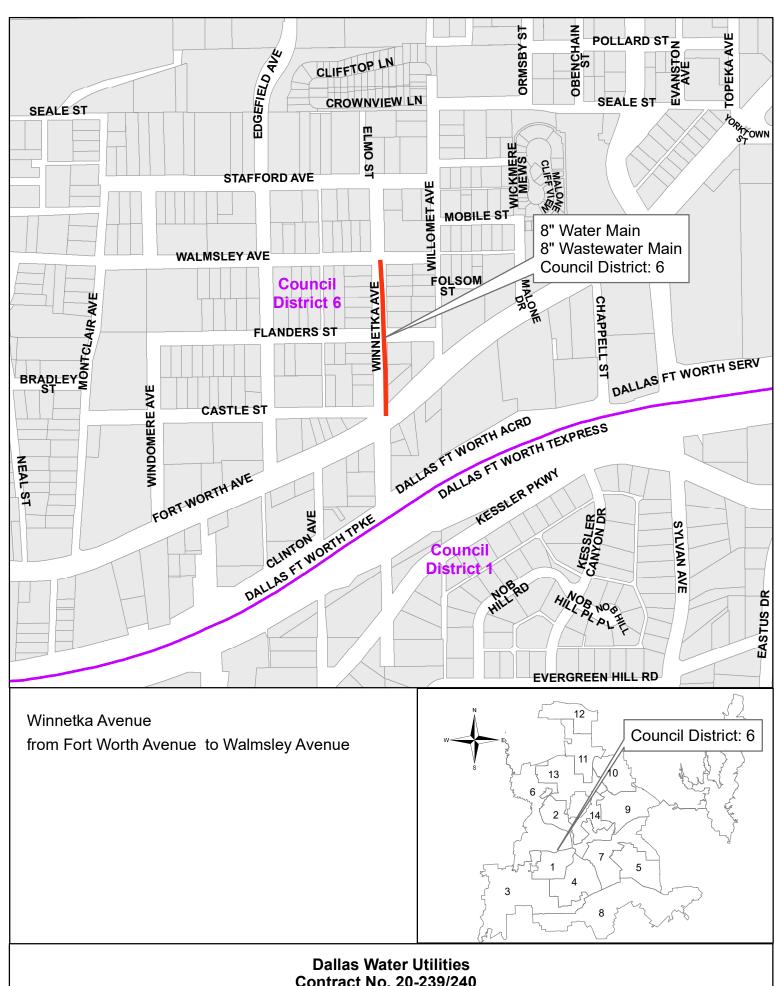


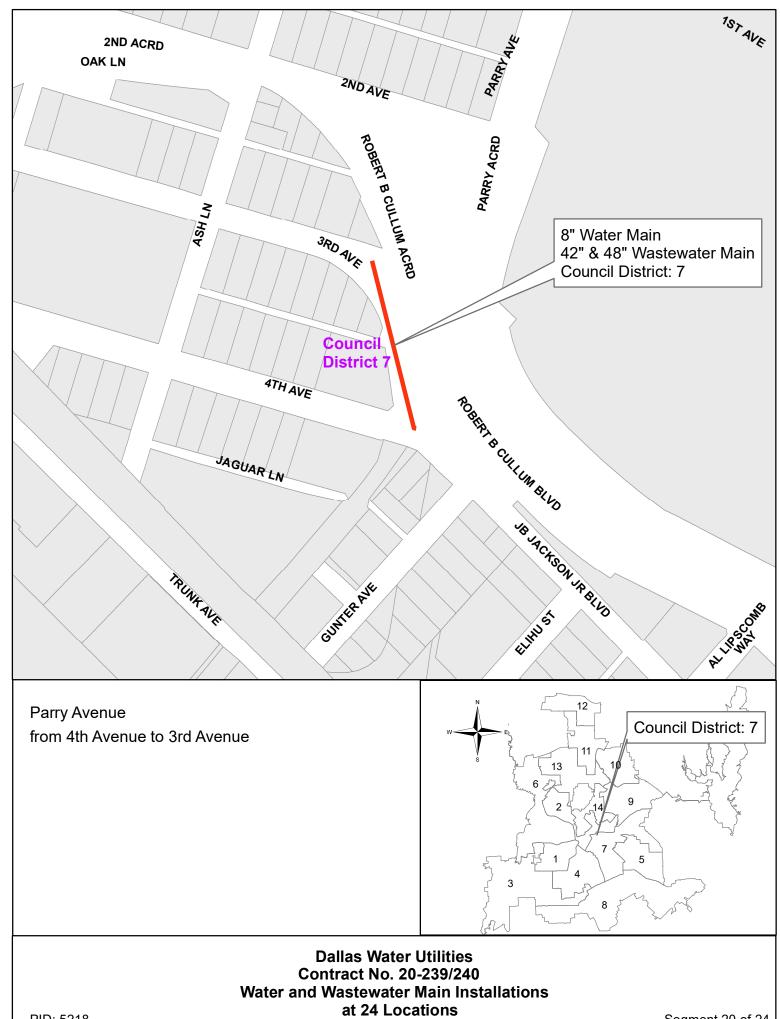




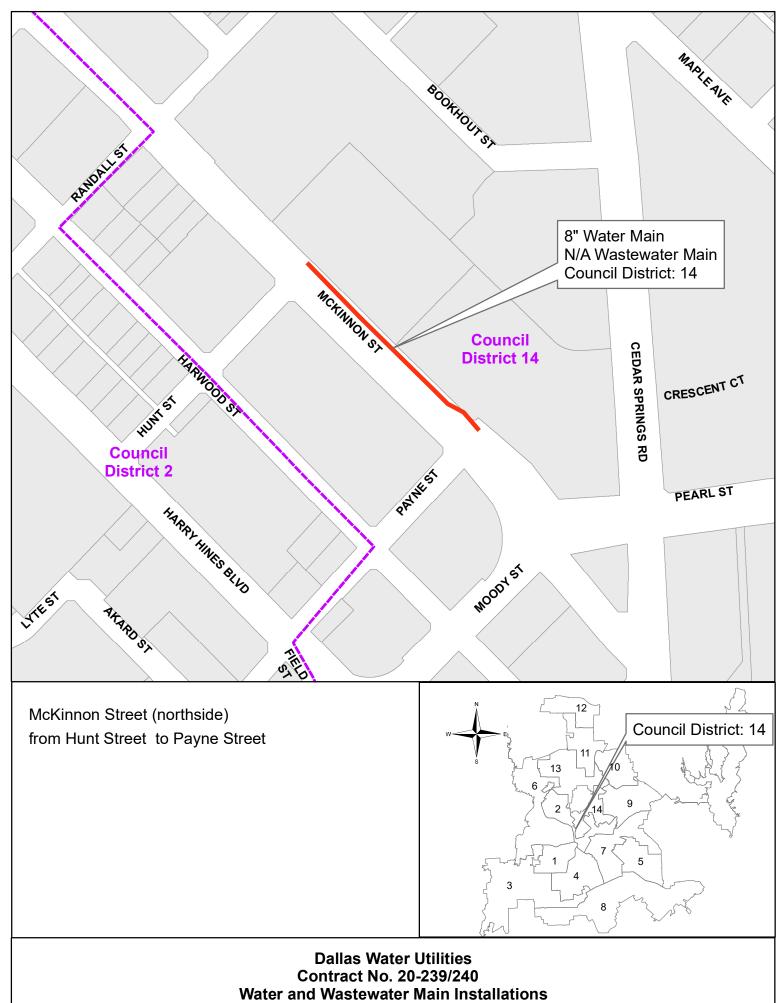
at 24 Locations



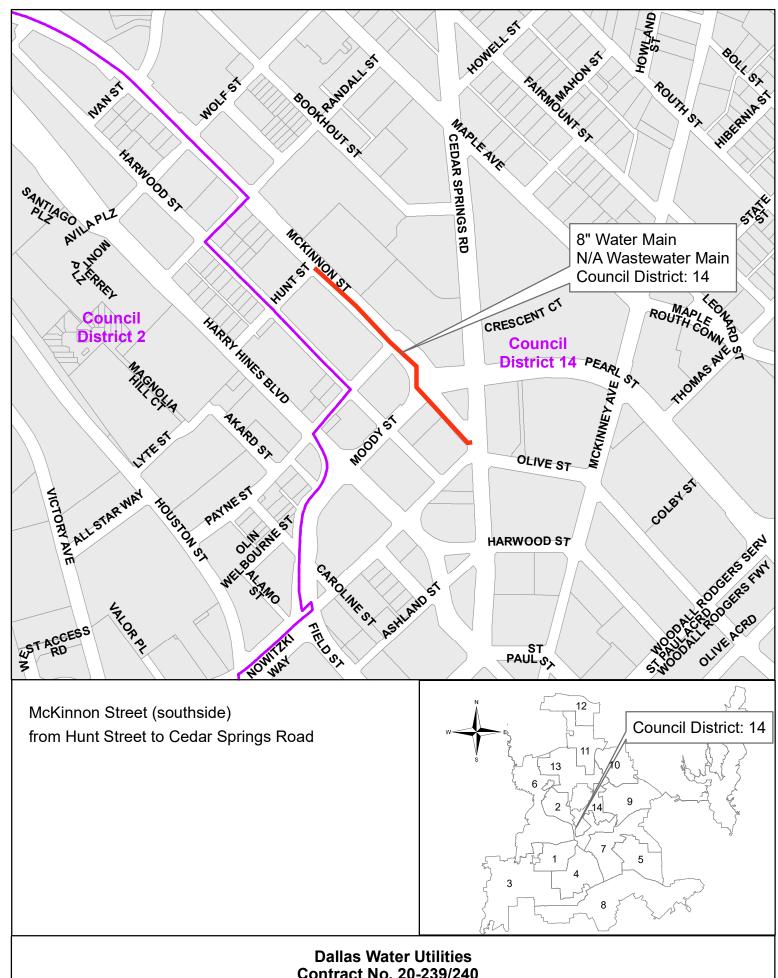


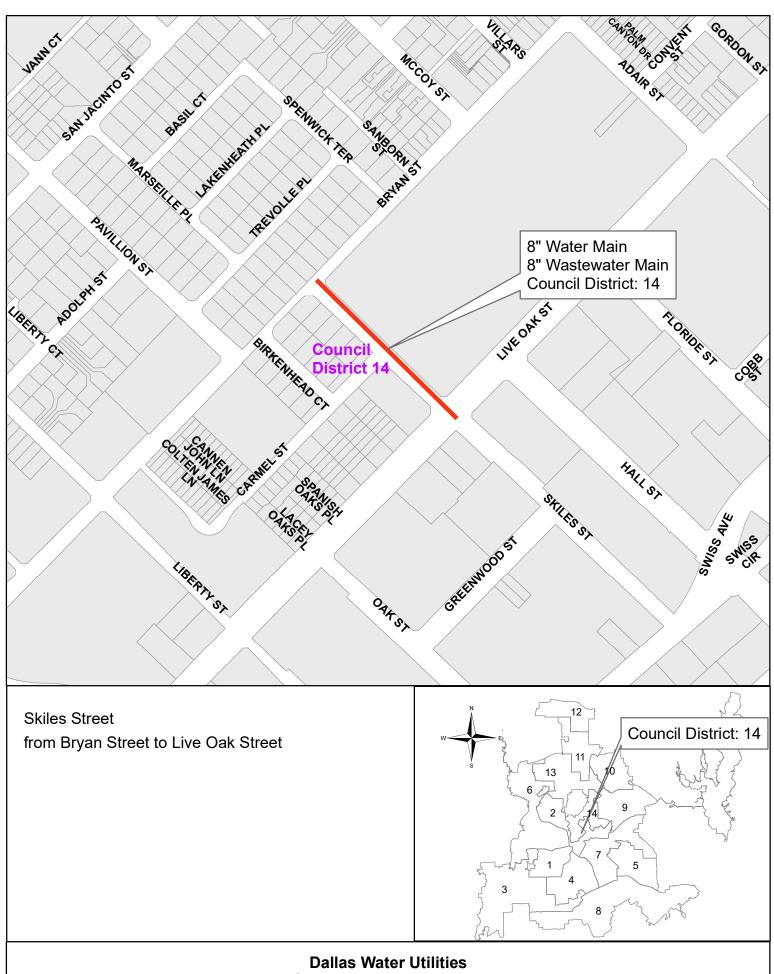


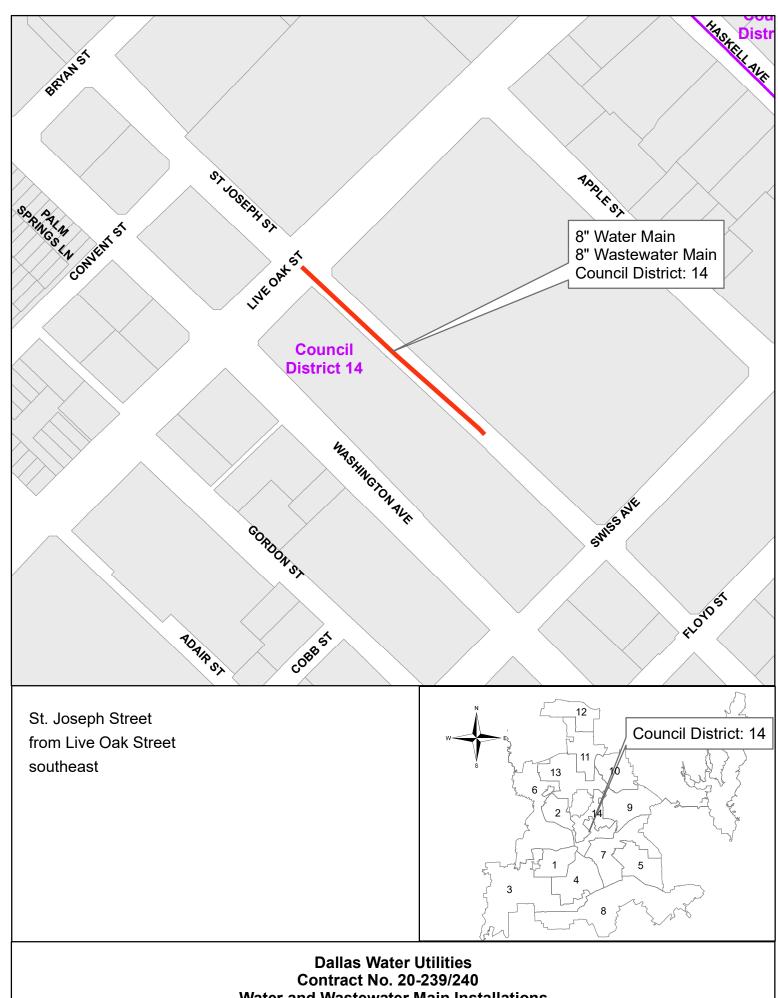
PID: 5218 Segment 20 of 24



at 24 Locations







WHEREAS, on May 28, 2021, six bids were received for the installation of water and wastewater main improvements at 24 locations, Contract No. 20-239/240, listed as follows:

<u>Bidders</u>	<u>Bid Amount</u>
John Burns Construction Company of Texas, Inc.	\$ 8,260,288.00
Ark Contracting Services, LLC	\$ 9,250,000.00
Sisters Asphalt, Inc. dba SAI Construction	\$ 9,623,848.25
Omega Contracting, Inc.	\$ 9,999,585.60
SYB Construction Co., Inc.	\$10,175,401.00
Douglas Dailey Construction, LLC	\$13,371,545.00

WHEREAS, the bid submitted by John Burns Construction Company of Texas, Inc., 655 East Main Street, Lewisville, Texas 75057, in the amount of \$8,260,288.00, is the lowest and best of all bids received.

Now, Therefore,

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

SECTION 1. That the bid submitted by John Burns Construction Company of Texas, Inc., in the amount of \$8,260,288.00 for doing the work covered by the plans, specifications, and contract documents, Contract No. 20-239/240, be accepted.

SECTION 2. That the City Manager is hereby authorized to execute a construction services contract with John Burns Construction Company of Texas, Inc, approved as to form by the City Attorney, for the installation of water and wastewater main improvements at 24 locations, in an amount not to exceed \$8,260,288.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$8,260,288.00 to John Burns Construction Company of Texas, Inc., as follows:

Wastewater (Clean Water) – 2020 TWDB Fund Fund 1190, Department DWU, Unit FS40 Object 4560, Program 720240 Encumbrance/Contract No. CX-DWU-2021-00017003

Vendor 199054 \$3,313,542.00

Water (Drinking Water) – TWDB 2020 Fund Fund 1191, Department DWU, Unit FW40 Object 4550, Program 720239 Encumbrance/Contract No. CX-DWU-2020-00017003

Vendor 199054 \$4,946,746.00

> Total amount not to exceed \$8,260,288.00

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.



A OF DAZZ O PEXAS

1500 Marilla Street Dallas, Texas 75201

Agenda Information Sheet

File #: 21-1251 Item #: 36.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 2, 3, 7, 9, 10, 14

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction services contract for the installation of water and wastewater main improvements at 32 locations (list attached to the Agenda Information Sheet) - Sisters Asphalt, Inc., lowest responsible bidder of nine - Not to exceed \$10,694,206.00 - Financing: Water (Drinking Water) - TWDB 2020 Fund (\$5,168,367.95), Wastewater (Clean Water) - 2020 TWDB Fund (\$3,724,464.45), Street and Alley Improvement Fund (\$1,488,194.50), and Water (Drinking Water) - TWDB 2019 Fund (\$313,179.10)

BACKGROUND

This action will authorize a construction services contract with Sisters Asphalt, Inc. for the installation and rehabilitation of approximately 46,510 feet of water and wastewater mains. This includes approximately 870 feet of 6-inch, 25,730 feet of 8-inch, and 3,650 feet of 12-inch water mains, and approximately 13,760 feet of 8-inch, and 2,500 feet of 12-inch wastewater mains.

The existing water and wastewater mains were built between 1930 and 1984. These mains are contributing to an increase in maintenance costs as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs.

The construction contract includes water and wastewater main improvements in the Mesquite Heights neighborhood bounded by X-Ray Lane, Lindaloe Lane, Turnout Lane and West Camp Wisdom Road. This includes the installation of approximately 70 feet of 6-inch and 4,740 feet of 8-inch water mains, and the installation of approximately 3,190 feet of 8-inch and 800 feet of 12-inch wastewater mains. These improvements will increase equity across the City's water and wastewater systems and provide service to unserved properties in the Mesquite Heights neighborhood.

The following chart illustrates Sisters Asphalt, Inc.'s contractual activities with the City of Dallas for the past three years:

File #: 21-1251 Item #: 36.

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TRN</u>
Projects Completed	0	0	0	0
Active Projects	0	1	0	0
Change Orders	0	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Begin Construction November 2021 Complete Construction November 2023

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Water (Drinking Water) - TWDB 2020 Fund	\$ 5,168,367.95	\$0.00	\$0.00
Wastewater (Clean Water) - 2020 TWDB Fund	\$ 3,724,464.45	\$0.00	\$0.00
Street and Alley Improvement Fund	\$ 1,488,194.50	\$0.00	\$0.00
Water (Drinking Water) - TWDB 2019 Fund	\$ 313,179.10	\$0.00	\$0.00
Total	\$10,694,206.00	\$0.00	\$0.00

Council District	<u>Amount</u>
2 3 7 9 10 14	\$ 725,774.58 \$ 2,327,144.50 \$ 134,410.62 \$ 2,498,154.19 \$ 1,701,749.83 \$ 3,306,972.28
Total	\$10,694,206.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$10,694,206.00	Construction	32.00%	32.11%	\$3,434,212.97
This contract exceeds the M/WBE goal.				
Sisters Asphalt, Inc Local; Workforce - 28.00% Local				

PROCUREMENT INFORMATION

The following nine bids with quotes were opened on June 11, 2021:

^{*}Denotes successful bidder

<u>Bidders</u>	Bid Amount
*Sisters Asphalt, Inc. 2105 Waterview Parkway Suite A Richardson, Texas 75080	\$10,694,206.00
Muniz Construction, Inc.	\$10,947,450.88
Camino Construction, L.P	\$11,360,293.00
Ark Contracting Services, LLC	\$11,465,932.50
Canary Construction, Inc.	\$11,939,929.00
SYB Construction Co., Inc.	\$12,511,725.00
John Burns Construction Company of Texas	\$13,107,092.00
Omega Contracting, Inc.	\$14,057,210.05
Douglas Dailey Construction, LLC	\$14,074,156.00

OWNER

Sisters Asphalt, Inc.

Magen Lowery, Owner

MAPS

Attached

Segment List Contract No. 20-473/474 Water and Wastewater Main Installation

District 2

Capitol Avenue from Peak Street to Kirby Street

District 3

Lindaloe Lane from TRA Access to Turnout Lane
Mesquite Lane from Prime Lane to Turnout Lane
Morocco Avenue from Darwin Street south
Prime Lane from Lindaloe Lane to Mesquite Lane
Turnout Lane from Lindaloe Lane to Mesquite Lane
X-Ray Lane from Lindaloe Lane to Camp Wisdom Road

District 7

*Sidwin Street from Ferguson Road to Sweetbriar Drive

District 9

*Sidwin Street from Ferguson Road to Sweetbriar Drive
Alley between Clary Drive and Northwest Parkway from Easton Road to Baronne Circle
Easement south of Wyatt Street from Garland Road to Jupiter Road
Ferguson Road from Sidwin Street to Pasteur Avenue
Garland Road (SH 78) from Gaston Parkway south
Healey Drive from Ferguson Road west
Hillgreen Circle from Hillgreen Drive east
Hillgreen Drive from Brookcove Lane to Mockingbird Lane
Lawther Drive from West Bay Circle to Branchfield Drive
Lingo Lane from Millmar Drive south
Mockingbird Lane from Greentree Lane to Hillgreen Drive

District 10

Chiswell Road from Clearhurst Drive to Parkford Drive Ferndale Road from Longmont Drive to Lakemere Drive Shoreview Road from Shadydale Lane to Audelia Road

District 14

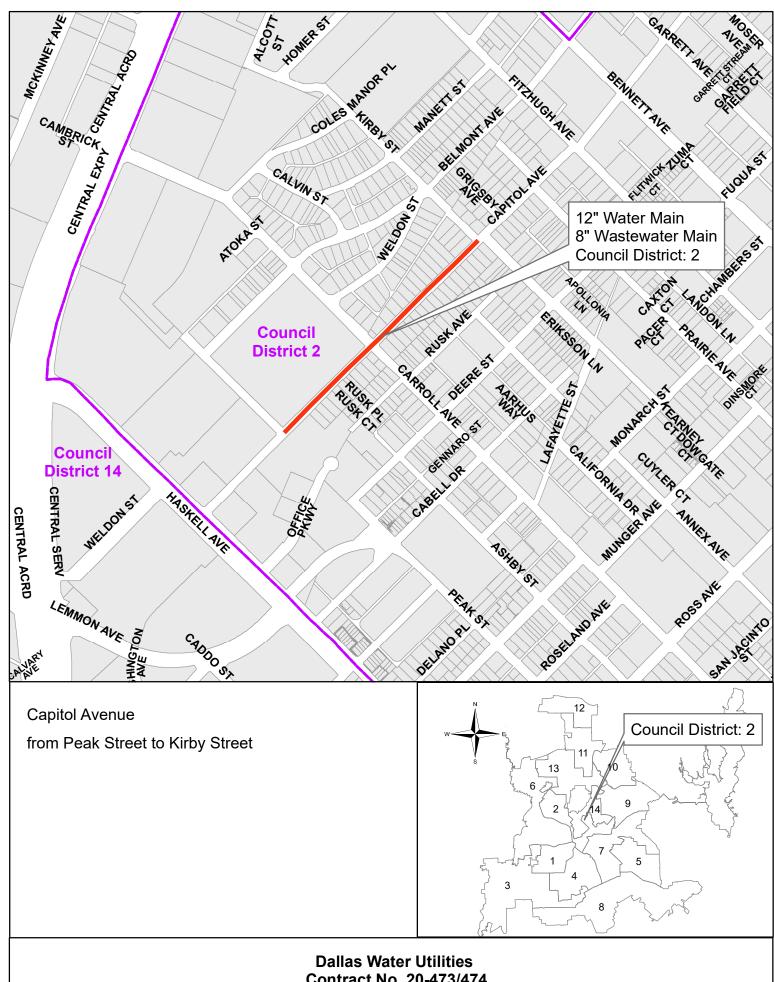
Alley between Anita Street and Ellsworth Avenue from Greenville Avenue to Matilda Street

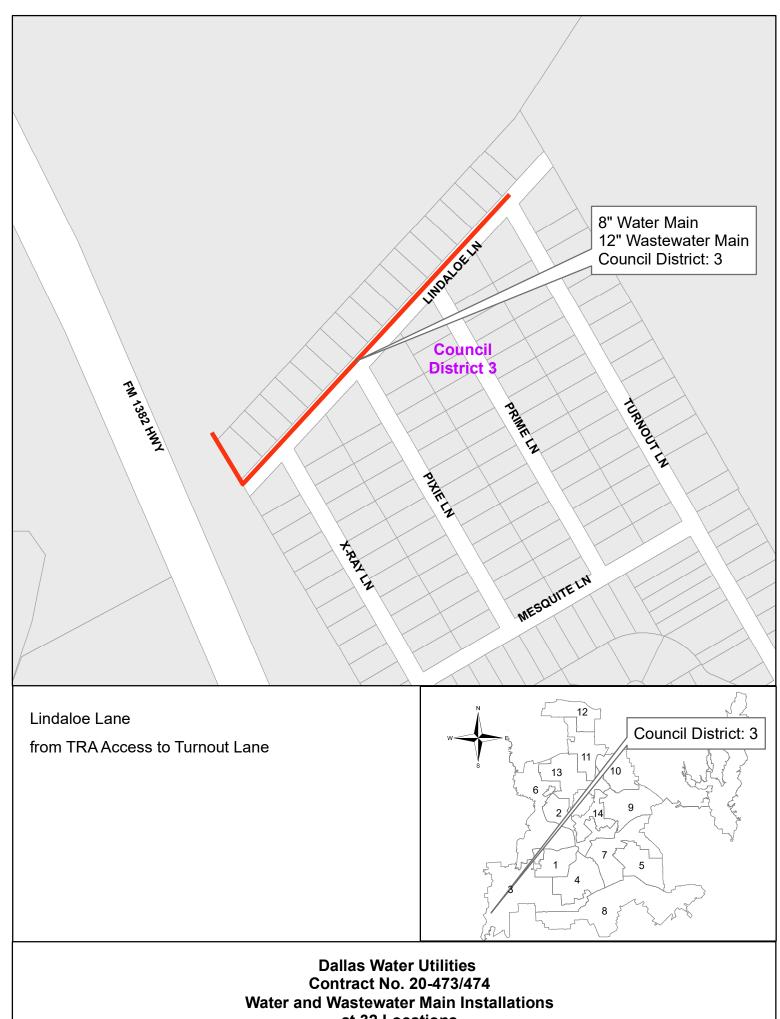
Alley between Anita Street and Winton Street from Worcola Street to Greenville Avenue

Alley between Delmar Avenue and Matilda Street from Ravendale Lane northeast Alley between Ellsworth Avenue and Matalee Avenue from Worcola Street to Greenville Avenue

Fisher Road from Abrams Road to Lovers Lane
Greenville Avenue from Alley north of Ellsworth Avenue north
La Vista Drive from Mecca Street west
Matilda Street from Ellsworth Avenue north
Ravendale Lane from Matilda Street east
Woodcrest Lane from Delmar Avenue to Ravendale Lane
Worcola Street from south of Longview Street north

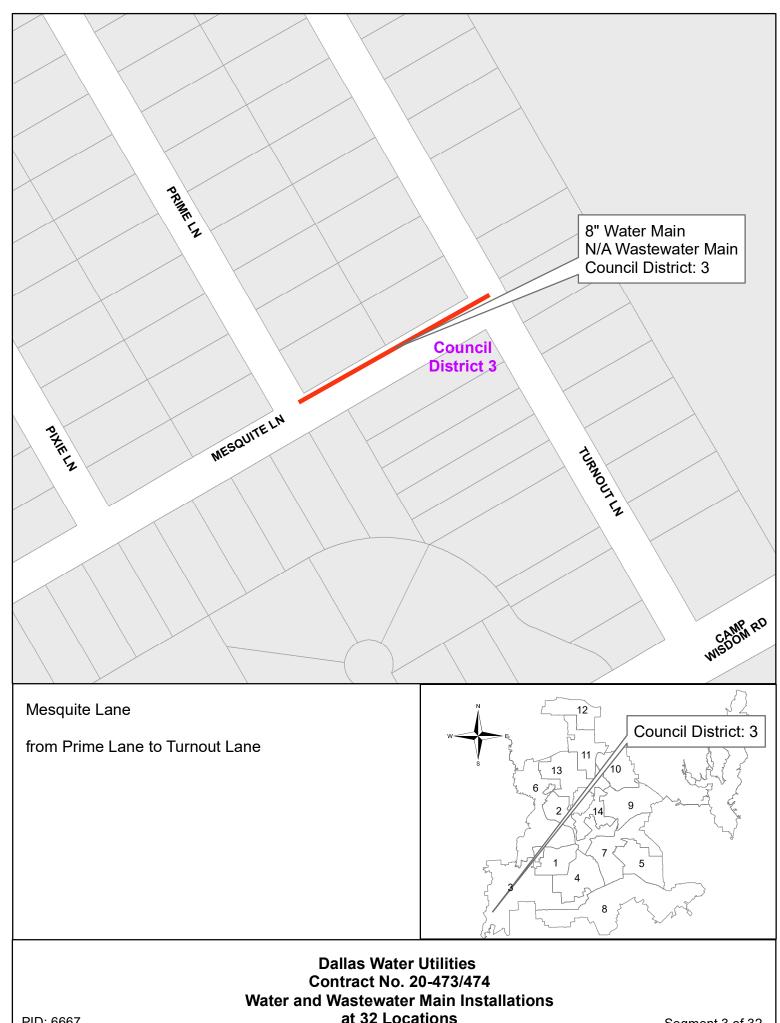
^{*}Project limits in more than one Council District





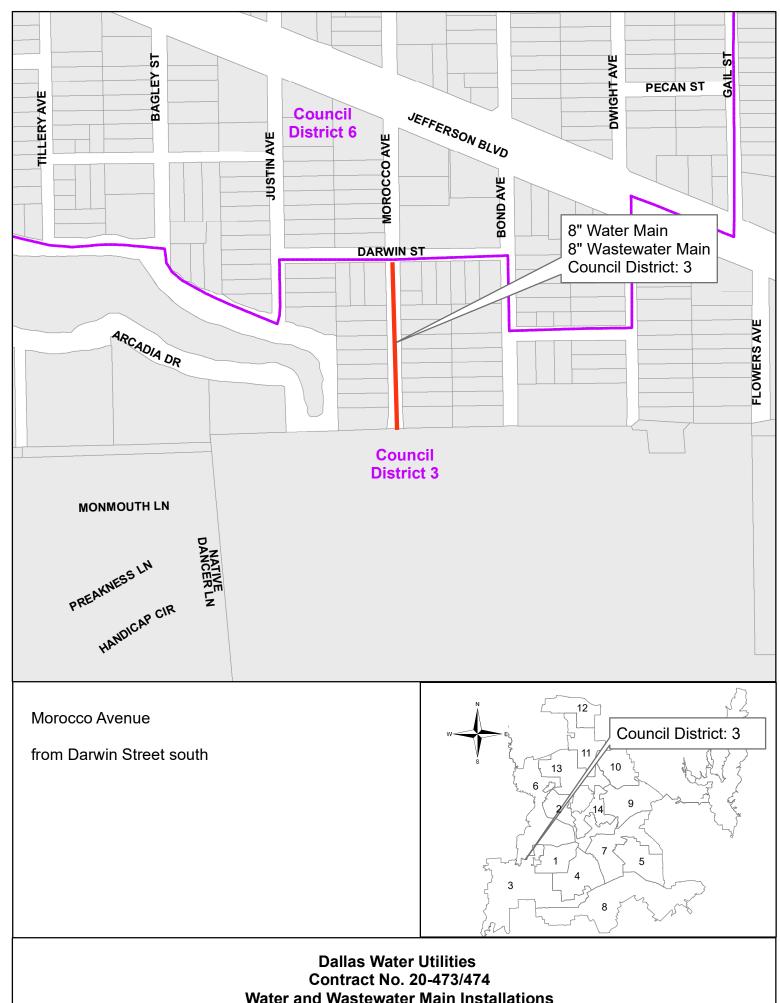
at 32 Locations

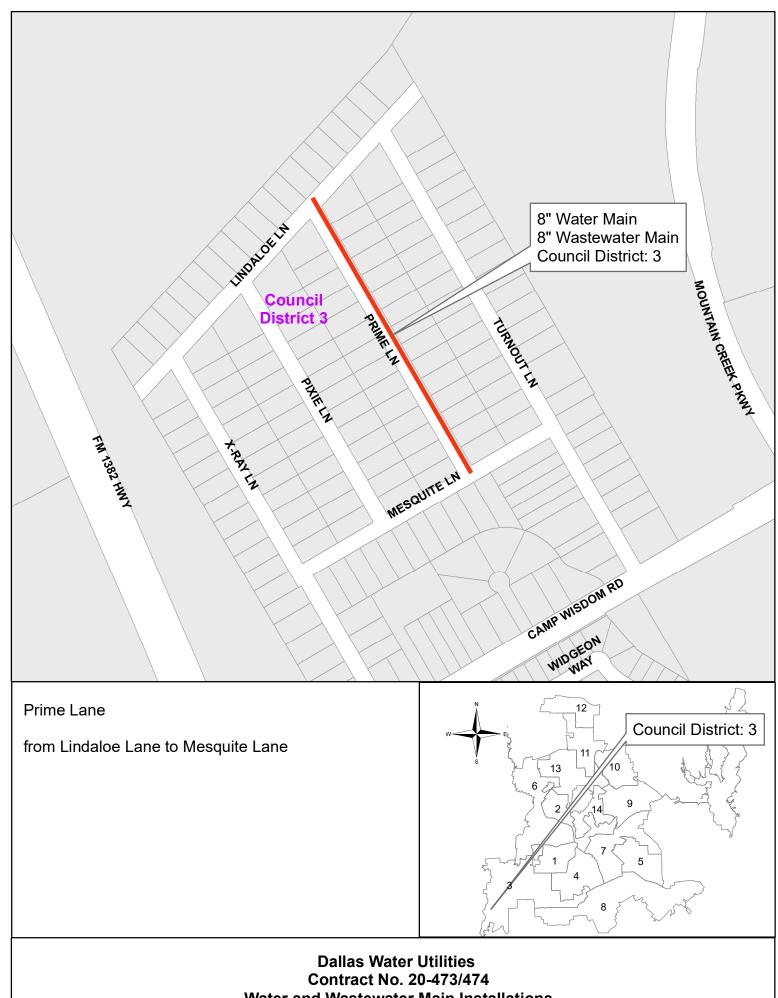
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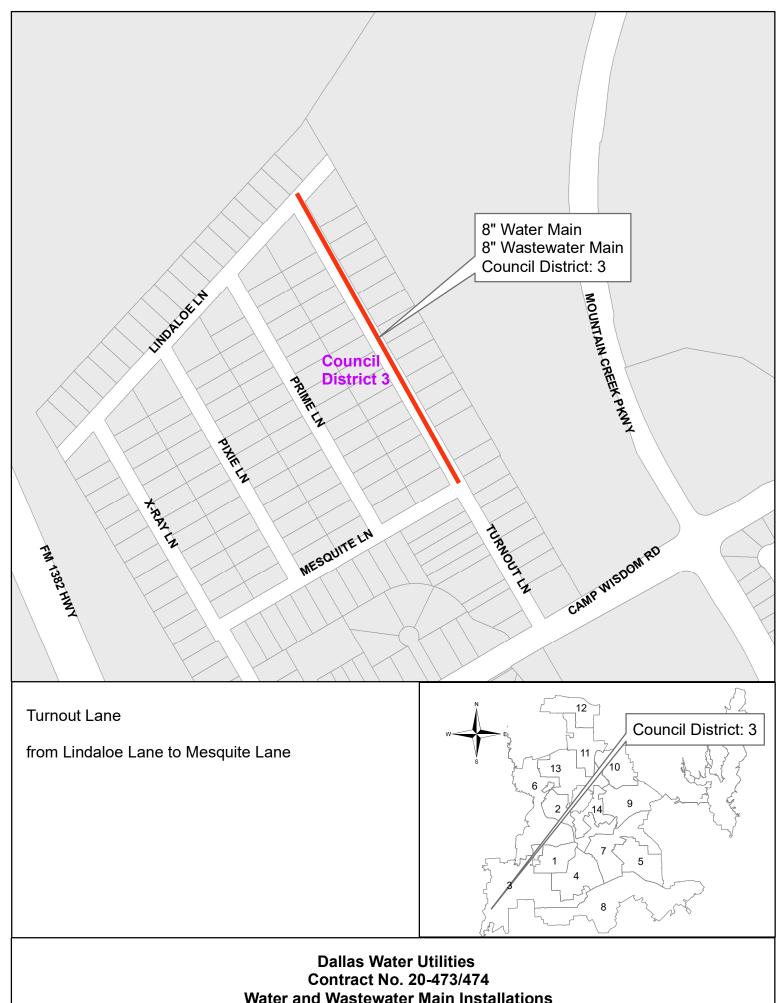
at 32 Locations

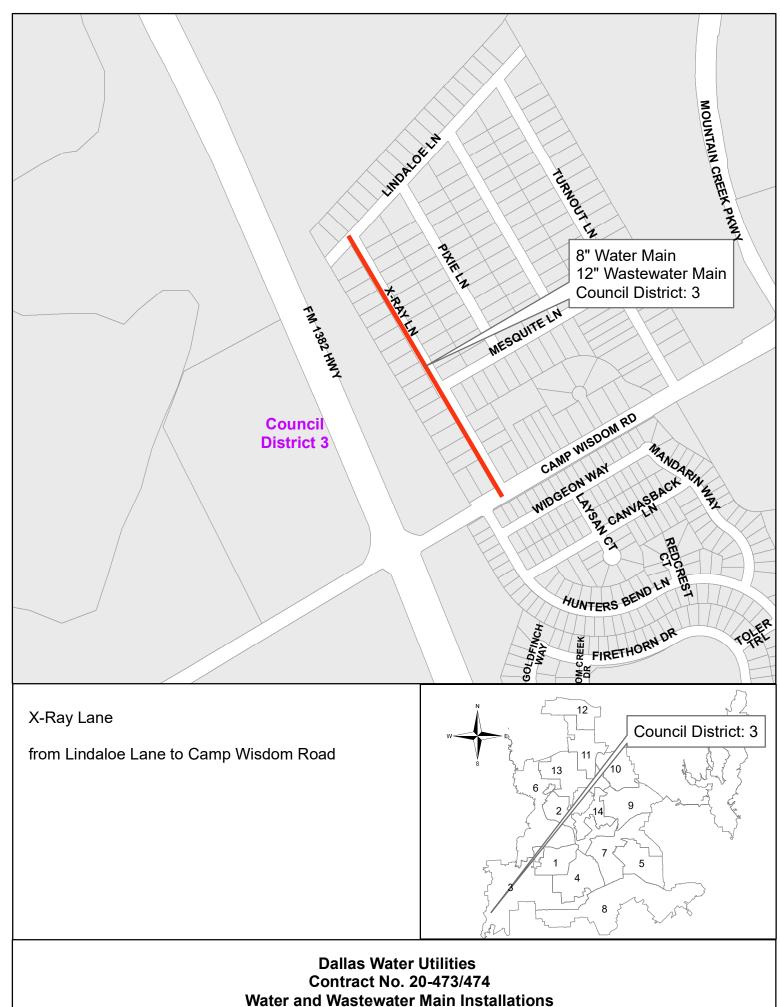
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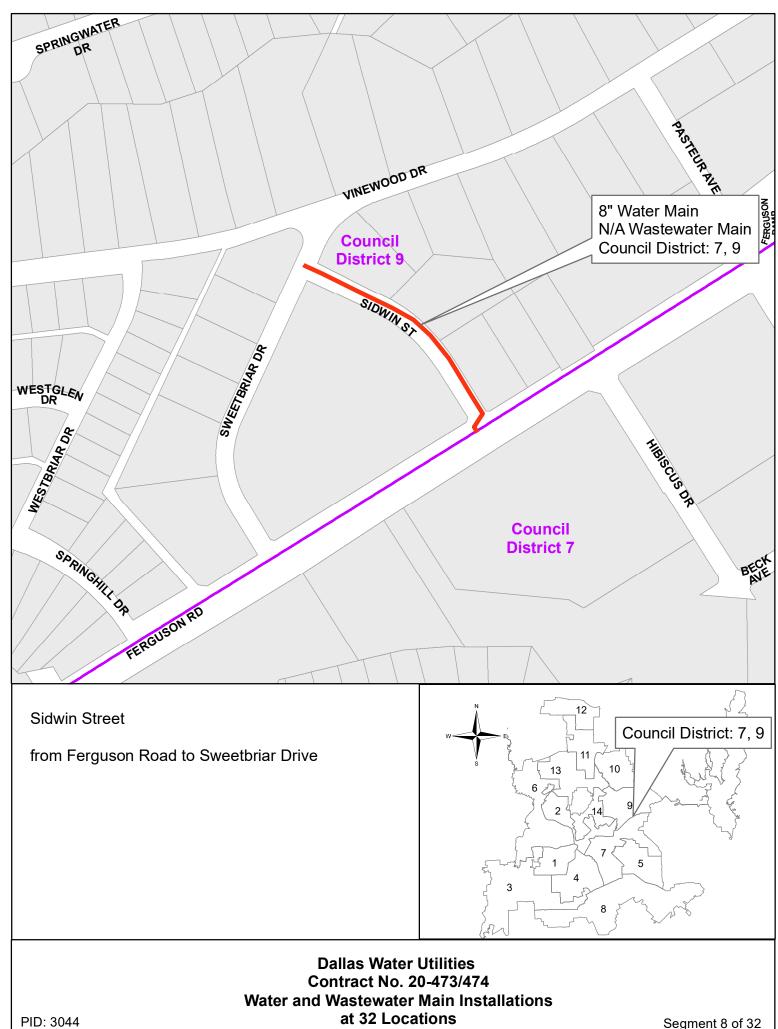




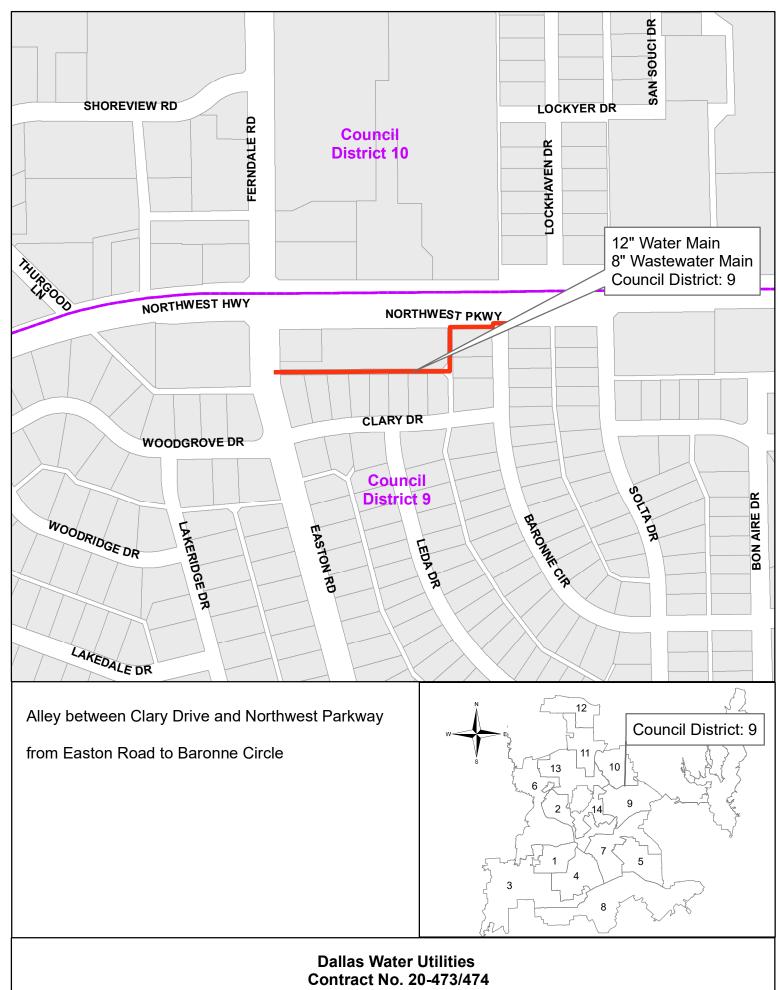
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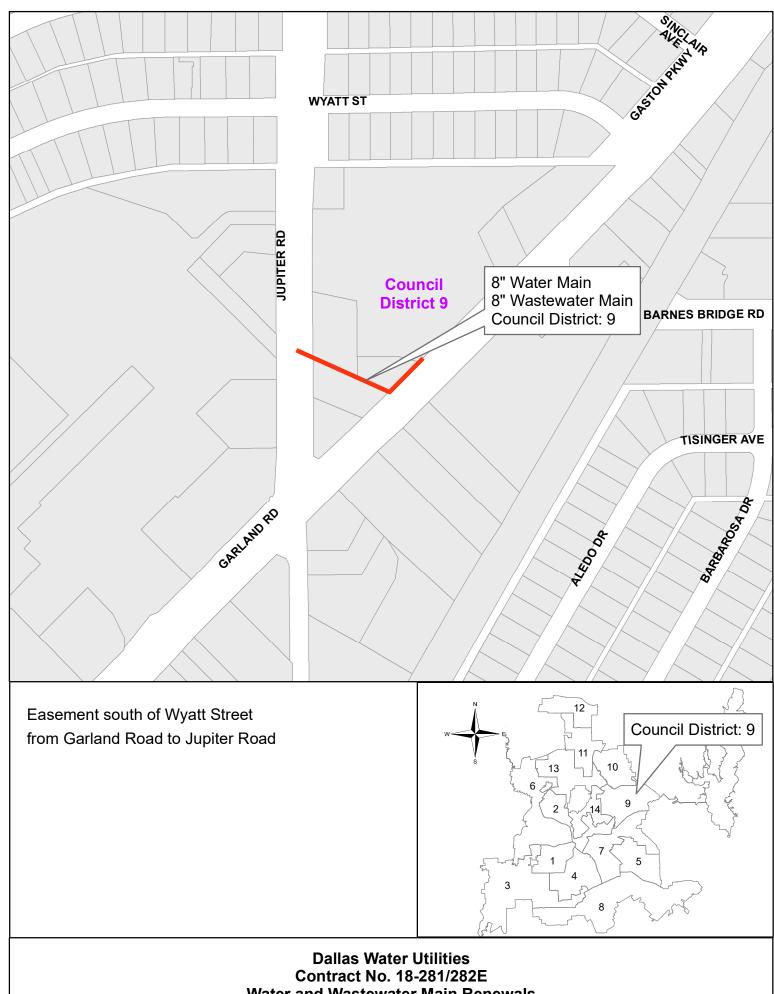




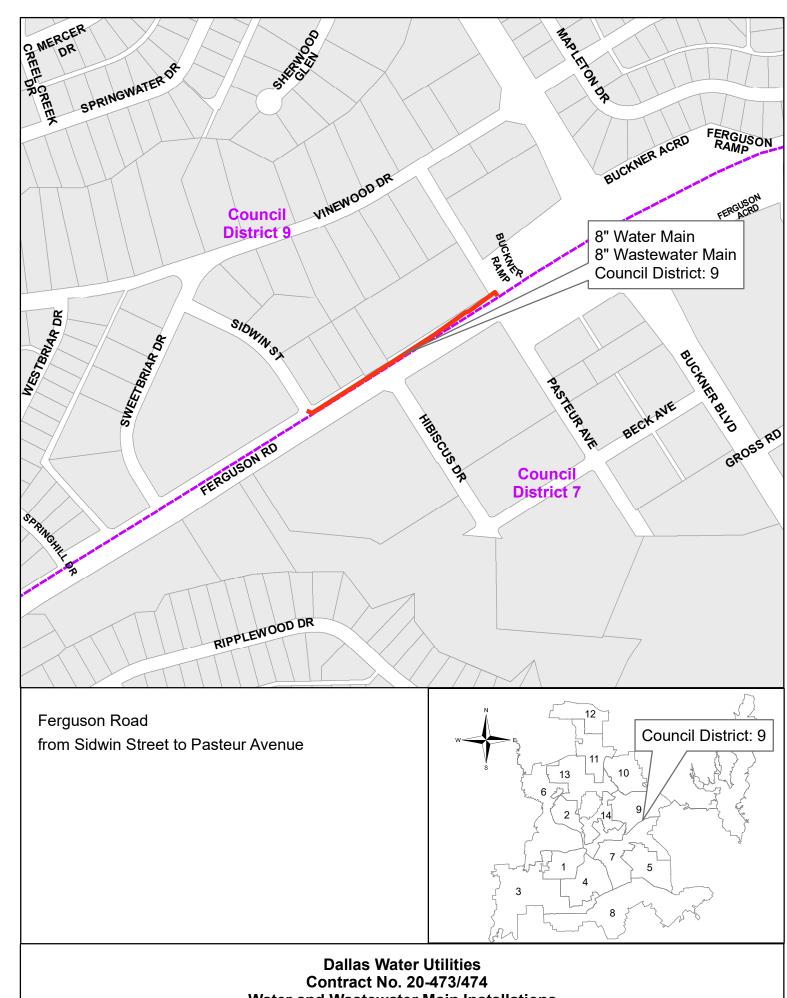


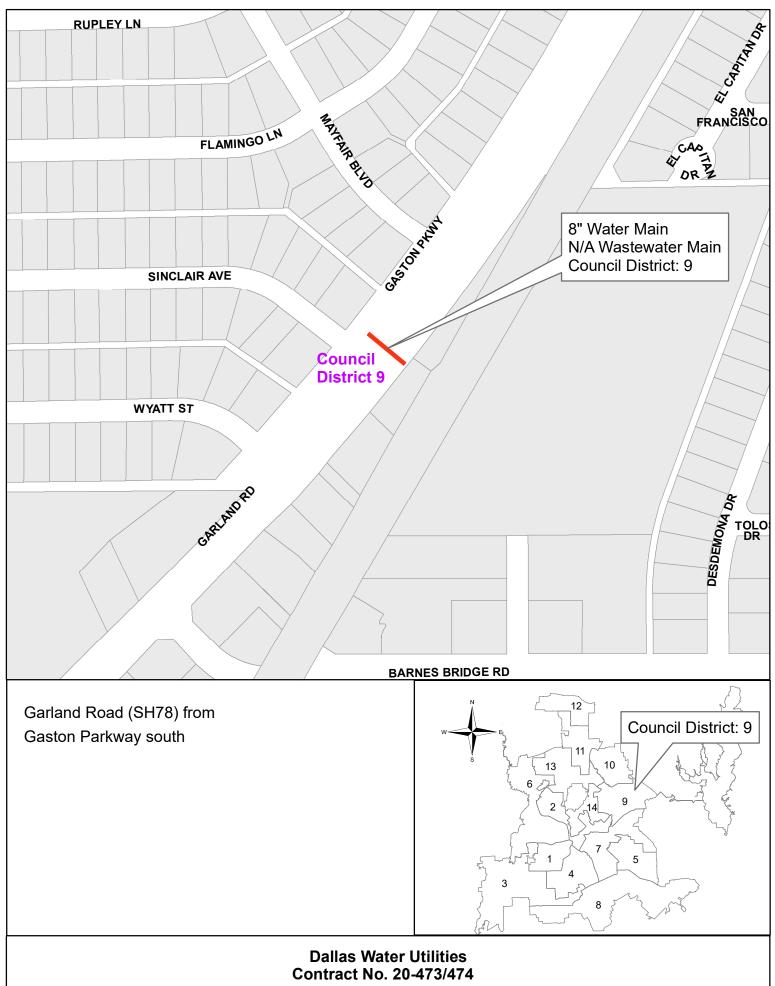
at 32 Locations



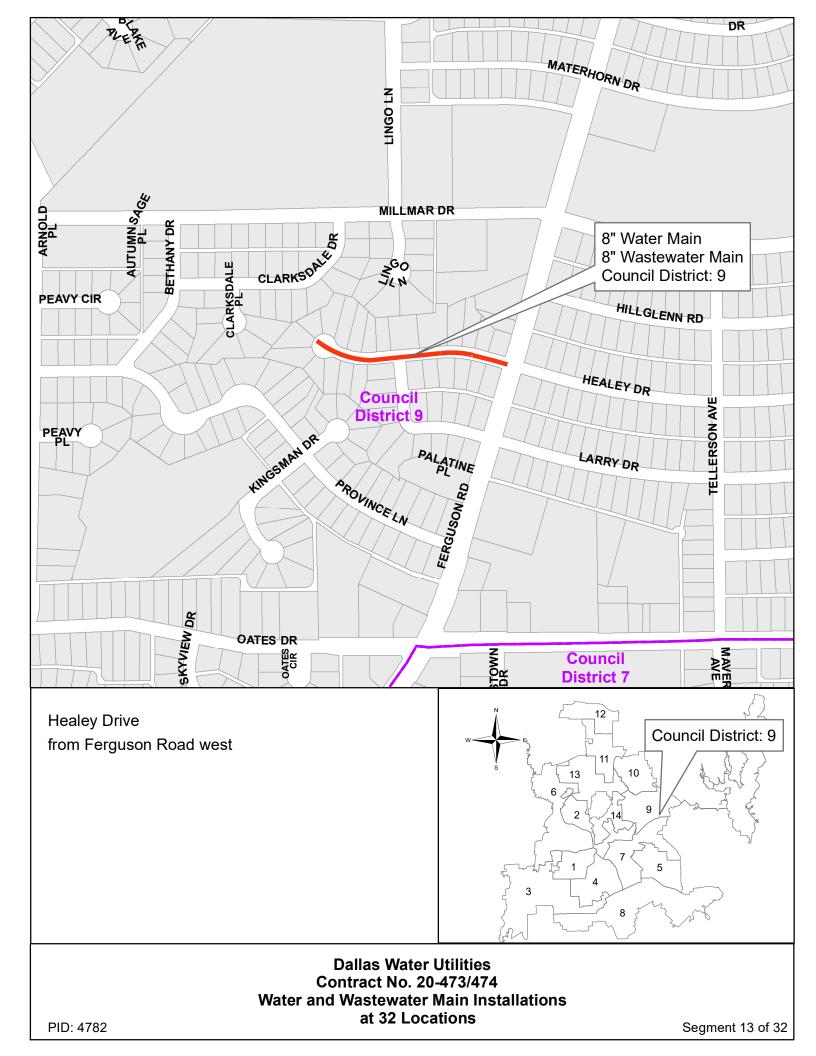


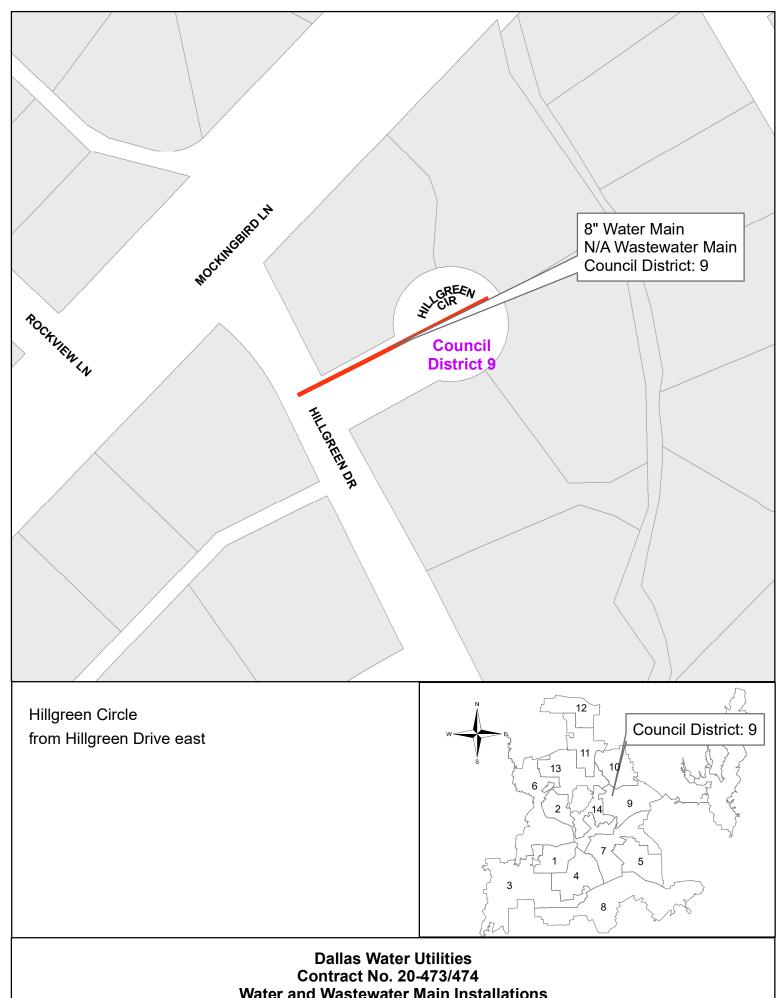
Water and Wastewater Main Renewals at 32 Locations

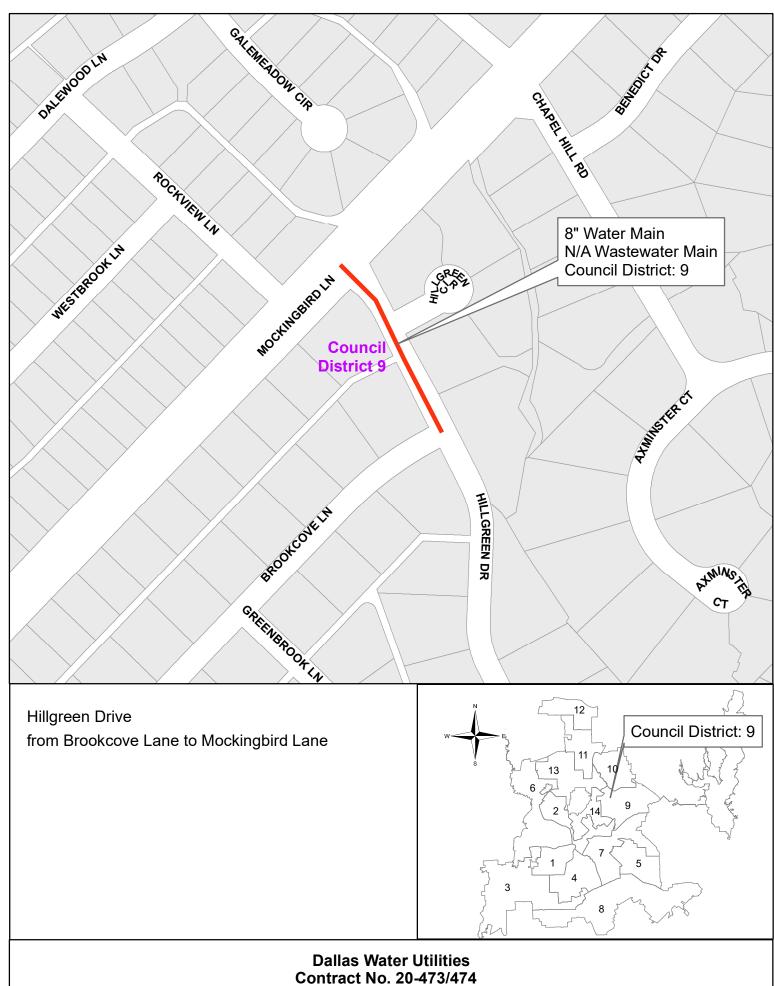


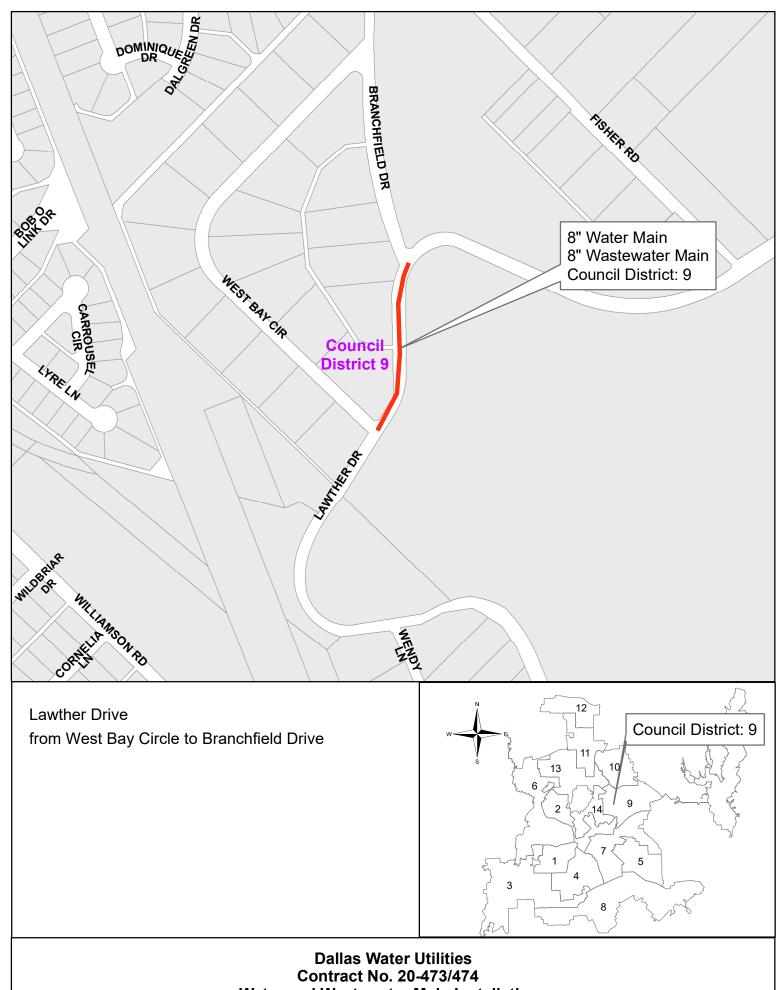


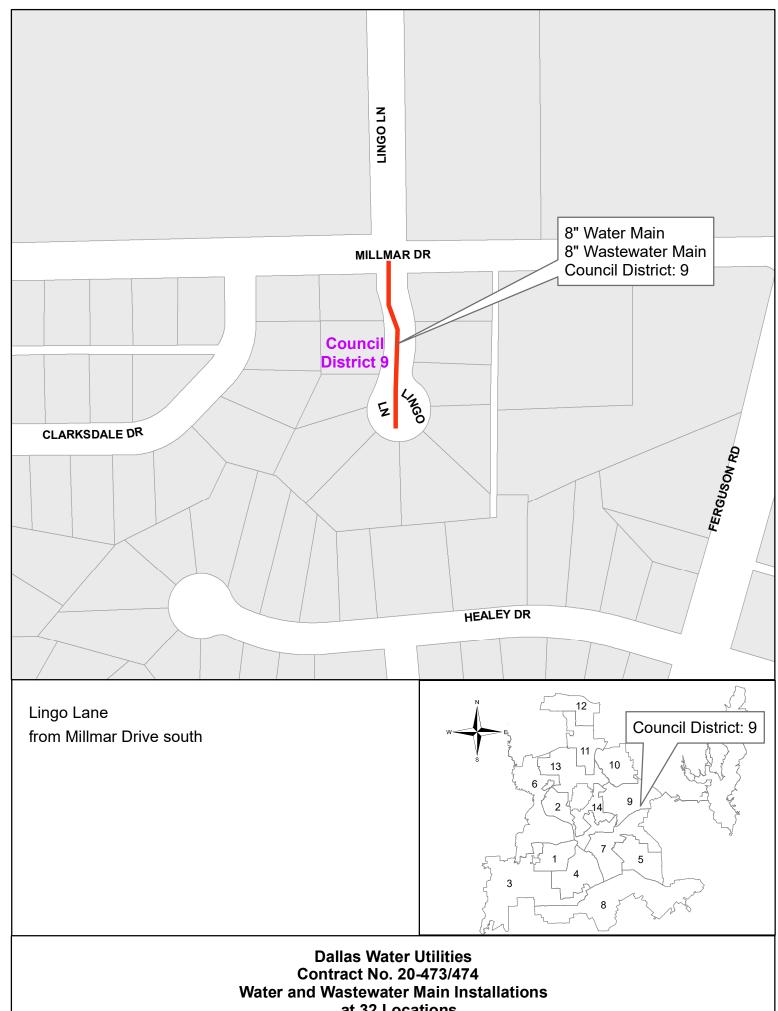
Contract No. 20-473/474
Water and Wastewater Main Installations
at 32 Locations



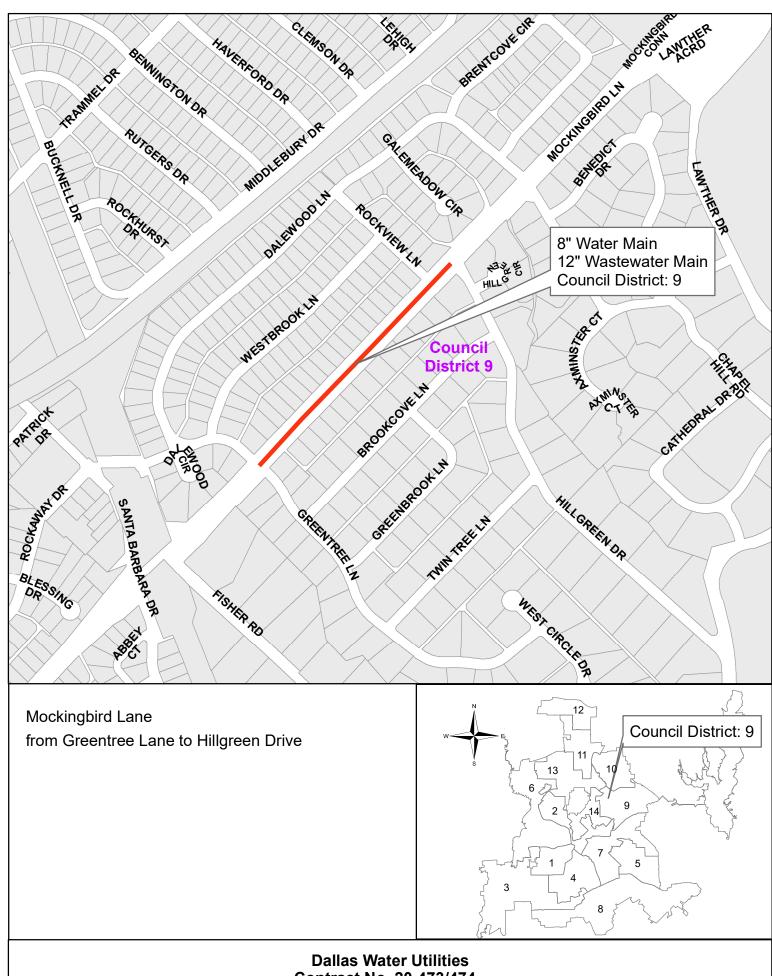


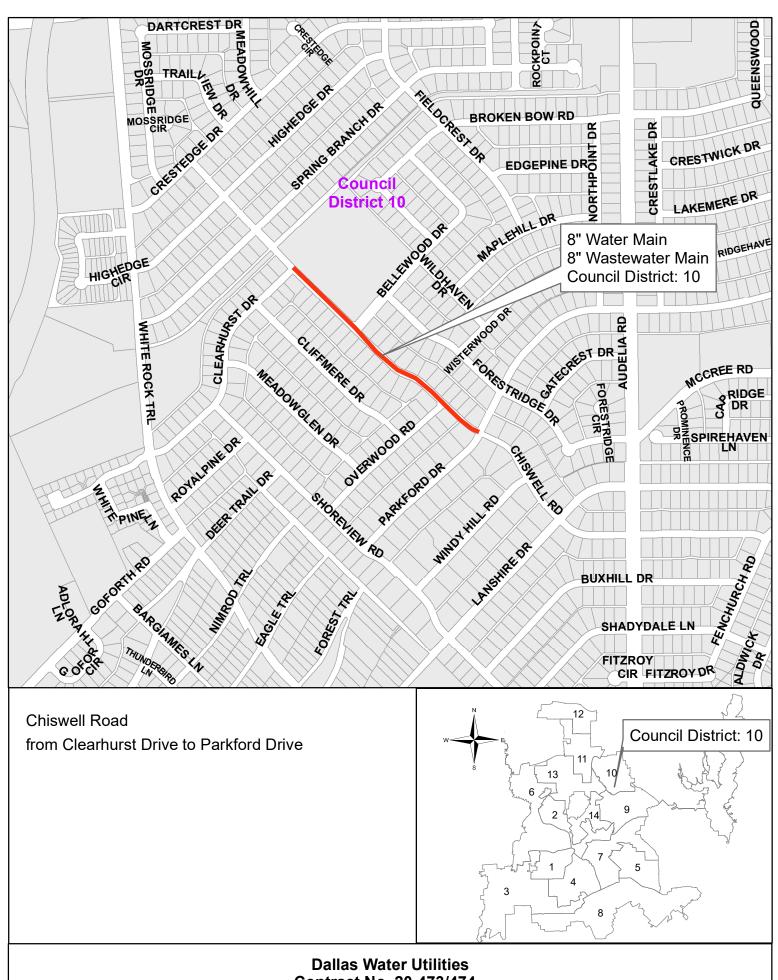






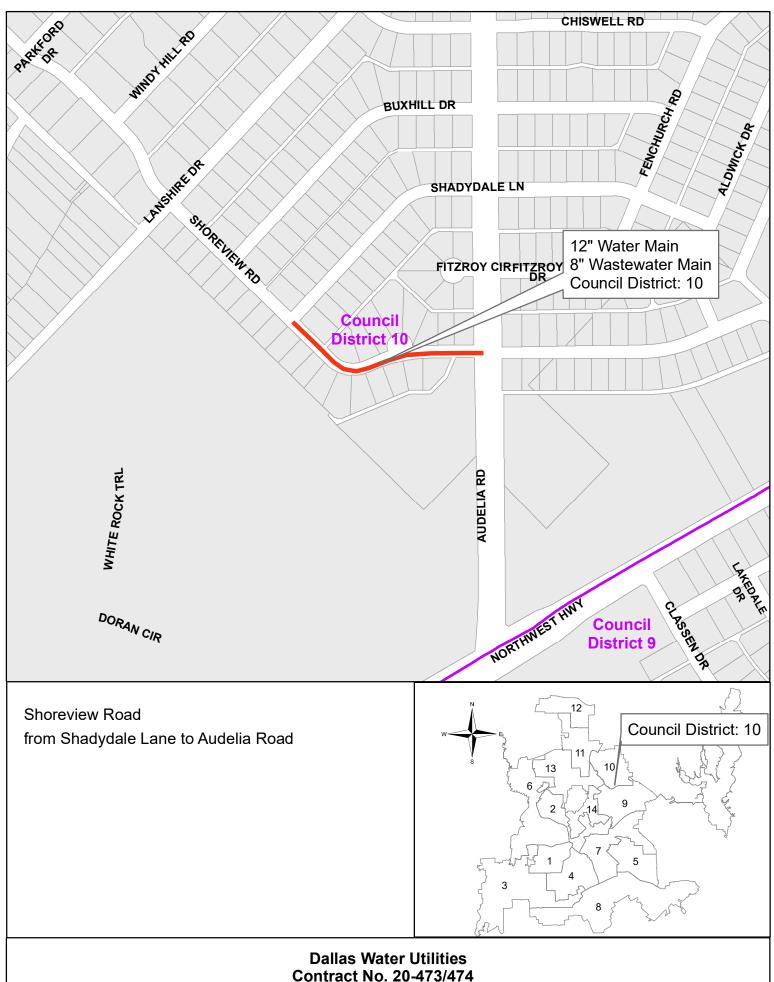
at 32 Locations

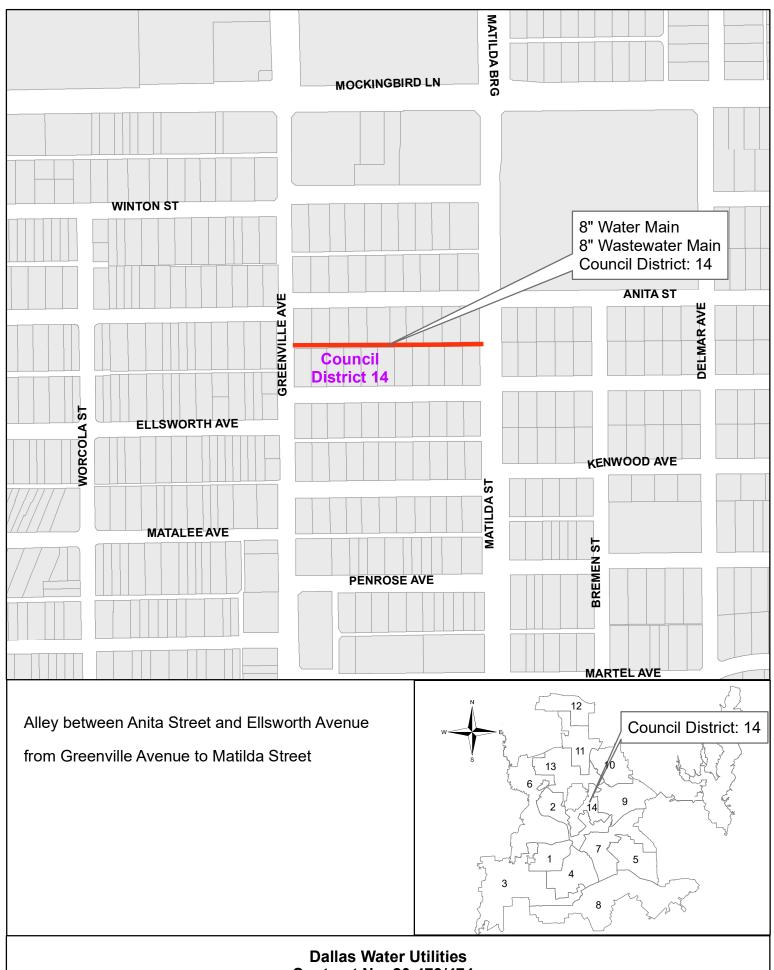


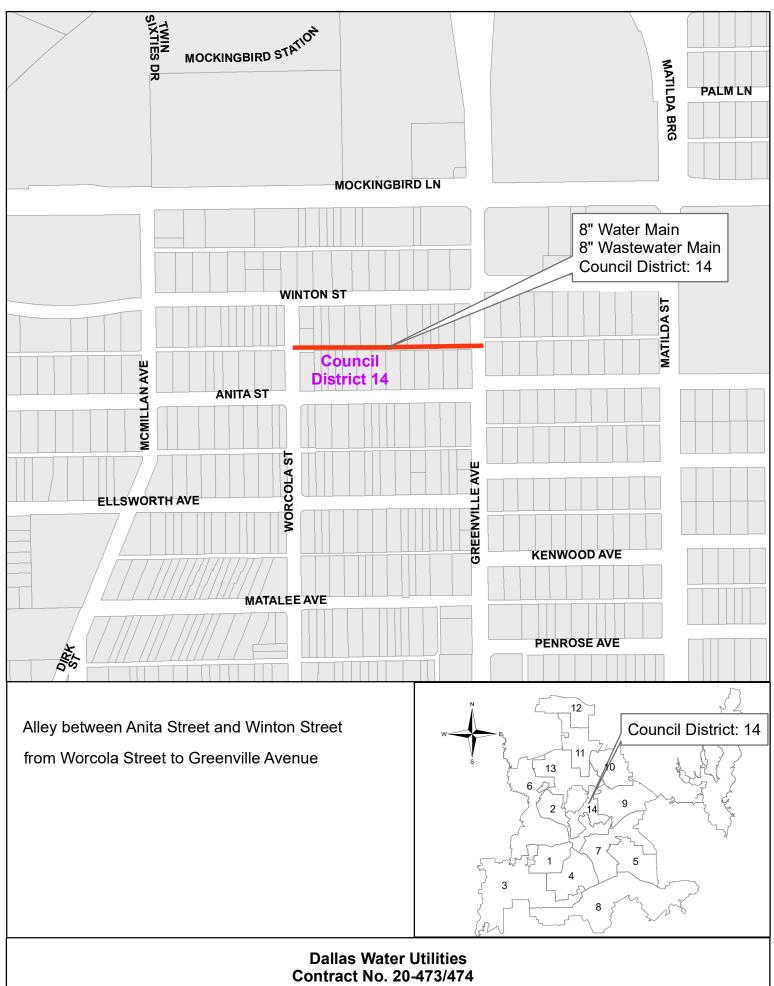


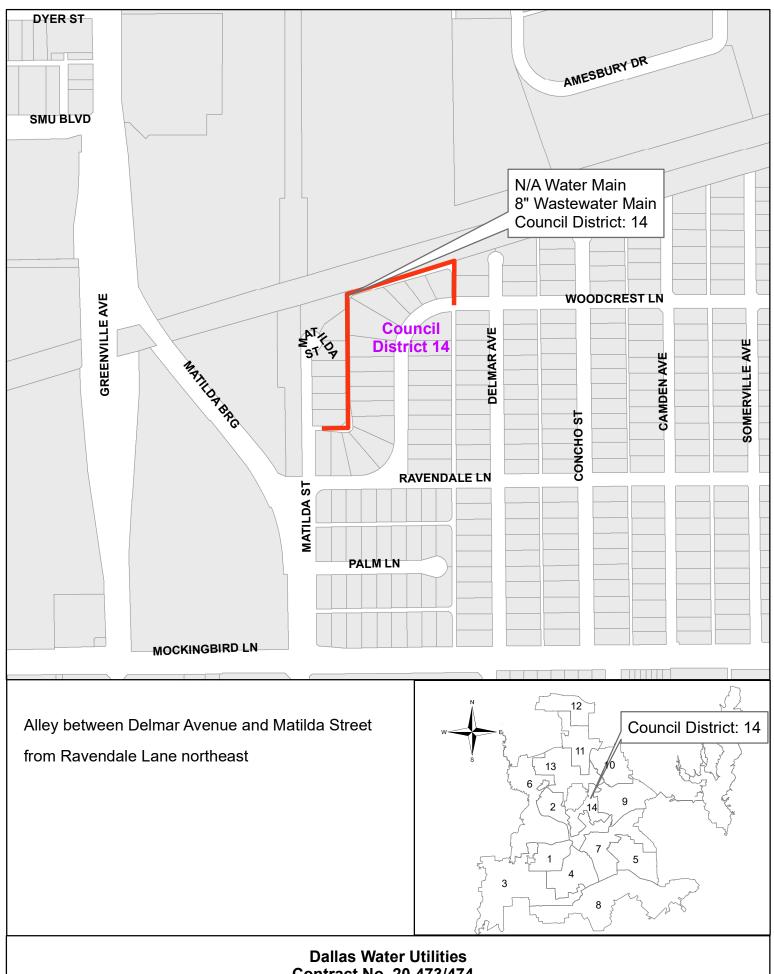
Contract No. 20-473/474
Water and Wastewater Main Installations
at 32 Locations



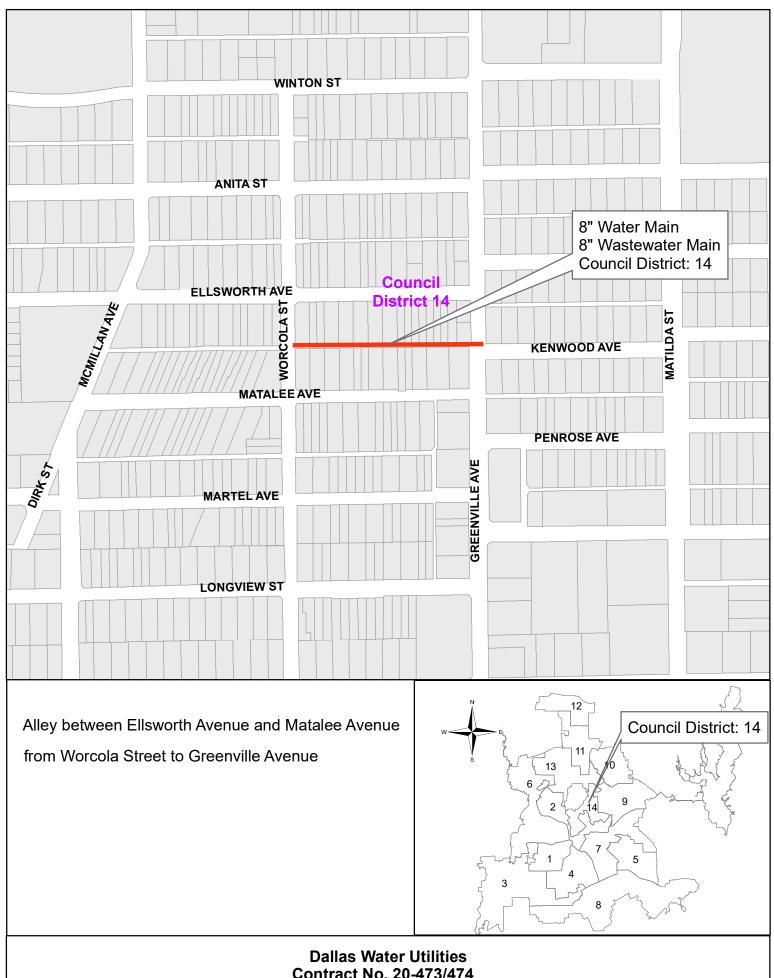






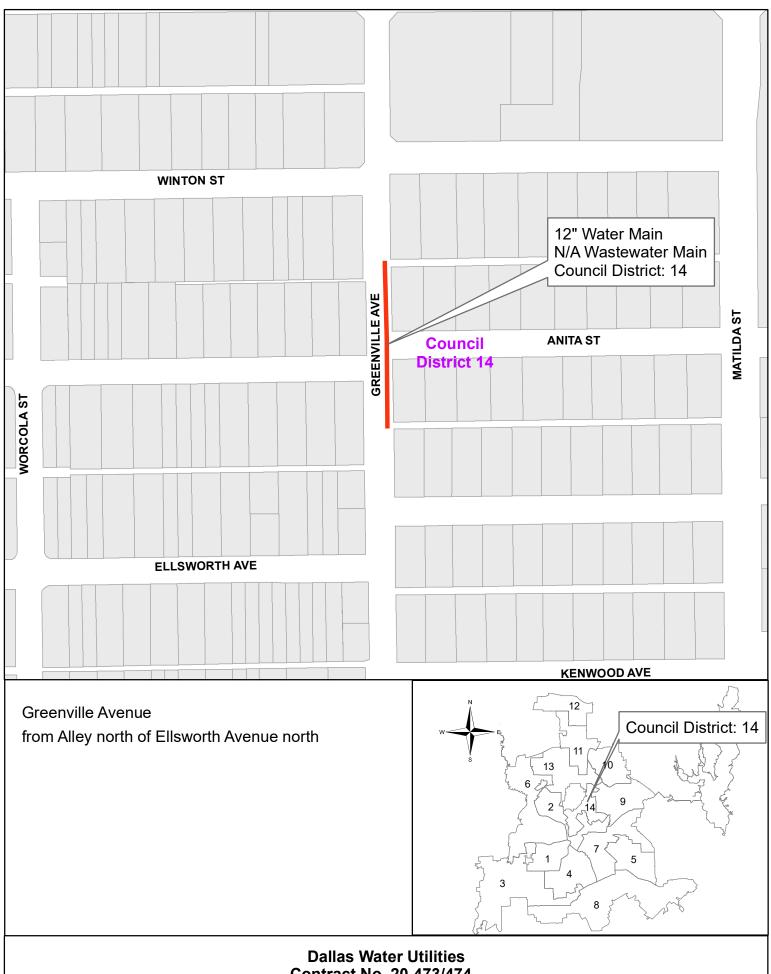


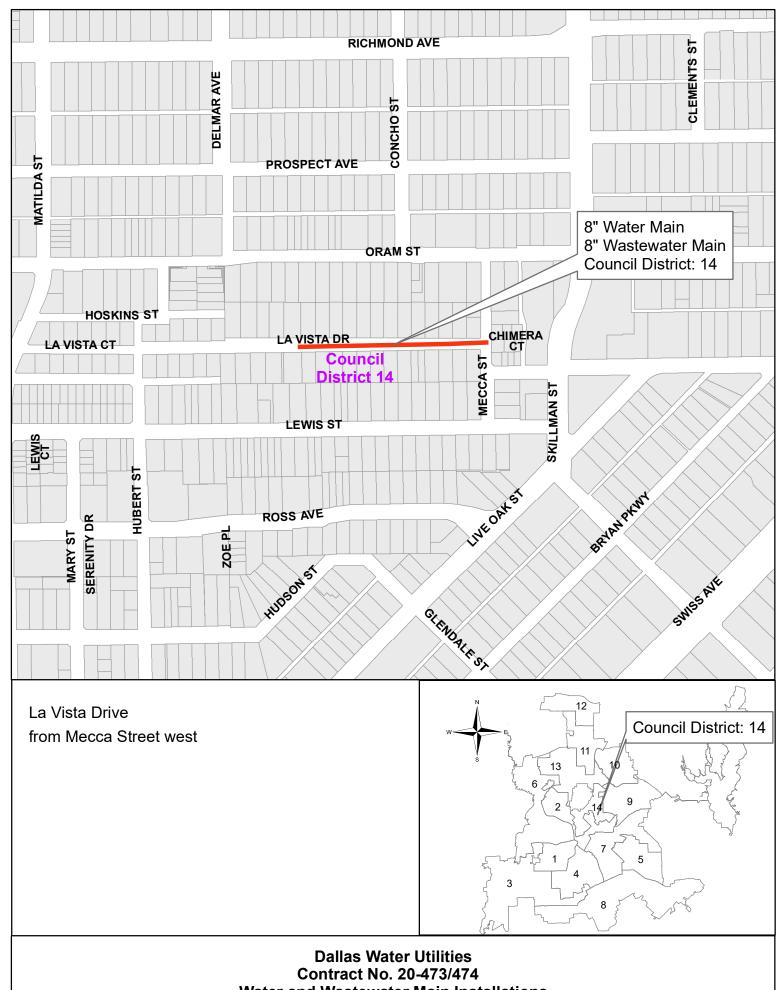
Contract No. 20-473/474
Water and Wastewater Main Installations
at 32 Locations

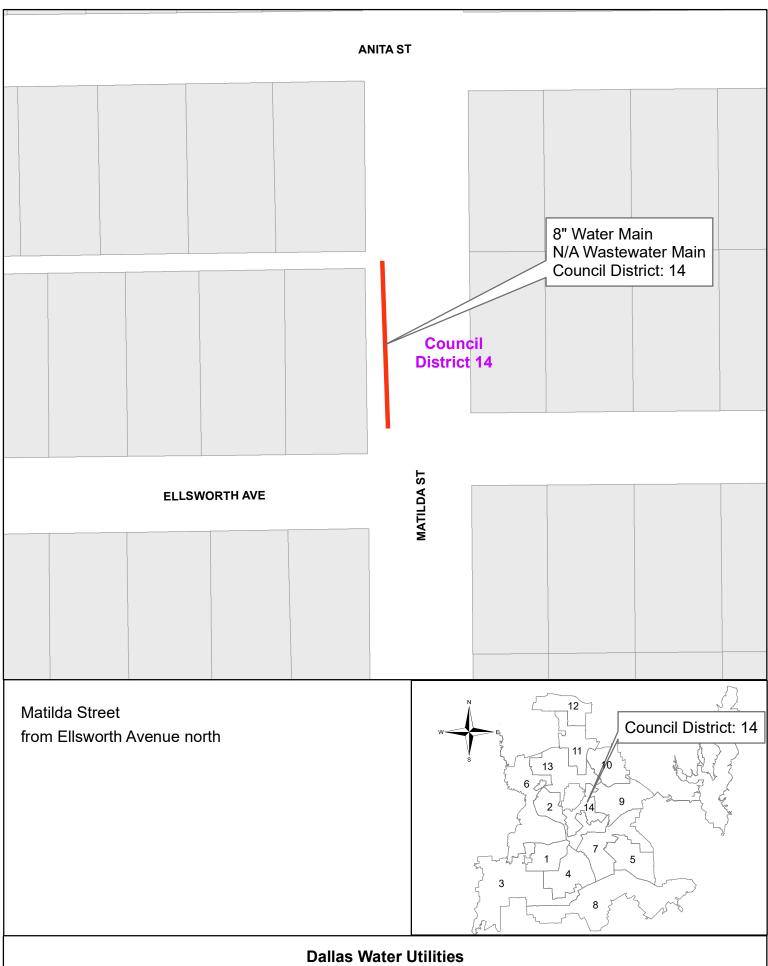


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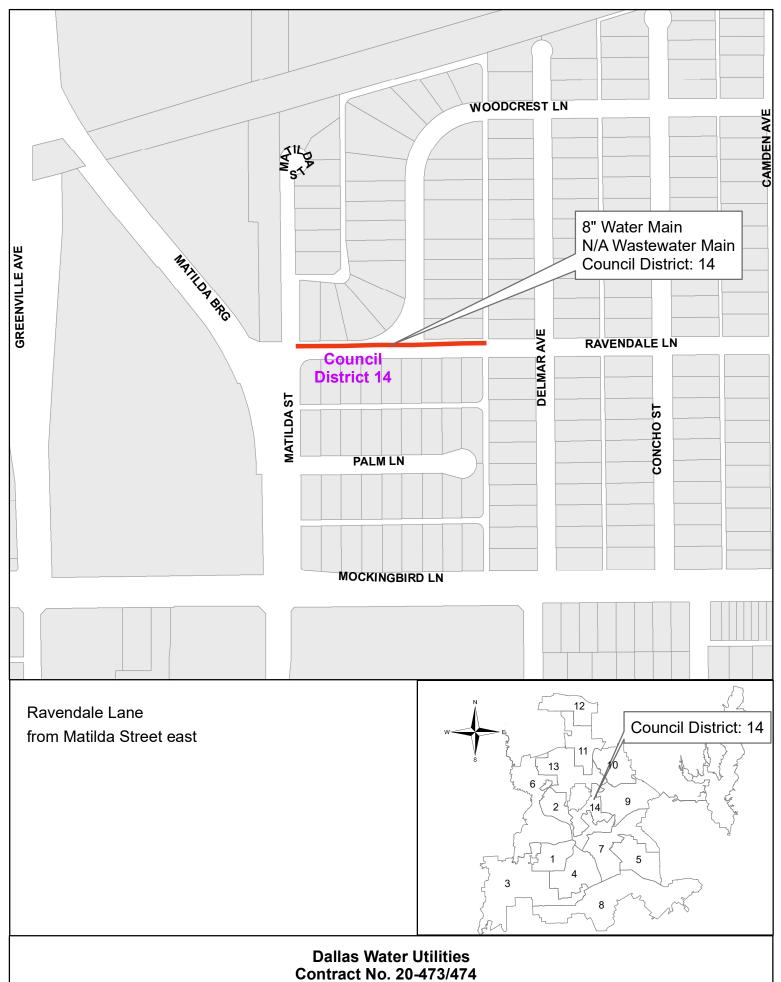


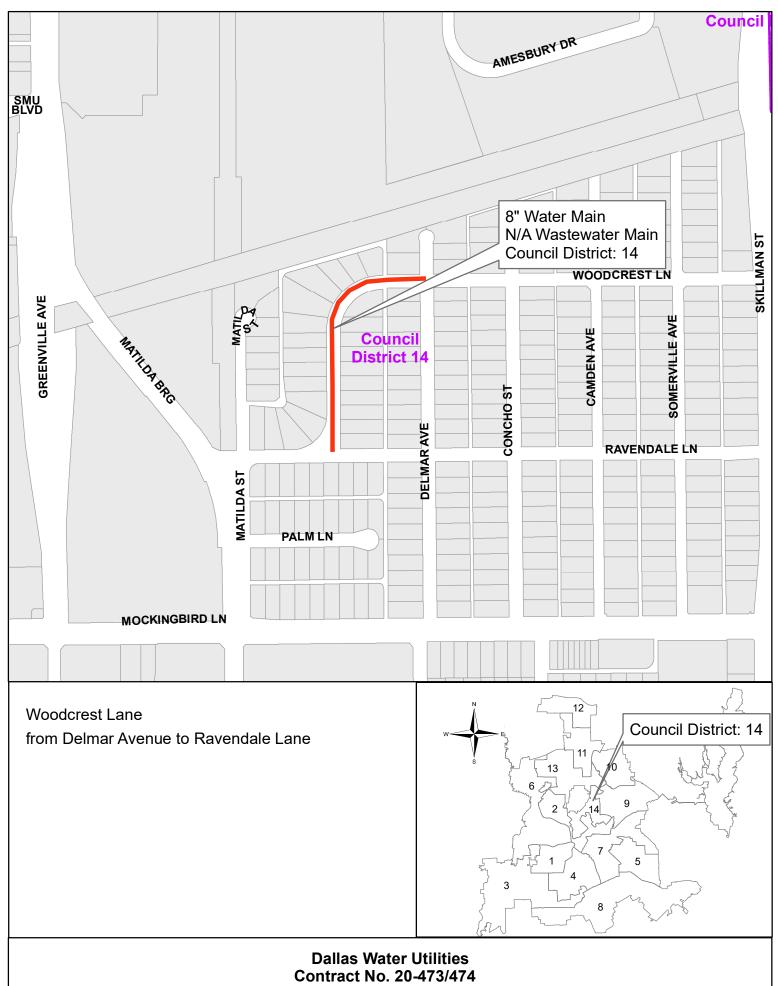


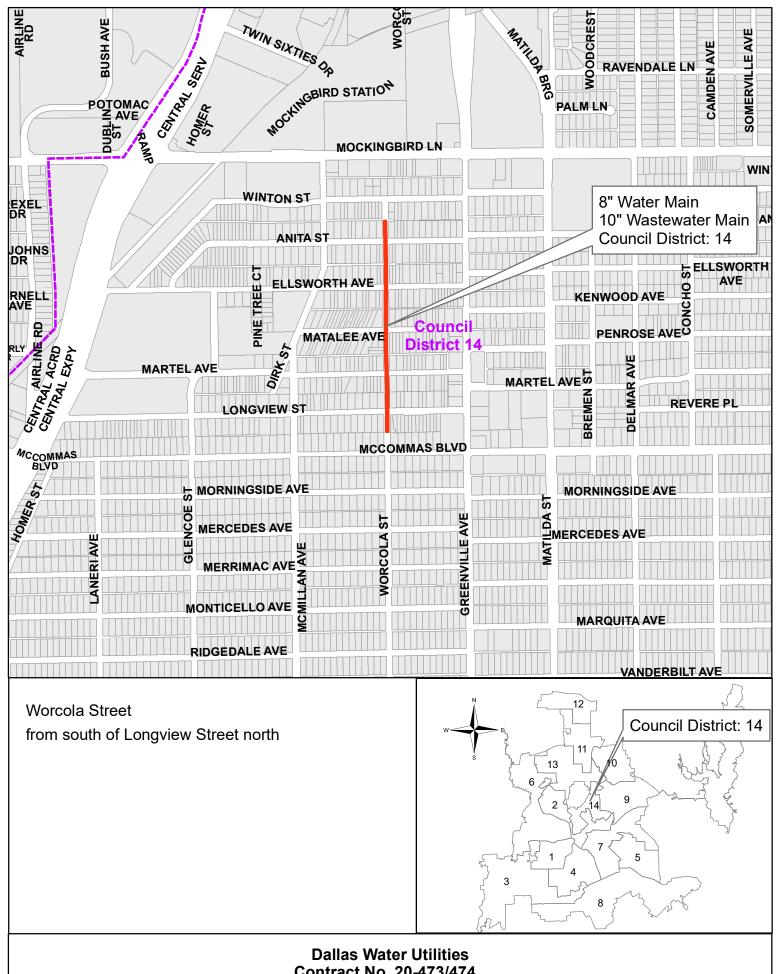




Contract No. 20-473/474
Water and Wastewater Main Installations
at 32 Locations







Contract No. 20-473/474
Water and Wastewater Main Installations
at 32 Locations

WHEREAS, on June 11, 2021, nine bids were received for the installation of water and wastewater main improvements at 32 locations, Contract No. 20-473/474, listed as follows:

Bid Amount
\$10,694,206.00
\$10,947,450.88
\$11,360,293.00
\$11,465,932.50
\$11,939,929.00
\$12,511,725.00
\$13,107,092.00
\$14,057,210.05
\$14,074,156.00

WHEREAS, the bid submitted by Sisters Asphalt, Inc., 2105 Waterview Parkway Suite A, Richardson, Texas 75080, in the amount of \$10,694,206.00, is the lowest and best of all bids received.

Now, Therefore,

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

SECTION 1. That the bid submitted by Sisters Asphalt, Inc., in the amount of \$10,694,206.00 for doing the work covered by the plans, specifications, and contract documents, Contract No. 20-473/474, be accepted.

SECTION 2. That the City Manager is hereby authorized to execute a construction services contract with Sisters Asphalt, Inc., approved as to form by the City Attorney, for the installation of water and wastewater main improvements at 32 locations, in an amount not to exceed \$10,694,206.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$10,694,206.00 to Sisters Asphalt, Inc., as follows:

Water (Drinking Water) – TWDB 2020 Fund Fund 1191, Department DWU, Unit FW40 Object 4550, Program 720473 Encumbrance/Contract No. CX-DWU-2021-00016990 Vendor VC15294

\$ 5,168,367.95

SECTION 3. (continued)

Wastewater (Clean Water) – 2020 TWDB Fund Fund 1190, Department DWU, Unit FS40 Object 4560, Program 720474 Encumbrance/Contract No. CX-DWU-2021-00016990 Vendor VC15294

\$ 3,724,464.45

Street and Alley Improvement Fund Fund 0715, Department PBW, Unit W672 Object 3072, Program PBWINFW672, Activity PB51 Encumbrance/Contract No. CX-DWU-2021-00016990 Vendor VC15294

\$ 1,488,194.50

Water (Drinking Water) – TWDB 2019 Fund Fund 1160, Department DWU, Unit FW40 Object 4550, Program 720473 Encumbrance/Contract No. CX-DWU-2021-00016990 Vendor VC15294

\$ 313,179.10

Total amount not to exceed

\$10,694,206.00

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.



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City of Dallas

Agenda Information Sheet

File #: 21-1255 Item #: 37.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a thirty-six-month construction services contract for pavement and infrastructure repairs at various locations throughout the city - Omega Contracting, Inc., lowest responsible bidder of three - Not to exceed \$25,497,438.15 - Financing: Water Construction Fund (\$16,467,759.10), Wastewater Construction Fund (\$5,329,869.05), and Storm Drainage Management Fund (\$3,699,810.00) (subject to annual appropriations)

BACKGROUND

This action will authorize pavement and infrastructure repairs at various locations throughout the City supporting water, wastewater, and stormwater operations for Dallas Water Utilities. Water and wastewater operations will utilize this construction contract for pavement and surface repairs to streets, alleys, sidewalks, medians, parkways, parking lots, and other areas resulting from water and wastewater main repairs. Stormwater operations will utilize this construction contract for the repair and construction of maintenance roads and access ways, concrete bank and channel armoring, storm water structure repairs, channelization, and others maintenance repair needs.

The existing contract for pavement and infrastructure repairs is set to expire and is anticipated to be exhausted of funds in September 2021.

The following chart illustrates Omega Contracting, Inc.'s contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TRN</u>
Projects Completed	0	0	0	0
Active Projects	0	2	0	0
Change Orders	0	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

File #: 21-1255 Item #: 37.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction October 2021 Complete Construction September 2024

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Water Construction Fund	\$16,467,759.10	\$ 0.00	\$ 0.00
Wastewater Construction Fund	\$ 5,329,869.05	\$ 0.00	\$ 0.00
Stormwater Drainage Management Fund	\$ 233,270.00	\$1,733,270.00	\$1,733,270.00
Total	\$22,030,898.15	\$1,733,270.00	\$1,733,270.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$25,497,438.15	Construction	32.00%	100.00%	\$25,497,438.15
This contract exceeds the M/WBE goal.				
Omega Contracting, Inc Local; Workforce - 73.00% Local				

PROCUREMENT INFORMATION

The following three bids with quotes were opened on June 11, 2021:

^{*}Denotes successful bidder

<u>Bidders</u>	Bid Amount
*Omega Contracting, Inc. 2518 Chalk Hill Road	\$25,497,438.15
Dallas, Texas 75212	
NPL Construction Co.	\$43,924,985.86
Ark Contracting Services	\$48,477,936.00

File #: 21-1255 Item #: 37.

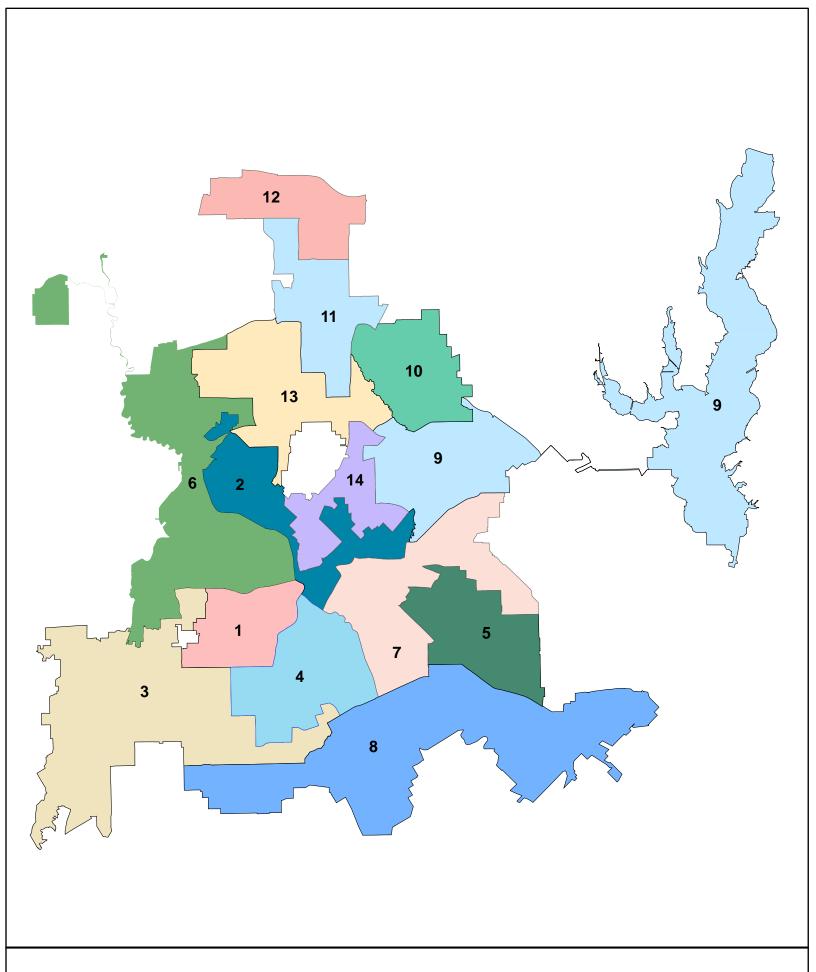
OWNER

Omega Contracting, Inc.

Luis Spinola, Owner

<u>MAP</u>

Attached



WHEREAS, on June 11, 2021, three bids were received for pavement and infrastructure repairs at various locations throughout the city, listed as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Omega Contracting, Inc.	\$25,497,438.15
NPL Construction Co.	\$43,924,985.86
Ark Contracting Services	\$48,477,936.00

WHEREAS, the bid submitted by Omega Contracting, Inc., 2518 Chalk Hill Road, Dallas, Texas 75212 in the amount of \$25,497,438.15, is the lowest and best of all bids received.

Now, Therefore,

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

SECTION 1. That the bid submitted by Omega Contracting, Inc, in the amount of \$25,497,438.15, for doing the work covered by the plans, specifications, and contract documents, be accepted.

SECTION 2. That the City Manager is hereby authorized to execute a 36-month construction services contract with Omega Contracting, Inc., approved as to form by the City Attorney, for pavement and infrastructure repairs at various locations throughout the City, in an amount not to exceed \$25,497,438.15.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$25,497,438.15 to Omega Contracting, Inc., in accordance with the terms and conditions of the contract, as follows:

Water Construction Fund Fund 0102, Department DWU, Unit CW50 Object 3221, Program 7WPAVING Encumbrance/Contract No. MASC-DWU-2021-00016949

Vendor 345379 \$16,467,759.10

Wastewater Construction Fund Fund 0103, Department DWU, Unit CS50 Object 3222, Program 7TPAVING Encumbrance/Contract No. MASC-DWU-2021-00016949

Vendor 345379 \$ 5,329,869.05

SECTION 3. (continued)

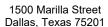
Storm Drainage Management Fund (subject to annual appropriations)
Fund 0061, Department SDM, Unit 1875, Object 3072
Encumbrance/Contract No. MASC-DWU-2021-00016949
Vendor 345379
\$ 2,233,270.00

Storm Drainage Management Fund (subject to annual appropriations)
Fund 0061, Department SDM, Unit 4792, Object 3072
Encumbrance/Contract No. MASC-DWU-2021-00016949
Vendor 345379
\$ 1,466,540.00

Total amount not to exceed

\$25,497,438.15

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.





City of Dallas

Agenda Information Sheet

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize an increase in the construction services contract with Oscar Renda Contracting, Inc. for additional work associated with the construction of biological filtration optimization improvements at the East Side Water Treatment Plant - Not to exceed \$1,225,387.90, from \$24,904,983.00 to \$26,130,370.90 - Financing: Water Capital Improvement D Fund

BACKGROUND

East Side Water Treatment Plant was originally constructed in the 1960s and is the largest of three water treatment plants serving customers of the City of Dallas Water Utilities Department (DWU) with a treatment capacity of 440 million gallons per day. The most recent construction improvement projects were recommended by a DWU Water Quality Study to increase the chemical and biological stability of the finished water.

The biological filtration improvements project augments the existing filter facilities for biological removal of organics and includes a new backwash pump station and chemical storage and feed facilities. Pump station improvements will allow the filters to be backwashed with non-chlorinated water to encourage biological activity in the filters. Chemical storage and feed facilities allow the introduction of process chemicals which improve the desired biological activity, optimizing the removal of organics.

This action will authorize Change Order No. 1 to the construction services contract, to the contract with Oscar Renda Contracting, Inc. for additional work identified during the construction of the pump station and chemical facilities. Excavation for the pump station uncovered unknown structures that had to be removed prior to construction of the wetwell, and the backwash pump station required the addition of a seal water system that was not designated during the design. Other changes included the relocation of an electrical ductbank, the addition of backup chlorine lines, the replacement of a 42 -inch washwater cross fitting and associated piping, as well as modifications of the chemical feed piping and trenches to accommodate field conditions. Additionally, work within the filter gallery revealed the need to remove an old, degraded internal pipe lining to accommodate the replacement of a portion of the pipe for a chemical feed connection. This additional work is required for the systems to function as intended.

File #: 21-1385 Item #: 38.

ESTIMATED SCHEDULE OF PROJECT

Began Construction June 2016 Complete Construction August 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 25, 2016, City Council authorized a contract with Oscar Renda Contracting, Inc. for the construction of biological filtration optimization improvements at the East Side Water Treatment by Resolution No. 16-0828.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Water Capital Improvement D Fund	\$1,225,387.90	\$0.00	\$0.00

Construction \$24,904,983.00 Change Order No. 1 (this action) \$ 1,225,387.90

Total Project Cost \$26,130,370.90

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$1,225,387.90	Construction	25.00%*	2.94%	\$36,005.00
• *This item reflects previous Business Inclusion and Development Policy M/WBE goal.				
This contract does not meet the M/WBE goal, but complies with good faith efforts.				
Change Order No. 1 - 24.12% Overall M/WBE participation				
Oscar Renda Contracting, Inc Non-local; Workforce - 31.00% Local				

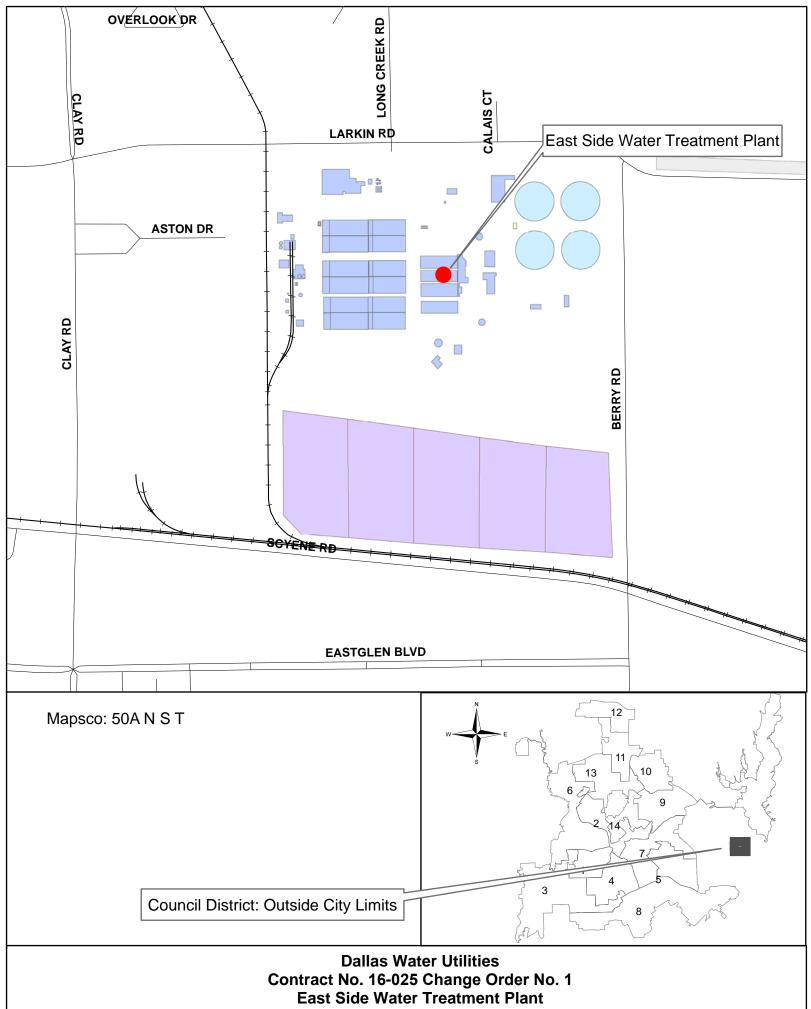
OWNER

Oscar Renda Contracting, Inc.

Frank Renda, President

MAP

Attached



East Side Water Treatment Plant Biological Filtration Optimization Improvements **WHEREAS,** on May 25, 2016, City Council authorized a contract with Oscar Renda Contracting, Inc. for the construction of biological filtration optimization improvements at the East Side Water Treatment Plant by Resolution No. 16-0828; and

WHEREAS, additional work was identified during construction of the biological filtration improvements that is necessary to ensure the facilities function as intended; and

WHEREAS, Oscar Renda Contracting, Inc., 608 Henrietta Creek Road, Roanoke, Texas 76262, has submitted an acceptable proposal for this additional work; and

WHEREAS, Dallas Water Utilities recommends that Contract No. 16-025 be increased by \$1,225,387.90, from \$24,904,983.00 to \$26,130,370.90.

Now, Therefore,

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

SECTION 1. That an increase in the construction services contract with Oscar Renda Contracting, Inc. (Change Order No. 1) is authorized for additional work associated with the construction of biological filtration optimization improvements at the East Side Water Treatment Plant, in an amount not to exceed \$1,225,387.90, increasing the contract amount from \$24,904,983.00 to \$26,130,370.90.

SECTION 2. That the proposed Change Order No. 1 with Oscar Renda Contracting, Inc., be accepted and that Contract No. 16-025 be revised accordingly.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,225,387.90 to Oscar Renda Contracting, Inc., from the Water Capital Improvement D Fund, Fund 2115, Department DWU, Unit PW32, Object 4320, Program 716025, Encumbrance DWU716025CP, Vendor 244607.

SECTION 4. That this contract is designated as Contract No. DWU-2016-00000116.

SECTION 5. 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.





City of Dallas

Agenda Information Sheet

File #: 21-1281 Item #: 39.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 8, 12

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with CP&Y, Inc. to provide additional engineering services required for design, environmental services, and construction administration at two locations (list attached to the Agenda Information Sheet) - Not to exceed \$131,701.18, from \$775,301.25 to \$907,002.43 - Financing: Storm Drainage Management Capital Construction Fund (\$85,100.00) and Street and Alley Improvement Fund (\$46,601.18)

BACKGROUND

On September 25, 2019, City Council authorized a professional services contract with CP&Y, Inc. for the engineering design of Erosion Control Contract No. C by Resolution No. 19-1527. The contract includes engineering services for erosion control improvement projects, which consist of site investigations, preliminary design, and development of construction plans for erosion control structures at ten locations. On June 16, 2021, Administrative Action No. 21-5786 authorized Supplemental Agreement No. 1 for additional environmental services at seven project sites required for the completion of the final design.

This action will authorize Supplemental Agreement No. 2 to the professional services contract with CP&Y, Inc. to perform additional engineering and construction administration services for Bonnie View Road over Five Mile Creek Bridge structure repair and erosion control structures at 17610, 17612, and 17614 Squaw Valley. During the initial investigation at Bonnie View Road over Five Mile Creek, the engineering consultant and City staff observed that erosion of the creek bed has left a significant length of the bridge's drilled shafts exposed. Dallas Water Utilities (DWU) notified the Public Works Department (PBW) of the issue, and it was determined that if not addressed, the exposure of the drilled shafts could impact the stability of the bridge. DWU and PBW have coordinated to include additional engineering services in this contract to address the exposed bridge shafts at the same time the creek bank erosion is addressed.

File #: 21-1281 Item #: 39.

In addition, earlier this year DWU was notified of significant creek erosion at 17610, 17612, and 17614 Squaw Valley. During field investigations, it was determined that erosion control improvements were necessary to protect property and structures. Due to the severe erosion and to minimize future property damage at this location, it was determined to add this location to the current engineering contract.

ESTIMATED SCHEDULE OF PROJECT

Began Design October 2019 Complete Design March 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 25, 2019, City Council authorized a professional services contract with CP&Y, Inc. for the engineering design of Erosion Control Contract No. C by Resolution No. 19-1527.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
Storm Drainage Management Capital Construction Fund	\$ 85,100.00	\$0.00	\$0.00
Street and Alley Improvement Fund	\$ 46,601.18	\$0.00	\$0.00
Total	\$131,701.18	\$0.00	\$0.00

Design	\$726,421.25
Supplemental Agreement No. 1	\$ 48,880.00
Supplemental Agreement No. 2 (this action)	<u>\$131,701.18</u>

Total Project Cost \$907,002.43

Council District	<u>Amount</u>	
8 12	\$ 46,601.18 \$ 85,100.00	
Total	\$907,002.43	

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$131,701.18	Architecture & Engineering	25.66%*	18.59%	\$24,485.00
• *This item reflects previous Business Inclusion and Development Policy M/WBE goal.				
This contract does not meet the M/WBE goal, but complies with good faith efforts.				
Supplemental Agreement No. 2 - 23.54% Overall MWBE Participation				
CP&Y, Inc Local; Workforce - 16.00% Local				

OWNER

CP&Y, Inc. 1820 Regal Row Dallas, Texas 75235

Alan Pramuk, Chief Executive Officer

MAPS

Attached

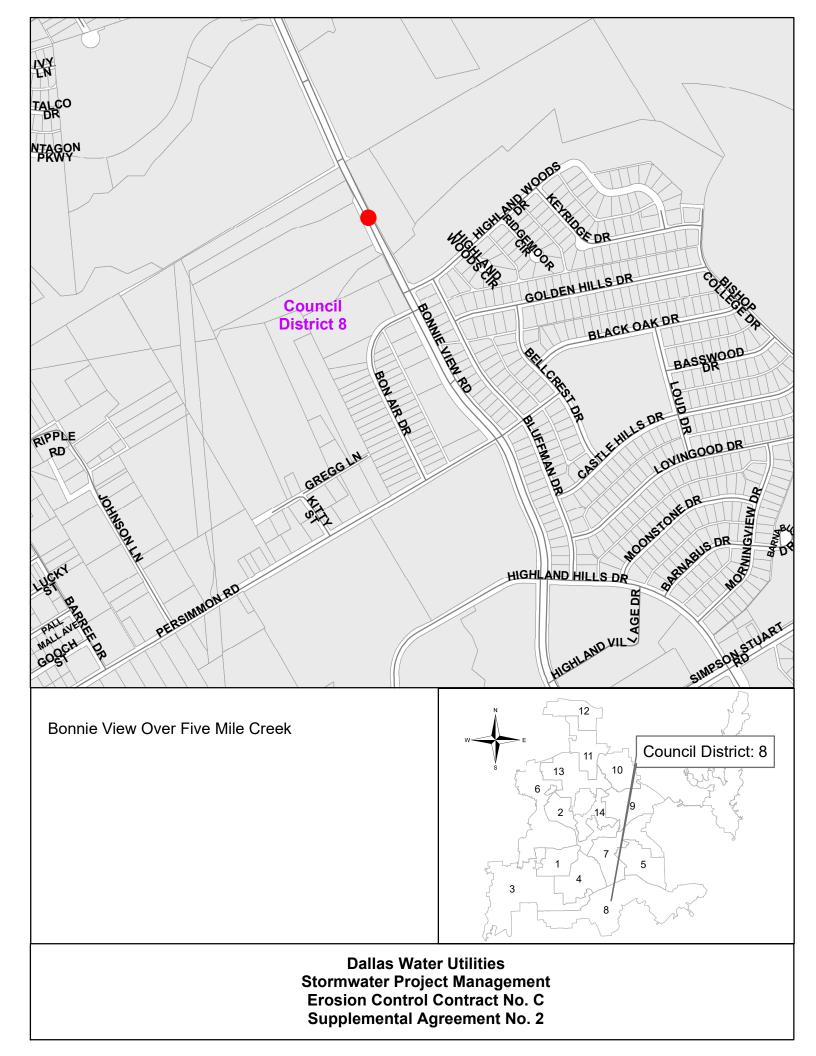
Segment List Contract No. 19-067E Supplemental Agreement No 2 Erosion Control Contract C

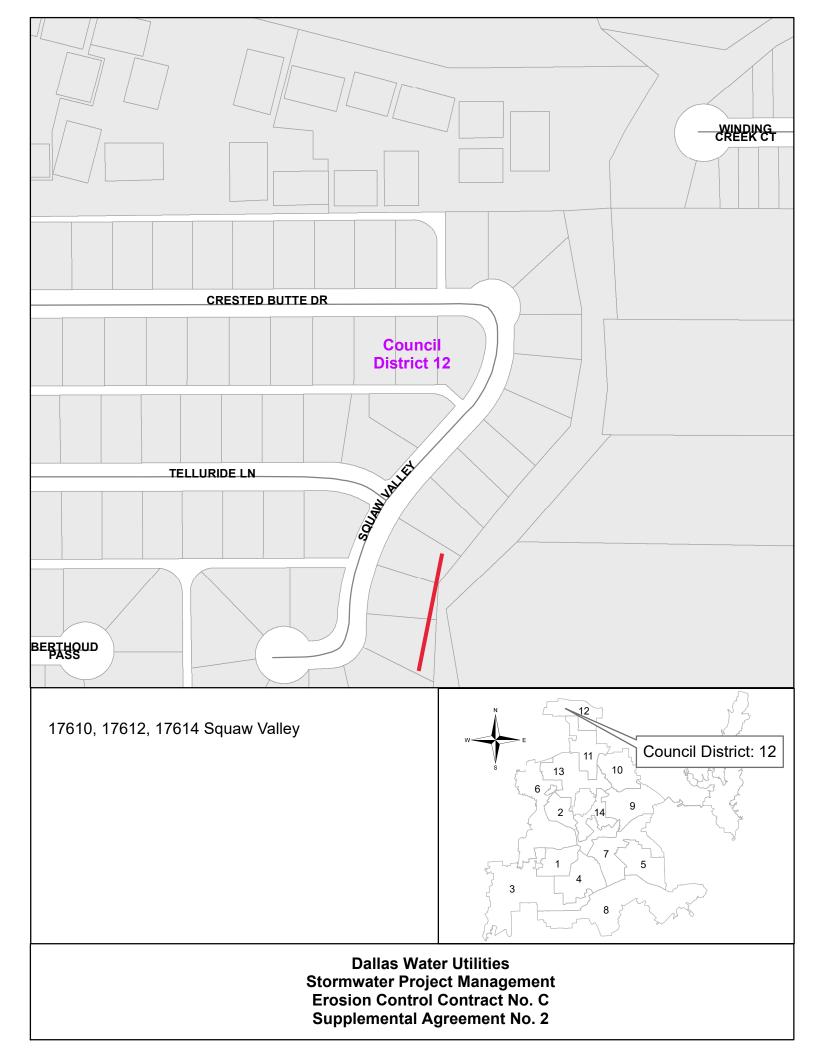
District 8

Bonnie View Over Five Mile Creek

District 12

17610, 17612, 71614 Squaw Valley





WHEREAS, on September 25, 2019, City Council authorized a professional services contract with CP&Y, Inc. for the engineering design of Erosion Control Contract No. C, in an amount not to exceed \$726,421.25, by Resolution No. 19-1527; and

WHEREAS, on June 16, 2021, Administrative Action No. 21-5786 authorized Supplemental Agreement No. 1 for additional environmental services at seven project sites required for the completion of the final design, in an amount not to exceed \$48,880.00, from \$726,421.25 to \$775,301.25; and

WHEREAS, the City of Dallas has identified the need to address severe creek erosion at 17610, 17612, and 17614 Squaw Valley and repair bridge shafts impacted by erosion at Bonnie View Road over Five-Mile Creek; and

WHEREAS, additional engineering services are required for design, environmental services, and construction administration at these two locations; and

WHEREAS, CP&Y, Inc., 1820 Regal Row, Dallas, Texas 75235, has submitted an acceptable proposal to provide these engineering services; and

WHEREAS, Dallas Water Utilities recommends that Contract No. 19-067E be increased by \$131,701.18, from 775,301.25 to \$907,002.43.

Now, Therefore,

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

SECTION 1. That the proposed Supplemental Agreement No. 2 to the professional services contract be accepted and that Contract No. 19-067E with CP&Y, Inc., be revised accordingly.

SECTION 2. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the professional services contract with CP&Y, Inc., approved as to form by the City Attorney, to provide additional engineering services required for design, environmental services, and construction administration at two locations, in an amount not to exceed \$131,701.18, increasing the contract amount from \$775,301.25 to \$907,002.43.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$131,701.18 to CP&Y, Inc., as follows:

Storm Drainage Management Capital Construction Fund Fund 0063, Department SDM, Unit W425 Object 4111, Program SD20W425, Activity SD01 Encumbrance/Contract No. CX-SDM-2021-00016937 Vendor 080659

SECTION 3. (continued)

Street and Alley Improvement Fund Fund 0715, Department PBW, Unit W661 Object 4111, Program PBCUR039, Activity BRAM Encumbrance/Contract No. CX-DWU-2019-00009203 Vendor 080659

\$ 46,601.18

Total amount not to exceed

\$131,701.18

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.



City of Dallas

1500 Marilla Street Dallas, Texas 75201

Agenda Information Sheet

File #: 21-1560 Item #: 40.

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary's Office

SUBJECT

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)





1500 Marilla Street Dallas, Texas 75201

Agenda Information Sheet

File #: 21-1519 Item #: 41.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Budget and Management Services

EXECUTIVE: Elizabeth Reich

SUBJECT

First reading and passage of the appropriation ordinance for the proposed FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

In accordance with the Charter of the City of Dallas and prior to August 15, the City Manager recommended to the City Council a budget for the upcoming fiscal year. The fiscal year will begin on October 1, 2021 and end on September 30, 2022. The total budget for FY 2021-22 is recommended at \$4.35 billion. The City Council held a public hearing on the proposed budget on August 25, 2021. The City Council has received additional information through briefings and workshops. Additional citizen input has been received through City Council sponsored town hall meetings.

This action will approve the budget on first reading in accordance with the City Charter. Following approval of the budget on first reading, the appropriation ordinance will be published in the official newspaper of the City with a separate schedule setting forth the items in the manager's estimate which were omitted or changed by the council, if any. The City Council is scheduled to pass the appropriation ordinance on final reading on September 22, 2021 which is at least 10 days after publication of the ordinance. Additional amendments may be considered at any time prior to passage of the appropriation ordinance on final reading on September 22, 2021.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council was briefed on the FY 2021-22 proposed and FY 2022-23 planned budget on August 8, 2020 August 10, 2021.

On August 11, 2021, City Council authorized a public hearing on to be held on August 25, 2021 to receive comments on the FY 2020-21 Operating, Capital, and Grant & Trust Budgets by Resolution No. 21-1204.

File #: 21-1519 Item #: 41.

On August 18, 2021, City Council held a Budget Workshop on the American Rescue Plan Act (ARPA).

On August 25, 2021, City Council authorized a public hearing to receive comments and consider adoption of a tax rate of 77.33 cents per \$100 of assessed valuation or a lower tax rate proposed by Resolution No. 21-1354.

On August 25, 2021, City Council held a public hearing on the proposed FY 2020-21 Operating, Capital, and Grant & Trust Budgets by Resolution No. 21-1412.

On September 1, 2021, City Council held a Budget Workshop on Strategic Priority areas and considered amendments by Resolution No. 21-1437.

FISCAL INFORMATION

This action has no cost consideration to the City. The future fiscal impact to the City is detailed in the FY 2021-22 budget.

OPERATING AND CAPITAL BUDGETS' APPROPRIATIONS ORDINANCE

An ordinance appropriating funds for fiscal year 2021-22 for the maintenance and operation of various departments; authorizing the city manager to make certain adjustments; appropriating funds for public improvements to be financed from bond funds and other revenues of the city of Dallas for fiscal year 2021-22; providing for publication; and providing an effective date.

WHEREAS, the city council, in accordance with the Dallas City Charter, state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this ordinance; Now, Therefore,

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

SECTION 1. That for the purpose of providing the funds to be expended in the budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022, the available revenues of the city of Dallas are hereby appropriated for the maintenance and operation of the various city departments and activities as follows:

	PROPOSED
DEPARTMENT AND ACTIVITIES	<u>2021-22</u>
Building Services	24,356,319
City Attorney's Office	17,814,203
City Auditor's Office	3,048,254
City Controller's Office	7,764,698
City Manager's Office	2,933,212
City Secretary's Office	3,050,306
Civil Service	3,021,703
Code Compliance	35,032,924
Court and Detention Services	24,077,721
Dallas Animal Services	16,068,520

Dallas Fire-Rescue	335,699,096
Dallas Police Department	565,934,568
Elections	104,713
Housing and Neighborhood Revitalization	3,825,426
Human Resources	7,199,251
Independent Audit	745,429
Judiciary	3,675,924
Lew Sterrett Jail Contract	9,450,527
Liability/Claims Fund Transfer	4,483,807
Library	32,917,306
Mayor and City Council	5,351,007
Non-Departmental	115,542,145
Office of Arts and Culture	21,337,590
Office of Budget and Management Services	4,512,904
Office of Data Analytics and Business Intelligence	3,988,372
Office of Economic Development	3,252,177
Office of Management Services	46,283,791
Park and Recreation	99,627,169
Planning and Urban Design	4,209,553
Procurement Services	3,082,909
Public Works	76,357,799
Salary and Benefit Stabilization	5,020,000
Transportation	45,249,577
GENERAL FUND TOTAL	1,535,018,900
	PROPOSED
GRANT, TRUST AND OTHER FUNDS	2021-22
Building Services	
American Rescue Plan Act (ARPA)(FC18)	21,550,000
City Attorney's Office	
FY 2021-22 Community Development Block Grant (CD21)	763,739
Convention and Event Services	
Convention Hotel Tax Rebate (0756)	29,892,205
Court and Detention Services	
American Rescue Plan Act (ARPA)(FC18)	6,425,750

Dallas Animal Services	
Ivor O'Conner Morgan Trust (0320)	233,892
Dallas Fire-Rescue	
American Rescue Plan Act (ARPA)(FC18)	25,000,000
Dallas Police Department	
Confiscated Monies- State (0411)	97,656
Juvenile Case Manager Fund (0396)	358,520
Law Enforcement Officer Standards and Education (LEOSE)	180,970
American Rescue Plan Act (ARPA)(FC18)	18,163,647
Dallas Water Utilities	
American Rescue Plan Act (ARPA)(FC18)	37,426,891
Development Services	
Reforestation Fund (0T06)	300,000
Express Business Center	
American Rescue Plan Act (ARPA)(FC18)	5,000,000
Housing and Neighborhood Revitalization	
FY 2021-22 Community Development Block Grant (CD21)	11,375,184
FY 2021-22 HOME Investment Partnership (HM21)	6,397,968
American Rescue Plan Act (ARPA)(FC18)	22,000,000
Information and Technology Services	
American Rescue Plan Act (ARPA)(FC18)	15,000,000
Library	
Central Library Gifts and Donations (0214)	230,000
Edmond & Louise Kahn E. Trust (0208)	227,578
Hamon Trust (0458)	10,875
American Rescue Plan Act (ARPA)(FC18)	250,000

Office of Arts and Culture	
Majestic Gift and Donations Fund (0338)	200,000
OCA Gift and Donations Fund (0388)	146,507
American Rescue Plan Act (ARPA)(FC18)	450,000

Office of Budget and Management Services	
FY 2021-22 Community Development Block Grant (CD21)	1,157,785
FY 2021-22 Emergency Solutions Grant (ES21)	23,000
FY 2021-22 Housing Opportunities for Persons w/AIDS	25,000
(HW21)	103,714
American Rescue Plan Act (ARPA)(FC18)	7,000,000
	, ,
Office of Management Services	
FY 2021-22 Community Development Block Grant (CD21)	1,438,596
FY 2021-22 Emergency Solutions Grant (ES21)	1,267,230
FY 2021-22 Housing Opportunities for Persons w/AIDS	
(HW21)	7,839,794
American Rescue Plan Act (ARPA)(FC18)	97,430,000
Office of Economic Development	
Deep Ellum Public Improvement District (9P01)	1,031,370
Dallas Downtown Improvement District (9P02)	6,145,988
Klyde Warren Park/Dallas Arts District Public Improvement	0,115,700
District (9P03)	1,288,918
Knox Street Public Improvement District (9P04)	415,978
Lake Highlands Public Improvement District (9P05)	925,565
North Lake Highlands Public Improvement District (9P06)	533,207
Oak Lawn-Hi Line Public Improvement District (9P07)	415,497
Prestonwood Public Improvement District (9P08)	402,084
South Dallas/Fair Park Improvement District (9P09)	160,403
South Side Public Improvement District (9P10)	222,832
Tourism Public Improvement District (9P11)	19,410,129
University Crossing Public Improvement District (9P12)	864,135
Uptown Public Improvement District (9P13)	2,704,547
Vickery Meadow Public Improvement District (9P15)	966,154
New Markets Tax Credit (0065)	67,390
Sales Tax Agreement Fund (0680)	600,000
South Dallas/Fair Park Opportunity Fund (0351)	229,228
American Rescue Plan Act (ARPA)(FC18)	2,000,000
Park and Recreation	0.71 101
FY 2021-22 Community Development Block Grant (CD21)	851,424
Golf Improvement Trust (0332)	1,921,122
Park Land Dedication Program (9P32)	387,230
PKR Program Fund (0395)	139,933
White Rock Lake Beautification Fund (9P30)	333,985

American Rescue Plan Act (ARPA)(FC18) Carryout Bag Regulation Fund (0989)	4,900,000 520,000
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Public Works	040.400
Naval Air Station Redevelopment Fund (0022)	818,189
American Rescue Plan Act (ARPA)(FC18)	6,800,000
<u>Transportation</u>	
Bike Lane Fund (0791)	805,000
Freeway Traffic Signals (0670)	267,397
American Rescue Plan Act (ARPA)(FC18)	13,075,000
GRANT, TRUST, AND OTHER FUNDS GRAND TOTAL	387,144,206
	PROPOSED
ENTERPRISE FUNDS	2021-22
Aviation	
Aviation Operations	141,986,787
Transportation Regulation	403,065
Convention and Event Services	100,819,948
Dallas Water Utilities	
Stormwater Drainage Management	69,314,586
Water Utilities	722,432,650
Development Services	38,383,670
Municipal Radio	1,815,740
Sanitation Services	139,536,992
ENTERPRISE FUNDS TOTAL	1,214,693,438
	PROPOSED
INTERNAL SERVICE/OTHER FUNDS	<u>2021-22</u>
Employee Benefits	1,936,868
Equipment and Fleet Management	56,541,723
Express Business Center	2,323,978
Information and Technology Services	
911 System Operations	14,341,472
Information Technology	99,176,891
Radio Services	13,248,650

Office of Bond and Construction Management

Office of Management Services	5,209,374
Park and Recreation	5,231,840
Public Works	12,500,722
Transportation	123,582
Office of Risk Management	5,264,453

INTERNAL SERVICE/OTHER FUNDS TOTAL

215,899,553

ENTERPRISE/INTERNAL SERVICE/OTHER FUNDS GRAND TOTAL

1,430,592,991

SECTION 2. That, in conformity with Chapter XI of the Charter of the City of Dallas, the transfer of an unencumbered balance of an appropriation made for the use of a department, division, or purpose to any other department, division, or purpose, or an increase in appropriation, may be made by the city council upon written recommendation of the city manager.

- SECTION 3. That the city manager is hereby authorized to make the following adjustments:
- (1) Reduce the allowed expenditures of departments or activities if, in the judgment of the city manager, actual or probable receipts are less than the amount estimated and appropriated for expenditures.
- (2) Transfer appropriations budgeted for one account classification or activity to another within any individual department or activity listed in Section 1.
- (3) Transfer appropriations from the Salary and Benefit Stabilization to any individual department or activity listed in Section 1, to be used for salaries and benefits.
- SECTION 4. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:
- (1) Transfer internal service fund equity from unanticipated excesses to contributing funds.

- (2) Transfer funds, not to exceed \$23,484,163, from the Convention Center Operating Fund 0080, Department CCT, Unit 7840, Object 3870, to the 2009 Convention Center Debt Service Fund 0980, Department CCT, Unit P505, Revenue Source 9219, for the payment of debt service on Series 2009 Revenue Refunding and Improvement Bonds for improvements to the Dallas Civic Center Convention Complex.
- (3) Transfer funds, not to exceed \$4,483,807, from the General Fund 0001, Department BMS, Unit 1997, Object 3621 to the Liability Reserve Fund 0192, Department ORM, Unit 3890, Revenue Source 8525, for payment of small and large claims against the city.
- (4) Transfer funds, not to exceed \$5,000,000 to the General Fund 0001, Department BMS, Unit 1995, Revenue Source 9229, from the Sports Arena Lease Fund 0A71, Department CCT, Unit 8851, Object 3690, to support general fund operations.
- (5) Transfer funds, not to exceed \$27,241,962 from the Water Utilities Operating Fund 0100, Department DWU, Unit 7015, Object 3690, in the amounts not to exceed \$8,500,000 to the Public/Private Partnership Fund 0352, Department ECO, Unit P151, Revenue Source 9201 and \$18,741,962 to the General Fund 0001, Department BMS, Unit 1991, Revenue Source 9201, as payment in lieu of taxes by the water utilities department to support economic initiatives of the city and encampment resolution.
- (6) Transfer funds, not to exceed \$2,915,509, from the Convention and Event Services Operating Fund 0080 Department CCT, Unit 7840, Object 3690 to the OCA Hotel Occupancy Fund 0435, Department OCA, Unit 1841, Revenue Source 9201, for the promotion of cultural arts.
- (7) Transfer funds, not to exceed \$600,000, from the General Fund 0001 Department BMS, Unit 1991, Object 3690, to the Economic Development Tax Agreement Fund 0680 Department ECO, Unit 6696, Revenue Source 9201, for sales tax rebates in accordance with the

terms of the sales tax grant agreement pursuant to Chapter 380 of the Texas Local Government Code.

- (8) Transfer funds, not to exceed \$627,812, from City of Dallas Regional Center Fund 0067, Department ECO, Unit P682, Object 3090, to General Fund 0001, Department ECO, Unit (Various), Object 5011, in support of economic development activities.
- (9) Transfer funds, not to exceed \$200,000, from New Markets Tax Credit Fund 0065, Department ECO, Unit P607, Object 3899, to General Fund 0001, Department ECO, Unit (Various), Object 5011, in support of economic development activities.
- (10) Transfer funds, not to exceed \$100,000, from the Clean Energy Program Fund 0750, Department ECO, Unit W183, Object 3899 to the General Fund 0001, Department ECO, Unit (Various), Object 5011 to reimburse the General Fund for costs incurred in administering the Dallas PACE Program.
- (11) As part of the restructuring of the Office of Economic Development, authorize any and all actions necessary to effect the following changes on funding and/or City Council resolutions authorized by City Council or via Administrative Action through 09/30/2021: a) Reallocate the remaining balance of the Cares Act Relief Funds Community Development Block Grant (CDBG) Workforce Development, as referenced in CR 20-1845, in Fund: CCV3, Unit: 991F, from Dept: ECO to Dept: MGT (Small Business Center); b) Reallocate the remaining balance of the 2017 Bond Program Proposition (I), as referenced in CR 19-0803, in Fund: 1V52, Unit: VI09, from Dept: ECO to Dept: MGT (Small Business Center); c) Reassign the remaining balance of the contract and City Council approved funding related to workforce readiness placement and retention program, as referenced in CR 19-0433, and subsequent amendment authorized by City Council CR#: 21-1374 to contract/encumbrance ECO-2019-00009251 in the

Public Private Partnership Fund, Fund: 0352, Unit: W178, from Dept: ECO to Dept: MGT (Small Business Center); d) Reassign the remaining balance of the contract and City Council approved funding related to CR 14-0965 (Adaptive-Reuse) in the Public Private Partnership Fund, Fund: 0352, Unit: P886, and also the remaining balance of the contract related to CR 15-1236 (Adaptive-Reuse) in the Public Private Partnership Fund, Fund: 0352, Unit: W142, from Dept: ECO to Dept: MGT (Small Business Center); e) also authorize any other Reassignment(s) and/or Reallocation(s) and/or transfers of Office of Economic Development funding and/or contracts and/or encumbrances that had been authorized by City Council or via Administrative Action through 09/30/2021 that may be part of any program moving into the new Office of Management Services-Small Business Center.

Transfer and administer gifts and bequests to the city in accordance with the terms (12)and conditions accompanying the gifts or bequests and, for this purpose, the appropriation of donated amounts is hereby made.

SECTION 5. That the city manager is authorized, upon written notice to the city controller, to transfer funds between the Employee Benefits Fund 0279 and other employee benefit funds for the purpose of allocating employee and retiree revenues to the appropriate claims funds and maximizing investment yields.

SECTION 6. That, in conformity with Chapter 40A, "Retirement," of the Dallas City Code, as amended, an appropriation of \$5,706,520 is established in the Employees' Retirement Fund Trust Fund 0275, Department ERF, Unit 5821, to provide for costs of administration of the employees' retirement fund office, with services to be paid out of income from investments.

FY 2021-22 Budget Ordinance - Page 9

SECTION 7. That, for the purpose of establishing reserves, the increase or reduction of restricted fund balances may be by city council resolution upon written recommendation of the city manager.

SECTION 8. That the projects listed in Section 9 are hereby adopted as the capital budget of the city of Dallas for public improvements to be financed from the proceeds of bond funds and with funds from other sources for the fiscal year beginning October 1, 2021 and ending September 30, 2022.

SECTION 9. (a) That the following amounts are hereby appropriated from the funds indicated for the projects listed in the FY 2021-22 capital budget:

CAPITAL FUNDS	PROPOSED 2021-22
From the 2021 AVI Commercial Paper Fund (0795)	27,500,000
From the 2022 Certificate of Obligation Fund (0793)	55,000,000
From the 2022 Master Lease-Equipment Fund (ML22)	20,000,000
From the Aviation Capital Construction Fund (0131)	500,000
From the Aviation Passenger Facility Charge Near Term Projects Fund (A477)	37,780,302
From the Capital Construction Fund for City and Cultural Facilities (0671)	9,667,669
From the Cedars Tax Increment Financing District Fund (0033)	2,547,948
From the City Center Tax Increment Financing District Fund (0035)	8,025,620

From the City Hall, City Service and Maintenance Facilities Fund (2006 GO Bonds) (1T60)	122,926
From the City Hall, City Service and Maintenance Facilities Fund (2006 GO Bonds) (2T60)	315,476
From the City Hall, City Service and Maintenance Facilities Fund (2006 GO Bonds) (4T60)	295,660
From the City Hall, City Service and Maintenance Facilities Fund (2006 GO Bonds) (7T60)	103,048
From the City Hall, City Service and Maintenance Facilities Fund (2006 GO Bonds) (9T60)	19,132
From the Convention Center Capital Construction Fund (0082)	17,000,000
From the Court Facilities Fund (2006 GO Bonds) (8T30)	65,753
From the Court Facilities Fund (2006 GO Bonds) (BT30)	132,250
From the Cultural Affairs Fund (2017 GO Bonds) (1V49)	131,484
From the Cultural Arts Facilities Fund (2006 GO Bonds) (4T49)	67,086
From the Cultural Arts Facilities Fund (2006 GO Bonds) (6T49)	123,214
From the Cultural Arts Facilities Fund (2006 GO Bonds) (BT49)	74,377
From the Cypress Waters Tax Increment Financing District Fund (0066)	6,530,678

From the Davis Garden Tax Increment Financing District Fund (0060)	2,043,639
From the Deep Ellum Tax Increment Financing District Fund (0056)	6,289,665
From the Design District Tax Increment Financing District Fund (0050)	6,196,903
From the Downtown Connection Tax Increment Financing District Fund (0044)	28,333,574
From the Economic Development Fund (2017 GO Bonds) (1V52)	9,657,745
From the Equipment Notes, Series 2021 Fund (0772)	28,000,000
From the Facilities Fund (2017 GO Bonds) (1V60)	2,703,750
From the Fair Park Improvement Fund (2017 GO Bonds) (1V02)	7,034,549
From the Farmers Market Tax Increment Financing District Fund (0036)	3,674,363
From the Flood Control Fund (2017 GO Bonds) (1V23)	13,061,956
From the Fort Worth Avenue Tax Increment Financing District Fund (0058)	5,291,624
From the General Capital Reserve Fund (0625)	3,000,000
From the Grand Park South Tax Increment Financing District Fund (0054)	313,426
From the Homeless Assistance Fund (2017 GO Bonds) (1V43)	2,989,185

From the Library Facilities Fund (2006 GO Bonds) (2T42)	72,849
From the Library Facilities Fund (2006 GO Bonds) (6T42)	79,680
From the Library Facilities Fund (2006 GO Bonds) (7T42)	151,965
From the Library Facilities Fund (2006 GO Bonds) (8T42)	153,783
From the Library Facilities Fund (2006 GO Bonds) (BT42)	166,519
From the Mall Area Redevelopment Tax Increment Financing District Fund (0049)	810,657
From the Maple/Mockingbird Tax Increment Financing District Fund (0064)	4,696,372
From the Oak Cliff Gateway Tax Increment Financing District Fund (0034)	5,780,543
From the Park and Recreation Facilities Fund (2006 GO Bonds) (1T00)	1,264
From the Park and Recreation Facilities Fund (2006 GO Bonds) (2T00)	8,068
From the Park and Recreation Facilities Fund (2006 GO Bonds) (3T00)	2,132
From the Park and Recreation Facilities Fund (2006 GO Bonds) (4T00)	11,572
From the Park and Recreation Facilities Fund (2006 GO Bonds) (6T00)	15
From the Park and Recreation Facilities Fund (2006 GO Bonds) (7T00)	1,007
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FY 2021-22 Budget Ordinance - Page 13 DRAFT

From the Park and Recreation Facilities Fund (2006 GO Bonds) (8T00)	61,240
From the Park and Recreation Facilities Fund (2006 GO Bonds) (9T00)	128,963
From the Park and Recreation Facilities Fund (2006 GO Bonds) (BT00)	106,139
From the Park and Recreation Facilities Fund (2017 GO Bonds) (1V00)	27,366,933
From the Public Safety Facilities Fund (2006 GO Bonds) (1T33)	6,428
From the Public Safety Facilities Fund (2006 GO Bonds) (2T33)	136,940
From the Public Safety Facilities Fund (2006 GO Bonds) (3T33)	35,759
From the Public Safety Facilities Fund (2006 GO Bonds) (6T33)	139,765
From the Public Safety Facilities Fund (2006 GO Bonds) (7T33)	278,510
From the Public Safety Facilities Fund (2006 GO Bonds) (8T33)	351,314
From the Public Safety Facilities Fund (2017 GO Bonds) (1V33)	2,160,198
From the Public/Private Partnership Fund (0352)	8,500,000
From the Sanitation Capital Improvement Fund (0593)	4,000,000

From the Skillman Corridor Tax Increment Financing District Fund (0052)	7,454,567
From the Southwestern Medical Tax Increment Financing District Fund (0046)	1,080,004
From the Sports Arena Tax Increment Financing District Fund (0038)	14,327,817
From the Storm Drainage Management Capital Construction Fund (0063)	13,027,437
From the Street and Alley Improvement Fund (0715)	23,036,102
From the Street and Transportation Fund (2017 GO Bonds) (1V22)	112,894,200
From the Transit Oriented Development Tax Increment Financing District Fund (0062)	3,531,739
From the University Tax Increment Financing District Fund (0051)	1,661,262
From the Vickery Meadow Tax Increment Financing District Fund (0048)	3,070,274
From the Wastewater (Clean Water) - TWDB 2021 Fund (1192)	22,000,000
From the Wastewater Construction Fund (0103)	21,300,000
From the Wastewater Capital Improvement Series F Fund (4116)	83,000,000
From the Wastewater Capital Improvement Series G Fund (5116)	38,750,000
From the Water (Drinking Water) - TWDB 2021 Fund (1193)	44,000,000

From the Water and Wastewater Public Art Fund (0121)

50,000

From the Water Construction Fund (0102)

31,450,000

From the Water Capital Improvement Series F Fund (4115)

38,000,000

From the Water Capital Improvement Series G Fund (5115)

45,000,000

CAPITAL FUNDS TOTAL

863,435,019

- (b) That in order to reimburse and finance certain 2017 General Obligation (GO) bond funds capital project expenditures authorized in section (a) (Street & Transportation Improvements 1V22, Park and Recreation Facilities 1V00, Fair Park 1V02, Flood Control 1V23, Library 1V42, Cultural Facilities 1V49, Public Safety 1V33, City Facilities 1V60, Economic Development 1V52, and Homeless Assistance 1V43), the City intends to issue one or more commercial paper notes as part of the General Obligation Commercial Paper Notes Series A, and Series B, and use the proceeds thereof to reimburse disbursements incurred.
- (c) That in order to reimburse and finance the lease/purchase acquisition of equipment authorized in section (a) (2022 Master Lease-Equipment ML22), the City intends to execute, acknowledge and deliver a Schedule A (as defined in the Master Equipment Lease/Purchase Agreement) pertaining to such equipment including all attachments, financing statements and schedules thereto.
- (d) That the following amounts are hereby appropriated from the funds indicated for payment of the FY 2021-22 Debt Service Budget:

DEBT SERVICE FUNDSPROPOSED2021-22

From the General Obligation Debt Service Fund (0981)

348,776,403

DEBT SERVICE FUNDS TOTAL

348,776,403

- (e) That these appropriations and all previous appropriated funds for these projects remain in force until each project is completed or terminated.
- (f) That the appropriations listed in Subsections (a) and (d) may be increased by the city council upon the recommendation of the city manager.

SECTION 10. That a project will be considered completed when the requisitioning authority informs the city manager of completion by written notice. Any remaining unencumbered balance in an appropriation for a project that has been completed shall then revert to the appropriate fund.

SECTION 11. That the city manager is authorized to make the following adjustments:

- (1) Transfer amounts from one project appropriation to another within the same fund, provided that the total appropriation for each fund is not exceeded by this action.
- (2) Decrease appropriation of any fund described in Section 9 to reduce expenditures within the fund when, in the judgment of the city manager, actual or probable receipts are less than the amount estimated and appropriated for expenditures.

SECTION 12. That the city manager is hereby authorized, upon written notice to the city controller, to make the following adjustments:

(1) Transfer funds, not to exceed \$2,520,000, to the General Fund 0001, in the amounts of \$125,000 from the Cedars Tax Increment Financing District Fund 0033; \$200,000 from the Oak Cliff Gateway Tax Increment Financing District Fund 0034; \$200,000 from the City Center Tax

Increment Financing District Fund 0035; \$145,000 from the Farmers Market Tax Increment Financing District Fund 0036; \$185,000 from the Sports Arena Tax Increment Financing District Fund 0038; \$225,000 from the Downtown Connection Tax Increment Financing District Fund 0044; \$100,000 from the Southwestern Medical Tax Increment Financing District Fund 0046; \$125,000 from the Vickery Meadow Tax Increment Financing District Fund 0048; \$100,000 from the Mall Area Tax Increment Financing District Fund 0049; \$115,000 from the Design District Tax Increment Financing District Fund 0050; \$100,000 from the University Tax Increment Financing District Fund 0051; \$110,000 from the Skillman Corridor Tax Increment Financing District Fund 0052; \$125,000 from the Grand Park South Tax Increment Financing District Fund 0054; \$125,000 from the Deep Ellum Tax Increment Financing District Fund 0056; \$110,000 from the Fort Worth Avenue Tax Increment Financing District Fund 0058; \$135,000 from the Davis Garden Tax Increment Financing District Fund 0060; \$125,000 from the Transit-Oriented Development Tax Increment Financing District Fund 0062; \$100,000 from the Maple/Mockingbird Tax Increment Financing District Fund 0064; and \$70,000 from the Cypress Waters Tax Increment Financing District Fund 0066, for reimbursement of tax increment financing administration costs.

- (2) Transfer funds, not to exceed \$52,800,000, from the Water Utilities Operating Fund 0100, in the amounts of \$31,450,000 to the Water Construction Fund 0102; \$21,300,000 to the Wastewater Construction Fund 0103; and \$50,000 to the Water and Wastewater Public Art Fund 0121, for projects listed in the FY 2021-22 Capital Budget.
- (3) Transfer funds, not to exceed \$13,027,437, from the Storm Drainage Management Operating Fund 0061 to the Storm Drainage Management Capital Construction Fund 0063, for projects listed in the FY 2021-22 Capital Budget.

- (4) Transfer funds, not to exceed \$3,433,149, from the Sanitation Enterprise Fund 0440 to the General Obligation Debt Service Fund 0981, for payment of the 2003 General Obligation Bonds for flood protection and storm drainage facilities for the McCommas Bluff Landfill and payment of 2020 Equipment Notes.
- (5) Transfer funds, not to exceed \$3,000,000, from the General Capital Reserve Fund 0625 to the Capital Construction Fund 0671 for the purpose of maintenance and repair of city facilities.
- (6) Transfer funds, not to exceed \$667,669, from the Convention Center Operating Fund 0080 to the Capital Construction Fund 0671 for the purpose of major maintenance and repair of cultural facilities.
- (7) Transfer funds, not to exceed \$8,327,637, from the Water Utilities Operating Fund 0100 to the Street and Alley Improvement Fund 0715, for the purpose of funding citywide street and alley improvement projects.
- (8) Transfer funds, not to exceed \$3,435,882, from the Sanitation Enterprise Fund 0440 to the Street and Alley Improvement Fund 0715, for the purpose of funding citywide street and alley improvement projects.
- (9) Transfer funds, not to exceed \$8,500,000, from the General Fund 0001 to the Street and Alley Improvement Fund 0715, for the purpose of funding citywide street and alley improvement projects.
- (10) Transfer funds, not to exceed \$2,772,583, from the Stormwater Operations Fund 0061 to the Street and Alley Improvement Fund 0715, for the purpose of funding sidewalks and neighborhood infrastructure.

- (11) Transfer funds, not to exceed \$10,355,355, from the Convention Center Operating Fund 0080 to the Convention Center Capital Construction Fund 0082, for projects listed in the FY 2021-22 Capital Budget.
- (12) Transfer funds, not to exceed \$10,615,955, from the Sanitation Services Fund 0440 to the Sanitation Capital Improvement Fund 0593, for capital improvements and equipment.
- (13) Transfer funds, not to exceed \$39,200,283, to the General Obligation Debt Service Fund 0981, from any general government, internal service, or enterprise fund incurring civilian payroll costs based on the pro-rata allocation of the actual civilian payroll costs incurred during fiscal year 2021-22, for payment of debt service on the Pension Obligation Bonds Series 600 and 601.

SECTION 13. That the city manager is authorized to make the following adjustments:

- (1) Transfer amounts from one project appropriation to another within the same fund, provided that the total appropriation for each fund is not exceeded by this action.
- (2) Decrease appropriation of any fund described in Section 9 and in any General Obligation Bond Program Funds to reduce expenditures within the fund when, in the judgment of the city manager, actual or probable receipts are less than the amount estimated and appropriated for expenditures, and make accounting adjustments between various bond programs and funds when, in the judgement of the city manager, it is necessary to do so to effectively and efficiently administer the General Obligation Bond Programs.

SECTION 14. That it is the intent of the city council, by passage of this ordinance, to appropriate funds for the city departments and activities. No office or position is created by the appropriations.

SECTION 15. That following the public hearing and passage of this ordinance on first reading, the city secretary shall cause the ordinance to be published in a newspaper of general circulation in the city with a separate schedule setting forth the items in the city manager's estimate that were omitted or changed by the city council, if any. The ordinance must then be presented to the city council for final reading at least 10 days after the publication. Upon final passage by the city council, this ordinance becomes effective immediately and the funds appropriated become available October 1, 2021.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, City Attorney
ByAssistant City Attorney
PASSED ON FIRST READING SEPTEMBER 9, 2021
City Secretary
PASSED ON SECOND READING SEPTEMBER 22, 2021
City Secretary





City of Dallas

Agenda Information Sheet

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a cooperative purchasing agreement for the purchase and installation of audio/video equipment to accommodate continued social distancing due to COVID-19 via enhanced virtual broadcasting capabilities to the 6FN Park and Recreation Boardroom for the Park & Recreation Department with Digital Resources, Inc. through The Local Government Purchasing Cooperative (BuyBoard) agreement - Not to exceed \$143,727.49 - Financing: General Fund (This item was deferred on August 25, 2021)

BACKGROUND

This purchase will facilitate technology improvements to the City Hall Park and Recreation Boardroom. The improvements will accommodate continued social distancing due to COVID-19. In addition, the current antiquated audio meeting management system will be replaced with a wireless, updated, solution that will allow for the flexibility that the new room layout requires. This purchase will include all necessary hardware, software, programming, installation, and training to provide a fully functional Park and Recreation Boardroom and adjacent conference room.

Both rooms will have standalone audio and video conferencing capabilities, as well as the capacity to be used conjointly for meetings of the Park and Recreation Board, and other high-capacity meetings. This additional video conferencing functionally will allow Park and Recreation Staff and Board to bridge the digital divide with the public in ways that they have done before. They will also be able to provide the City's cable system with the ability to broadcast meetings held in the Park and Recreation Boardroom.

The Local Government Purchasing Cooperative (BuyBoard) agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 6, 2021, the Park and Recreation Board authorized the purchase and installation of audio/video equipment to accommodate continued social distancing due to COVID-19 via enhanced virtual broadcasting capabilities to the 6FN Park and Recreation Boardroom with Digital Resources, Inc.

On August 25, 2021, this item was deferred by Councilmember Jesse Moreno.

FISCAL INFORMATION

Fund	FY 2021	FY 2022	Future Years
General Fund	\$0.00	\$143,727.49	\$0.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on September 23, 2020, by Resolution No. 20-1430, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal	M/WBE %	M/WBE \$
\$143,727.49	Goods	N/A	N/A	N/A
The Business Inclusion and Development Policy does not apply to Cooperative Purchasing Agreements.				
Digital Resources, Inc Non-local; Workforce - 0.00% Local				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

	Cooperative purchasing agreements enable the City to associate with State
	agencies, other local governments, or local cooperative organizations comprised of other state and local governments, to leverage market buying power and enable
	the City to purchase goods or services at lower prices
	The cooperative purchasing agreement is an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement

OWNER

Digital Resources, Inc.

2107 Greenbriar Drive, Suite B Southlake, TX 76092

Timothy Bock, President

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

SECTION 1. That the City Manager is hereby authorized to execute cooperative purchasing agreement with Digital Resources, Inc. (VS0000049628) through The Local Government Purchasing Cooperative (BuyBoard) agreement, approved as to form by the City Attorney, for the purchase and installation of audio/video equipment to accommodate continued social distancing due to COVID-19 via enhanced virtual broadcasting capabilities to the 6FN Park and Recreation Boardroom for the Park & Recreation Department in an amount not to exceed \$143,727.49. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Digital Resources, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Digital Resources, Inc. under the acquisition contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$143,727.49 to Digital Resources, Inc. from General Fund, Fund 0001, Department PKR, various Units, Object 4770 from Acquisition Contract No. PKR-2021-00017005.

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.



City of Dallas

Agenda Information Sheet

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller's Office

EXECUTIVE: Elizabeth Reich

SUBJECT

A resolution of the City Council of the City of Dallas, Texas (1) authorizing the publication of Notice of Intention to Issue Certificates of Obligation; (2) approving the preparation of a preliminary official statement and a Notice of Sale; and (3) providing for the effective date thereof - Financing: No cost consideration to the City

BACKGROUND

The City's financial advisors recommend the issuance of certificates of obligation to finance street and other thoroughfare improvements, in an amount not to exceed \$55,840,000. Federal tax regulations allow for the reimbursement of capital expenditures from bond or short-term debt proceeds. These regulations can be used to begin implementation prior to issuance of bonds or commercial paper. Additionally, State law requires City Council approval of a Notice of Intention to Issue Certificates of Obligation under and pursuant to the provisions of the Texas Local Government Code, Section 271.049, as amended.

Passage of this resolution will authorize the publication of the Notice of Intention to Issue Certificates of Obligation, Series 2021 and allow for expenditures in advance of the certificates of obligation, scheduled in November 2021.

ESTIMATED SCHEDULE OF PROJECT

Authorize Preparation for Issuance of Bonds August 2021
Approval of Parameters Ordinances September 2021
Pricing October 2021
Delivery of Proceeds November 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 25, 2021, City Council authorized resolution authorizing the preparation of plans and the payment of potential future costs and expenses for the issuances of General Obligation Refunding and Improvement Bonds, Series 2021; Certificates of Obligation, Series 2021; and Equipment Acquisition Contractual Obligation Notes, Series 2021, by Resolution No. 21-1358.

FISCAL INFORMATION

No cost consideration to the City.

WHEREAS, the City Council (the "City Council") of the City of Dallas, Texas (the "City"), deems it advisable to issue Certificates of Obligation (the "Certificates") of the City for the purpose of paying contractual obligations to be incurred for the purposes set forth herein;

WHEREAS, the City desires to approve the preparation of a preliminary official statement (the "Preliminary Official Statement") and the preparation of a notice of sale ("Notice of Sale"), in anticipation of its issuance of the Certificates; and

WHEREAS, the City Council has found and determined that a notice of intention to issue certificates of obligation should be published in accordance with the requirements of Section 271.049 of the Texas Local Government Code; and

WHEREAS, it is hereby found and determined that the meeting at which this resolution is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code.

Now, Therefore,

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

SECTION 1. That the findings, definitions and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by City Council and made a part hereof for all purposes.

SECTION 2. That the City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of the City's intention to issue the Certificates (the "Notice").

SECTION 3. That the Notice shall be published once a week for two consecutive weeks in a newspaper which is of general circulation in the City, the date of the first publication to be at least 46 days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates. In addition, the Notice shall be posted continuously on the City's website for at least 45 days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

SECTION 4. That for purposes of section 1.150-2(d) of the Treasury Regulations, this Notice serves as the City's official declaration of intent to use proceeds of the Certificates to reimburse itself from Certificates issued in the maximum principal amount and for expenditures paid in connection with the projects, each as set forth in Exhibit A hereof. Any such reimbursement will only be made (i) for an original expenditure paid no earlier than 60 days prior to the date hereof and (ii) not later than 18 months after the later of

SECTION 4. (continued)

(A) the date the original expenditure is paid or (B) the date of the project to which such expenditure relates is placed in service or abandoned, but in no event more than three years after the original expenditure is paid.

SECTION 5. That the Mayor, City Manager, any Assistant City Manager, the Chief Financial Officer, City Secretary and other appropriate officials of the City, the City's financial advisor, PFM Financial Advisors LLC, co-disclosure counsel, Norton Rose Fulbright LLP and Kintop Smith, PC, and co-bond counsel, Bracewell LLP and West & Associates, LLP, are authorized and directed to proceed with the preparation of the Preliminary Official Statement and the Notice of Sale, if any, and to make other necessary arrangements for the sale of the Certificates at a future meeting of the City Council of the City.

SECTION 6. That the City hereby authorizes the preparation and distribution of a Notice of Sale and Preliminary Official Statement relating to the Certificates and authorizes the Chief Financial Officer or City Manager to approve the final form of and deem final such Preliminary Official Statement within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 of the United States Securities and Exchange Commission.

SECTION 7. That the Mayor, City Manager, any Assistant City Manager or the Chief Financial Officer, City Secretary, and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

SECTION 8. 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.

(Signature page follows)

INTRODUCED, READ AND PASSED by the affirmative vote of the City Council of the City of Dallas, Texas this 9th day of September, 2021.

		By:
	Name: T.C. Broadnax Title: City Manager	
ATTEST:		
By: Name: Bilierae Johnson		
Title: City Secretary		
[SEAL]		
APPROVED AS TO FORM:		
Christopher J. Caso City Attorney		
Ву:		
Assistant City Attorney		

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Dallas, Texas (the "City"), will meet in the Council Chambers at the City Hall, 1500 Marilla Street, Dallas, Texas, 75201 the regular meeting place of the City Council, at 9:00 a.m. on the October 27, 2021, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City's certificates of obligation (the "Certificates"), in the maximum aggregate principal amount not to exceed \$55,840,000, payable from the levy of a direct and continuing ad valorem tax against all taxable property within the City sufficient to pay the interest on this series of Certificates as due and to provide for the payment of the principal thereof as the same matures, as authorized by Chapter 271, Subchapter C, Texas Local Government Code, as amended, and from all or a part of the surplus revenues of the City's municipal drainage revenue system, such pledge of surplus revenues being limited to \$1,000, bearing interest at any rate or rates not to exceed the maximum interest rate authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the Certificates, and maturing over a period not to exceed ten (10) years from the date of issuance, for the purposes of evidencing the indebtedness of the City for all or any part of the costs associated with (i) planning, designing, constructing, reconstructing, improving, extending, reconfiguring, and expanding streets, circulation elements, thoroughfares, intersections, alleys, medians, sidewalks, bridges, and median improvements; and acquiring rights-of-way in connection therewith; and (ii) professional services incurred in connection with item; and (iii) to pay the costs incurred in connection with the issuance of the Certificates. The estimated combined principal and interest required to pay the Certificates on time and in full is \$71,876,488.89. Such estimate is provided for illustrative purposes only, and is based on an assumed interest rate of 5.000%. Market conditions affecting interest rates vary based on a number of factors beyond the control of the City, and the City cannot and does not guarantee a particular interest rate associated with the Certificates. As of the date of this notice, the aggregate principal amount outstanding of tax-supported debt obligations of the City is \$1,936,980,416.20. Based on the City's expectations, as of the date of this notice, the combined principal and interest required to pay all of the outstanding tax-supported debt obligations of the City on time and in full is \$2,904,287,095.23.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 9th day of September, 2021.

/s/Bilierae Johnson, City Secretary

City of Dallas, Texas



City of Dallas

Agenda Information Sheet

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary's Office

EXECUTIVE: Bilierae Johnson

SUBJECT

A resolution considering the Ethics Advisory Commission's recommended sanction against Councilmember Adam Bazaldua in connection with the EAC's finding of a violation of Chapter 12A of the Dallas City Code - Financing: No cost consideration to the City

BACKGROUND

On May 5, 2021, Dr. Pamela L. Grayson filed a sworn complaint with the City Secretary's Office against Councilmember Adam Bazaldua alleging that Councilmember Bazaldua violated specific sections of the Chapter 12A of the Dallas City Code ("Code of Ethics).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 10, 2021, a Preliminary Panel of the Ethics Advisory Committee ("EAC") met and determined that the complaint stated a claim and was supported by just cause and forwarded the complaint to the entire EAC for a full evidentiary hearing.

On July 6, 2021, the EAC met and granted Councilmember Bazaldua's motion for a continuance. The hearing was rescheduled for August 17, 2021.

On August 17, 2021, the EAC reconvened to hold the evidentiary hearing. After all testimony was heard, the EAC, with a 5-0 vote (1 member absent), found that Councilmember Bazaldua violated Section 12A-1.2(b)(3), "Standards of Civility":

City officials shall not make comments or take actions that are abusive; belligerent; crude; derogatory; disparaging; impertinent; personal attacks upon the character, integrity, or motives of others; profane; rude; slanderous; or threatening.

By unanimous vote, the EAC recommended a letter of admonition as the appropriate sanction. Pursuant to Section 12A-37.1(e)(2), the city council may issue a letter of admonition if the city council finds that a violation of the Code of Ethics was minor, but where the circumstances call for a more substantial response than a letter of notification.

FISCAL INFORMATION

No cost consideration to the City.

WHEREAS, on May 5, 2021, Dr. Pamela L. Grayson, filed a sworn complaint with the City Secretary's Office against Councilmember Adam Bazaldua alleging that Councilmember Bazaldua violated certain sections of Chapter 12A of the Dallas City Code ("Code of Ethics"); and

WHEREAS, on June 10, 2021, an Ethics Advisory Commission ("EAC") preliminary panel determined that, based on the evidence submitted, the complaint stated a claim and was supported by just cause and forwarded the complaint to the full EAC for an evidentiary hearing; and

WHEREAS, at the conclusion of the August 17, 2021 evidentiary hearing, the EAC found that Councilmember Bazaldua had violated Section 12A-1.2(b)(3), which states, "City officials shall not make comments or take actions that are abusive; belligerent; crude; derogatory; disparaging; impertinent; personal attacks upon the character, integrity, or motives of others; profane; rude; slanderous; or threatening"; and

WHEREAS, the EAC has recommended the following sanction: Letter of Admonition; and

WHEREAS, this matter has been forwarded to the city council for appropriate action in accordance with Section 12A-30(a)(4) of the Code of Ethics.

Now, Therefore,

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

SECTION 1. That the Ethics Advisory Commission's written decision concerning the complaint against Councilmember Adam Bazaldua which is attached to and made a part of this resolution, is hereby accepted.

SECTION 2. That Councilmember Adam Bazaldua is hereby issued, through this resolution, a letter of admonition for violating Section 12A-1.2(b)(3) of Chapter 12A, "Code of Ethics," of the Dallas City Code.

SECTION 3. That this resolution will 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.

WRITTEN DECISION CONCERNING THE COMPLAINT AGAINST ADAM BAZALDUA, CITY COUNCIL MEMBER

On May 5, 2021, Dr. Pamela L. Grayson, filed a sworn ethics complaint with the City Secretary's Office against Councilmember Adam Bazaldua alleging several violations of Chapter 12A of the Dallas City Code ("Code of Ethics").

A Preliminary Panel of the Ethics Advisory Commission ("EAC") met on June 10, 2021 at 9:30 a.m. via videoconference. The panel members consisted of Commissioners Thomas Perkins (Vice Chair), Paul Castillo, and Grant Schmidt. In a unanimous decision, the panel determined that, based upon the evidence submitted, there were some allegations that were found did *not* state a claim, however, majority of the allegations in the complaint, stated a claim and was supported by just cause and forwarded it to the full EAC for an evidentiary hearing:

The EAC met on July 6, 2021 at 9:30 a.m. and granted Councilmember Bazaldua's motion for a continuance. The evidentiary hearing was rescheduled for August 17, 2021.

The EAC reconvened on August 17, 2021 at 9:30 a.m. via videoconference. In attendance were Commissioners Timothy Powers (Chair), Thomas Perkins (Vice-Chair), Pam Gerber, Grant Schmidt, and Paul Castillo. Not in attendance was Commissioner Cassandra Hernandez. Also, in attendance was Dr. Pamela L. Grayson, complainant, and Adwoa Asante, complainant representative; Adam Bazaldua, respondent, and Philip T. Kingston, respondent representative.

Pursuant to Section 12A-28 of the Dallas City Code, a determination that a violation of the Code of Ethics has occurred can be made only upon an affirmative vote of at least three-fifths of the commission members present and voting; otherwise, the complaint must be dismissed. A finding that a violation occurred must be supported by clear and convincing evidence. "Clear and convincing evidence" means that measure or degree of proof that produces in a person's mind a firm belief or conviction as to the truth of the allegations sought to be established.

At the conclusion of the evidentiary hearing:

- Vice Chair Perkins moved to find that Councilmember Bazaldua <u>did not</u> violate Section 12A-1.2(a)(1) of the Code of Ethics. The motion was seconded by Commissioner Gerber and approved by a unanimous vote of the EAC;
- Vice Chair Perkins moved to find that Councilmember Bazaldua <u>did not</u> violate Section 12A-1.2(a)(3) of the Code of Ethics. The motion was seconded by Commissioner Schmidt and approved by a 3 to 2 vote of the

EACC, with Commissioner Gerber and Commissioner Castillo voting in opposition;

- Commissioner Castillo moved to find that Councilmember Bazaldua <u>did not</u> violate Section 12A-1.2(a)(4) of the Code of Ethics. The motion was seconded by Commissioner Gerber and approved by a unanimous vote of the EAC;
- Vice Chair Perkins moved to find that Councilmember Bazaldua <u>did not</u> violate Section 12A-1.2(a)(6) of the Code of Ethics. The motion was seconded by Commissioner Schmidt and approved by a 3 to 2 vote of the EACC, with Chair Powers and Commissioner Gerber voting in opposition.
- Commissioner Gerber moved to find that Councilmember Bazaldua <u>did not</u> violate Section 12A-1.2(b)(2) of the Code of Ethics. The motion was seconded by Commissioner Castillo and approved by a unanimous vote of the Commission;
- Commissioner Castillo moved to find that Councilmember Bazaldua <u>did</u> violate Section 12A-1.2(b)(3) of the Code of Ethics. The motion was seconded by Commissioner Gerber and approved by a unanimous vote of the Commission:
 - Section 12A-1.2(b)(3) <u>Standards of Behavior; Standards of Civility.</u> City officials shall not make comments or take actions that are abusive; belligerent; crude; derogatory; disparaging; impertinent; personal attacks upon the character, integrity, or motives of others; profane; rude; slanderous; or threatening;
- Commissioner Gerber moved to find that Councilmember Bazaldua <u>did not</u> violate Section 12A-1.2(b)(7)(A) of the Code of Ethics. The motion was seconded by Commissioner Castillo and approved by a unanimous vote of the Commission.

The EAC, in accordance with Sections 12A-30(a)(4) and 12A-37.1 of the Code of Ethics, submits the matter to the city council with the recommended sanction of Letter of Admonition.



1500 Marilla Street Dallas, Texas 75201



Agenda Information Sheet

File #: 21-1479 Item #: Z1.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Dr. Eric A. Johnson

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-16(A) Single Family District uses and a public school other than an open enrollment charter school use on property zoned an R-16(A) Single Family District, on the southwest corner of Midway Road and Killion Drive

Recommendation of Staff and CPC: Approval, subject to a development plan, a landscape plan, a traffic management plan, and conditions

Z201-132(CT)

HONORABLE MAYOR & CITY COUNCIL THURSDAY, SEPTEMBER 9, 2021

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z201-132(CT) DATE FILED: November 17, 2020

LOCATION: Southwest corner of Midway Road and Killion Drive

COUNCIL DISTRICT: 13 MAPSCO: 24 K

SIZE OF REQUEST: ±6.935 acres CENSUS TRACT: 95.00

REPRESENTATIVE: Karl Crawley, MASTERPLAN

APPLICANT/OWNER: Dallas Independent School District

REQUEST: An application for a Planned Development District for R-16(A)

Single Family District uses and a public school other than an open-enrollment charter school use on property zoned an R-

16(A) Single Family District

SUMMARY: The purpose of the request is to allow for the renovation and

expansion of a vacant building (formerly Walnut Hill Elementary School) to be repurposed as a high school

campus. [Walnut Hill Career Institute]

CPC RECOMMENDATION: Approval, subject to a development plan, a landscape

plan, a traffic management plan, and conditions.

STAFF RECOMMENDATION: Approval, subject to a development plan, a landscape

plan, a traffic management plan, and conditions.

BACKGROUND INFORMATION:

- The request site is developed with a 47,800-square-foot vacant structure.
- The site was formerly a Dallas ISD elementary school.
- The applicant proposes to renovate the existing structure and expand the school by 117,800 square feet for a total square footage of 165,500 square feet.
- The applicant seeks to create a Planned Development District for the public school other than open-enrollment charter school use and R-16(A) Single Family District uses. Per the applicant, the intention is to offer half-day highly specialized training in aviation, construction, carpentry, electrical, solar technology, interior design, HVAC, refrigeration, plumbing, pipefitting, mechatronics-advanced manufacturing, and cybersecurity. The applicant indicated that the plan is for all students to arrive and leave the campus on buses to and from their high school with no permitted student parking.
- The Planned Development District will allow for a maximum height of 50 feet, a maximum lot coverage of 48 percent, and a maximum of 142 parking spaces for up to 50 classrooms.

Zoning History: There has been one recent zoning change request in the vicinity within the last five years.

- **1. Z201-208** On June 24, 2020, City Council approved an amendment and expansion to Planned Development District No. 706 and the termination of Planned Development District No. 724.
- **2. Z190-341** A pending application to amend and expand Planned Development District No. 400 for a private school use. [June 3, 2021 CPC Hearing Date]
- **3. Z178-150** On August 8, 2018, City Council approved an amendment and expansion to Planned Development District No. 706

Thoroughfares/Streets:

Thoroughfare/Street	Туре	Existing ROW
Midway Road	Principal Arterial	100 ft.
Killion Drive	Local	50 ft.

Traffic:

Engineering staff completed a review of the development plan and staff has no objections to a proposed development plan depicting indented curbs along the drive aisles of the parking lot on both sides of the building. While the recessed curbs reduce the total number of parking spaces on site, the design creates a bus-driven facility that is adequately served by buses dropping off and loading students on site while still accommodating all parking needs during school peak hours. Staff recommended that the TMP for the Career

Institute North at Walnut Hill should only include one exhibit showing approved operations of buses in a single file around the south and east perimeter of the building and the applicant agreed to the it on the day of City Plan Commission hearing.

The TMP should also not prohibit the use of Fieldfare to access or exit the site. The proposed development plan provides direct access to/from Killion Drive and Midway Road. It is also likely that a small percent of DISD bus drivers may choose Fieldfare as an alternative route. Restrictions would be difficult to enforce. The use of Fieldfare by a small percent of buses is not anticipated to have a significant impact to homes facing Fieldfare or disrupt existing conditions on the residential street.

COMPREHENSIVE PLAN:

The <u>forwardDallas! Comprehensive Plan</u> was adopted by the City Council in June 2006. The <u>forwardDallas! Comprehensive Plan</u> outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The proposed zoning request meets the following goals and objectives of the comprehensive plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries, and schools.

Surrounding Land Uses:

	Zoning	Land Use
Site	R-16(A)	Vacant School Structure
North	R-16(A)	Single Family
South	R-16(A)	Public Park Recreation Center
East	R-16(A)	Single Family
West	R-16(A)	Single Family

Land Use Compatibility

The request site is the location of a vacant one-story structure, previously used as an elementary school and comprised of 47,800-square-feet. The applicant proposes a Planned Development District to allow for a public school other than open-enrollment charter school use by right and all other main uses permitted within an R-16(A) Single Family District. With the Planned Development District, the applicant is proposing a 117,800 square foot addition for a total of 165,500 square foot high school campus to accommodate the lab space and classrooms for the training course studies. Per the PD conditions, the height for the public school use is 50 feet and lot coverage of 48 percent for the use.

Surrounding land uses consist of single family to the west, north, and east of the site across Midway Road and south of the site is a public park and recreation center.

The proposed PD has a base zoning of R-16(A) District, which would allow for residential uses. This protects the neighborhood in the event of a possible replat or change of use in the property.

Staff supports the planned development district because a school use has operated at this location for many years prior to this proposal and a development plan has been provided for the property. Staff considers the planned development district to be compatible with the surrounding single-family neighborhood because compliance with the proposed PD conditions, a development plan, a landscape plan, and a Traffic Management Plan requiring periodic updates will ensure the operation runs optimally in the future.

Development Standards

DISTRICT	SETBACKS		Density	Height	Lot	Primary
DISTRICT	Front	Side/Rear	Delisity	neigni	Coverage	Uses
Existing: R-16(A) Single Family District	35'	10' for Res. Other: Side: 15' Rear: 20'	1 Dwelling Unit/ 16,000 Sq. ft	30'	40% for residential 25% for nonresidential*	Single Family
Proposed: PD	35'	10' for Res. Other: Side: 15' Rear: 20'	1 Dwelling Unit/ 16,000 Sq. ft	50'	45% for residential 48% for nonresidential	Single Family; Public School

^{*60%} lot coverage allowed for institutional uses; the proposed school classifies as institutional

Parking:

The requirement for off-street parking for the school is derived from three criterions: 1) the number of classrooms, 2) the type of institution that serves the students (e.g., elementary, middle or high school), and 3) the parking requirement established by the

Z201-132(CT)

PD. Per the Planned Development conditions, parking for a public school other than an open-enrollment charter school to be used as a high school with up to 50 classrooms must provide a minimum of 142 parking spaces, which is significantly less than the required 475 spaces. However, with the TMP demonstrating the primary mode of transportation being buses and no student parking allowed, staff does not object to the 142 parking spaces.

Landscaping

Per the PD conditions, landscaping must be as depicted on the approved landscape plan.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not categorized as being within an MVA cluster, surrounding properties to the west are located within the "C" Category and properties to east are within the "A" Category.

LIST OF OFFICERS

Dallas Independent School District Board of Trustees

Edwin Flores, District 1 Dustin Marshall, District 2 Dan Micciche, District 3 Karla García, District 4 Maxie Johnson, District 5 Joyce Foreman, District 6 Ben Mackey, District 7 Joe Carreón, District 8 Justin Henry, District 9

CPC ACTION JULY 1, 2021

Motion: It was moved to recommend **approval** of a Planned Development District for R-16(A) Single Family District uses and a public school other than an open enrollment charter school use, subject to a development plan, a landscape plan, a traffic management plan following staff recommended exhibit and revised conditions with the following additions: 1) a provision regarding the noise level from the chillers at the surrounding bounding lot line not exceed those limits allowed for a residential zoning district; 2) Parking lot lighting maximum 15 feet height of any parking lot lighting within 100 feet of residential zoning and Security lighting maximum 15 feet height of any parking lot lighting within 100 feet of residential zoning; and 3) if permissible, provide a provision to protect the original façade of the Spanish title roof building, on property zoned an R-16(A) Single Family District, on the southwest corner of Midway Road and Killion Drive.

Maker: Murphy Second: MacGregor Result: Carried: 11 to 2

For: 11 - MacGregor, Hampton, Stinson, Johnson,

Shidid, Carpenter, Blair, Suhler, Schwope,

Murphy, Garcia

Against: 2 - Jackson, Jung

Absent: 1 - Rubin Vacancy: 1 - District 10

Notices: Area: 500 Mailed: 101 Replies: For: 4 Against: 46

Speakers: For: Edwin Flores, 14775 Lochinvar Dallas, TX, 75254

Dan Micciche, 1140 Bally Mote Dr., Dallas, TX, 75218

Oswaldo Alvarenga, 107 Easterner Pl., Rockwall, TX, 75032

Jean Laswell, 13420 Midway Rd., Dallas, TX, 75244

David Downing, 4317 Cedar Springs Rd., Dallas, TX, 75219

Seth Stevens, 12377 Merit Dr., Dallas, TX, 75251 Hunter Lemley, 7557 Rambler Rd., Dallas, TX, 75231

Karl Crawley, 2201 Main St., Dallas, TX, 75201

Against: Brad Bell, 10306 Gooding Dr., Dallas, TX, 75229

Ross Coulter, 3851 Regent Dr., Dallas, TX, 75229 Martha Shoultz, 4021 Killion Dr., Dallas, TX, 75229 Riley Griffin, 10147 Fieldfare Ct., Dallas, TX, 75229 Aaron Van Pelt, 4136 Creekdale Dr., Dallas, TX, 75229 Michelle Romine, 4078 Killion Dr., Dallas, TX, 75229 John Bennett, 10125 Fieldfare Ct., Dallas, TX, 75229 Michelle Petersen, 4077 Northlawn Dr., Dallas, TX, 75229 David Smith, 4115 S. Better Dr., Dallas, TX, 75229 Juanita Morrow, 4115 S. Better Dr., Dallas, TX, 75229 Sharon Wetzel, 3850 Beutel Ct., Dallas, TX, 75229 Amy Fraler, 10315 Sherbrook Ln., Dallas, TX, 75229 Andrew Maish, 4334 Northcrest Rd., Dallas, TX, 75229 Marla Hartsell, 10557 Somerton Dr., Dallas, TX, 75229 John Whitham, 4107 S. Better Dr., Dallas, TX, 75229 Will Woods, 4243 Middleton Rd., Dallas, TX, 75229 Patricio Delgado, 10315 Sherbrook Ln., Dallas, TX, 75229 Lance Hartsell, 10557 Somerton Dr., Dallas, TX, 75229 Kathryn Rabuse, 10207 Best Dr., Dallas, TX, 75229 Deats Beaird, 10507 Westlawn Dr., Dallas, TX, 75229 Patrice Newman, 4045 Killion Dr., Dallas, TX, 75229 Jillann Ivan, 4152 South Better Dr., Dallas, TX, 75229 Gretchen Weber, 4051 Creekdale Dr., Dallas, TX, 75229 Kathy Adcock-Smith, 10535 Somerton Dr., Dallas, TX, 75229 Doyletta Minix, 10506 Westlawn Dr., Dallas, TX, 75229 Linda DeSanders, 10507 Westlawn Dr., Dallas, TX, 75229 Patty Tomaso, 4422 Northcrest Rd., Dallas, TX, 75229 Chillon Joersz, 10156 Betty Jane Pl., Dallas, TX, 75229 Christopher Garcia, 10149 Fieldfare Ct., Dallas, TX, 75229 David Rogers, 4122 S. Better Dr., Dallas, TX, 75229 Rex Weigand, 4170 Walnut Meadow Ln., Dallas, TX, 75229 Charles Kallassy, 4074 S. Better Dr., Dallas, TX, 75229 Thomas Bloodgood, 4148 S. Better Dr., Dallas, TX, 75229 Barbara Stone, 3879 Duchess Trl., Dallas, TX, 75229

Against (Did not speak): Jeffrey Rogers, 4222 Northcrest Rd., Dallas, TX, 75229 Marilyn Kapral, 10262 Better Dr., Dallas, TX, 75229 Thomas (Brad) Keating, 10238 Better Dr., Dallas, TX, 75229 Tim Weil, 3801 Meadowdale Ln., Dallas, TX, 75229 Erina Alvarado, 3809 Martha Ln., Dallas, TX, 75229 Staff: David Nevarez, Traffic Engineer, Sustainable Development & Construction

CPC RECOMMENDED PD CONDITIONS

		"ARTICLE
		PD
SEC. 51P	101.	LEGISLATIVE HISTORY.
PD	was establ	ished by Ordinance No, passed by the Dallas City Council on
SEC. 51P	102.	PROPERTY LOCATION AND SIZE.
		shed on property located at the southwest corner of Midway Road and PD is approximately 6.935 acres.
SEC. 51P	103.	DEFINITIONS AND INTERPRETATIONS.
(a) this article.	Unless othe	rwise stated, the definitions and interpretations in Chapter 51A apply to
		erwise stated, all references to articles, divisions, or sections in this ions, or sections in Chapter 51A.
(c)	This distric	t is considered to be a residential zoning district.
SEC. 51P	104.	EXHIBITS.
The fo	ollowing exhi	bits are incorporated into this article:
	(2) Exh	ibitA: development plan. ibitB: landscape plan ibit C: traffic management plan
SEC. 51P	105.	DEVELOPMENT PLAN.
this article an (b) 51A-4.702 re	with the develop of the develop For all othe egarding subr	eschool other than an open enrolment charter school use of the Property elopment plan (Exhibit). If there is a conflict between the text of oment plan, the text of this article controls. The uses, no development plan is required, and the provisions of Section mission of or amendments to a development plan, site analysis plan, arent schedule, and landscape plan do not apply.
SEC. 51P	106.	MAIN USES PERMITTED.
m		ept as provided in this section, the only main uses permitted are those mitted in the R-16(A) Single Family District, subject to the same

conditions applicable in the R-16(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-16(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-16(A) Single Family District is subject to DIR in this district; etc.

(b) The following main use is permitted by right; a public school other than an open enrolment charter school.

SEC. 51P-____.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-____.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

- (a) Except as provided in this section, the yard, lot, and space regulations for the R-16(A) Single Family District apply.
- (i) Maximum height is 35 feet, mechanical equipment is allowed an additional height of 10 feet. One portion of the building, as shown on the attached development plan, is allowed a maximum height of 48 feet with an additional height of 2 feet for an elevator penthouse or stair bulkhead. Heights of the buildings are shown on the attached development plan.
 - (ii) Maximum lot coverage is 48 percent.
 - (iii) The residential proximity slope applied to this site.

SEC. 51P- .109. OFF-STREET PARKING AND LOADING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

- (a) Off-street parking must be provided in accordance with Division 51A-4.300 et seq.
- (b) Parking for a public school other than an open-enrollment charter school to be used as a high school with up to 50 classrooms a maximum of 110 parking spaces must be provided. Parking is allowed in the required front yard.
- (c) Students must arrive and depart campus on transportation provided by the public school district or authorized representative, Students are not allowed to park on campus.

SEC. 51P--409.109.2 TRAFFIC MANAGEMENT PLAN.

(a) In general. Operation of a public school other than an open-enrollment charter school must comply with the traffic management plan (Exhibit 706C).

(b) Traffic study.

- (1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by **May 21, 2025**. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by March 1 of each **odd-numbered year**.
- (2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:
 - (A) ingress and egress points;
 - (B) queue lengths;
- (C) number and location of personnel assisting with loading and unloading of students;
 - (D) drop-off and pick-up locations;
 - (E) drop-off and pick-up hours for each grade level;
 - (F) hours for each grade level; and
 - (G) circulation.
- (3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.
- (A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.
- (B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(c) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

Z201-132(CT)

-		1 /	ty plan commission shall authorize changes in a traffic management ents improve queuing or traffic circulation; eliminate traffic hazards; a.
SEC.	51P	110.	ENVIRONMENTAL PERFORMANCE STANDARDS.
	See Ar	ticle VI.	
SEC.	51P	111.	LANDSCAPING.
X.	(a)	Except as prov	vided below landscaping must be provided in accordance with Article
school	(b) must be		or the permitted public school other than an open enrolment charter ecordance with the attached landscape plan.
	(c)	Plant material	s must be maintained in a healthy, growing condition.
_	(d) of-way, ng offici	as shown on th	red trees located within 30 feet of the Killion Drive or Fieldfare Drive ne attached landscape plan, must be evergreen, as approved by the
10.134	(e) 1, with tl	-	of removed or seriously injured trees must comply with Section 51A- at replacements trees must have a caliper of at least three (3) inches.
SEC.	51P	112.	SIGNS.
	Signs r	nust comply w	ith the provisions for non-business zoning districts in Article VII.
SEC.	51P-	.113.	LIGHTING.
	(a)	Parking lot lig Parking lot lig Security lighti Security lighti Pedestrian ligl	ng heights. Maximum heights for exterior lighting are as follows: thting: 25 feet thting within 100 feet of residential zoning: 15 feet ng within 100 feet of residential zoning: 15 feet ng within 100 feet of residential zoning: 15 feet nting: 10 feet security lighting: 12 feet
	(b)	All outdoor lig	ghting must be directed downward and away from adjacent properties.

intensity that creates a nuisance or detracts from the use or enjoyment of adjacent property.

Lighting may not produce glare or direct illumination across a property line of an

SEC. 51P-___.114. ADDITIONAL PROVISIONS.

- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.
- there will be the occasional school related Special Events that will be held on the campus not during school hours. Examples would include but are not limited to "Meet the Teacher", award ceremonies or new student/parent orientation. These type events are limited to non-regular school hours. With the limited amount of on campus parking the DISD must provide shuttle service for these events. The type of vehicle used for the shuttle service will vary depending on the type of event. Remote parking for the event can be provided either at the home school for the student or at the Thomas Jefferson High School/Walnut Hill International Leadership Academy campus. Shuttle service is to be provided approximately 30 minutes before, during and after the event. Information provided to students, parents and other possible participants in any Special Event must specify that no parking is allowed on campus and remote parking will be provided and a shuttle service provided. Parking areas on campus during Special Events are to limited to school personnel.
- (d) Bus Idling: Buses are not allowed to idle their engines without passengers for more than 15 minutes while on the Property or the adjacent right of way.
- (e) The noise level from the chillers at the surrounding bounding lot line shall not exceed those limits allowed for a residential zoning district.
 - (f) The original façade of the Spanish title roof building is encouraged to be protected.

SEC. 51P-____.115. COMPLIANCE WITH CONDITIONS.

- (a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.
- (b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city."

CPC RECOMMENDED DEVELOPMENT PLAN (Dark shade delineates expansion) FIELDFARE DR. MIDWAY RD. SITE Career Institute North at Walnut Hill 10115 Midway Rd, Dallas, TX 75229

CPC RECOMMENDED LANDSCAPE PLAN FIELDFARE DR. NEW 1-STORY ADDITION 20' TALL NEW 1-STOR ADDITION 30 TALL KILLION DR MIDWAY RD.

Career Institute North at Walnut Hill

10115 Midway Rd, Dallas, TX 75229

CPC RECOMMENDED TRAFFIC MANAGEMENT PLAN

July 1, 2021 PK# 4767-20.512

TRAFFIC Z201-132 MANAGEMENT PLAN



<u>DISD WALNUT HILL CAREER INSTITUTE</u> CITY OF DALLAS

Introduction

The services of Pacheco Koch (PK) were retained by Masterplan, on behalf of Dallas Independent School District, to prepare a Traffic Management Plan (TMP) for zoning approval in the City of Dallas for the Walnut Hill Career Institute (the "School") located in Dallas, Texas. This TMP is site-specific and relates to the peak traffic activity associated with school traffic at the site.

School Description

- Type: Proposed Public Career Institute
- District: Dallas Independent School District
- Address: 10115 Midway Road, Dallas, Texas
- Grades: 9th through 12th
- Start/End Times: 9:00 AM 4:20 PM
- Existing Zoning/Proposed Zoning: R-16(A)/creation of a new PD
- Future Enrollment: 2 Groups of 800 students (800 students during AM classes and 800 students during PM classes) with alternating Group A and Group B days.
- Drop-off Loading System: Bus Unloading/Loading Only

NOTE: All buses do not arrive at the same time throughout the day. There are three separate bus pick-up and drop-off periods: morning, mid-day, and afternoon. Morning (AM) period consists of buses dropping the AM Group A students off only and then leaving the site without students on board. Mid-day period consists of buses dropping the PM Group A students off from the students' home high school AND picking up the AM Group A students to transport back to their home high school. Afternoon (PM) period consists of buses arriving to the site without students on board and then picking up the PM Group A



7557 Rambler Road, Suite 1400
Dallas, Texas 75231-2388
(972) 235-3031 www.pkce.com
TX.REG: ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00

July 1, 2021



students to head back to their home high school. The next day, Group B students follow the same pattern.

School Access

- Adjacent Streets:
 - Midway Road: Six lanes, two-way operation, median divided [School Zone]
 - Killion Drive: Two lanes, two-way operation, no median [School Zone]
 - o Fieldfare Drive: Two lanes, two-way operation, no median
- Projected Travel Modes:
 - o Bus: 100%

^{*}Enrollment and Travel Mode Data provided by DISD

July 1, 2021



TRAFFIC MANAGEMENT PLAN

Proposed Traffic Management Operations

[No parent drop-off or pick-up will be occurring for this school] Buses will enter the site via the eastern most driveway on Killion Drive. Conditions as depicted in Exhibit A will operate with bus unloading/loading to be located on-site at two main separate locations, east of the school building and south of the school building. After students are safely unloaded/loaded onto the queued buses, buses travel through the site to exit the southernmost driveway on Midway Road and the southernmost driveway on Fieldfare Drive.

Parking lots for staff and visitor traffic are accessible via Killion Drive, Fieldfare Drive, and Midway Road. Dismissal will consist of a two dismissal groups (separate morning and afternoon student groups).

Staff assistance shall be present for all queuing areas to allow students to enter and exit the school building in a safe and efficient manner.

Special Event Remote Parking

It is anticipated that throughout the school year, there will be an occasional school related Special Event occurring outside of school hours that will be held on the subject campus. Special Events could include but are not limited to "Meet the Teacher", award ceremonies, and new student/parent orientations. With the limited amount of on-campus parking, DISD will provide shuttle services for these events. The type of vehicle used for the shuttle service will vary depending on the type of event. Remote parking for the event can be provided either at the home school for the student or at the Thomas Jefferson High School/Walnut Hill International Leadership Academy campus. Shuttle service is to be provided approximately 30 minutes before, during and after the event. Information provided to students, parents and other possible participants in any Special Event must specify that no parking is allowed on campus and remote parking will be provided and a shuttle service provided. Parking areas on campus during Special Events is to be limited to school personnel. Staff assistance shall be present for all queuing areas to allow students to enter and exit the school building in a safe and efficient manner.

July 1, 2021



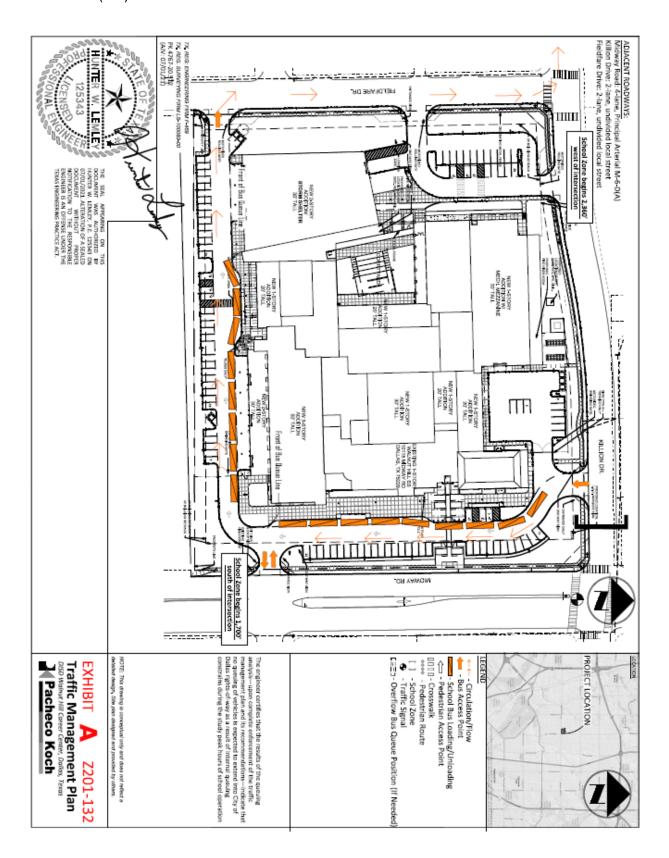
Acknowledgement Statement

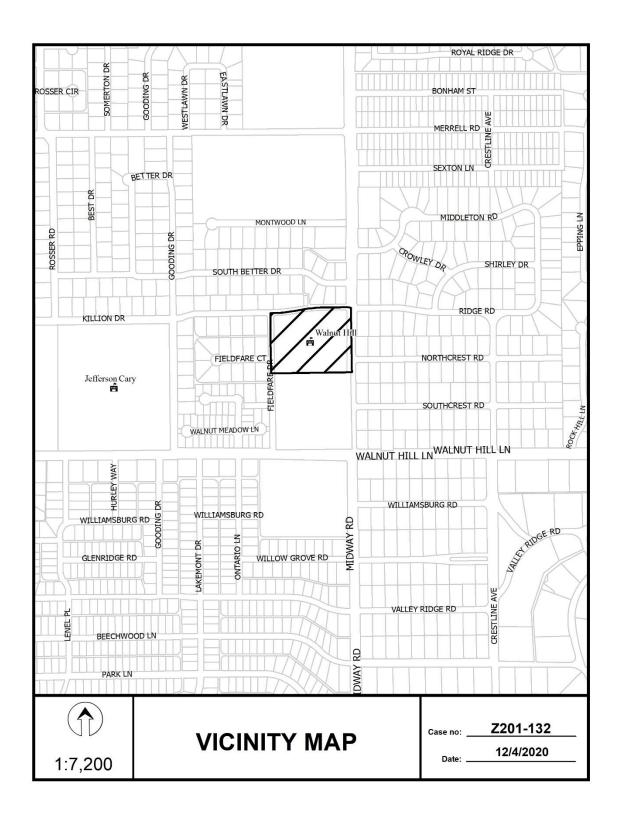
REVIEW AND COMMITMENT This school traffic management plan (TMP) for DISD Walnut Hill Career Institute was developed with the intent of optimizing safety and efficiently accommodating vehicular traffic generated during the school's typical student drop-off and pick-up periods. This plan was developed with direct input from individuals familiar with the general characteristics of the traffic needs of the school. It is important to note that a concerted and ongoing effort by and the full participation of the school administration are essential to accomplish these goals. By the endorsement provided below, the school administration hereby agrees to implement, adhere to, and support the strategies presented in this TMP for which the school is held responsible until or unless the City of Dallas deems those strategies are no longer necessary or that other measures are more appropriate. Principal Signature Date Name: __ Title: Police Department Signature Date Name: _

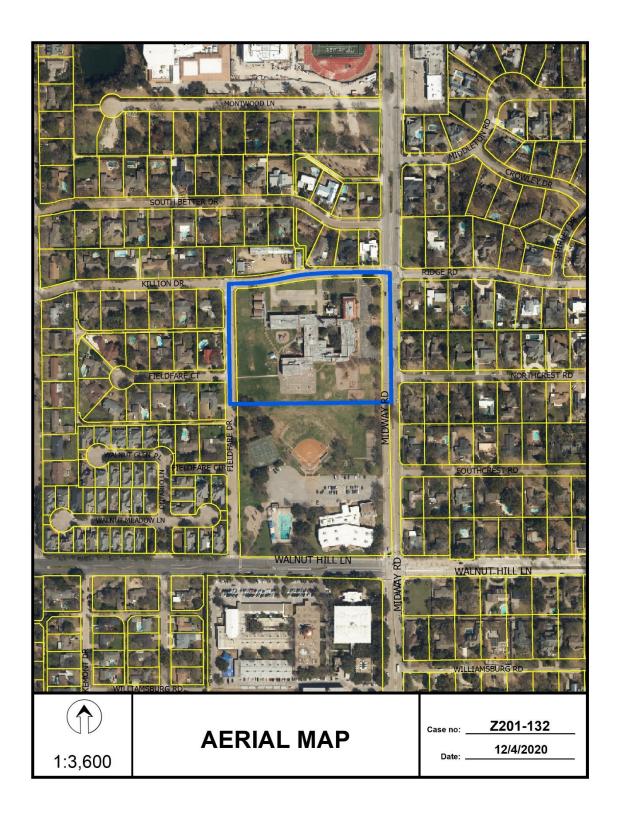
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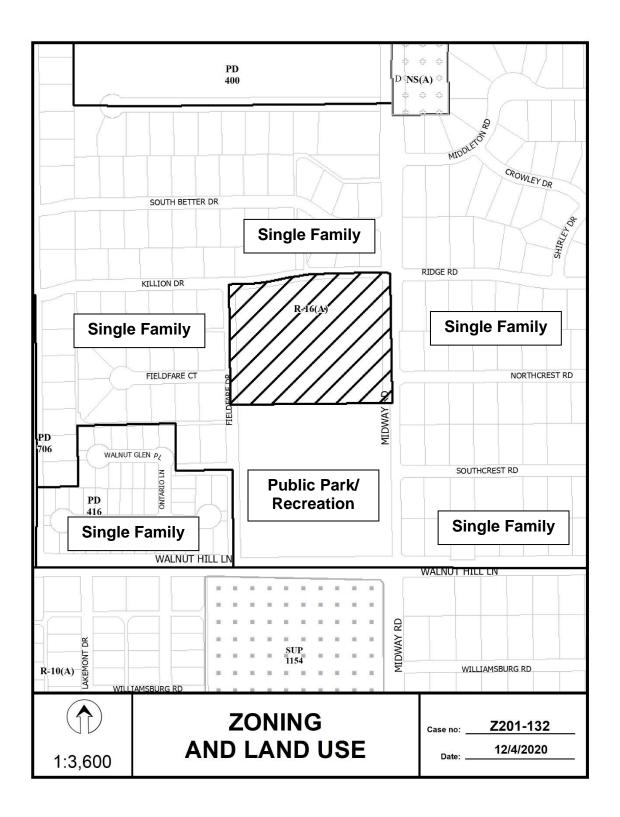
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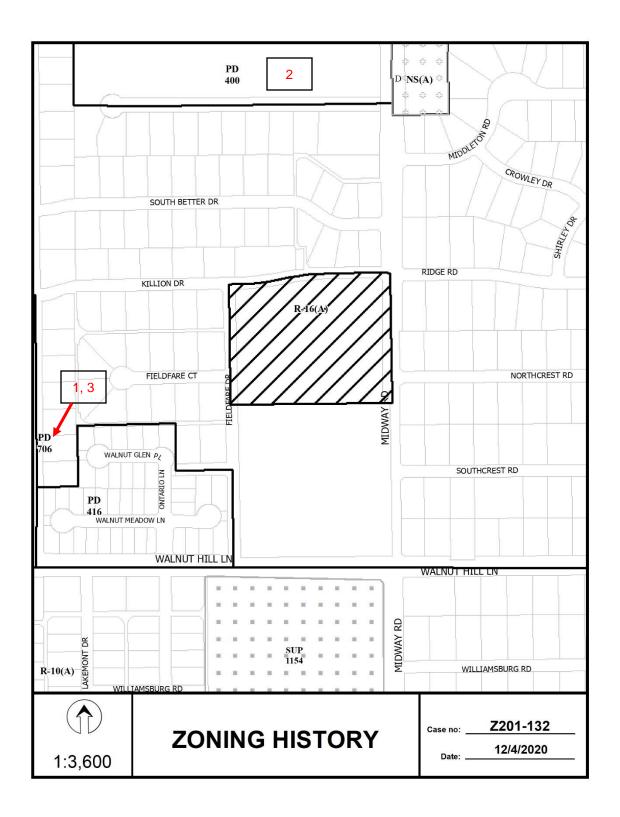
Traffic Management Plan Walnut Hill Career Institute Page 4

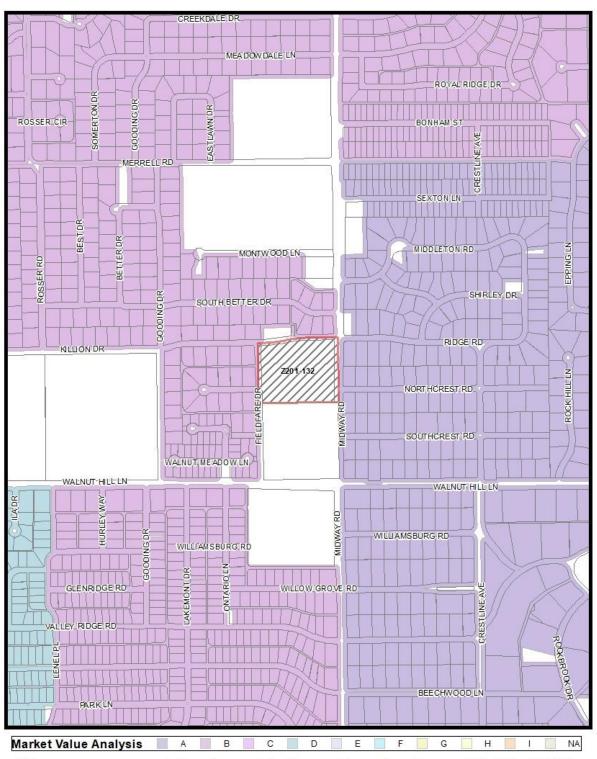










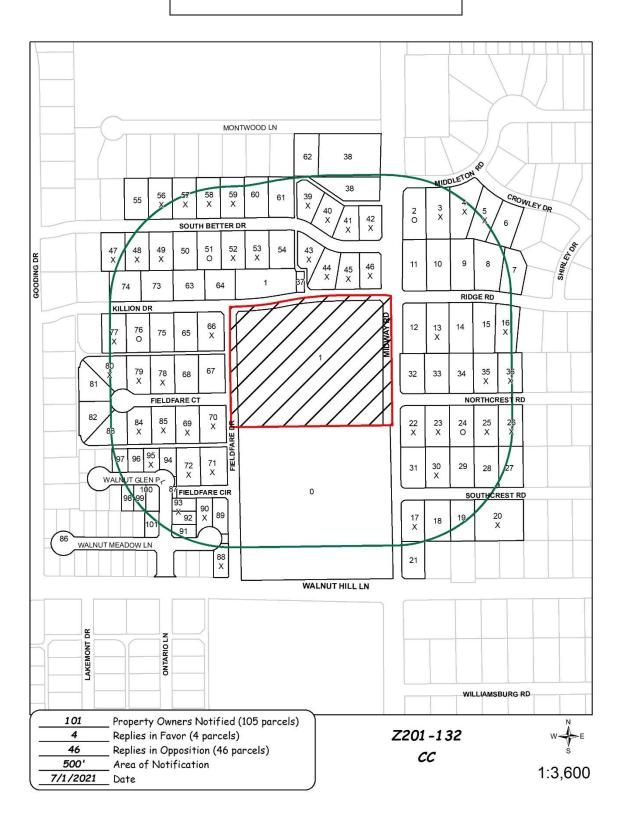


1:7,200

Market Value Analysis

Printed Date: 12/4/2020

CPC RESPONSE



06/30/2021

Reply List of Property Owners Z201-132

101 Property Owners Notified 4 Property Owners in Favor 46 Property Owners Opposed

Reply	Label #	Address		Owner
	1	10115	MIDWAY RD	Dallas ISD
O	2	4206	MIDDLETON RD	JOSHI SAFAL K &
X	4	4222	MIDDLETON RD	VANZANDT PATRICIA & JAMES B
	6	4322	CROWLEY DR	MARTINEZ MARTIN J & LESLIE R
	7	4239	RIDGE RD	MCFARLAND CHESTER J
	8	4231	RIDGE RD	AINSWORTH JASON & JOHANNA
	9	4223	RIDGE RD	SWANN STEPHEN & CAROLYN
	10	4215	RIDGE RD	WILLIAMS CLIFFORD K TR
	11	4207	RIDGE RD	KNIGHT JAMES BRIAN &
	12	4200	RIDGE RD	MOSS FREDERICK C
	14	4222	RIDGE RD	ELKIN ROBERT
	15	4230	RIDGE RD	SENAPATHY YADAGIRI & SHOBHA
X	16	4238	RIDGE RD	MADOLE BRET A &
	18	4214	SOUTHCREST RD	DONHEISER MARK M &
	19	4222	SOUTHCREST RD	MORAN MICHAEL W & SUZANNE
X	20	4230	SOUTHCREST RD	JARED BENJAMIN E &
	21	4207	WALNUT HILL LN	QUINONES CAHERINE W
X	22	4200	NORTHCREST RD	PARKER DONNA GAIL
	27	4239	SOUTHCREST RD	CARUANA NAOMI B
	28	4231	SOUTHCREST RD	ELMORE ZACHARY &
	29	4223	SOUTHCREST RD	DUFFNER JASON A & NICOLE M
	31	4207	SOUTHCREST RD	BATES STEPHANEE
	32	4207	NORTHCREST RD	LIVELY STAR INVESTMENTS LLC
	33	4215	NORTHCREST RD	WILLIAMS RALPH L & ANDRA
	34	4223	NORTHCREST RD	AYOUB MICHAEL A & IRENE
X	35	4231	NORTHCREST RD	GAIL DAVID B & SARA F

Reply	Label #	Address		Owner
	37	4143	KILLION DR	WALNUT HILL ELEM PTA
	38	10163	MIDWAY RD	EPISCOPAL SCHOOL OF DALLAS INC
Χ	39	4143	S BETTER DR	SINTOBIN YOLANDA
Χ	41	4151	S BETTER DR	BARTOLOMEO ROBERT M & DEBRA A
X	42	4155	S BETTER DR	ZALLY NANCY M
Χ	43	4144	S BETTER DR	WASHAM CORA DIANE
X	45	4152	S BETTER DR	IVAN DOUGLAS M
X	46	4156	S BETTER DR	HUNT JERMAINE A & GEORGINA
X	47	4066	S BETTER DR	Taxpayer at
X	48	4074	S BETTER DR	KALLASSY CHARLES A &
X	49	4082	S BETTER DR	LEW RICTOR S &
	50	4106	S BETTER DR	RYAN PATRICK JOACHIM JR & JEAN M
O	51	4114	S BETTER DR	Taxpayer at
Χ	52	4122	S BETTER DR	ROGERS DAVID &
Χ	53	4130	S BETTER DR	MCKINNEY JANICE REVOCABLE
	54	4138	S BETTER DR	KLEIN NATHANIEL
	55	4075	S BETTER DR	MEZGER GUY
X	56	4083	S BETTER DR	FAY WILLIAM J & RACHIDA
X	58	4115	S BETTER DR	SMITH DAVID T & JUANITA M MORROW
X	59	4123	S BETTER DR	PRINGLE JUDY C
	60	4131	S BETTER DR	SPANN MICHAEL &
	61	4139	S BETTER DR	OSBORNE CYNTHIA
	62	4126	MONTWOOD LN	WBL FAMILY INV INC
	63	4123	KILLION DR	CANADA WILLIAM R LIFE ESTATE
	64	4131	KILLION DR	JONES GERALD W
	65	4126	KILLION DR	ZICKGRAF EVAN D
	67	10161	FIELDFARE CT	TRAN KEVIN & LISA
	68	10155	FIELDFARE CT	MCDONELL JOAN
X	69	10125	FIELDFARE CT	BENNETT JOHN MICHAEL &
X	70	10121	FIELDFARE CT	LEE ROBERT &
X	71	10061	FIELDFARE CIR	VILLARREAL JOE A ETAL

Reply	Label #	Address		Owner
	73	4091	KILLION DR	POMATTO CHARLES V LIFE ESTATE
	74	4081	KILLION DR	RUBIO AUGUSSTIN C &
	75	4094	KILLION DR	JONES CASEY L & TORI LYN
O	76	4086	KILLION DR	CLARK BRIAN & MICHELLE
X	78	10153	FIELDFARE CT	MOUNT FRANK W &
	81	10143	FIELDFARE CT	WOLFORD EDNA V REVOCABLE
	82	10141	FIELDFARE CT	GRIFFITH PAUL
	83	10137	FIELDFARE CT	ONG THOMAS H
Χ	84	10133	FIELDFARE CT	PADIAN JOHN P
Χ	85	10129	FIELDFARE CT	BENNETT GEORGE A
	86	4176	WALNUT MEADOW LN	WALNUT MEADOWS JV I
	87	10026	ONTARIO LN	WALNUT MEADOWS JV I
X	88	4170	WALNUT MEADOW LN	WEIGAND REX & JULIA E
	89	4171	WALNUT MEADOW LN	BLANKENSHIP DANA BETH &
	91	10006	ONTARIO LN	SMITH JAY DUGAN & DEBORAH W
	92	10012	ONTARIO LN	EVERETT GERRI E
X	93	10020	ONTARIO LN	SLOCUM JULIE
	94	4149	WALNUT GLEN PL	VENGALIL MARINA TOMY & TOMY J
	96	4137	WALNUT GLEN PL	YEN PEDRO R &
	97	4131	WALNUT GLEN PL	MERSON ALEX & AMY
	98	4136	WALNUT GLEN PL	MINTON GEORGE V
	99	4142	WALNUT GLEN PL	REDDY ANIL K &
	100	4148	WALNUT GLEN PL	HTA LIVING TR
	101	4153	WALNUT MEADOW LN	JOHNSON DEBRA HUNTER
Χ	A1	4165	WALNUT MEADOW LN	HOLADAY FRANK & LAURA L
X	A2	4230	NORTHCREST RD	Taxpayer at
Χ	A3	4132	KILLION DR	FLENNIKEN NOBLE E &
X	A4	4215	SOUTHCREST RD	ZEMANEK GREGORY K &
X	A5	4214	MIDDLETON RD	WELLS SCOTT & CAMMY
X	A6	4214	RIDGE RD	EOFF BRANDON C & BOPHA C
X	A7	4214	NORTHCREST RD	RAW EQUITY GROUP LLC

06/30/2021

Reply	Label #	Address		Owner
X	A8	4143	WALNUT GLEN PL	HOFFER TEMPLE P
X	A9	4235	NORTHCREST RD	JONES SARA E
X	A10	4238	NORTHCREST RD	JOHNSON MARGARET PEGGY W
X	A11	4148	S BETTER DR	BLOODGOOD THOMAS M &
X	A12	4314	CROWLEY DR	WESTON J MICHAEL EST OF & LAURA
X	A13	10149	FIELDFARE CT	GARCIA RAGAN R &
X	A14	10055	FIELDFARE CIR	HONEA MICHELLE
X	A15	4147	S BETTER DR	PHAN NAM & LISA
X	A16	10147	FIELDFARE CT	GRIFFIN RILEY R JR &
X	A17	4078	KILLION DR	ROMINE THOMAS & MARY AGNES ROMINE
O	A18	4222	NORTHCREST RD	ROGERS JEFFREY S &
X	A19	4202	SOUTHCREST RD	TUCKER LARRY WAYNE JR
X	A20	4107	S BETTER DR	WHITHAM JOHN C & DAYA C





1500 Marilla Street Dallas, Texas 75201

Agenda Information Sheet

File #: 21-1550 Item #: Z2.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 9

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Dr. Eric A. Johnson

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar on property zoned a CR Community Retail District, south of Ferguson Road, east of Maylee Boulevard Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions Z190-265(HC)

Note: This item was deferred by the City Council before opening the public hearing on August 11, 2021, and is scheduled for consideration on September 9, 2021

HONORABLE MAYOR & CITY COUNCIL THURSDAY, SEPTEMBER 9, 2021

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z190-265(HC) DATE FILED: June 4, 2020

LOCATION: South of Ferguson Road, east of Maylee Boulevard

COUNCIL DISTRICT: 9 MAPSCO: 39 E

SIZE OF REQUEST: Approx. 0.443 acres CENSUS TRACT: 126.03

OWNER: Art Ron Ferguson, LLC

APPLICANT: Mike Blohm

REPRESENTATIVE: Jorge Hernandez, America Plans and Permits

REQUEST: An application for a Specific Use Permit for an alcoholic

beverage establishment limited to a private club-bar on

property zoned a CR Community Retail District.

SUMMARY: The purpose of the request is to allow for an existing

nonconforming private club-bar to increase square footage on

the subject site [Island Club].

CPC RECOMMENDATION: Approval for a two-year period with eligibility for

automatic renewals for additional two-year periods,

subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a two-year period with eligibility for

automatic renewals for additional two-year periods,

subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The applicant requests a Specific Use Permit to allow for an existing nonconforming one-story, 2,200 square foot private-club bar to increase its square footage. The private club bar is proposing to expand into the suite next door, resulting in a total of 3,700 square feet. The additional square footage will be used for more seating within the private-club bar.
- The establishment, operating as Island Club, obtained a certificate of occupancy as a private-club bar in 1996.
- A Private Club-Bar is defined as an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code that derives 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for onpremise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code. Private-Club Bar does not include a fraternal or veterans organization, as defined in the Texas Alcoholic Beverage Code, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. Private-Club Bar does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code.
- A private-club bar is permitted by SUP only in a Community Retail District.

Zoning History: There has been one zoning case in the area over the past five years

1. **Z190-321:** On January 27, 2021, the City Council approved an amendment to Specific Use Permit No. 1543 for a public school other than an open-enrollment charter school use on property zoned R-7.5(A) Single Family District No, located on the east corner of Ferguson Road and Plummer Drive.

Thoroughfares/Streets:

Thoroughfare/Street	Type	ROW
Ferguson Road	Principal Arterial	100 ft. w/ bike plan
Maylee Boulevard	Local Street	-
Shiloh Road	Local Street	-

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

COMPREHENSIVE PLAN:

The <u>fowardDallas! Comprehensive Plan</u> was adopted by the City Council in June 2006. The <u>fowardDallas! Comprehensive Plan</u> outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request is consistent with the following goals of the plan:

Economic Element

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	CR	Shopping Center
North	CR	Auto service center, car wash, retail
		and personal service uses
East	R-7.5(A)	Single Family Residential
South	R-7.5(A)	Single Family Residential
West	CR	General merchandise or food store with fueling station, restaurant, auto service center

Land Use Compatibility:

The business has been operating since 1996 within a shopping center and is adjacent to a variety of retail, personal services, and single-family residential uses. These land uses consist of single family to the east and south, personal service, auto service center, car wash and retail uses to the north, and general merchandise or food store with fueling station, restaurant, and auto service center to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

Staff supports the request for a two-year period with two-year automatic renewals because the request complies with all other zoning regulations and is not foreseen to be detrimental to surrounding properties. Additionally, a two-year period would require it to be re-evaluated in a short period of time within the automatic renewal procedure after the proposed expansion.

Landscaping:

Landscaping in accordance with the landscaping requirements in Article X, as amended.

Parking:

The off-street parking requirement for a private-club bar is one parking space per each 100 square feet of floor area. The applicant has proposed a cumulative floor area of 3,700 square feet after expansion, therefore, 37 parking spaces are required per the Dallas Development Code. The site plan depicts a total of 254 parking spaces for all tenants within the shopping center, whereas 247 parking spaces are required.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is not located within an MVA cluster but is surrounded by "F" MVA category to the south and east.

List of Partners/ Principals/ Officers

Mike Blohm - Sole Owner

CPC ACTION JULY 1, 2021

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions; as briefed, on property zoned a CR Community Retail District, south of Ferguson Road, east of Maylee Boulevard.

Maker: Jung Second: Hampton

Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Stinson, Johnson,

Shidid, Carpenter, Jackson, Blair, Jung,

Suhler, Schwope, Murphy, Garcia

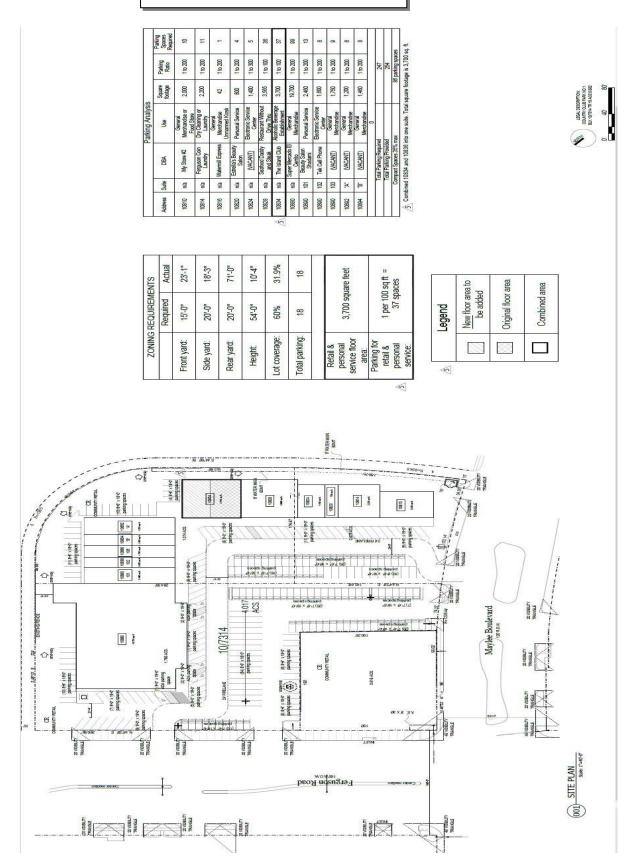
Against: 0

Absent: 1 - Rubin Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 26 Replies: For: 0 Against: 3

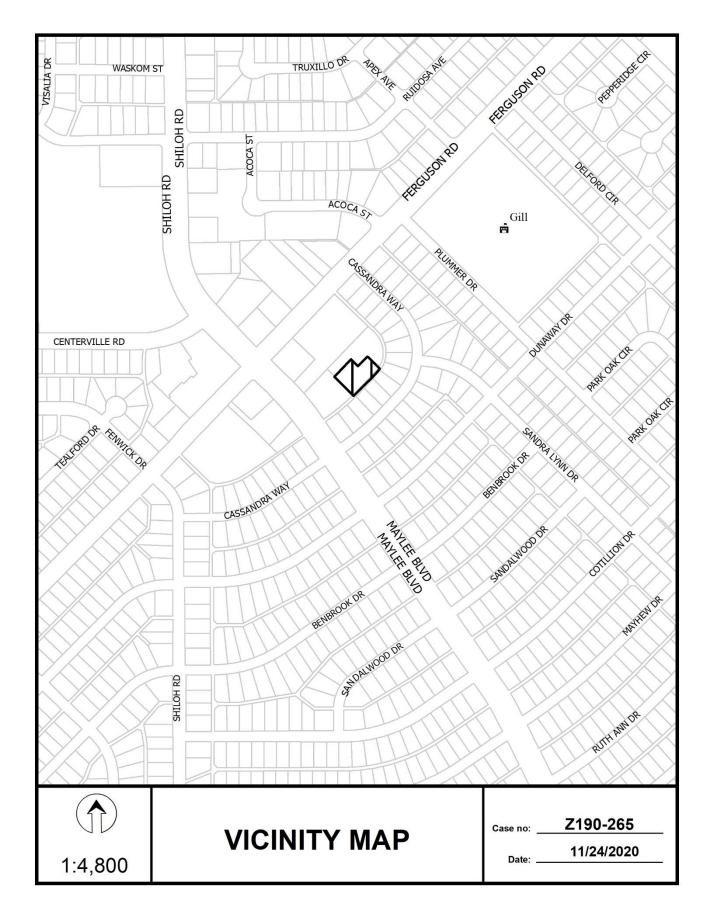
Speakers: None

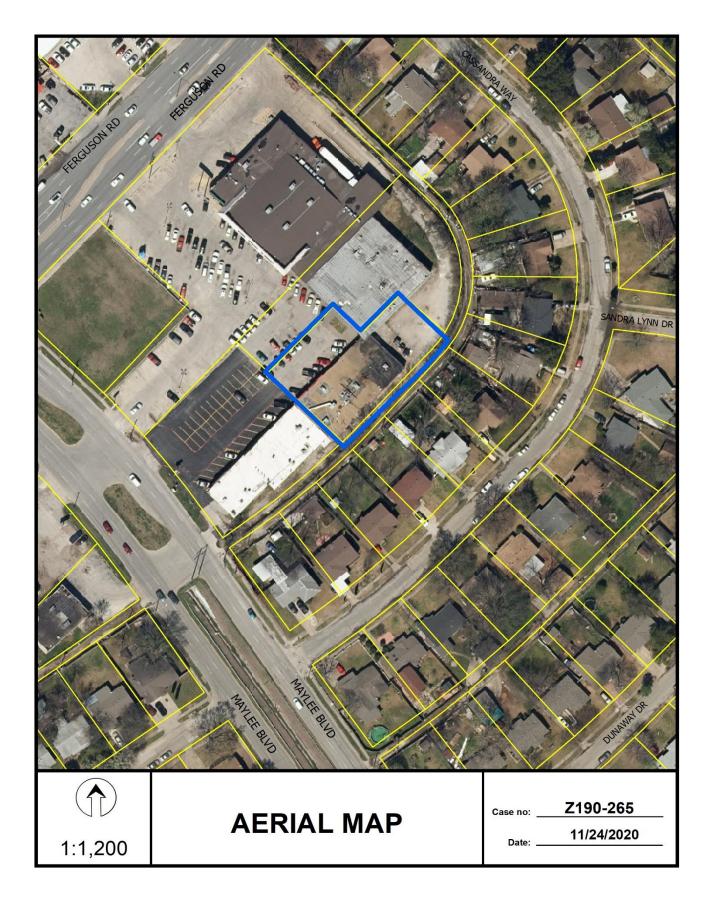
CPC Recommended Site Plan

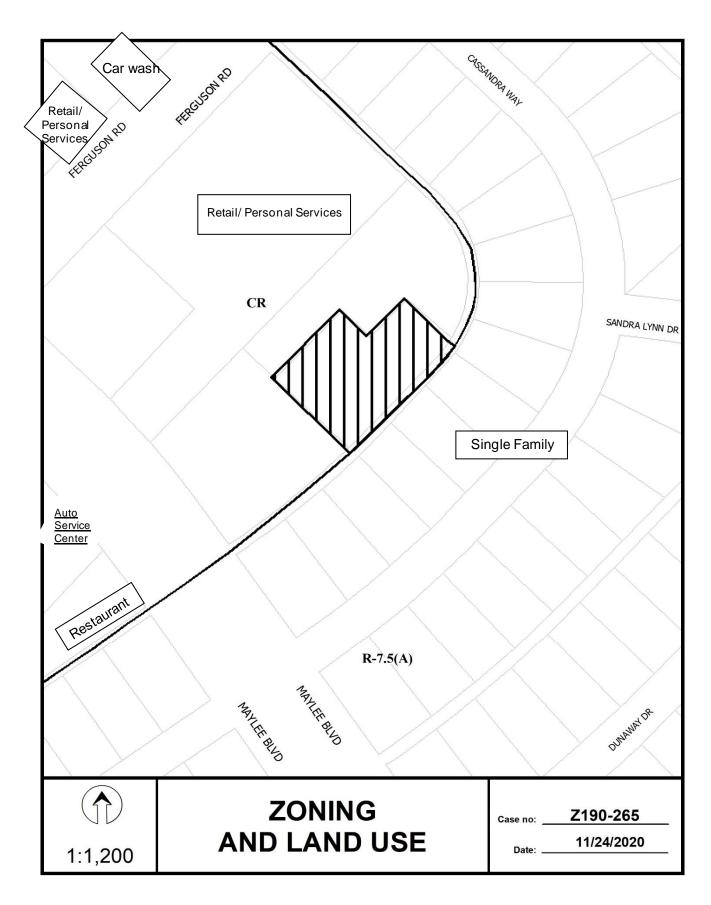


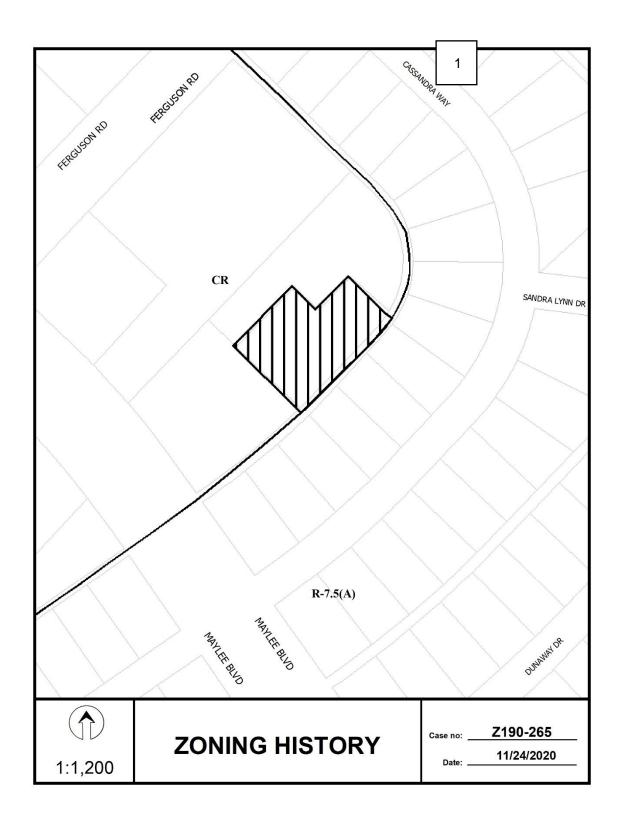
CPC Recommended SUP Conditions

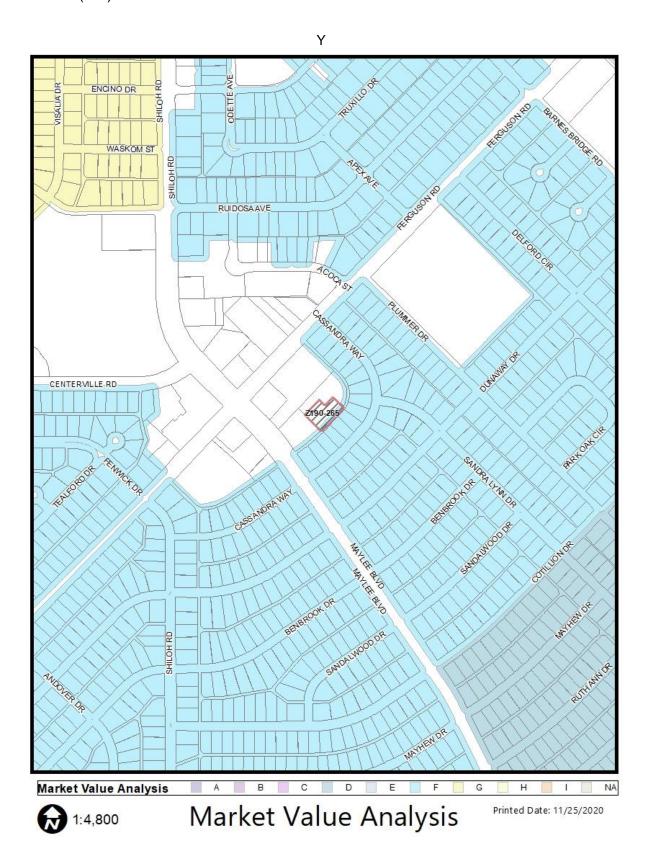
- 1. <u>USE:</u> The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a private-club bar.
- 2. <u>SITE PLAN:</u> Use and development of the Property must comply with the attached site plan.
- 3. <u>TIME LIMIT</u>: This specific use permit expires on_____ (two-year period from the passage of this ordinance) but is eligible for automatic renewal for additional two-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
- 3. <u>FLOOR AREA</u>: The maximum floor area for the private-club bar is 3,700 square feet.
- 4. <u>HOURS OF OPERATION</u>: The alcoholic beverage establishment limited to a private-club bar may only operate between 10 a.m. and 2:00 a.m. (the next day) seven days a week.
- 5. <u>MAINTENANCE:</u> The Property must be properly maintained in a state of good repair and neat appearance.
- 6. <u>GENERAL REQUIREMENTS:</u> Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.











14



06/30/2021

Reply List of Property Owners Z190-265

26 Property Owners Notified 0 Property Owners in Favor 3 Property Owners Opposed

Reply	Label#	Address	Owner
	1	10890FERGUSON RD	ART RON FERGUSON LLC
	2	10890FERGUSON RD	Taxpayerat
	3	10810FERGUSON RD	Taxpayerat
	4	10800FERGUSON RD	TRUONG MINH THI &
	5	10880FERGUSON RD	MARTINEZ RUBEN
	6	10805CASSANDRA WAY	GALLEGOS RAUL
X	7	10811CASSANDRA WAY	CHAPA MARTIN J & SARA RAMIREZ
X	8	10815CASSANDRA WAY	COLE JUDY
	9	10819CASSANDRA WAY	ORTIZ EPIFANIO &
	10	10823CASSANDRA WAY	OROPEZA JUAN G
	11	10829CASSANDRAWAY	TORRESJUANP
	12	10835CASSANDRA WAY	VASQUEZ JESUS DELGADO
	13	10839CASSANDRA WAY	BAEZ SILVIANO GARCIA
	14	10847CASSANDRA WAY	TREJOMANUELD&
	15	10853CASSANDRAWAY	ARMSTRONGALLISON
	16	10859CASSANDRAWAY	BARRAZA NORN
	17	10865CASSANDRA WAY	MARTINEZ HECTOR
	18	10869CASSANDRAWAY	KAN SOKKIM &
	19	10808CASSANDRAWAY	CARTER VERONICA
Χ	20	10812CASSANDRA WAY	SALMERON HUGO &
	21	10818CASSANDRAWAY	KHAKI INVESTMENTSLLC
	22	10822CASSANDRA WAY	SIMMONS JOHN W
	23	10826CASSANDRA WAY	MONDRAGON AMAIRANI F
	24	10830CASSANDRA WAY	FENIMORE RODNEY PATRICK &
	25	10834CASSANDRA WAY	HARRIS VIVIANNE
	26	10838CASSANDRA WAY	VALENCIA YESICA N SANCHEZ



City of Dallas

Agenda Information Sheet

File #: 21-1551 Item #: Z3.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Dr. Eric A. Johnson

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for single family uses on property zoned an R-16(A) Single Family District, at the northwest corner of Forest Lane and Nuestra Drive intersection

Recommendation of Staff: Denial

Recommendation of CPC: Approval, subject to a revised development plan and conditions

Z190-349(LG)

Note: This item was deferred by the City Council before opening the public hearing on August 11, 2021, and is scheduled for consideration on September 9, 2021

HONORABLE MAYOR & CITY COUNCIL THURSDAY, SEPTEMBER 9, 2021

ACM: Dr. Eric A Johnson

FILE NUMBER: Z190-349(LG) DATE FILED: September 2, 2020

LOCATION: Northwest corner of Forest Lane and Nuestra Drive

intersection

COUNCIL DISTRICT: 13 MAPSCO: 15 W

SIZE OF REQUEST: ±3.456 acres CENSUS TRACT: 96.04

REPRESENTATIVE: Brad Williams & Tommy Mann, Winstead PC

OWNER: City of Dallas

APPLICANT: Brent Aaron, Forest Park Development LLC

REQUEST: An application for a Planned Development District for single

family uses on property zoned an R-16(A) Single Family

District.

SUMMARY: The purpose of the request is to allow for the development of

single family homes onsite with modified standards primarily in relation to yard, lot, space regulations and shared access

requirements.

CPC RECOMMENDATION: Approval, subject to a revised development plan and

conditions.

STAFF RECOMMENDATION: <u>Denial</u>.

BACKGROUND INFORMATION:

- The site is currently undeveloped and zoned R-16(A) Single Family District.
- According to Section 51A-4.411(b)(2), a shared access development means a
 development where one or more of the lots within the development do not front on a
 public or private street, where access to the lots within the development is provided via
 a shared access area and that meets all of the requirements of this section.
- The existing zoning district regulations would allow a maximum of 9 single family lots; the applicant proposes to allow 26 single family lots on the property with the PD.

Zoning History: There has been no recent zoning changes requested in the vicinity in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Туре	Thoroughfare Dimension; ROW
Forest Lane	Principal Arterial	120' with bike plan
Nuestra Drive	Local Street	-
Quincy Lane	Local Street	-

Traffic

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Comprehensive Plan:

The <u>forwardDallas! Comprehensive Plan</u> was adopted by the City Council in June 2006. The <u>forwardDallas! Comprehensive Plan</u> outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The following goals could be considered consistent with the applicant's request.

LAND USE ELEMENT

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

Neighborhood Plus Plan

Goal 5.0 EXPAND HOMEOWNERSHIP

5.2 Encourage infill development and existing home improvements in target neighborhoods to attract and retain homeowners.

The applicant's request does not support the following goal of the Comprehensive Plan.

LAND USE ELEMENT

- GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES
 - Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	R-16(A)	Undeveloped Land
North	R-16(A)	Single Family
East	R-16(A)	Single Family
South	R-16(A)	Single Family
West	R-16(A)	Single Family

Land Use Compatibility:

The applicant proposes a detached single family residential development consisting of a maximum of 26 dwelling units. While single family is consistent with the surrounding uses, the applicant proposes to develop the lots in a manner that is not consistent with existing land uses. The applicant has proposed a shared access development that proposes lot sizes that are only about 29% of the lot size requirements of the existing R-16(A) Single Family District for the site and the adjacent properties. R-16(A) lot size requirement is 16,000 square feet, while the applicant proposes to develop lots that are minimum 4,600 square feet. Since the site is surrounded by single family homes with a minimum 16,000 sq. ft lots, Staff does not believe this request is compatible with the surrounding neighborhoods.

Development Standards:

DISTRICT	SE Front	TBACKS Side/Rear	Density	Height	Lot Coverage	Special Standards	Primary Uses
Existing: R-16(A) Single Family	35'	10'/10'- residential 15'/20' all other	1 Dwelling Unit / 16,000 sq. ft.	30'	40% residential 25% non- residential	One electric meter per single family dwelling	Single family
Proposed: Planned Development with R-16(A) Single Family uses	10'	Side: 7' one side, 0' other side or 5' Rear: 3'/10'/15'	7.5 Dwelling Units/ acre	30' 26' for enclosed garage	65%	Utility Easement of 10' for alley between Quincy Lane and Nuestra Drive	Single family

The applicant proposes to develop the site with a detached single family residential development consisting of a maximum of 26 dwelling units to substantially modify the front, side and rear yard setbacks, number of dwelling units per acre, lot coverage.

Parking:

The applicant does not propose to modify the parking requirements of the Dallas Development Code which requires two parking spaces per single family use and, in a shared access development, an additional one-quarter space per single family use for visitors or guests. The applicant is providing thirteen required parking spaces for guests, although since it consists of 26 units, the applicant would be required to provide 7 spaces for guests.

Landscaping:

In general, landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

Shared Access:

According to Section 51A-4.411(c)(1-4), a shared access development is required to have the following:

- (1) A shared access development is created by platting no less than three and no more than 36 individual lots. Adjacent shared access developments may not be connected or combined to exceed the 36 lot maximum.
- (2) A shared access development must be restricted by plat to single family use.

Z190-349(LG)

- (3) No building permit may be issued to authorize work in a shared access development until the plat and the shared access area agreement have been recorded in the real property records of the appropriate county, all requirements of the shared access area have been met, and the director has corrected the appropriate zoning map in the offices of the city secretary, the building official, and the department to reflect the restriction to single family use.
- (4) A shared access development may not be platted as a community unit development (CUD).

The applicant meets the requirements listed above but is not compatible with the surrounding uses. The City Plan Commission, at its hearing, recommended approval of the case with a 31-foot shared access drive.

Market Value Analysis:

Market Value Analysis (MVA) is a tool to aid residents and policymakers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to target intervention strategies more precisely in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). Although the area of request is uncategorized, it is surrounded with a "B" MVA cluster to the north, east, and west. Properties within an "A" MVA Category are located to the south, southeast and southwest of the property.

List of Officers/Partners/Principals

Forest Park Development, LLC

Brent Aaron, President

CPC ACTION MAY 6, 2021

Z190-349(LG)

De minimus Significant Change Motion: In considering the requirement in Section 5(m)(1)(B) of the CPC Rules of Procedure, the finding is it does not apply because the impact of increased landscape and setbacks in the Commission's judgement are de minimus in nature.

> Maker: Murphy Second: Rubin

Result: Carried: 10 to 2

For: 10 - MacGregor, Hampton, Stinson, Johnson,

Shidid, Carpenter, Blair, Suhler, Murphy, Rubin

Against: 2 - Jackson, Jung Absent: 2 - Schwope, Garcia Vacancy: 1 - District 10

Motion: It was moved to recommend approval of a Planned Development District for single family uses, subject to a revised development plan to include a 31 foot shared access drive and conditions on property zoned an R-16(A) Single Family District, at the northwest corner of Forest Lane and Nuestra Drive intersection.

> Maker: Murphy Second: Rubin

Result: Carried: 10 to 2

> For: 10 - MacGregor, Hampton, Stinson, Johnson,

Shidid, Carpenter, Blair, Suhler, Murphy, Rubin

Against: 2 - Jackson, Jung 2 - Schwope, Garcia Absent: Vacancy: 1 - District 10

Notices: Area: 500 Mailed: 84 Replies: For: Against: 31 3

> For: Lynn Kadleck, 2740 Dallas Pkwy, Plano, TX, 75093 Speakers:

> > Tommy Mann, 500 Winstead Building, Dallas, TX, 75201 Brad Williams, 500 Winstead Building, Dallas, TX, 75201 Bill Davis, 3377 Blackburn St., Dallas, TX, 75204

Linda Vallala, 5975 Lindenshire Ln., Dallas, TX, 75230 Steven Ellis, 5540 Lindenshire Ln., Dallas, TX, 75230

For (Did not Speak): Randy Kanjecki, 5656 Brookstown Dr., Dallas, TX, 75230

Maureen Milligan, 5918 Williamstown Rd., Dallas, TX, 75230 Against: Mitchell Fonberg, 5452 Glen Lakes Dr., Dallas, TX, 75231

Greg Curry, 5615 Brookstown Dr., Dallas, TX, 75230 Matt Pehrson, 5640 Brookstown Dr., Dallas, TX, 75230 Kaelyn Pehrson, 5650 Brookstown Dr., Dallas, TX, 75230 Janelle Alcantara, 5650 Brookstown Dr., Dallas, TX, 75230

Against (Did not Speak): Neil Fisher, 5650 Brookstown Dr., Dallas, TX, 75230

David Veeder, 5705 Ridgetown Cr., Dallas, TX, 75230 Daniel Gray, 5740 Willow Ln., Dallas, TX, 75230

Staff: David Nevarez, Traffic Engineer, Sustainable Development & Construction

CPC RECOMMENDED PD CONDITIONS

		ARTICLE
		PD
SEC. 51P	101.	LEGISLATIVE HISTORY.
PD	_ was estab (Ord	lished by Ordinance No, passed by the Dallas City Council on
SEC. 51P	102.	PROPERTY LOCATION AND SIZE.
		blished on property located on the north side of Forest Lane, between Drive. The size of PD is approximately 3.46 acres. (Ord)
SEC. 51P	103.	DEFINITIONS AND INTERPRETATIONS.
(a) this article.	Unless other	erwise stated, the definitions and interpretations in Chapter 51A apply to
(b) article are to a		nerwise stated, all references to articles, divisions, or sections in this sions, or sections in Chapter 51A. In this district:
open to the sk		ACE means the portion of a shared access development that is principally sible to all occupants of the shared access development.
(c)	This distric	et is considered to be a residential zoning district. (Ord)
SEC. 51P	104.	EXHIBITS.
The fo	llowing exh	ibits are incorporated into this article:
	Exhibit	_A: development plan. (Ord)
SEC. 51P	105.	DEVELOPMENT PLAN.
the developm provisions of site analysis p	ent plan (E Section 51A plan, concep lict between	use of the property as a shared access development shall comply with exhibitA). Otherwise, no development plan is required and the A-4.702 regarding submission of or amendments to a development plan, but plan, development schedule, and landscape plan do not apply. If a the text of this article and the development plan, the text of this article

SEC. 51P-____.106. MAIN USES PERMITTED.

Except as otherwise provided herein, the only main uses permitted are those main uses permitted in the R-16(A) Residential District, subject to the same conditions applicable in the R-16(A) Residential District, as set out in Chapter 51A. For example, a use permitted in the R-16(A) Residential District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-16(A) Residential District is subject to DIR in this district; etc. (Ord. _____)

SEC. 51P-____.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. (Ord. _____)

SEC. 51P-____.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

- (a) <u>In general</u>. Except as provided in this section, the yard, lot, and space regulations for the R-16(A) Residential District apply.
- (b) <u>Shared access development</u>. The following standards apply for single family uses developed as a shared access development.
 - (1) <u>Density</u>. Maximum permitted density shall be 26 single-family lots.
- (2) <u>Lot size</u>. Minimum lot size is 4,600 square feet. Minimum lot width is 47 feet.
 - (3) Lot coverage. Maximum lot coverage for individual lots is 65 percent.
 - (4) <u>Setbacks</u>.
 - (A) Streets. Minimum setback from all street frontages shall be 10 feet.
- (B) <u>Alley</u>. The minimum setback from an alley for the ground story of a single-family structure shall be as follows: (i) 3 feet for the garage and (ii) 21 feet for all other portions of the structure. The minimum setback for the upper story of any single family structure shall be: (iii) 10 feet where located above the garage and (iv) 21 feet otherwise.

- (C) <u>Easement</u>. Minimum setback from the shared access easement shall be 5 feet.
- (D) <u>Interior side yards</u>. Provided the opposing side yard is at least 7 feet, each lot may have one zero interior side yard; otherwise, a minimum side yard of 5 feet on each side of the lot shall be provided.
- (5) <u>Height</u>. Maximum height for single-family structures is: (i) 26 feet for any portion of the structure providing enclosed off-street parking, and (ii) 30 feet otherwise.
- (6) Open space. A minimum of 10,000 square feet shall be maintained as open space.
- (7) <u>Sidewalks</u>. At least one, four-foot sidewalk shall connect the shared access area to the sidewalk along Forest Lane. Within the development, a sidewalk with a minimum width of five feet shall be provided along the north side of the shared access area, outside the vehicular drive aisle, and shall extend from Quincy Lane to Nuestra Drive.
- (8) <u>Shared access standards</u>. Except as otherwise provided in this subsection, single family uses developed as a shared access development shall comply with the shared access development standards of Section 51A-4.411.
- (A) The shared access area must front on a public or private street (not an alley), have a minimum width of 31 feet, of which at least 22 feet shall be designed as vehicular travel lanes and at least 5 feet shall be sidewalk.
- (B) The shared access area may: (i) be gated, and (ii) be used to satisfy minimum lot area requirements and determine lot coverage.
- (C) A maximum of three shared access points may be provided. Except in time of emergency, access points fronting on Nuestra Drive and Quincy Lane shall be restricted to egress only. Single family units may, however, take access from an abutting alley rather than, or in addition to, the shared access area. (Ord. ____)

SEC. 51P-____.109. OFF-STREET PARKING AND LOADING.

- (a) <u>In general</u>. Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.
- (b) <u>Shared access development</u>. This subsection applies to single family uses in a shared access development.
- (1) A minimum of 2 parking spaces for each single-family unit shall be provided in an enclosed garage.

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(2)

or otherwise consent to such relocation.

of required guest parking spaces.
(3) A parking space must be at least 3 feet from the right-of-way line adjacent to an alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the alley. A parking space must be at least 5 feet from a shared access easement if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the shared access easement. (Ord)
SEC. 51P110. ENVIRONMENTAL PERFORMANCE STANDARDS.
See Article VI. (Ord)
SEC. 51P111. LANDSCAPING.
See Article X. (Ord)
SEC. 51P112. SIGNS.
Signs shall comply with the provisions for non-business zoning districts in Article VII. (Ord)
SEC. 51P113. ADDITIONAL PROVISIONS.
(a) The Property must be properly maintained in a state of good repair and neat appearance.
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.
(c) Except as may be required under this subsection, the building official shall not issue a building permit to authorize work for a shared access development on the property until: (i) the alley pavement along the northern boundary of the property, between Quincy Lane and Nuestra Drive, has been widened to a minimum width of 10 feet and otherwise improved to standard city specifications; and (ii) the overhead utility lines and associated posts located on the north side of the alley pavement as of the effective date of this ordinance have been relocated to the south side of the alley pavement. Provided, however, that relocation of utility lines and posts under this

of 0.25 spaces for each single-family unit or 13 spaces, whichever results in the greatest number

Dedicated guest parking shall be provided within the development at a rate

subsection shall not be required if any affected utility or franchise holder fails or refuses to approve

- (d) A masonry screening wall with a maximum height of 8 feet may be provided within the required front yard along all street frontages. A minimum of 40 evergreen shrubs with a mature height of at least 8 feet shall be provided between the property line and the face of the screening wall along Forest Lane and, subject to conflicts with utilities and driveways, shall be substantially evenly distributed, either individually or in groups, along Forest Lane.
- (e) For single-family structures located in a shared access development and on a building site abutting an alley: (i) no second story façade that is parallel to the alley may contain windows, and (ii) a minimum of one large canopy tree shall be planted between the main structure and the alley prior to final inspection of the main structure.
 - (f) <u>Landscaping in the public right-of-way of an alley.</u>
- (1) Landscaping may be located in the public right-of-way of an alley if a right-of-way landscape permit is obtained from the city.
- The city council hereby grants a non-exclusive revocable license to the (2) owners of all property within this district for the exclusive purpose of permitting landscaping to be located within the public right-of-way of an abutting alley. A property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a rightof-way landscape permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.
- (3) Each owner is responsible for maintaining the landscaping in a healthy, growing condition, and for keeping the premises safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain the landscaping. The granting of a license for landscaping under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees and landscaping in the public right-of-way. (Ord. _____)

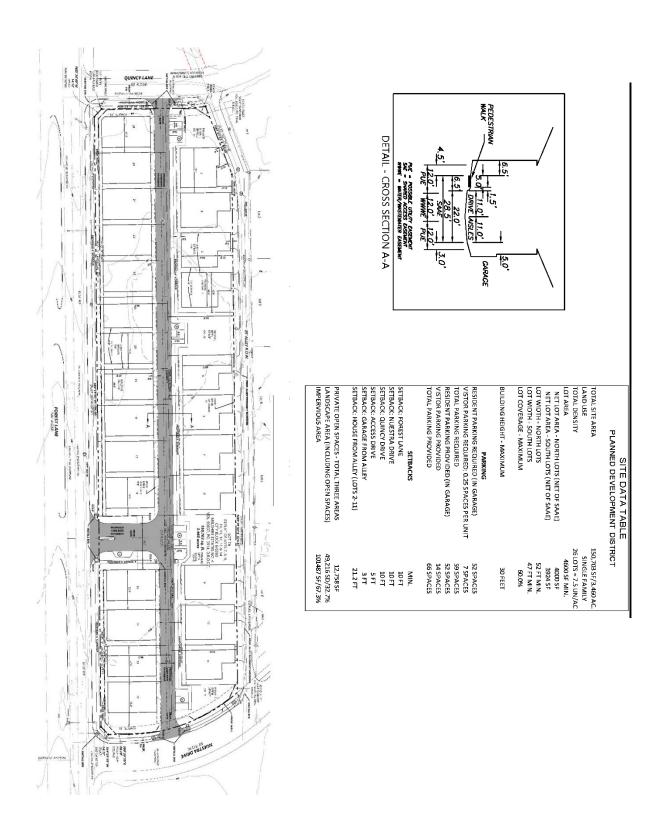
SEC. 51P-____.114. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

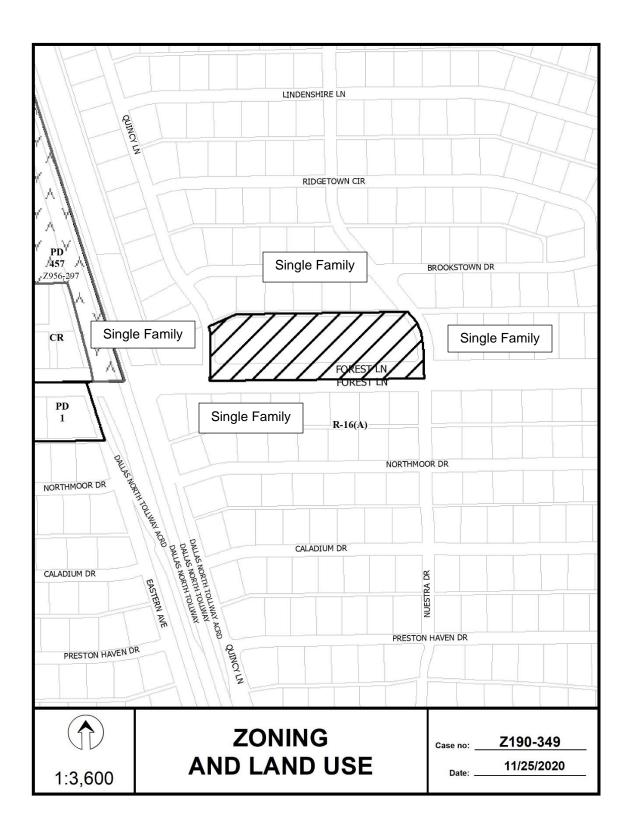
Z190-349(LG)

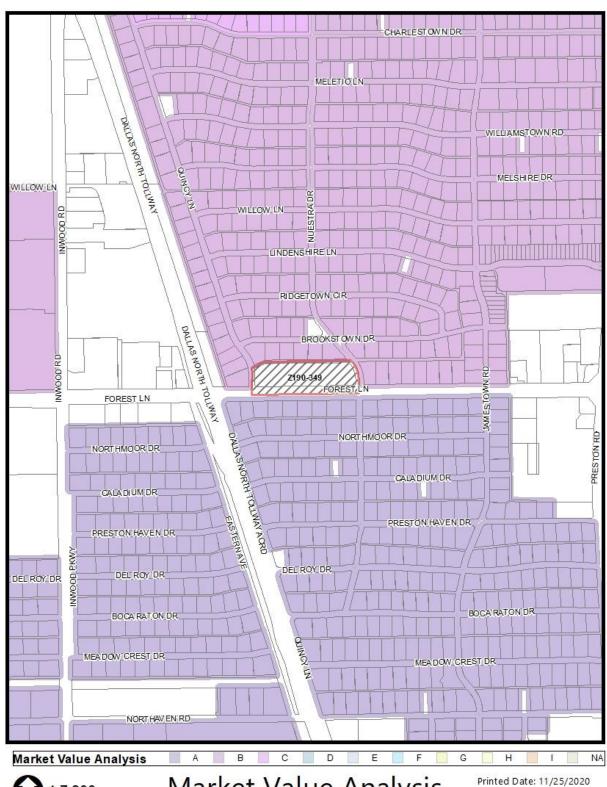
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. ____)

CPC Recommended Development Plan





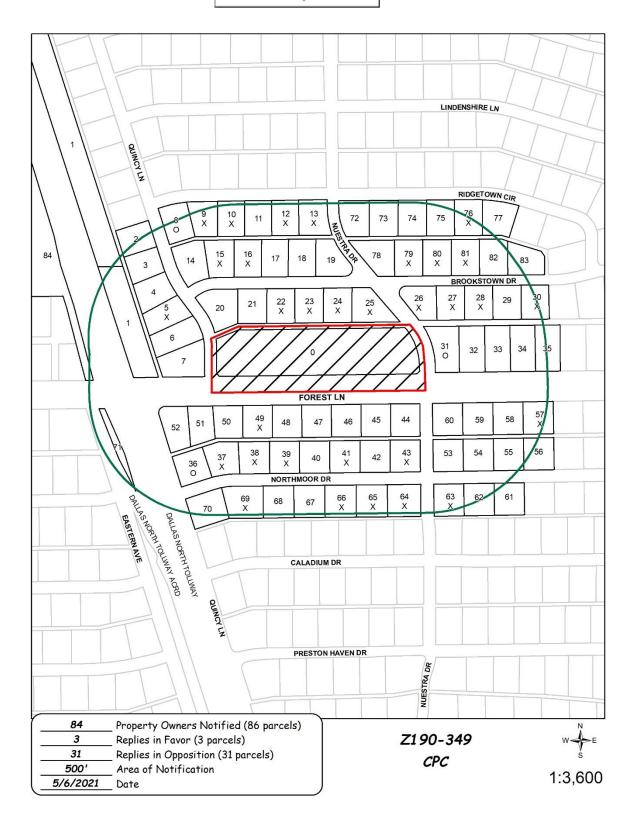




1:7,200

Market Value Analysis

CPC Responses



Reply List of Property Owners 2190-349

84 Property Owners Notified 3 Property Owners in Favor 31 Property Owners Opposed

Reply	Label #	Address		Owner
	1	5500	FOREST LN	ONCOR ELECRIC DELIVERY COMPANY
	2	11923	QUINCY LN	GUION LOUIS I III
	3	11915	QUINCY LN	HERBERT DANIEL C &
	4	11907	QUINCY LN	SPENCER DAWN LYNETTE &
X	5	11825	QUINCY LN	EGBUNIWE CHIKE
	6	11817	QUINCY LN	JADHAVJI ANWER
	7	11809	QUINCY LN	CRANSHAW JOSEPH P III &
O	8	5508	RIDGETOWN CIR	JAMES TASCAL ANN
X	9	5516	RIDGETOWN CIR	BURKS MICHAEL B &
X	10	5524	RIDGETOWN CIR	BLOOM STACI
	11	5610	RIDGETOWN CIR	CASTELLA ANDRES J & CAITLIN R
X	12	5620	RIDGETOWN CIR	DEGANI NEIL &
X	13	5630	RIDGETOWN CIR	SKAPEK STEPHEN & MARGARET
	14	5607	BROOKSTOWN DR	MOORE HARRY E &
X	15	5615	BROOKSTOWN DR	CURRY GREG & MELISSA
X	16	5623	BROOKSTOWN DR	LEE BYUNG J &
	17	5631	BROOKSTOWN DR	FLORES RENEE & ARTHUR
	18	5639	BROOKSTOWN DR	MASTROGIOVANNI JOSEPH JR &
	19	5649	BROOKSTOWN DR	DECHAMBEAU BRYSON
	20	5614	BROOKSTOWN DR	ORTEGA JOSE H JR
	21	5624	BROOKSTOWN DR	BANUET OMAR MATA &
X	22	5632	BROOKSTOWN DR	FRIEDLI JOHN DAVID
X	23	5640	BROOKSTOWN DR	PEHRSON MATTHEW & KAELYN
Χ	24	5650	BROOKSTOWN DR	FISHER NEIL J & JANELLE C ALCANTARA
Χ	25	5656	BROOKSTOWN DR	KANIECKI RANDAL W
X	26	5716	BROOKSTOWN DR	HOOFARD RICHARD & MONETTE

Z190-349(LG)

05/05/2021

Reply	Label #	Address		Owner
X	27	5726	BROOKSTOWN DR	STONE REVOCABLE TRUST
X	28	5734	BROOKSTOWN DR	JENNINGS CHERYL
	29	5744	BROOKSTOWN DR	RIAL MATTHEW
X	30	5752	BROOKSTOWN DR	FLETCHER DAVID R &
O	31	5709	FOREST LN	SMITH EVAMARIE DOLORES
	32	5717	FOREST LN	BRINDLE ROSS WHITING
	33	5725	FOREST LN	MIYASHITA SHOZO
	34	5733	FOREST LN	SAGE OAK HOLDINGS LLC
	35	5741	FOREST LN	FRIEDMAN RICHARD ALAN
O	36	5509	NORTHMOOR DR	STRONG STEVEN M & JANET L
X	37	5517	NORTHMOOR DR	KIRBY MATTHEW W & LISA A
X	38	5525	NORTHMOOR DR	CENTALA RICHARD A &
Χ	39	5535	NORTHMOOR DR	GLUCK DAVID BRIAN
	40	5609	NORTHMOOR DR	OLDENBURG LAUREN BRITTANY
X	41	5619	NORTHMOOR DR	GOODWIN TIMOTHY F &
	42	5629	NORTHMOOR DR	GARRISON JAMES STANLEY
X	43	5639	NORTHMOOR DR	NORRIS TIMOTHY J &
	44	5650	FOREST LN	SAMUELSOHN PHILLIP
	45	5640	FOREST LN	LY HAO & THU KHANH LAM
	46	5630	FOREST LN	CHUNG FAMILY TRUST THE
	47	5620	FOREST LN	SON JANET & DANIEL W
	48	5610	FOREST LN	KUZBARI OMAR &
X	49	5536	FOREST LN	WHITE DOUGLAS HAMILTON & LAURA E
	50	5526	FOREST LN	SARIN VIBHA
	51	5516	FOREST LN	SUTTON DEBRA LYNN &
	52	5508	FOREST LN	MONEY JAMES KYLE & ANGELA S
	53	5709	NORTHMOOR DR	WALDECK BRANDON & ANGELA
	54	5719	NORTHMOOR DR	JOHNSTONE ALEXANDRA W &
				MATTHEW J
	55	5729	NORTHMOOR DR	CHAWLA VIPUL
	56	5739	NORTHMOOR DR	GARY BARBARA ELIZEBETH
X	57	5740	FOREST LN	ROBIN JEFFREY H

Z190-349(LG)

05/05/2021

Reply	Label #	Address		Owner
	58	5730	FOREST LN	WALTERS PAULA E
	59	5720	FOREST LN	Taxpayer at
	60	5710	FOREST LN	HSU MICHAEL &
	61	5730	NORTHMOOR DR	KAM SUI TSANG
	62	5720	NORTHMOOR DR	GUTEN MIRIAM L
Χ	63	5710	NORTHMOOR DR	CALLAN LEIGHTON &
X	64	5640	NORTHMOOR DR	HINSON LAURA K
Χ	65	5630	NORTHMOOR DR	SAVAGE PATRICK A
X	66	5620	NORTHMOOR DR	MEERSMAN KEY LIVING TR
	67	5610	NORTHMOOR DR	DIMAS VASSILIS & VASILIKI VIVIAN
	68	5534	NORTHMOOR DR	NIX NANCY W
X	69	5524	NORTHMOOR DR	WELCH MICHAEL HOWARD
	70	5510	NORTHMOOR DR	ALVARADO MANUEL D
	71	11300	INWOOD RD	ONCOR ELECRIC DELIVERY COMPANY
	72	5706	RIDGETOWN CIR	REYNOLDS VINCENT M
	73	5712	RIDGETOWN CIR	JONES WILLIAM BRIAN LIFE EST
	74	5720	RIDGETOWN CIR	MIDDLEBROOK LEAH SHERMAN
	75	5726	RIDGETOWN CIR	FEENEY SEAN CONOR & SHANNON
				CREW
Χ	76	5734	RIDGETOWN CIR	LITMAN CRAIG I
	77	5740	RIDGETOWN CIR	ALLEN JOSEPH S &
	78	5705	BROOKSTOWN DR	BURGETT THOMAS L & AMANDA
X	80	5721	BROOKSTOWN DR	GRENIER PETER A & BARBARA
Χ	81	5729	BROOKSTOWN DR	KLEUSER ALEX A
	82	5735	BROOKSTOWN DR	PARKER AMY H
	83	5745	BROOKSTOWN DR	TAYLOR MARGARET M
	84	11920	INWOOD RD	LOWES HOME CENTERS INC
X	A1	5715	BROOKSTOWN DR	TREVINO JOHN M



1500 Marilla Street Dallas, Texas 75201



Agenda Information Sheet

File #: 21-1554 Item #: Z4.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Dr. Eric A. Johnson

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 105 for Convalescent Home & Institutional Uses, at the southeast corner of Samuell Boulevard and Grove Hill Road

<u>Recommendation of Staff and CPC</u>: <u>Approval</u>, subject to a conceptual plan and conditions <u>Z201-160(CT)</u>

Note: This item was deferred by the City Council before opening the public hearings on June 23, 2021 and August 11, 2021, and is scheduled for consideration on September 9, 2021

HONORABLE MAYOR & CITY COUNCIL

THURSDAY, SEPTEMBER 9, 2021

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z201-160(CT) DATE FILED: December 23, 2020

LOCATION: Southeast corner of Samuell Boulevard and Grove Hill Road

COUNCIL DISTRICT: 7 **MAPSCO**: 47 G

SIZE OF REQUEST: ±19.44 acres CENSUS TRACT: 122.06

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

APPLICANT: Wilbow Corporation

OWNER: UHS of Timberlawn, Inc.

REQUEST: An application for a Planned Development District for R-7.5(A)

Single Family District uses on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 105 for

Convalescent Home & Institutional Uses.

SUMMARY: The purpose of the request is to modify the development

standards primarily in relation to setbacks, height, density, landscaping and allow for a shared access development comprised of approximately 156 single family dwelling units.

CPC RECOMMENDATION: <u>Approval</u>, subject to a conceptual plan and

conditions.

STAFF RECOMMENDATION: Approval, subject to a conceptual plan and

conditions.

BACKGROUND INFORMATION:

- The area is zoned a R-7.5(A) Single Family District.
- The applicant seeks a Planned Development District for a shared access development with a R-7.5(A) base with deviations to the setbacks, landscaping, lot sizes, and open space conditions.

Zoning History:

There has been one zoning requests in the vicinity of the subject site in the last five years.

1. Z189-142: On May 22, 2019, City Council approved Planned Development District No. 1016 for residential uses located on the southwest corner of Samuell Boulevard and Hunnicut Road.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the request and the Traffic Impact Analysis submitted with the application and determined that the proposed development is not foreseen to cause a significant impact to the adjacent roadways.

Thoroughfares/Streets:

Thoroughfare/Street	Туре	Existing ROW
Samuell Boulevard	Community Collector	80 feet
Grove Hill Road	Local	-

STAFF ANALYSIS:

Comprehensive Plan:

The <u>forwardDallas! Comprehensive Plan</u> was adopted by the City Council in June 2006. The <u>forwardDallas! Comprehensive Plan</u> outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas.

1.3.1.6 Promote incentives for ownership and affordable housing development in Dallas.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

NEIGHBORHOOD PLUS PLAN

GOAL 4 ATTRACT AND RETAIN THE MIDDLE CLASS

Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation, and safety.

The proposed project has the potential to meet several goals of the comprehensive plan related to providing affordable housing and expanding homeownership opportunities.

Surrounding Land Uses:

	Zoning	Land Use
Site	R-7.5(A) Single Family District SUP No. 105	Undeveloped Convalescent Home & Institutional Uses
North	MF-2(A)(SAH) Multifamily District RR-D-1 Regional Retail District with D-1 Liquor Control Overlay SUP No. 923 Deed Restrictions Z978-283	Multifamily Office Office/Showroom Warehouse Nursery Establishment for the care of alcoholic, narcotic, and psychiatric patients
East	Planned Development District No. 1016	Single Family
South	R-7.5(A) Single Family District SUP 1502	Single Family
West	R-7.5(A) Single Family District SUP NO. 104	Cemetery

Land Use Compatibility:

The subject site is undeveloped. The area of request is zoned R-7.5(A) Single Family District with Specific Use Permit No. 105 for a convalescent home.

The area of request is surrounded by commercial uses to the north including office/showroom warehouse, medical clinic, and nursery garden shop in an RR-D-1 Regional Retail District with D-1 Liquor Control Overlay. A multifamily use is also to the north, across Samuell Boulevard, in an MF-2(A)(SAH) Multifamily District. A cemetery use is to the west. Single family uses are located to the south in an R-7.5(A) Single Family District.

The purpose of the request is to create a Planned Development District to allow for modification to the yard, lot and space regulations, landscape regulations, and shared access requirements. Shared access developments are limited to 36 lots in the city code. The PD conditions allow for 156 single family lots within the development.

Deviations from the Yard, lot, and space regulations include a 10-foot front yard setback (25 feet in R-7.5(A)) for the development and 10-foot side (5 feet in R-7.5(A)) and rear yard setbacks (5 feet for single family structures and 15 for other structures). The height deviates from the R-7.5(A) district by allowing a height of 36 feet from a 30 foot height within an R-7.5(A) district.

To accommodate the different types of units, the applicant proposes the PD District to allow for a maximum of 156 dwelling units with variable lot sizes. The current R-7.5(A) Density would allow for 113 total units on the 19.44-acre tract of land. The applicant proposes 156 dwelling units which would increase the allowed number of units within a standard R-7.5(A) use by 43 dwelling units.

Staff is supportive of the intent to redevelop the area and provide new housing opportunities to the area.

Development Standards:

DISTRICT	SETB Front	ACKS Side/Rear	Density	Height	Lot Coverage	PRIMARY Uses
Existing: R-7.5(A)	25'	5' For single family structures OTHER: Side: 10' Rear: 15'	1 DU/ 7,500 sq. ft.	30'	45% for res 25% for non res	Single Family
Proposed: Planned Development District	10'	10'	8 DU per acre	36'	65% res 40% nonres	Single Family

Landscaping:

As part of the request, the applicant proposes to follow Article X with the following deviations:

- A shared access development with more than 36 lots requiring a minimum of 10 percent of the total shared access development must be provided and;
- Planting groups are not required along Grove Hill Road.

Parking:

In general, and pursuant to the Dallas Development Code, off-street parking in the proposed Planned Development District, will be provided in accordance with Division 51A-4.200 for each use. Single family dwellings must be parked at one parking space per single family dwelling.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policymakers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is categorized as being within an "D" MVA cluster, with Category "D" to the south and southeast, and Category "H" to the southwest.

List of Officers

UHS of Timberlawn, Inc.

Universal Health Services, Inc.

Alan B. Miller, CEO
Marc D. Miller, President
Steve G. Filton, Executive Vice President and CFO
Marvin G. Pember, Executive Vice President
Matt Peterson, Executive Vice President
Charles F. Boyle, Senior Vice President
Geraldine Johnson Geckle, Senior Vice President
Matthew D. Klein, Senior Vice President
Michael S. Nelson, Senior Vice President
Victor J. Radina, Senior Vice President

Cheryl K. Ramagano, Senior Vice President

Wilbow Corporation

Bill Bowness, Chairman and CEO
Michael Herskope, CEO
Jason Massey, Senior Vice President and CFO
Jennifer Rabon, Senior Vice President
Matt Johnson, Senior Vice President
Becky Ullman, Vice President
Michael Ducote, Regional Manager

CPC ACTION May 6, 2021

Motion: It was moved to recommend **approval** of a Planned Development District for R-7.5(A) Single Family District uses, subject to a conceptual plan and conditions on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 105 for Convalescent Home & Institutional Uses, at the southeast corner of Samuell Boulevard and Grove Hill Road.

Maker: Jackson Second: Suhler

Result: Carried: 13 to 0

For: 13 - MacGregor, Hampton, Stinson, Johnson,

Shidid, Carpenter, Jackson, Blair, Jung, Suhler,

Schwope, Murphy, Rubin

Against: 0

Absent: 1 - Garcia Vacancy: 1 - District 10

Notices: Area: 500 Mailed: 75 Replies: For: 3 Against: 2

Speakers: For: None

For (Did not Speak): Matt Johnson, 5307 Mockingbird Ln., TX, 75206

Rob Baldwin, 3904 Elm St., Dallas, TX, 75226

Against: None

(a)

CPC RECOMMENDED CONDITIONS

		ARTICLE
		PD
SEC. 51P	101.	LEGISLATIVE HISTORY.
PD _	was estat	olished by Ordinance No, passed by the Dallas City Council on
SEC. 51P	102.	PROPERTY LOCATION AND SIZE.
		ished on property located on the southeast corner of Samuell Boulevard e size of PD is approximately 19.38 acres.
SEC. 51P	104.	DEFINITIONS AND INTERPRETATIONS.
(a) this article.	Unless oth	nerwise stated, the definitions and interpretations in Chapter 51A apply to
(b) article are to		herwise stated, all references to articles, divisions, or sections in this isions, or sections in Chapter 51A.
(c)	This distri	ct is considered to be a residential zoning district.
SEC. 51P	105.	EXHIBIT.
The f	Collowing ext	nibit is incorporated into this article:
	(1) Exhibi	tA: conceptual plan.
SEC. 51P	106.	CONCEPTUAL PLAN.
	nere is a con	I use of the Property must comply with the conceptual plan (Exhibit flict between the text of this article and the conceptual plan, the text of
SEC. 51P	107.	DEVELOPMENT PLAN.

For single family uses, a final plat may serve as the development plan.

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(b) For all other uses, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-___.108. MAIN USES PERMITTED.

The only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this district; etc.

SEC. 51P-___.109. ACCESSORY USES.

- (a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.
 - (b) The following additional accessory use is permitted by right:
 - -- Accessory community center (private).

SEC. 51P-____.110. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

- (a) <u>In general</u>. Except as provided, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.
- (b) <u>Shared Access Development</u>. The following standards apply for single family uses developed as a shared access development.
 - (1) <u>Front yard</u>. Minimum front yard setback is 10 feet.
 - (2) <u>Side and rear yard</u>. Minimum side and rear yard setback is 10 feet.
 - (3) Density. Maximum number of dwelling units is 156.
 - (4) Floor area ratio. No maximum floor area ratio.
 - (5) Height. Maximum structure height is 36 feet. RPS does not apply.

- (6) <u>Lot coverage</u>. Maximum lot coverage is:
 - (i) 65 percent for residential structures.
 - (ii) 40 percent for nonresidential structures.
- (iii) The shared access easement may be counted towards the lot in calculating lot coverage.
 - (7) <u>Lot size</u>. The minimum lot size is 2,400 sq. ft.
 - (8) Stories. No maximum number of stories.

SEC. 51P-___.111. OPEN SPACE.

- (a) Minimum open space is 15 percent of the entire Property and reserved as open space for activity such as active or passive recreation, playground activity, groundwater recharge, or landscaping. Open space that is dedicated and accepted as park land will be considered open space under this article.
- (b) Open space lots are principally open to the sky but allow for architectural elements such as pergolas, gazebos, and shade structures or contain pedestrian amenities such as fountains, benches, or paths. The open space lot must be a contiguous area of not less than 10 feet in width or length.

SEC. 51P-___.112. OFF-STREET PARKING AND LOADING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P-____.113. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-____.114. FENCING.

- (a) Except as provided in this section, fences must be constructed and maintained in accordance with the requirements of Section 51A-4.602.
- (b) A maximum six-foot-high solid masonry fence must be provided parallel to Grove Hill Road along the shared access development. Other fencing in a required front yard may be a maximum of eight feet and solid materials.

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(c)	Fencing on individual lots abutting open space lots shown on the Conceptual Plan
(Exhibit	A) must have fence panels be constructed of a minimum 50 percent open materials.

SEC. 51P-___.115. LANDSCAPING.

- (a) Except as provided, landscaping must be provided in accordance with Article X.
- (b) For a shared access development with more than 36 lots, Section 51A-10.125(a)(2) apply with the following exceptions.
- (1) Minimum landscape area equal to 10 percent of the total shared access development area must be provided.
 - (2) Planting groups are not required along Grove Hill Road.
 - (c) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P- .116. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. 51P- .117. ADDITIONAL PROVISIONS.

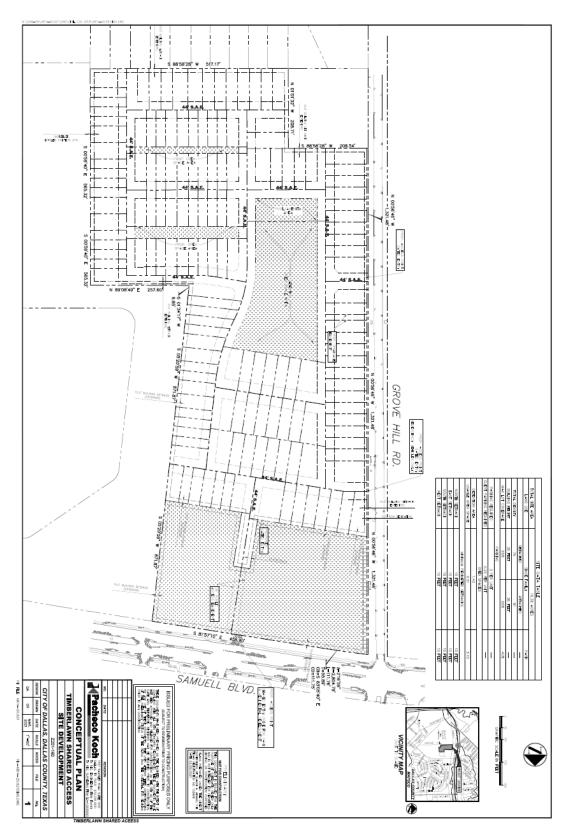
- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.
 - (c) Maximum number of lots is 156 in a shared access development.
- (d) A shared access development with more than 120 lots must provide three ingress/egress points. One ingress/egress point may be emergency access only.
- (e) Access through a park, playground or golf course use to the shared access development is required.

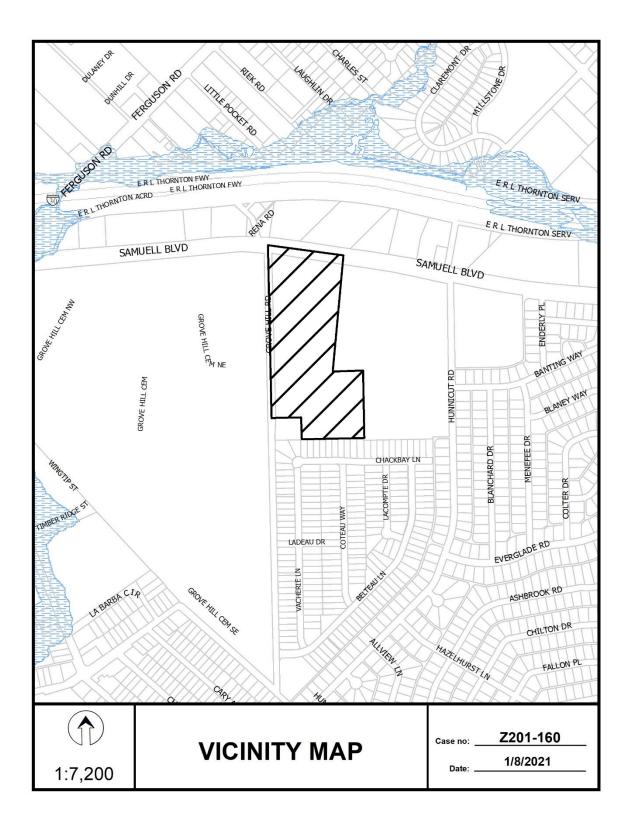
SEC. 51P-___.118. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

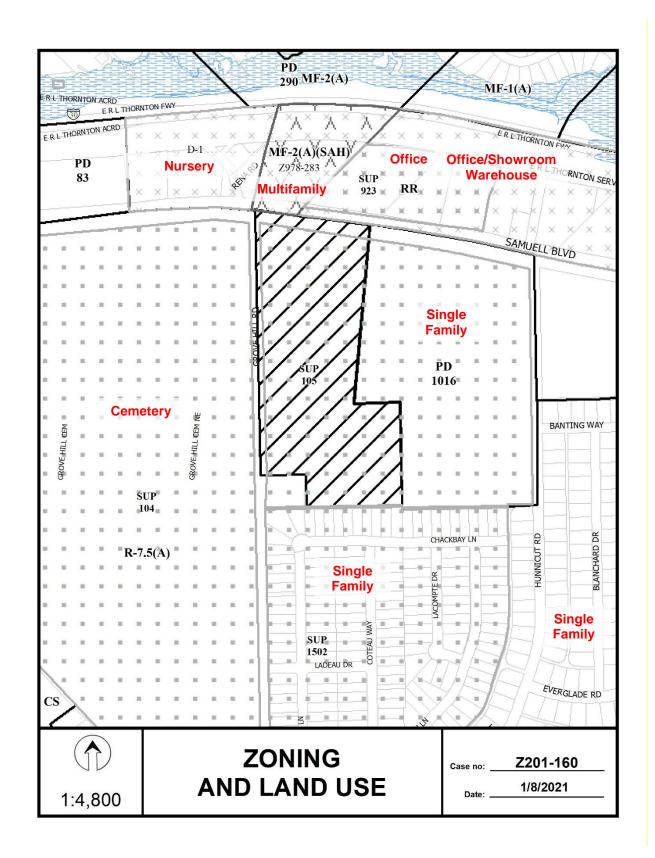
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

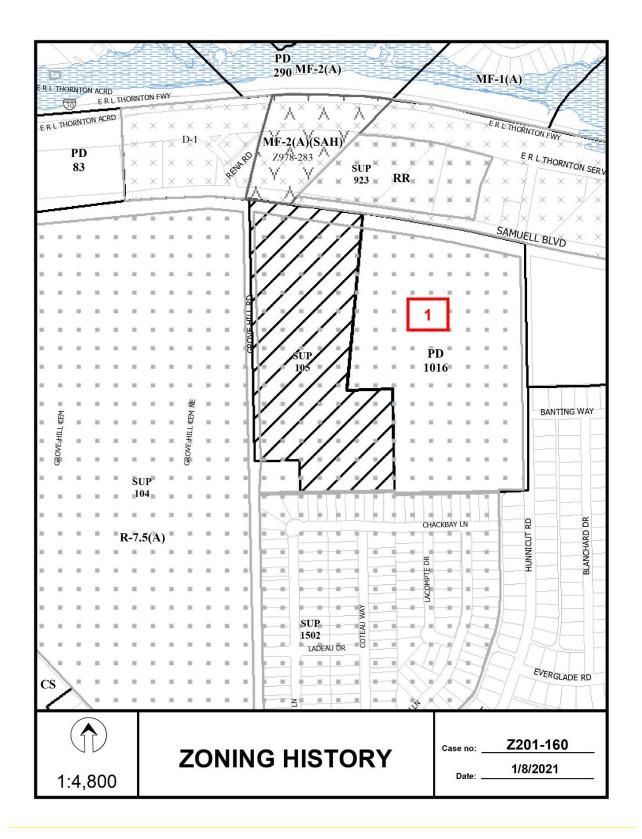
CPC RECOMMENDED CONCEPTUAL PLAN

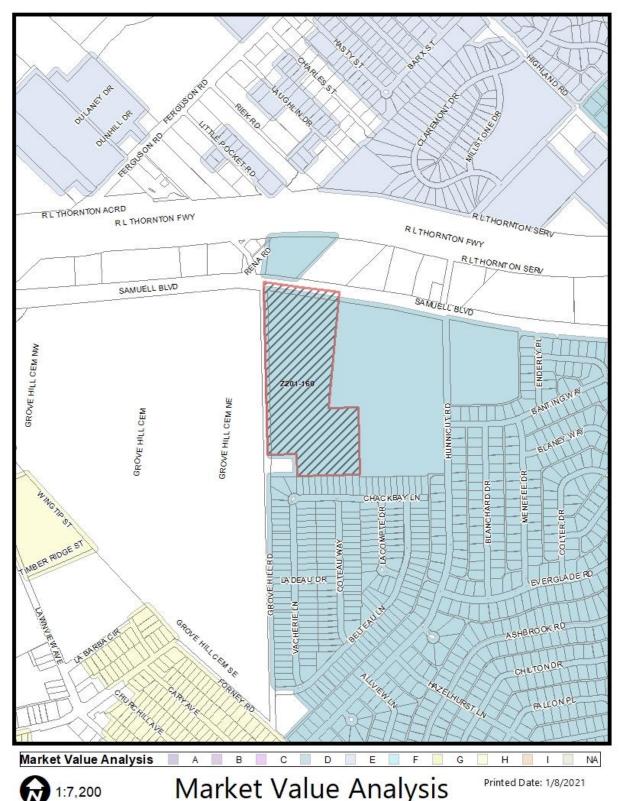












Market Value Analysis

CPC RESPONSES



Reply List of Property Owners Z201-160

75 Property Owners Notified

3 Property Owners in Favor

2 Property Owners Opposed

Reply	Label #	Address		Owner
	1	4600	SAMUELL BLVD	UHS OF TIMBERLAWN INC
	2	4800	SAMUELL BLVD	MM TENNYSON VILLAGE LLC
O	3	2750	GROVE HILL RD	SHEPHERD PLACE HOMES INC
	4	4734	LAWNVIEW AVE	SCI TEXAS FUNERAL SERVICES INC
	5	4529	SAMUELL BLVD	MINYARD JON
	6	7306	RENA RD	JONES RENA M
	7	7310	RENA RD	GARDEA OMAR &
	8	2351	GROVE HILL RD	JONES RENA M ET AL
	9	2431	GROVE HILL RD	DALE RW
O	10	4601	SAMUELL BLVD	PERSONAL TOUCH PROPERTIES LLC
	11	4611	SAMUELL BLVD	VILLA EVITA LLC
	12	4645	SAMUELL BLVD	SAM WEST PARTNERS LLC
	13	4721	SAMUELL BLVD	RS TEXAS INV LP
	14	1	BELTEAU LN	ENCLAVE AT GROVE HILL HOA INC
	15	4800	SAMUELL BLVD	ENCLAVE AT GROVE HILL
				HOMEOWNERS ASN INC
	16	1	VACHERIE LN	ENCLAVE AT GROVE HILL LTD THE
	17	2842	VACHERIE LN	FINNEY BRENDA LIFE ESTATE
	18	2834	VACHERIE LN	GLAZIER STUART ERIC &
	19	2830	VACHERIE LN	Taxpayer at
	20	2826	VACHERIE LN	MALLARD CASSANDRA
	21	2822	VACHERIE LN	Taxpayer at
	22	2818	VACHERIE LN	PERLICK DONALD R & DIANA SUE
Χ	23	2814	VACHERIE LN	DEWEY LEE A
	24	2810	VACHERIE LN	LILLEY DAVID B & SARAH BARR
	25	6911	CHACKBAY LN	FLORES ROBERT & SHELLEY
	26	6915	CHACKBAY LN	TRAMPEL JOSEPH

Reply	Label #	Address		Owner
	27	6919	CHACKBAY LN	JOHNSON SAMUEL W & LINDA K
	28	6923	CHACKBAY LN	KUHN MARIA
	29	6931	CHACKBAY LN	AGOLD CASEY
	30	2819	COTEAU WAY	MILLER EDWIN P & BARBARA W
	31	2823	COTEAU WAY	STEWART AARON K
	32	2827	COTEAU WAY	GILB SONYA
	33	2831	COTEAU WAY	2831 COTEAU FAMILY TRUST
	34	2824	LACOMPTE DR	DIMOCK BRIAN
	35	2820	LACOMPTE DR	VALLEJOS CHRISTINA & JOSE T
	36	2816	LACOMPTE DR	CRAWFORD SHERRY ANN
	37	2812	LACOMPTE DR	FUNDERBURK DAVID RAY & CLETA GAIL
	38	2808	LACOMPTE DR	VITOK BINH & SANDOR
	39	2804	LACOMPTE DR	GRANT DEANDRA M &
	40	7003	CHACKBAY LN	VARGAS MELISSA & LOUIS
	41	7007	CHACKBAY LN	WANG JAMES ZHEN &
	42	7011	CHACKBAY LN	STRANGIS STEPHANIE
	43	7015	CHACKBAY LN	EMERSON GRIFFIN A &
	44	7019	CHACKBAY LN	DOTSON ERIC & HOLLY
	45	7023	CHACKBAY LN	FURMAGA JAKUB & HAVAN
	46	7027	CHACKBAY LN	ULICKAS JESSICA
	47	7031	CHACKBAY LN	Taxpayer at
	48	7035	CHACKBAY LN	LANEY DIXIE & MARK
	49	7039	CHACKBAY LN	MARIN JENNIFER &
	50	6935	CHACKBAY LN	REDDICK HAROLD RICHARD
Χ	51	6939	CHACKBAY LN	DYK DEBRA T
	52	6943	CHACKBAY LN	THOMAS PATRICK A & TIFFANY L
	53	6947	CHACKBAY LN	SALINAS SILVIA M
	54	6951	CHACKBAY LN	TARDY JASON M & APRIL D
	55	2815	COTEAU WAY	JOHNSON BENNIE C & EDITH
	56	2837	VACHERIE LN	GRAY ANGUS A
	57	2833	VACHERIE LN	STUHLER THOMAS A &

Reply	Label #	Address		Owner
	58	2829	VACHERIE LN	BAZAN EDGAR GERARDO &
	59	2825	VACHERIE LN	OROZCO RICHARD JR
	60	2821	VACHERIE LN	JOHNSON KIM & LARRY
	61	2817	VACHERIE LN	RICO GREGORY ANDREW &
	62	2812	COTEAU WAY	GEORGE MICHAEL S & PATRICIA A
	63	2816	COTEAU WAY	RODRIGUEZ MARIO OCANDO &
	64	2820	COTEAU WAY	TRUONG THY M
	65	2824	COTEAU WAY	FRASER MICHAEL
	66	2828	COTEAU WAY	GOEBEL GRANT L
	67	2832	COTEAU WAY	SMITH DARREN K
	68	7148	BELTEAU LN	COOK GREG A
	69	7152	BELTEAU LN	HUTCHISON ROBIN E
	70	2819	LACOMPTE DR	Taxpayer at
	71	2815	LACOMPTE DR	SALINAS BROOKE NICOLE &
O	72	2811	LACOMPTE DR	FLORA STEPHEN ROBERT
	73	2807	LACOMPTE DR	PADILLA ISAAC STEVE
	74	2803	LACOMPTE DR	VICTOR VINCENT &
	75	4419	SAMUELL BLVD	HUGHES RONALD W JR



City of Dallas

Agenda Information Sheet

File #: 21-1552 Item #: Z5.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Dr. Eric A. Johnson

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MF-2(A) Multifamily District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District, on the northwest line of Empire Central, southwest of Mohawk Drive

Recommendation of Staff: Approval

Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant

Z201-200(RM)

Note: This item was deferred by the City Council before opening the public hearing on August 11, 2021, and is scheduled for consideration on September 9, 2021

HONORABLE MAYOR & CITY COUNCIL THURSDAY, SEPTEMBER 9, 2021

ACM: Dr. Eric A. Johnson

FILE NUMBER: Z201-200(RM) DATE FILED: March 5, 2021

LOCATION: Northwest line of Empire Central, southwest of Mohawk Drive

COUNCIL DISTRICT: 2 MAPSCO: 34 N

SIZE OF REQUEST: Approx. 0.81 acre CENSUS TRACT: 004.06

REPRESENTATIVE: Laura Evans, MASTERPLAN

APPLICANT: HTG

OWNER: 2033 EC, Ltd.

REQUEST: An application for an MF-2(A) Multifamily District on property

zoned an IR Industrial Research District.

SUMMARY: The purpose of the request is to allow for a multifamily

development onsite.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by

the applicant.

STAFF RECOMMENDATION: Approval.

BACKGROUND INFORMATION:

- The area of request is currently zoned an IR Industrial Research District and is undeveloped.
- The applicant proposes to develop the site with a multifamily use.
- The applicant proposes to provide affordable units as part of the development, which will allow them to achieve development bonuses to standard MF-2(A) district requirements.
- The site will be developed in conjunction with the property on the northwest side of the intersection of Empire Central and Forest Park Road, which is also currently being considered as a zoning case (Z201-201).

Zoning History:

There have been two zoning cases in the area in the past five years.

- 1. **Z189-166:** On April 24, 2019, City Council approved an MU-1 Mixed Use District with deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District at the terminus of Mohawk Drive, southeast of Empire Central.
- 2. **Z201-201:** An application for an MF-2(A) Multifamily District on property zoned an IR Industrial Research District on the northwest side of the intersection of Empire Central and Forest Park Road. [Awaiting City Council action on August 11, 2021]

Thoroughfares/Streets:

Thoroughfare/Street	Туре	Existing/Proposed ROW
Empire Central	Community Collector	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas!* Comprehensive Plan was adopted by the City Council in June 2006. The *forwardDallas!* Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT OPPORTUNITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

NEIGHBORHOOD PLUS

- **GOAL 4.3** Enhance neighborhood desirability by improving infrastructure, housing stock, recreation, and safety.
- **GOAL 6.1** Raise the quality of rental property through better design standards, proactive and systematic code enforcement, and zero tolerance towards chronic offenders.
- **GOAL 6.2** Expand affordable housing options and encourage its distribution throughout the city and region.

Land Use:

	Zoning	Land Use
Site	IR Industrial Research District	Undeveloped
North	MF-2(A) Multifamily District, R-7.5(A) Single Family District	Single family
East	Subdistrict 2B within Planned Development District No. 759, MU-1 Mixed Use District, IR Industrial Research District	Single family, multifamily, private school
South	IR Industrial Research District, Subdistrict 2A within Planned Development District No. 759	Multifamily, office showroom/warehouse, single family
West	IR Industrial Research District, MF-2(A) Multifamily District	Multifamily, single family

Land Use Compatibility:

The area of request is currently undeveloped. Many of the surrounding uses are single-family and multifamily. East of the area of request is a private school, and to the south is an office showroom/warehouse use. As many of the adjacent uses are residential, the applicant's proposal is not foreseen to be detrimental to surrounding properties.

The applicant requests an MF-2(A) district, and they indicated the intention of providing affordable units as part of the development, which will allow them to achieve development bonuses. These bonuses can be applied to maximum height and maximum lot coverage; however, an additional 10-foot front yard setback is required for that portion of a structure above 45 feet in height. Additionally, requirements for minimum lot area per dwelling unit do not apply when affordable housing is being provided.

Development Standards

Following is a comparison table showing differences between the current IR district, the proposed MF-2(A) district, and the development bonuses available with mixed-income housing. The area of request falls in the "H" MVA category, which requires a minimum of 5% of total residential units at Income Band 1 (81-100% of AMFI) to qualify for the development bonuses.

	5	Setback			Lot	Special	Primary
District	Front	Side/ Rear	Density	Height	Coverage	Standards	Uses
Existing: IR	15'	30' adj to res Other: No min	2.0 FAR overall 0.75 office/retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution and storage, supporting office and retail
Proposed: MF-2(A)	15'	15'	Min lot 1,000 sf 800 sf – E 1,000 sf – 1BR 1,200 sf – 2BR +150 sf each add BR	36'	60%	Proximity Slope	Multifamily, duplex, single family
Proposed: MF-2(A) with MIH	15' +10' UFS above 45'	15'	No min lot area per dwelling unit	85'	85%	Proximity Slope Urban Form Setback	Multifamily, duplex, single family

To obtain development bonuses, the applicant must also adhere to the design standards for mixed-income housing provided in Chapter 51A. In general, these standards prioritize pedestrians and follow design principles compatible with the City of Dallas Complete Streets program. Development must also follow additional regulations related to fencing, parking location and design, transparency, and ground-floor doorways. Development must also include sidewalks, pedestrian lighting, and open space.

Staff supports the request because it presents an opportunity to increase affordable housing stock while maintaining the development standards required of mixed-income housing in Chapter 51A. With a variety of zoning and land uses in the surrounding area, Staff does not anticipate negative impact of the proposed zoning.

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for multifamily is one space per bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the Z201-200(RM)

required parking is restricted to resident parking only. No additional parking is required for accessory uses that are limited principally to residents.

If the applicant provides affordable units as part of the development, the off-street parking requirement for multifamily can be reduced to 1.25 spaces per dwelling unit, provided that at least 15 percent of the required parking is available for guest parking.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is not located within an MVA cluster. To the north, east, and west of the area of request is an "H" MVA cluster. Further north is an "F" MVA cluster. East and southeast are "E" MVA clusters.

List of Partners/Principals/Officers

2033 EC LTD.

Louis H. Lebowitz, President

HTG Team

Randy Rieger – Chairman and Founder Matthew Rieger, Esq. - President and CEO Karen Weller - Chief Financial Officer Humberto Del Valle – Executive Vice President of Construction Quinn Gormley – Executive Vice President Max Cruz – Executive Vice President of Development Mario Robaina II - Senior Vice President of Finance Al Hernandez – Senior Vice President Chris Suarez – Senior Vice President of Development Elon Metoyer – Senior Vice President of Development Rodrigo Paredes - Senior Vice President Jake Zunamon – Vice President of Development Jason Larson – Vice President of Development Jon Christine – Vice President of Development Valentin DeLeon – Vice President of Development Bryan K. Finnie – Vice President of Development Charice Heywood – Vice President of Development Kate Sosa, PhD – Vice President of Human Resources Olga Chata – Corporate Controller Doris M. Arbaiza – Controller for Development Jose A. Salinas – Controller for Property Management

CPC ACTION MAY 6, 2021

Z201-200(RM) Planner: Ryan Mulkey

Motion: It was moved to recommend **approval** of an MF-2(A) Multifamily District, subject to deed restrictions volunteered by the applicant to: 1) Provide 50' setback for structures over 26' in height from the northwest property line, 2) Three large canopy trees per Article X are required spaced a maximum of 30' apart along northwest property line, and 3) Large canopy trees are required per Article X spaced a maximum of 30' apart along the northeast property line on property zoned an IR Industrial Research District, on the northwest line of Empire Central, southwest of Mohawk Drive.

Maker: Hampton Second: Blair

Result: Carried: 9 to 4

For: 9 - MacGregor, Hampton, Stinson, Johnson, Blair,

Jung, Suhler, Schwope, Rubin

Against: 4 - Shidid, Carpenter, Jackson, Murphy

Absent: 1 - Garcia Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 25 Replies: For: 1 Against: 2

Speakers: For: Andrew Ruegg, 2201 Main St., Dallas, TX, 75201

Dallas Cothrum, 2201 Main St., Dallas, TX, 75201

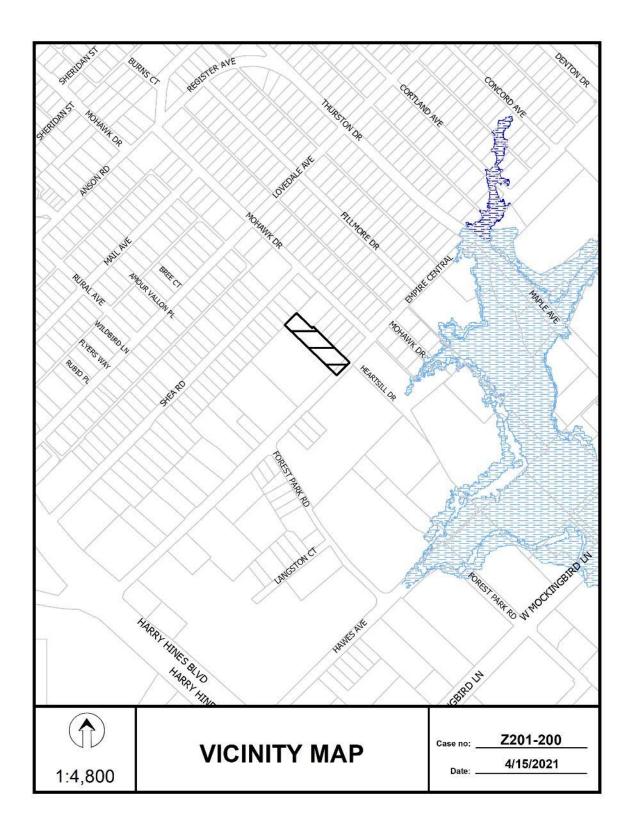
Valentin DeLeon, 7035 Bee Caves Rd., Austin, TX, 78746 Jason Haskins, 703 Elder Way, Round Rock, TX, 78664

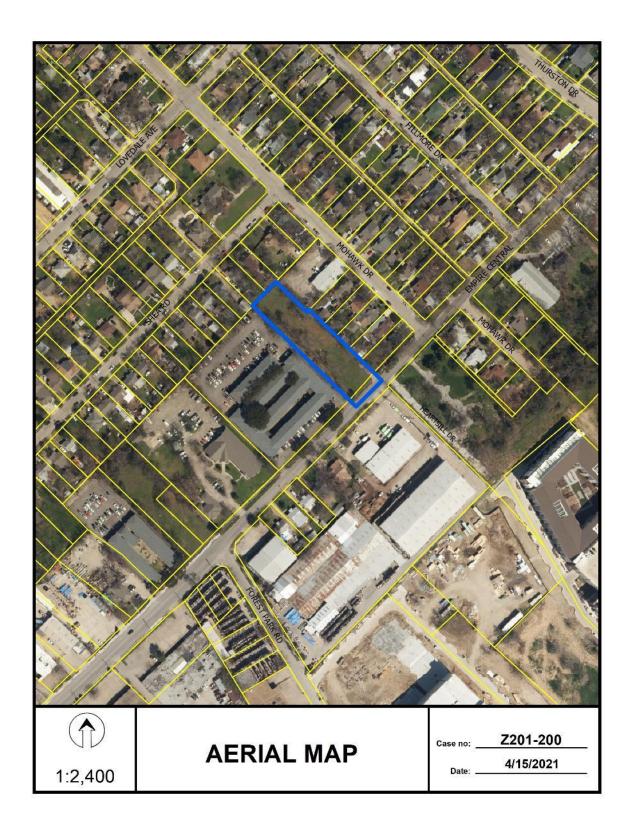
Against: Claudia Morales Herrera, 7007 Mohawk Dr., Dallas, TX, 75235

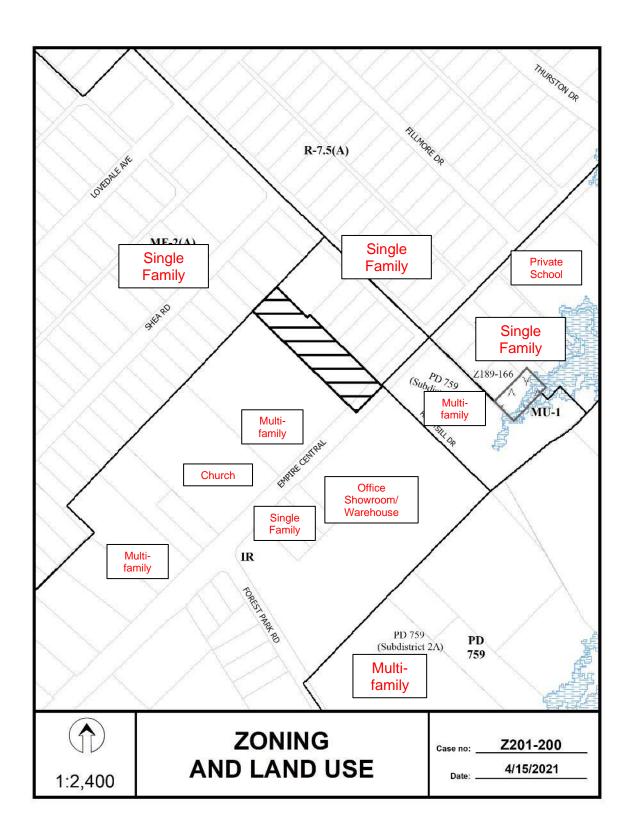
Against (Did Not speak): Diana Almaguer, 2214 Shea Rd., Dallas, TX, 75235

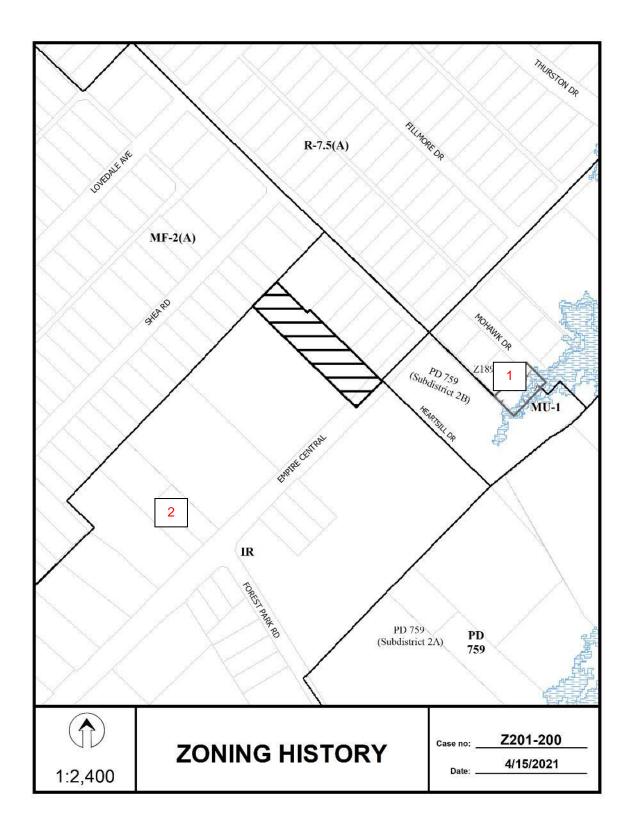
DEED RESTRICTIONS VOLUNTEERED BY THE APPLICANT

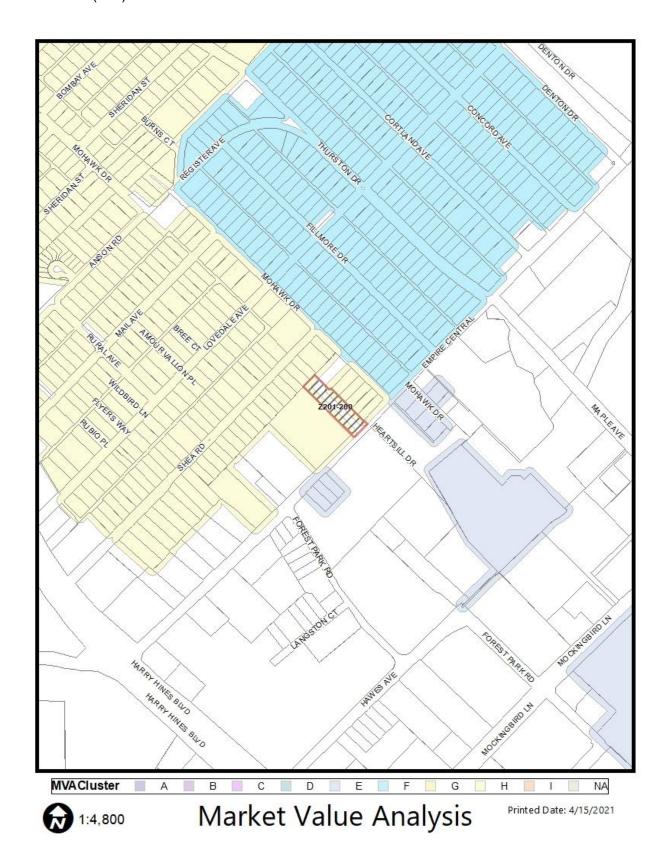
- 1. A minimum fifty-foot setback is required along the northwest line of the Property for structures over 26 feet in height.
- 2. Three large canopy trees spaced a maximum of 30 feet apart are required along the northwest line of the Property.
- 3. Eight large canopy trees spaced a maximum of 30 feet apart are required along the northeast line of the Property.











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CPC RESPONSES



05/05/2021

Reply List of Property Owners Z201-200

25 Property Owners Notified 1 Property Owners in Favor 2 Property Owners Opposed

Reply	Label #	Addre	SS	Owner
	1	2203	EMPIRE CENTRAL	WSP EMPIRE CENTRAL LLC
O	2	2221	EMPIRE CENTRAL	2033 EC LTD
	3	7002	MOHAWK DR	NELSON DARRELL PATRICK
	4	7011	MOHAWK DR	ORELLANA PEDRO CASTRO &
	5	7103	MOHAWK DR	MARTINEZ JUAN
X	6	7007	MOHAWK DR	MORALES JESUS S &
	7	7107	MOHAWK DR	SALAS ANTONIO
	8	7003	MOHAWK DR	MARTINEZ PATRICIA
	9	2215	SHEA RD	CANO ROBERTO G
	10	2211	SHEA RD	MENDEZ RAFAELA EST OF
	11	2234	SHEA RD	RENTERIA RODOLFO M
	12	2226	SHEA RD	GUAJARDO ROLANDO J &
				MARIA C GONZALEZ
	13	2222	SHEA RD	BARRERA GILBERTO &
	14	2218	SHEA RD	Taxpayer at
	15	2214	SHEA RD	Taxpayer at
	16	2210	SHEA RD	LOPEZ TEODORO JAIMES
	17	2206	SHEA RD	RODRIGUEZ JOSE ANGEL
	18	2202	SHEA RD	Taxpayer at
	19	2162	SHEA RD	MARTINEZ FLOR I
	20	2232	EMPIRE CENTRAL	MOCKINGBIRD VENTURE
				PARTNERS LLC
	21	6925	MOHAWK DR	TINSLEY CLAUDIA ANNE M
X	22	7207	MOHAWK DR	MARTINEZ PAUL RAY
	23	2219	SHEA RD	Taxpayer at
	24	6930	FOREST PARK RD	BFH LTD
	25	7111	MOHAWK DR	Taxpayer at







Agenda Information Sheet

PH1.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Dr. Eric A. Johnson

SUBJECT

A public hearing to receive comments regarding a proposal to consider a request to change the name of Kirnwood Drive, between Hampton Road and Indian Ridge Trail, to "Dr. KD Wesley Way" and an ordinance granting the name change - NC201-001 - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

On February 8, 2021, City of Dallas accepted an application for a Street Name change of Kirnwood Drive, between Hampton Road and Indian Ridge Trail, to "Dr. KD Wesley Way".

On March 18, 2021 notification signs were put up on Kirnwood Drive, between Hampton Road and Indian Ridge Trail in accordance with Section 51A-9.503(b) of the Dallas Development Code to change the street name to "Dr. KD Wesley Way".

The newspaper notice for April 8, 2021 Subdivision Review Committee hearing was published on March 22, 2021. Notices were sent on March 23, 2021 to 11 property owners notifying them of the proposed street name change. On April 8, 2021, the Subdivision Review Committee with the vote of 4 to 1 recommended approval of Street Name Change NC201-001.

The newspaper notice for May 20, 2021 City Plan Commission hearing was published on April 17, 2021. Notices were sent on April 19, 2021 to 11 property owners notifying them of the proposed street name change. On May 20, 2021, City Plan Commission held the case under advisement to July 1, 2021.

On July 1, 2021, the City Plan Commission with the vote of 10 to 3 recommended approval of Street Name Change NC201-001.

The following provisions require a 3/4 favorable vote of the City Council to waive the requirement.

Section 51A-9.304(b)(1) states "Except as provided in paragraph (2) a roadway must have only one name".

- (2) Different names must be given to the same roadway under the following conditions:
 - A. If a minor roadway deviates from its predominant course at a 90-degree angle for a distance of more than 300 feet, a different name must be used for the predominant course and for each portion of the roadway deviating from the predominant course.
 - B. If two segments of a minor roadway are separated by an intervening land use that prohibits vehicular passage, and if future connections of the street segments through the use is unlikely, the segments of roadway on each side of the intervening use must have different names.
 - C. If a street is interrupted and offsets more than 150 feet at a cross street, different names must be given to the offset street segments.

The change of Kirnwood Drive, between Hampton Road and Indian Ridge Trail to "Dr. KD Wesley Way" does not comply with Section 51A- 9.304(b)(1). The request is to change the name of part of Kirnwood Drive between Hampton Road and Indian Ridge Trail. Kirnwood Drive is between Wheatland Road and S R L Thornton Fwy. and East Kirnwood Drive is between S R L Thornton Fwy. to Concordia Lane. (please refer to "current layout table").

The remainder part of Kirnwood Drive between Wheatland Road and Hampton Road; between Indian Ridge Trail and S R L Thornton Fwy.; and East Kirnwood Drive between S R L Thornton Fwy. and Concordia Lane will not be changed. (please refer to "post NC201-001 layout table"). The approval of this request will require a waiver for Section 51A-9.304(b)(1).

<u>Section 51A-9.304(c)(2)</u> states "A street name commemorating a person, or a historic site or area is prohibited until at least two years after the death of the person to be honored or the occurrence of the event to be commemorated."

The change of Kirnwood Drive, between Hampton Road and Indian Ridge Trail, to "Dr. KD Wesley Way" does not comply with Section 51A- 9.304(c)(2) as he passed away on November 19, 2019. The approval of this request will require a waiver for Section 51A-9.304(c)(2).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 8, 2021, the Subdivision Review Committee with the vote of 4 to 1 recommended approval of the Street Name Change of Kirnwood Drive, between Hampton Road and Indian Ridge Trail, to "Dr. KD Wesley Way".

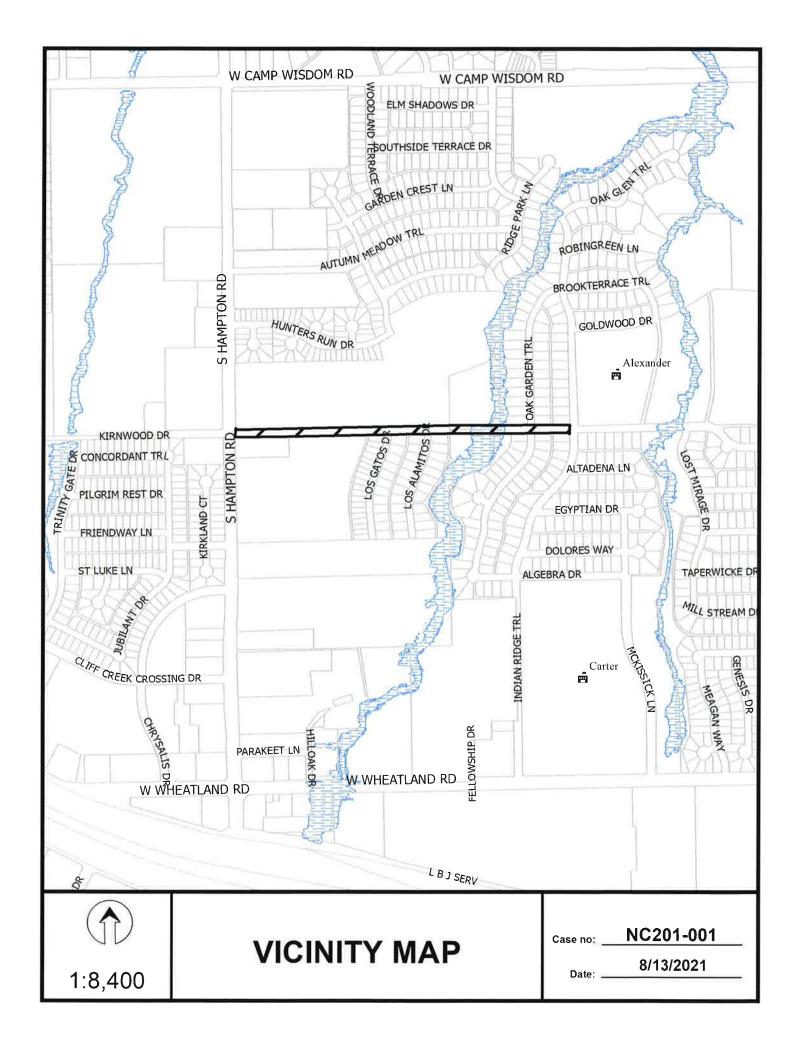
On July 1, 2021, the City Plan Commission with the vote of 10 to 3 recommended approval of the Street Name Change of Kirnwood Drive, between Hampton Road and Indian Ridge Trail, to "Dr. KD Wesley Way".

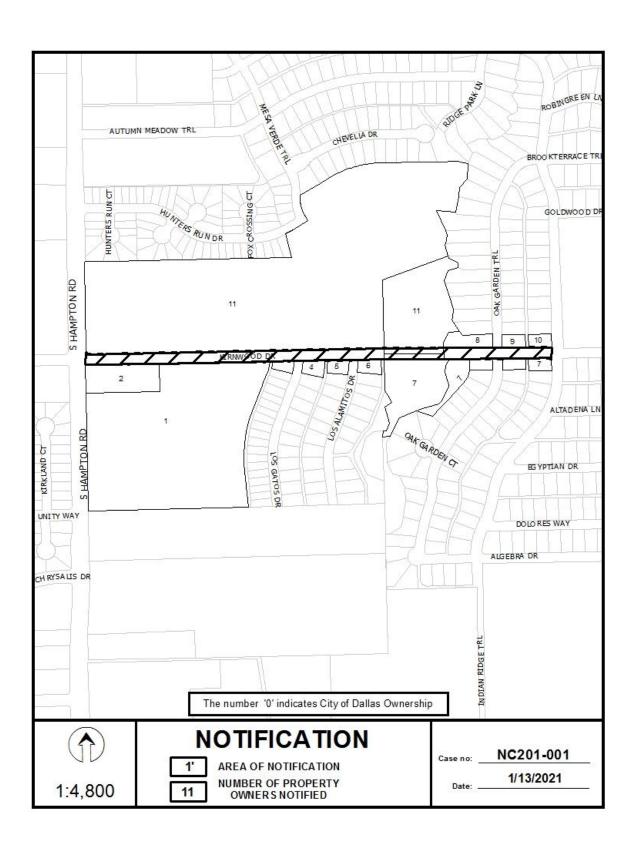
FISCAL INFORMATION

This action has no cost consideration to the City; new street blades are to be prepared and paid for by the applicant.

<u>MAP</u>

Attached





Notification List of Property Owners NC201-001

11 Property Owners Notified

Label #	Address	Owner
1	7600 S HAMPTON RD	Taxpayer at
2	7565 S HAMPTON RD	ANTIOCH FELLOWSHIP
3	7703 LOS GATOS DR	MCNEALY ROXANNE
4	7702 LOS GATOS DR	PAIGE BILLY W &
5	7707 LOS ALAMITOS DR	JONES CLAUDINE SR &
6	7704 LOS ALAMITOS DR	Taxpayer at
7	1901 KIRNWOOD DR	TEXAS STATE AFFORDABLE HOUSING CORP
8	7641 OAK GARDEN TRL	CRENSHAW PRESTON LIFE ESTATE
9	7642 OAK GARDEN TRL	CHAMBLISS DONNIE RAY
10	7641 INDIAN RIDGE TRL	MILLER STEVELYN
11	2000 KIRNWOOD DR	ANTIOCH FELLOWSHIP MISSIONARY BAPTIST
		CHURCH

APPLICATION FOR STREET NAME CHANGE

Development Services Department, City of Dallas, Texas

Room 115, Oak Cliff Municipal Center, 320 E. Jefferson Blvd., Dallas, TX 75203

Telephone 214-948-4299

Property Owner (Applicant)	Name DAMN MILEP Telephone (414) 324-1651 Address 7550 S. HAMPTON RD (REPRESENTATIVE OF CHURCH) Zip 75232	Office Use File No: CPC HRG DATE: Sent:
Project Description	Existing Name: E. KIRNINGOD DR. Proposed Name: DR. K.D. WESLEY WAY From: S. HAMPTON RD TO INDIAN RINGE TRAIL Street Status: D Majory Minor	Fees RCVD: Reply: Map No: Census Tract: Council District:
ccepted B	<i>r</i> Da	te Accepted:
Statement (Reasons for Request)	DE MESIEY WAS THE FOUNDING PASTOR OF ANTIOCH MISSIBNARY BAPTIST CHURCH WHICH IS AT THE FIRST THE PROPOSED CHANGE. HE AND HIS MINISTRY FAIT THIS COMMUNITY FOR 34 YEARS EVEN TO THE MIDENING THE STREET PROPOSED FROM 2 TO 4 IAN CHURCH WAS BUILT.	INTERSECTION OF HFULLY SERVED EXTENT OF
	PETITION INDICATING THAT AT LEAST FIFTY-ONE (51) PERCENT OF OWNERS OF LOT	
General Information	WHOSE NAME IS TO BE CHANGED FAVOR THE NAME CHANGE APPLICATION FEE STORY STREET STATEMENT OF REASONS FOR SUPPORTING A STREET NAME CHANGE ROADWAY'S STATUS AS A MAJOR OR MINOR ROADWAY EXISTING AND PROPOSED STREET NAMES	S ABUTTING THE STREET

PETITION FOR STREET NAME CHANGE

We, the undersigned owners of the lot or lots indicated which abut (name of existing street) E. Kirnwood do hereby petition for a change in the street name to (requested street name) Dr. K.D. Wesley Way

Lot & Block Number												
Street Address	7565 S Hampton Rd	2000 Kirnwood Dr										
Owner's Signature	The show Willow IL	The when Willow II	7						7			
Print Owner's Name	Antioch Fellowship	Antioch Fellowship Missionary Baptist										

This petition must be included with the application for a street name change and must contain at least 51 percent of the owners of all lots abutting the street who favor the name change (Dallas Development Code 51A-9.303(5).

Page of

	Lot & Block Number	1	T.	Man								
do hereby petition for a change in the street name to (requested street name) DR. K. D. WESLEY WAY	Street Address		110/302 mm/203	7647 Jak Sandan	Danied You Have							
me to (requested street name) DR. K.	Owner's Signature	Alve fage	Haudene Luna	Don Sund	July Land Canadas							
do hereby petition for a change in the street name to (requested street name)	Print Owner's Name	1	CLAUSING DONES	100	A							





City of Dallas

Agenda Information Sheet

File #: 21-1370 Item #:

PH2.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): All

DEPARTMENT: Park & Recreation Department

EXECUTIVE: John D. Jenkins

SUBJECT

A public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code, to (1) extend the expiration date of the city youth program standards of care; (2) amend staff responsibilities; (3) correct the name of the fire rescue department; (4) amend the transportation requirements; (5) provide a penalty not to exceed \$500.00; (6) provide a saving clause; (7) provide a severability clause; (8) providing an effective date; and (9) at the close of the public hearing, adopt an ordinance re-establishing and continuing in effect the standards of care - Financing: No cost consideration to the City

BACKGROUND

Section 42.041(b)(14) of the Texas Human Resources Code, as amended, allows city-sponsored youth recreation programs to be exempted from the state's day care licensing laws if the city adopts standards of care for those programs and complies with other requirements of that legislation. One requirement is that the City Council hold a public hearing annually on the city's youth program standards of care and adopt an ordinance re-establishing and continuing in effect the standards.

Ordinance No. 23159, adopted by the City Council on June 11, 1997, created Chapter 12 of the Dallas City Code in order to exempt City of Dallas youth programs from State child-care licensing requirements and provide minimum standards by which the City operates youth programs. Chapter 12 was readopted on June 10, 1998, by Ordinance No. 23534, on June 9, 1999, by Ordinance No. 23907, on June 14, 2000, by Ordinance No. 24281, on May 23, 2001, by Ordinance No. 24611, on May 22, 2002, by Ordinance No. 24943, on May 28, 2003, by Ordinance No. 25269, on June 9, 2004, by Ordinance No. 25628, on May 25, 2005, by Ordinance No. 25998, on June 14, 2006, by Ordinance No. 26376, on June 13, 2007, by Ordinance No. 26800, on June 11, 2008, by Ordinance No. 27222, on June 10, 2009, by Ordinance No. 27565, on June 9, 2010, by Ordinance No. 27911, on May 25, 2011, by Ordinance No. 28217, on May 23, 2012, by Ordinance No. 28670, on June 12, 2013, by Ordinance No. 29036, on May 28, 2014, by Ordinance No. 29358; on May 28, 2016, by Ordinance No. 30106; on September 13, 2017, by Ordinance No. 30650; on September 12, 2018, by Ordinance No. 30976; on September 11, 2019, by Ordinance No. 31329, on September 9, 2020, by Ordinance No. 31647, Chapter 12 will expire on September 9, 2021 unless sooner terminated or

extended by ordinance of the City Council.

The Director of the Park & Recreation Department implements, administers, and enforces Chapter 12, which applies to youth programs sponsored by the City, whether offered after school, during the summer, or during holidays. A coordinator initiates an inspection report for each program to confirm that the standards of care are being met. The youth program coordinators and leaders must meet certain qualifications pertaining to age, education, and experience, and are provided orientation and training related to working with children. Each program must operate with a participant to leader ratio of 1:20 and must follow guidelines pertaining to safety, fire, and health as set forth in the standards of care.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 3, 2017, the Park and Recreation Board authorized a public hearing to be held on September 13, 2017.

On August 23, 2017, City Council authorized a public hearing on September 13, 2017, by Resolution No. 17-1497.

On September 13, 2017, City Council held a public hearing to receive comments of readopting and continuing in effect Chapter 12 "City Youth Program Standards of Care", of the Dallas City Code, to re-establish standards of care for certain city youth programs in compliance with state law and authorized approval of an ordinance to readopt Chapter 12 of the Dallas City Code by Resolution No. 17-1497.

On August 2, 2018, the Park and Recreation Board authorized a public hearing to be held on September 12, 2018.

On September 12, 2018, City Council held a public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care", of the Dallas City Code, to re-establish standards of care for certain city youth programs in compliance with state law and authorized approval of an ordinance to readopt Chapter 12 of the Dallas City Code by Resolution No. 18-1301.

On August 1, 2019, the Park and Recreation Board authorized a public hearing to be held on September 11, 2019.

On August 28, 2019, City Council held a public hearing to receive comments on readopting and continuing in effect Chapter 12, "City Youth Program Standards of Care", of the Dallas City Code, to re-establish standards of care for certain city youth programs in compliance with state law and authorized approval of an ordinance to readopt Chapter 12 of the Dallas City Code by Resolution No. 19-1280.

On August 6, 2020, the Park and Recreation Board authorized a public hearing to be held on September 9, 2020.

On August 26, 2020, City Council authorized a public hearing to be held on September 9, 2020, by Resolution No. 20-1267.

On August 5, 2021, the Park and Recreation Board authorized a public hearing to be held on September 9, 2021.

On August 25, 2021, City Council authorized a public hearing to be held on September 9, 2021, by Resolution No. 21-1386.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code by amending Sections 12-2, 12-11, 12-14, and 12-15; extending the expiration date of the city youth program standards of care; amending staff responsibilities; correcting the name of the fire-rescue department; amending the transportation requirements; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city of Dallas has a long history of providing recreational programs for youths ages five through 13 years, which contribute to the overall well-being of the city's youth and their families:

WHEREAS, on June 11, 1997, the city council, after holding a public hearing, adopted Ordinance No. 23159, which took effect on June 16, 1997, and added Chapter 12 to the Dallas City Code to establish standards of care for city-sponsored youth programs;

WHEREAS, Section 42.041(b)(14) of the Texas Human Resources Code, as amended, requires that the city's youth program standards of care be readopted by ordinance annually after a public hearing;

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Section 12-2, "Expiration Date," of Article I, "General," of Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code is amended to read as follows:

"SEC. 12-2. EXPIRATION DATE.

This chapter and the youth program standards of care established in this chapter expire on September 9, 2022 [2021], unless sooner terminated or extended by ordinance of the city council."

- SECTION 2. That Subsection (b) of Section 12-11, "Staff-Participant Ratio," of Article III, "Operations," of Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code is amended to read as follows:
- "(b) Each participant will be assigned a program employee who is responsible for the participant and who is aware of the participant's habits, interests, <u>and</u> special needs [and problems], as identified by the participant's parent during registration for a youth program."
- SECTION 3. That Subsection (b) of Section 12-14, "Communication," of Article III, "Operations," of Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code is amended to read as follows:
- "(b) A coordinator shall post the following telephone numbers adjacent to a telephone that is accessible to all program employees at each site;
 - (1) Dallas ambulance or emergency medical services.
 - (2) Dallas $\underline{P}[p]$ olice $\underline{D}[d]$ epartment.
 - (3) Dallas F[f]ire-Rescue D[d]epartment.
 - (4) The administration center.
 - (5) Telephone numbers at which each participant's parents may be reached.
 - (6) The telephone number for the program site."

SECTION 4. That Section 12-15, "Transportation," of Article III, "Operations," of Chapter 12, "City Youth Program Standards of Care," of the Dallas City Code is amended to read as follows:

"SEC. 12-15. TRANSPORTATION.

- (a) Before a participant may be transported to or from a city-sponsored activity, a <u>program registration</u> [transportation] form, completed by a parent of the participant, must be filed with a coordinator.
- (b) Every program vehicle used for transporting youth participants must be equipped with:
- (1) first aid supplies and a first aid and emergency care guide that are easily accessible to program employees in the vehicle; and
- (2) an operable 6-BD portable fire extinguisher that is installed in [the passenger compartment of] the vehicle and that is easily accessible to program employees in the vehicle."
- SECTION 5. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.
- SECTION 6. That Chapter 12 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.
- SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, City Attorney
ByAssistant City Attorney
Passed



TEX NS

City of Dallas

Agenda Information Sheet

PH3.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: September 9, 2021

COUNCIL DISTRICT(S): 6

DEPARTMENT: Park & Recreation Department

EXECUTIVE: John D. Jenkins

SUBJECT

A public hearing, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments on the proposed use of Bachman Lake Park located at 3500 West Northwest Highway, totaling approximately 11,059 square feet of land, for the Federal Aviation Administration Fiber Optic Communications Project for the purpose of upgrading air traffic control communications for Dallas Love Field Airport, and, at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas owns approximately 206 acres of municipal parkland known as Bachman Lake Park located at 3500 West Northwest Highway.

The Federal Aviation Administration (FAA) proposes to install a new fiber optic cable from runway 31L to its existing 31L Localizer Facility on the north side of Bachman Lake by means of horizontal drilling (Exhibit A). Installation of the fiber optic cable will run underground approximately twenty feet below the bottom of Bachman Lake. Two bore pits located on either side of the land: on the south side within Love Field Airport, and on the north side within the Localizer Facility, will be the only above grade disturbance required in the project. Both bore pit locations are within existing FAA facilities, no aboveground parkland will be disturbed. Supporting electrical equipment and appurtenances will also be installed at the Localizer Facility.

The installation of the fiber optic cables requires a fiber optic easement in Bachman Lake Park of approximately 11,590 square feet (0.25 acre) of land (Exhibit A).

The existing Localizer Facility within Bachman Lake Park is accessed by a driveway and equipment is secured behind a chain link fence. Various components of the Dallas Love Field Airport Instrument Landing System at this location communicate using a telephone connection which was installed

File #: 21-1449 Item #:

PH3.

when the site was commissioned in 1967. The proposed project will upgrade data communication for the airport.

The City and FAA entered into a Memorandum of Agreement (MOA) in 2008, and it was updated in 2014, for the cooperative construction, operation, and maintenance of FAA-owned navigation, communication, and weather aids for the support of Air Traffic Operations in the interest of public safety and for direct support of the ongoing operation of Dallas Love Field.

By a separate City Council action, the City will amend the MOA to include the fiber optic cable project. In accord with the long-standing MOA, the public will benefit from this project, and existing FAA equipment with the park, the City considers this a mutually beneficial project, good and valuable consideration for the use of belowground parkland. Furthermore, the City considers the impact of this project in Bachman Lake Park to be de minimis in regard to Section 4(f) resources.

In compliance with the law, the City must determine that there is a need for a fiber optic easement, that there is no feasible and prudent alternative, and that all reasonable care will be taken not to damage the remainder of the park property and to mitigate any disruption of park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

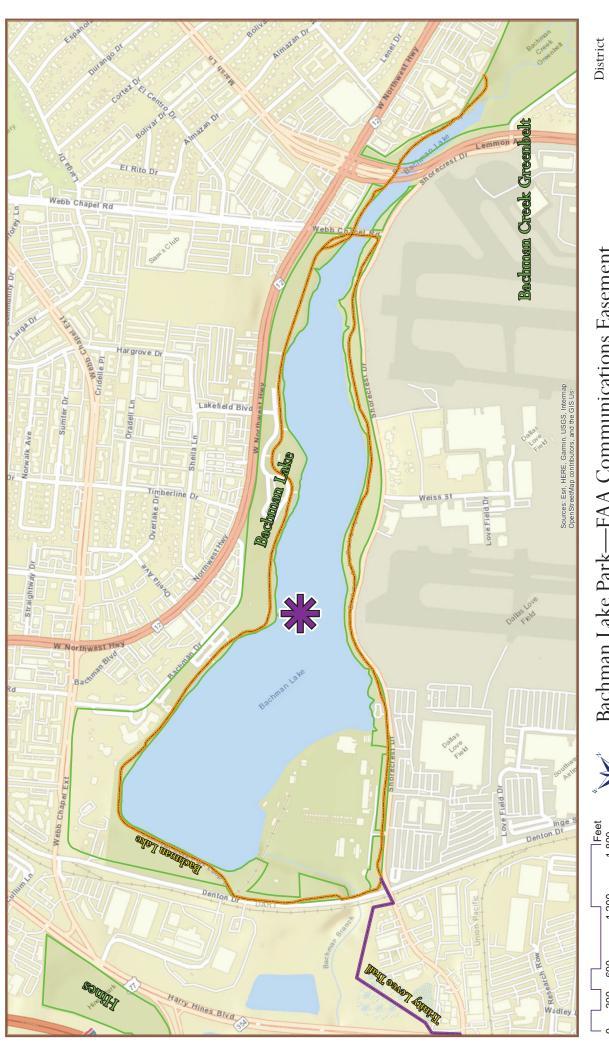
On August 11, 2021, City Council authorized a public hearing to be held on September 9, 2021, by Resolution No. 21-1268.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

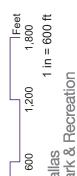


Bachman Lake Park—FAA Communications Easement

(3500W Northwest Highway)









WHEREAS, the City of Dallas owns land in Dallas know as Bachman Lake Park, located at 3500 West Northwest Highway, which has been maintained by the City as parkland; and

WHEREAS, the Federal Aviation Administration (FAA) has identified the need to install a new fiber optic cable from runway 13R / 31- L to its existing 31 L Localizer Facility on the north side of Bachman Lake by means of horizontal drilling approximately twenty-feet beneath the bottom of Bachman Lake, thereby disturbing no above-ground parkland, surfacing within FAA's existing Localizer Facility within Bachman Lake Park, and the installation of appurtenances in the same Localizer Facility, for the benefit of the public and to enhance airport operations, FAA must acquire a fiber optic easement of approximately 11,059 square feet of land, more fully described in Exhibit A, and the Park and Recreation Board is agreeable to providing the property for this use; and

WHEREAS, the City and FAA entered into a Memorandum of Agreement (MOA) in 2008, and updated in 2014, for the cooperative construction, operation, and maintenance of FAA-owned navigation, communication, and weather aids for the support of Air Traffic Operations in the interest of public safety and for direct support of the ongoing operation of Dallas Love Field, and the City, by separate Council action, intends to amend the MOA to include the proposed fiber optic easement, and the City considers this mutually beneficial project good and valuable consideration for the use of underground parkland; and

WHEREAS, with the proposed actions taken by FAA to minimize harm to the park the City of Dallas concurs with the Section 4(f) de minimis impact determination for Bachman Lake Park regarding Section 4(f) resources; and

WHEREAS, a public hearing was held, as required by the Texas Parks and Wildlife Code (Chapter 26, Section 26.001 through 26.004), to determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to Bachman Lake Park has been taken.

Now, Therefore,

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

SECTION 1. That as a result of the public hearing held today, it is hereby determined that there is no feasible and prudent alternative to the use of parkland for the purpose stated in this resolution and that all reasonable planning to minimize harm to the park has been taken.

SECTION 2. That, City of Dallas hereby approves and authorizes the grant of fiber optic easement, approved as to form by the City Attorney, to FAA for the construction of a fiber optic cable, said easement area more fully described in Exhibit A, attached hereto and made a part hereof.

SECTION 3. That, in accordance with the long-standing MOA, the City considers the public benefit from this mutually beneficial project, and existing FAA equipment within the park, good and valuable consideration for the use of subterranean parkland, and that upon approval as to form by the City Attorney, is authorized to execute a fiber optic easement for the benefit of FAA, the public, and for the purposes authorized herein and to provide the following:

- 1. To comply with health, safety, noise, environmental protection, waste disposal, and water and air quality regulations;
- 2. To bear the cost of construction, operation, and maintenance of the fiber optic cable and improvements;
- 3. To comply with all provisions enumerated in the existing MOA between the FAA and the City regarding mutually beneficial projects on City land;
- 4. To permit existing and reasonable future parkland use of the easement area and that the fiber optic easement is non-exclusive;
- 5. To be responsible for all expenses to the City for the cleanup, repairs, and any and all damages or actions deleterious to the park resultant of its actions or negligence.

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.

Exhibit A

FIBER OPTIC EASEMENT IN CITY OF DALLAS BLOCK 4423 SITUATED IN THE DICKERSON PARKER SURVEY, ABSTRACT NO. 1113 CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 11,059 square foot (0.2539 acre) tract of land situated in the Dickerson Parker Survey, Abstract Number 1113, City of Dallas, Dallas County, Texas, being located in City of Dallas Block 4423, and being a part of those tracts of land described in Deeds to The City of Dallas, as recorded in Volume 259, Page 573, Volume 260, Page 137, Volume 260, Page 140, and Volume 260, Page 142, (each one fourth interest), all of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and part of that tract of land described in Deed to The City of Dallas, Texas, as recorded in Volume 312, Page 39, D.R.D.C.T., and being more particularly described as follows:

COMMENCING at a found 3-inch aluminum monument stamped "Dallas Love Field Industrial Subdivision Dal-Tech RPLS 5504" found on the northwest line of Lot 1B, Block 4682 of Dallas Love Field Industrial Subdivision, an addition to the City of Dallas, as recorded in Instrument Number 201500293681, Official Public Records of Dallas County, Texas, and being on the east right-of-way line of Shorecrest Drive (a 60-foot wide right-of-way dedicated by said Dallas Love Field addition), from which said point a 1/2-inch iron rod found at the most northerly corner of a corner clip located at the northeast intersection of said Shorecrest Drive with Denton Drive (a variable width right-of-way), bears South 36 degrees 51 minutes 45 seconds West, a distance of 2,025.83 feet, said commencing point having State Plane Grid Coordinates N: 6,996,277.58, E: 2,470,637.31;

THENCE North 01 degree 05 minutes 40 seconds East, along said east right-of-way line of Shorecrest Drive and west line of said Lot 1B, Block 4682, a distance of 12.21 feet to a point for corner;

THENCE North 23 degrees 40 minutes 19 seconds West, departing said southeast and northwest lines, and over and across said Shorecrest Drive, a distance of 141.45 feet to a 1/2-inch iron rod with a blue plastic cap stamped "Halff Esmt" set on the west right-of-way line of said Shorecrest Drive for the **POINT OF BEGINNING** of the herein described tract;

THENCE over and across said Block 4423 and said City of Dallas tracts, the following calls:

North 23 degrees 40 minutes 19 seconds West, departing said west right-of-way line, a distance of 1,113.19 feet to a point for corner in the southeast fence line surrounding the Instrument Landing System Installation for Love Field airport, located 59.54 feet northeasterly from the south corner of the enclosing fence, and having State Plane Grid Coordinates N: 6,997,438.71, E: 2,470,133.88;



FIBER OPTIC EASEMENT IN CITY OF DALLAS BLOCK 4423 SITUATED IN THE DICKERSON PARKER SURVEY, ABSTRACT NO. 1113 CITY OF DALLAS, DALLAS COUNTY, TEXAS

North 44 degrees 37 minutes 44 seconds East, along said southeast fence line, a distance of 10.76 feet to a point for corner having State Plane Grid Coordinates N: 6,997,446.37, E: 2,470,141.44;

South 23 degrees 40 minutes 19 seconds East, departing said southeast fence line, a distance of 1,098.76 feet to a 1/2-inch iron rod with a blue plastic cap stamped "Halff Esmt" set on the said west right-of-way line of said Shorecrest Drive, said point being on a non-tangent circular curve to the left having a radius of 630.50 feet and whose chord bears South 04 degrees 50 minutes 26 seconds West, a distance of 20.95 feet;

THENCE Southerly, along said west right-of-way line and said curve to the left, through a central angle of 01 degree 54 minutes 14 seconds, an arc distance of 20.95 feet to the POINT OF BEGINNING AND CONTAINING 11,059 square feet or 0.2539 acres of land, more or less.

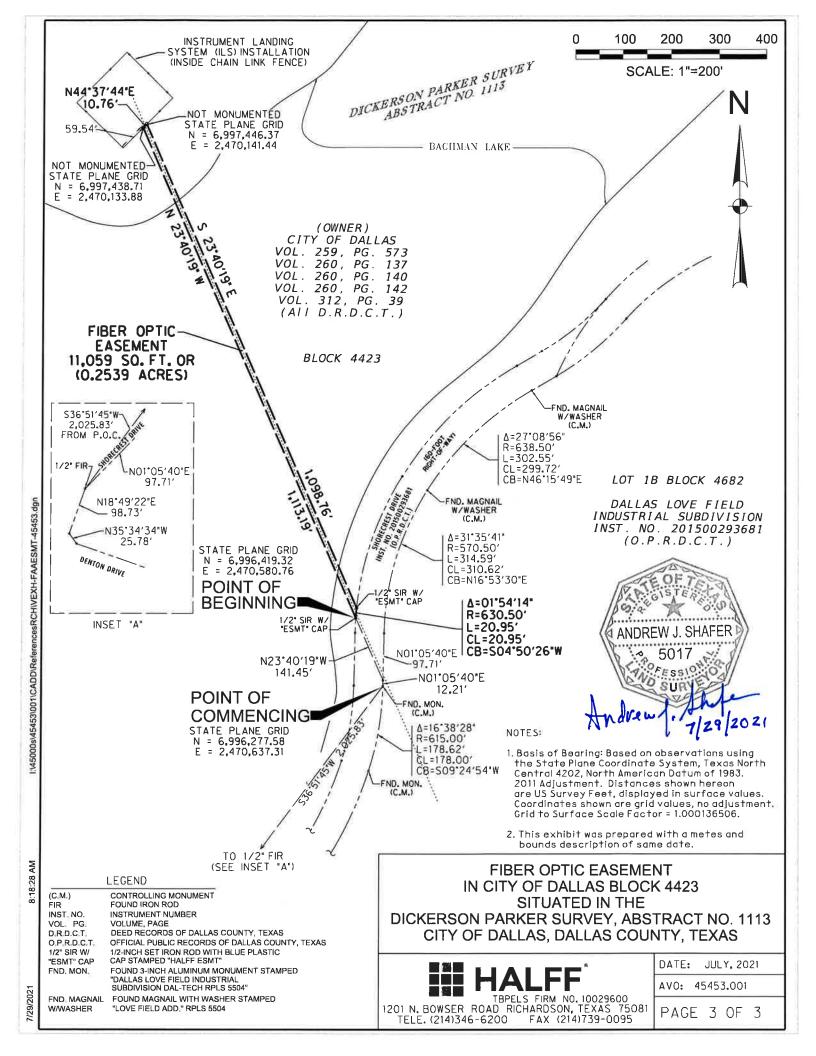
Basis of Bearing is based upon observations using the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983, adjustment realization 2011.

ANDREW J. SHAFER

REGISTERED PROFESSIONAL LAND SURVEYOR

TEXAS NO. 5017

TBPLS FIRM NO. 10029600



LOCATION MAP

NOT TO SCALE