

**JUNE 12, 2024 CITY COUNCIL AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda date June 12, 2024. 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.



Kimberly Bizer Tolbert
City Manager (i)

06/07/2024

Date



Jack Ireland
Chief Financial Officer

06/07/2024

Date

Memorandum



CITY OF DALLAS

DATE June 7, 2024

TO Honorable Mayor and Members of the City Council

SUBJECT **June 12, 2024 City Council FINAL Agenda – Additions/Revisions/Deletions Memorandum**

On May 31, 2024, a DRAFT City Council Agenda June 12, 2024, was provided for your review. This memorandum outlines any additions, revisions or deletions made to the FINAL agenda after the distribution of the DRAFT agenda. In addition, we have highlighted agenda items which have been briefed to the City Council and/or Committee by briefing memorandums.

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:

44. 24-1978 A resolution that does not support construction of any aboveground rail lines through the Downtown, Uptown, and Victory Park areas of Dallas, except for streetcar expansion projects currently under consideration and that the City Council will reconsider the Dallas to Fort Worth high speed rail alignment upon completion of the economic impact study - Financing: No cost consideration to the City
45. 24-1776 Authorize the adoption of the Senate Bill 4 Resolution, which **(1)** condemns Senate Bill 4 for its potential negative impact on public safety; and **(2)** emphasizes the importance of maintaining cooperation and trust between city officials, law enforcement, and the community - Financing: This action has no cost consideration to the City (see Fiscal Information)

Revisions:

14. 24-1696 Authorize an amendment to **(1)** the Dallas Housing Policy 2033, as shown in the attached Exhibit A page 11 to ~~(a)~~ require 50% of the Department of Housing & Neighborhood Revitalization's annual funding to Equity Strategy Target Areas; **(2)** the Dallas Housing Resource Catalog to New Construction and Substantial Rehabilitation Program, as shown in the attached Exhibit B pages 31-39 to **(a)** add a preference to award to developer partners with no current outstanding housing projects with the City; **(b)** cap all gap funding provided to a developer at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exceptions for affordable housing projects in target areas and

developments with specific project initiatives); **(c)** revise and provide consistency in repayment terms for annual cash surplus payments for developers; **(3)** Single Family Development Requirements/Underwriting, as shown in the attached Exhibit B pages 71-81 to **(a)** add a preference for single-family and homeownership development; **(b)** add a preference to award to developer partners with no current outstanding housing projects with the City; **(c)** cap all gap funding provided to a developer at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exceptions for affordable housing projects in target areas and developments with specific project initiatives); **(d)** revise and provide consistency in repayment terms for annual cash surplus payments for developers; and **(4)** the Land Transfer Program, as shown in the attached Exhibit B pages 44-49 **(a)** to authorize the City Manager to provide a defaulting developer's third-party private financial institution an opportunity to cure the developer's default before the City exercises its Right of Reverter with a right of reentry for affordable multi-family rental or single-family homeownership projects when the third-party lender's loan is in an amount greater than the City's financing – Financing: No cost consideration to the City

This item is being revised to update the Agenda Information Sheet and Resolution. Please contact Cynthia Rogers-Ellickson, Director, Department of Housing & Neighborhood Revitalization, at 214-670-3601, for more information.

31. 24-1772 Authorize a Chapter 380 Economic Development Grant Agreement and all other necessary documents with Low Ervay, LLC and/or its affiliates ("Developer") in an amount not to exceed \$1,854,995.00 payable from the Economic Development (3) Fund (2012 General Obligation Bond Funds) in consideration of the Power & Light Mixed-Income Redevelopment Project ("Project") on property to be addressed as 2220 S. Ervay Street, Dallas, Texas 75215 and to assist with the extraordinary cost of required off-site wastewater infrastructure improvements for the Project - Not to exceed \$1,854,995.00 - Financing: 2012 General Obligation Bond Funds
This item is being revised to update the Prior Action section and Resolution. Please contact Kevin Spath, Director (i), Office of Economic Development, at 214-670-1691, for more information.

Deletions:

32. 24-1770 A resolution adopting the City's Federal Legislative Program for the 119th Session of the United States Congress - Financing: No cost consideration to the City
This item is being deleted due to the Federal Legislative Program briefing being postponed. Please contact Carrie Rogers, Director, Office of Government Affairs, at 214-670-5682, for more information.

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

Memorandums:

9. 24-1752 A resolution authorizing the **(1)** execution of the Amended and Restated Revolving Credit Agreement with JPMorgan Chase Bank, National Association (“JPMorgan”) in support of the City of Dallas, Texas Waterworks and Sewer System Commercial Paper Notes, Series F; and **(2)** execution of the Amended and Restated Fee Letter Agreement with JPMorgan; and **(3)** the execution of agreements pertaining thereto and resolving other matters related thereto for a three-year extension from July 8, 2024 to July 8, 2027 - Not to exceed \$6,230,579 - Financing: Dallas Water Utilities Fund (\$683,300 upfront closing costs plus three-year cost of \$5,547,279) (subject to annual appropriations)
[The City Council was briefed by memorandum regarding this matter on June 7, 2024.](#)
14. 24-1696 Authorize an amendment to **(1)** the Dallas Housing Policy 2033, as shown in the attached Exhibit A page 11 to **(a)** require 50% of the Department of Housing & Neighborhood Revitalization’s annual funding to Equity Strategy Target Areas; **(2)** the Dallas Housing Resource Catalog to New Construction and Substantial Rehabilitation Program, as shown in the attached Exhibit B pages 31-39 to **(a)** add a preference to award to developer partners with no current outstanding housing projects with the City; **(b)** cap all gap funding provided to a developer at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exceptions for affordable housing projects in target areas and developments with specific project initiatives); **(c)** revise and provide consistency in repayment terms for annual cash surplus payments for developers; **(3)** Single Family Development Requirements/Underwriting, as shown in the attached Exhibit B pages 71-81 to **(a)** add a preference for single-family and homeownership development; **(b)** add a preference to award to developer partners with no current outstanding housing projects with the City; **(c)** cap all gap funding provided to a developer at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exceptions for affordable housing projects in target areas and developments with specific project initiatives); **(d)** revise and provide consistency in repayment terms for annual cash surplus payments for developers; and **(4)** the Land Transfer Program, as shown in the attached Exhibit B pages 44-49 **(a)** to authorize the City Manager to provide a defaulting developer’s third-party private financial institution an opportunity to cure the developer’s default before the City exercises its Right of Reverter with a right of reentry for affordable multi-family rental or

single-family homeownership projects when the third-party lender's loan is in an amount greater than the City's financing – Financing: No cost consideration to the City

[The Housing and Homelessness Solutions Committee was briefed by memorandum regarding this matter on May 24, 2024.](#)

15. 24-1713 Authorize an amendment to Resolution 23-0544, previously approved on April 26, 2023 authorizing the **(1)** Dallas Public Facility Corporation (DPFC) or its affiliate to purchase, using Community Development Block Grant (CDBG) Funds, and own property located at 9999 West Technology Boulevard, Dallas, Texas 75220 (the Property); **(2)** City Manager to negotiate and execute a development agreement and security instruments with the DPFC, each as approved to form by the City Attorney, and in compliance with 24 CFR 570.201(a) and (b), in an amount not to exceed \$10,000,000.00 in CDBG Funds to acquire and own, and facilitate the development of a mixed-income affordable multifamily complex known as The Park at Northpoint to be located at the Property; and **(3)** DPFC to enter into a seventy-five-year ground lease with the LDG – The Park at Northpoint, LP and/or its affiliate, for the development of the Project at the Property – Not to exceed \$10,000,000.00 – Financing: Community Development Block Grant Funds; Estimated Revenue Forgone: General Fund \$178,205,551.00 for 75 years (see Fiscal Information)
[The Housing and Homelessness Solutions Committee was briefed by memorandum regarding this matter on May 24, 2024.](#)
20. 24-1657 Authorize the Sixth Amendment to the Project Supplemental Agreement with Dallas County for Medical District Drive from Interstate Highway to Southwestern Medical Avenue for the City's share of additional construction costs for additional paving and drainage, structural, landscape, streetlight, and water and wastewater improvements – Not to exceed \$264,936.00 – Financing: Street and Transportation (A) (2017 General Obligation Bond Fund) (\$123,535.00), Water Capital Improvement G Fund (\$63,816.00), Water Construction Fund (\$896.00), and Wastewater Capital Improvement F Fund (\$76,689.00)
[The City Council was briefed by memorandum regarding the upcoming Agenda Items for the June 28, 2017 Council Agenda Meeting on June 23, 2017.](#)
36. 24-1757 Authorize a Memorandum of Understanding with the United States Capitol Police (USCP) to provide reimbursement for support and enhancements provided by the Dallas Police Department and Dallas Fire Rescue for Congressional events and/or USCP protective operations occurring in the jurisdiction of the City of Dallas - Not to exceed \$150,000.00 - Financing: General Fund

The Public Safety Committee will be briefed by memorandum regarding this matter on June 10, 2024.

41. 24-1651 Authorize **(1)** final adoption of the FY 2024-25 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$30,949,109 for the following programs and estimated amounts: **(a)** Community Development Block Grant (CDBG) in the amount of \$13,023,068; **(b)** HOME Investment Partnerships Program (HOME) in the amount of \$5,078,453; **(c)** Emergency Solutions Grant in the amount of \$1,213,719; **(d)** Housing Opportunities for Persons with AIDS in the amount of \$9,864,583; **(e)** estimated CDBG and HOME Program Income in the amount of \$700,000; and **(f)** FY 2023-24 Reprogramming Funds in the amount of \$1,069,286; and **(2)** the new Five-Year Consolidated Plan, covering the period of FY 2024-25 through FY 2028-29 - Financing: This action has no cost consideration to the City (see Fiscal Information)

[The City Council was briefed by memorandum regarding this matter on December 8, 2023.](#)

[The Government Performance and Financial Management Committee was briefed by memorandum regarding this matter on January 19, 2024.](#)

[The Government Performance and Financial Management Committee was briefed by memorandum regarding this matter February 26, 2024.](#)

[The City Council was briefed by memorandum on the actual HUD grant allocations for the FY 2024-25 Consolidated Plan Budget on May 17, 2024.](#)

43. 24-1826 Authorize **(1)** the approval of the City Council of the City of Dallas, to act as the applicable elected representative, as defined by Section 147(f)(2)(E) of the Internal Revenue Code of 1986, as amended (Code), of the issuance of multifamily residential mortgage revenue bonds (Bonds) issued by the City of Dallas Housing Finance Corporation (DHFC or Issuer) in one or more series of tax-exempt bonds in an amount not to exceed \$31,000,000.00; proceeds of the Bonds will be loaned April Housing, or its affiliate, 13695 Goldmark Drive (TX) Owner, LP (collectively referred to as Borrower) to finance a portion of the cost of the renovation of units for an affordable multifamily complex to be known as Waterford at Goldmark and located at 13695 Goldmark Drive, Dallas, Texas, 75240 (Development); and **(2)** the approval of the application of the Texas Housing Finance Corporations Act, Chapter 394, Local Government Code (Act), to the property on which the Development will be constructed and the use of proceeds of the bonds issued by the DHFC pursuant to the Act to finance and construct the Development; a public hearing with respect to the Bonds and the Development was held on April

18, 2024 after reasonable public notice was published in a newspaper of general circulation in the City of Dallas all in compliance with Section 147(f) of the Code - Financing: No cost consideration to the City (This item was deferred on May 22, 2024)

[The Housing and Homelessness Solutions Committee was briefed by memorandum regarding this matter on May 17, 2024.](#)

- PH1. 24-1892 A public hearing to receive comments on **(1)** the Proposed FY 2024-25 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds and Fiscal Year (FY) 2023-24 Reprogramming Funds; and **(2)** the new Five-Year Consolidated Plan, covering the period of FY 2024-25 through FY 2028-29 - Financing: No cost consideration to the City

Note: This item was considered by the City Council at a public hearing on May 22, 2024, and was held under advisement until June 12, 2024, with the public hearing open.

[The City Council was briefed by memorandum regarding this matter on December 8, 2023.](#)

[The Government Performance and Financial Management Committee was briefed by memorandum regarding this matter on January 19, 2024.](#)

[The Government Performance and Financial Management Committee was briefed by memorandum regarding this matter February 26, 2024.](#)

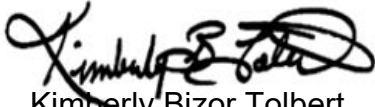
- PH2. 24-1699 A public hearing to receive comments regarding an application by LDG The Legacy on Kiest, LP an affiliate of LDG Development, LLC (Applicant) to the Texas Department of Housing and Community Affairs (TDHCA) for 4% Non-Competitive Low Income Housing Tax Credits for the development of The Legacy on Kiest, a 180-unit multifamily development located at 2621 Southerland Avenue, Dallas, Texas 75203 (Property); and, at the close of the public hearing adopt a Resolution of No Objection for Applicant, related to its application to TDHCA for the development of The Legacy on Kiest, a multifamily development (Development), and in accordance with 10 TAC § 11.3(d) (the Administrative Code) and the Qualified Allocation Plan (QAP), specifically allow the construction of the Development, as required by the Administrative Code, because the Development is within one linear mile or less of Skyline at Cedar Crest (a recent 4% housing tax credit project located at 2720 East Kiest Boulevard, Dallas, Texas 75216), and is therefore subject to the One Mile Three Year Rule - Financing: No cost consideration to the City

[The Housing and Homelessness Solutions Committee was briefed by memorandum on May 24, 2024.](#)

DATE June 7, 2024
SUBJECT June 12, 2024 City Council FINAL Agenda – Additions/Revisions/Deletions Memorandum
PAGE 7 of 7

Please feel free to reach out to me or Vhee Anastacio, City Agenda Manager, if you have questions or should you require additional information at this time.

Service First, Now!



Kimberly Bizzor Tolbert
City Manager (I)

c: Tammy Palomino, City Attorney
Mark Swann, City Auditor
Billerae Johnson, City Secretary
Preston Robinson, Administrative Judge
Dominique Artis, Chief of Public Safety (I)
Majed A. Al-Ghafry, Assistant City Manager
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager

Alina Ciocan, Assistant City Manager
Donzell Gipson, Assistant City Manager (I)
Robin Bentley, Assistant City Manager (I)
Jack Ireland, Chief Financial Officer
Elizabeth Saab, Chief of Strategy, Engagement, and Alignment (I)
Directors and Assistant Directors

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2024 JUN -7 PM 8:23

**CITY SECRETARY
DALLAS. TEXAS**

City of Dallas

*1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201*



Public Notice

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POSTED CITY SECRETARY
DALLAS, TX

COUNCIL AGENDA

**June 12, 2024
9:00 AM**

(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 bit.ly/cityofdallastv 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 bit.ly/cityofdallastv 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 (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del

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."

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."

**AGENDA
CITY COUNCIL MEETING
WEDNESDAY, JUNE 12, 2024
ORDER OF BUSINESS**

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

The public may attend the meeting virtually; however, City Hall is available for those wishing to attend the meeting in person.

The following videoconference link is available to the public to listen to the meeting and Communications, Outreach, and Marketing (COM) will also stream the City Council meeting on Spectrum Cable Channel 16 and [bit.ly/cityofdal.ly](https://cityofdal.ly):

<https://dallascityhall.webex.com/dallascityhall/j.php?MTID=m2aab9f55bdd9a28d8c280eb85abca47c>

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

INVOCATION AND PLEDGE OF ALLEGIANCE

OPEN MICROPHONE

MINUTES	Item 1
CONSENT AGENDA	Items 2-38
DELETION	Item 32
ITEMS FOR INDIVIDUAL CONSIDERATION	Items 39-43
ADDITIONS	Items 44-45
ZONING	Items Z1-Z5
PUBLIC HEARINGS AND RELATED ACTIONS	Items PH1-PH2

NOTE: A revised order of business may be posted prior to the date of the council meeting if necessary.

Invocation and Pledge of Allegiance

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. [24-1563](#) Approval of Minutes of the May 22, 2024 City Council Meeting

CONSENT AGENDA

Budget and Management Services

2. [24-1374](#) Authorize an increase in the homestead property tax exemption for persons who are disabled or 65 or older from \$139,400 to \$153,400 beginning with the 2024 tax year (fiscal year beginning October 1, 2024) - Total Estimated Annual Revenue Foregone: General Fund (\$5,402,040) and Debt Service Fund (\$2,072,628)

Attachments: [Resolution](#)

City Attorney's Office

3. [24-1729](#) Authorize partial settlement of the lawsuit styled Pedro Lopez Individually, as a Parent, Guardian, and Next Friends of J.L. and T.L. v. City of Dallas et al., Cause No. DC-22-08867 - Not to exceed \$55,000.00 - Financing: Liability Reserve Fund

Attachments: [Resolution](#)

4. [24-1575](#) Authorize payment of the jury verdict entered against the City in the lawsuit styled Krystal Thompson and Saige Frazier v. Mario P. Mazza and City of Dallas, Cause No. DC-22-12476 - Not to exceed \$50,000.00 - Financing: Liability Reserve Fund

Attachments: [Resolution](#)

5. [24-1566](#) Authorize payment of the jury verdict issued against the City in the lawsuit styled Terrance Cotton, Individually, and as Next Friend of E.C., T.C., and T.C., Jr. v. the City of Dallas, Cause No. DC-20-11343 - Not to exceed \$270,000.00 - Financing: Liability Reserve Fund

Attachments: [Resolution](#)

6. [24-1694](#) Authorize settlement of the lawsuit styled Anthony Darvette Anderson v. City of Dallas, Cause No. DC-23-06282 - Not to exceed \$36,000.00 - Financing: Liability Reserve Fund

Attachments: [Resolution](#)

7. [24-1689](#) Authorize settlement of the lawsuit styled Cedrick Omah Williams v. City of Dallas, Cause No. DC-22-16343 - Not to exceed \$80,000.00 - Financing: Liability Reserve Fund

Attachments: [Resolution](#)

8. [24-1765](#) Authorize settlement of the lawsuit styled Tammy Jenkins v. City of Dallas, Cause No. DC-23-05320 - Not to exceed \$248,500.00 - Financing: Liability Reserve Fund

Attachments: [Resolution](#)

City Controller's Office

9. [24-1752](#) A resolution authorizing the **(1)** execution of the Amended and Restated Revolving Credit Agreement with JPMorgan Chase Bank, National Association ("JPMorgan") in support of the City of Dallas, Texas Waterworks and Sewer System Commercial Paper Notes, Series F; and **(2)** execution of the Amended and Restated Fee Letter Agreement with JPMorgan; and **(3)** the execution of agreements pertaining thereto and resolving other matters related thereto for a three-year extension from July 8, 2024 to July 8, 2027 - Not to exceed \$6,230,579 - Financing: Dallas Water Utilities Fund (\$683,300 upfront closing costs plus three-year cost of \$5,547,279) (subject to annual appropriations)

Attachments: [Attachment I](#)
[Resolution](#)

Department of Aviation

10. [24-1594](#) Authorize an amendment to Resolution No. 24-0417, previously approved on March 27, 2024, for an Interlocal Agreement with the Texas Department of Transportation to modify the City's estimated share of the project costs from \$791,600.00 to \$1,234,600.00 - Amount of \$1,234,600.00 - Financing: Aviation Construction Fund

Attachments: [Map](#)
[Resolution](#)

11. [24-1491](#) Authorize a three-year service contract with two, three-year renewal options for the purchase, installation, and maintenance of Energy Capturing Pod System pods and equipment, which capture exhaust produced by aircraft engines and convert it to clean renewable energy for the Department of Aviation at Dallas Love Field Airport - JetWind Power Corporation, sole source - Not to exceed \$1,311,910.00 - Financing: Aviation Fund (subject to appropriations)

Attachments: [Resolution](#)

12. [24-1345](#) Authorize **(1)** a construction services contract to provide construction to provide new location, additional airport facility, landscaping, structural, civil, parking and driveway, fueling, heating, ventilation, and air conditioning, electrical, mechanical, plumbing, equipment, fire alarm, and technological construction services to the Dallas Love Field Aircraft Rescue and Firefighters Station No. 21 Project - Satterfield & Pontikes construction, Inc., lowest responsible bidder of two; and **(2)** an increase in appropriations in an amount not to exceed \$16,000,000.00 in the Aviation Construction Fund - Not to exceed \$30,833,255.00 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund (\$2,161,481.00), Aviation Construction Fund (\$15,108,295.00), and FY24 FAA AIG Grant Fund (\$13,563,479.00)

Attachments: [Map](#)
[Resolution](#)

Department of Equipment and Fleet Management

13. [24-1528](#) Authorize a five-year master agreement for fleet vehicles and equipment with Kirby-Smith Machinery, Sam Pack's Five Star Ford, Berry Companies, Holt Texas, Southwest International Trucks, United Equipment Rentals Gulf, Kinloch Equipment and Supply, BTE Body Company, Austin Truck and Equipment, Rush Truck Centers of Texas, Chastang Ford, Texas Kenworth Company, Vermeer Equipment of Texas, Houston Freightliner, LHD Partners, Magnum Custom Trailer Manufacturing, Grande Truck Center, Texan Waste Equipment, Industrial Power and Hardware, Dickson Equipment Company, Bond Equipment, Versalift Southwest, Briggs Equipment, Freedom Dodge, Darr Equipment, Siddons Martin Emergency Group, Rosenbauer Minnesota, Reliance Environmental Truck Sales, Genserve LLC, Landmark Equipment, North Texas Trailers, Deer and Company, Custom Truck One Source, Caldwell Country Chevrolet, Generac Power Systems, Caldwell Country Ford, Donalson CDJR, Cameron Dodge, Silsbee Ford, Chrysler Jeep Dodge City of McKinney, Specialty Fleet Sales, Interstate Trailers, Lake Country Chevrolet, Doggett Freightliner of South Texas, Cavendar Ford Motor Company, Tom Loftus Inc. DBA Austin Turf and Tractor, Czar Companies, Scranton Manufacturing Company, South Star JCB, Bruckner Truck Sales, The Sewell Family of Companies, Cummins Southern Plains, R.D. Offutt Company, Holt Truck Centers of Oklahoma, Ed Morse Automotive LLC – Freedom Chevrolet Buick GMC by Ed Morse, Ed Morse Automotive LLC – Freedom Chrysler Dodge Jeep Ram by Ed Morse, Donalson-Hiner Automotive Group, Coufal-Prater Equipment, The Around The Clock Freightliner Group, Chastang Enterprises – Houston, Rush Truck Centers of Texas, Equipmentsshare.com, Daco Fire Equipment, Deen Kubota, Brazos Motorsports, Curbtender Sweepers, Custom Truck One Source and their associated distributors through the BuyBoard National Purchasing Cooperation, Texas Smartbuy, TIPS Coop, National Intergovernmental Purchasing Alliance (NIPA), Sourcewell (NJPA), HGACBuy, Tarrant County Coop, The Cooperative Purchasing Network (TCPN), Texas Correctional Industries (TCI), Texas Multiple Award Schedules (TXMAS), U.S. Communities Government Purchasing Alliance (U.S. Communities) General Services Administration (GSA), NASPO ValuePoint, Omnia Partners, California CMAS, Virginia Sheriff's Association, Florida Sheriff's Association, as specifically described in Exhibit A – Total estimated amount of \$350,014,918.00 - Financing: Sanitation Capital Improvement Fund (\$20,000,000.00), Dallas Water Utilities Fund (\$60,000,000.00), Stormwater Drainage Management Fund (\$10,000,000.00), SDM-Equipment Acquisition Notes (\$12,500,000.00), Aviation Fund (\$6,200,000.00), Building Inspection Fund (\$7,050,000.00), General Fleet Equipment Acquisition Notes (\$90,049,500.00), Sanitation Equipment Acquisition Notes (\$50,000,000.00), and Dallas Fire Department Master Lease-Equipment Fund (\$94,215,418.00)

Attachments: [Resolution](#)
[Exhibit A](#)

Department of Housing & Neighborhood Revitalization

14. [24-1696](#) Authorize an amendment to (1) the Dallas Housing Policy 2033, as shown in the attached Exhibit A page 11 to ~~(a)~~ require 50% of the Department of Housing & Neighborhood Revitalization's annual funding to Equity Strategy Target Areas; (2) the Dallas Housing Resource Catalog to New Construction and Substantial Rehabilitation Program, as shown in the attached Exhibit B pages 31-39 to (a) add a preference to award to developer partners with no current outstanding housing projects with the City; (b) cap all gap funding provided to a developer at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exceptions for affordable housing projects in target areas and developments with specific project initiatives); (c) revise and provide consistency in repayment terms for annual cash surplus payments for developers; (3) Single Family Development Requirements/Underwriting, as shown in the attached Exhibit B pages 71-81 to (a) add a preference for single-family and homeownership development; (b) add a preference to award to developer partners with no current outstanding housing projects with the City; (c) cap all gap funding provided to a developer at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exceptions for affordable housing projects in target areas and developments with specific project initiatives); (d) revise and provide consistency in repayment terms for annual cash surplus payments for developers; and (4) the Land Transfer Program, as shown in the attached Exhibit B pages 44-49 (a) to authorize the City Manager to provide a defaulting developer's third-party private financial institution an opportunity to cure the developer's default before the City exercises its Right of Reverter with a right of reentry for affordable multi-family rental or single-family homeownership projects when the third-party lender's loan is in an amount greater than the City's financing - Financing: No cost consideration to the City

Attachments: [Resolution](#)
 [Exhibit A](#)
 [Exhibit B](#)

15. [24-1713](#) Authorize an amendment to Resolution 23-0544, previously approved on April 26, 2023 authorizing the **(1)** Dallas Public Facility Corporation (DPFC) or its affiliate to purchase, using Community Development Block Grant (CDBG) Funds, and own property located at 9999 West Technology Boulevard, Dallas, Texas 75220 (the Property); **(2)** City Manager to negotiate and execute a development agreement and security instruments with the DPFC, each as approved to form by the City Attorney, and in compliance with 24 CFR 570.201(a) and (b), in an amount not to exceed \$10,000,000.00 in CDBG Funds to acquire and own, and facilitate the development of a mixed-income affordable multifamily complex known as The Park at Northpoint to be located at the Property; and **(3)** DPFC to enter into a seventy-five-year ground lease with the LDG - The Park at Northpoint, LP and/or its affiliate, for the development of the Project at the Property - Not to exceed \$10,000,000.00 - Financing: Community Development Block Grant Funds; Estimated Revenue Forgone: General Fund \$178,205,551.00 for 75 years (see Fiscal Information)

Attachments: [Map](#)
[Resolution](#)
[Exhibit A](#)

Department of Public Works

16. [24-1560](#) An ordinance amending Ordinance No. 22320, previously approved on January 25, 1995, which licensed a portion of Welborn Street right-of-way to the Texas Scottish Rite Hospital for Children, formerly known as Texas Scottish Rite Hospital for Crippled Children, by **(1)** altering Sections 2, 3 and 4; **(2)** adding a new subsection 7(d); and **(3)** adding a new Exhibit A - Revenue: General Fund \$400.00 one-time fee, plus the \$20.00 ordinance publication fee

Attachments: [Map](#)
[Ordinance](#)
[Exhibit A](#)

17. [24-1782](#) An ordinance granting a private license to Olymbec USA LLC, for the use of approximately 907 square feet of aerial space to maintain and utilize an existing aerial walkway over a portion of St. Paul Avenue right-of-way located near its intersection with Pacific Avenue - Revenue: General Fund \$7,471.00, plus the \$20.00 ordinance publication fee

Attachments: [Map](#)
[Ordinance](#)
[Exhibit A](#)
[Exhibit B](#)

18. [24-1783](#) An ordinance granting a private license to Willow Commerce Owner LLC for the use of a total of approximately 16 square feet of land to occupy, maintain and utilize five streetlights on Willow Street and three streetlights on Commerce Street rights-of-way located near its intersection with Willow and Commerce Streets - Revenue: General Fund \$200.00 one-time fee, plus the \$20.00 ordinance publication fee

Attachments: [Map](#)
[Ordinance](#)
[Exhibit A](#)
[Exhibit B](#)

19. [24-1547](#) Authorize a professional services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc. for the engineering design of Eads/Hutchins Avenue from Eads Avenue to East Colorado Boulevard to Hutchins Avenue and 8th Street - Not to exceed \$547,563.20 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$472,077.20), Water Capital Improvement G Fund (\$41,955.45), and Wastewater Capital Improvement F Fund (\$33,530.55)

Attachments: [Map](#)
[Resolution](#)

20. [24-1657](#) Authorize the Sixth Amendment to the Project Supplemental Agreement with Dallas County for Medical District Drive from Interstate Highway to Southwestern Medical Avenue for the City's share of additional construction costs for additional paving and drainage, structural, landscape, streetlight, and water and wastewater improvements - Not to exceed \$264,936.00 - Financing: Street and Transportation (A) (2017 General Obligation Bond Fund) (\$123,535.00), Water Capital Improvement G Fund (\$63,816.00), Water Construction Fund (\$896.00), and Wastewater Capital Improvement F Fund (\$76,689.00)

Attachments: [Map](#)
[Resolution](#)

21. [24-1316](#) Authorize Supplemental Agreement No. 2 to the professional services contract with Criado & Associates, LLC., formerly known as Criado & Associates Inc. to provide additional design services for the North Boulevard Terrace Extension/Bridge to Plymouth Road Project - Not to exceed \$261,412.00, from \$434,042.00 to \$695,454.00 - Financing: 2023 Certificate of Obligation Bond Fund

Attachments: [Map](#)
[Resolution](#)

22. [24-1318](#) Authorize Supplemental Agreement No. 2 to the professional services contract with Huitt-Zollars, Inc. to provide additional engineering services for Columbia Avenue/Main Street from South Beacon Street to Deep Ellum - Not to exceed \$571,874.00, from \$416,805.90 to \$988,679.90 - Financing: 2023 Certificate of Obligation Funds

Attachments: [Map](#)
[Resolution](#)

Department of Transportation

23. [24-1557](#) Authorize a professional engineering services contract with CivTech Inc. for traffic signal design services for the following four intersections: Ferguson Road at Barnes Bridge Road; Ferguson Road at St. Francis Avenue; North Jim Miller Road at Forney Road; Everglade Road at North Jim Miller; and other related tasks - Not to exceed \$368,601.20 - Financing: General Fund (\$184,300.60) and Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$184,300.60)

Attachments: [Map](#)
[Resolution](#)

24. [24-1553](#) Authorize a professional engineering services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc., for preliminary engineering, environmental assessment, and final engineering/design services for pedestrian improvements to include sidewalks and curb ramps in various locations at and around the Dallas Zoo Dallas Area Rapid Transit (DART) Station/Southern Gateway Public Green and system connections to the Perot Museum/Klyde Warren Park - Not to exceed \$650,005.65 - Financing: Dallas Zoo DART Station at Southern Gateway Public Green Fund (\$360,000.00) and General Fund (\$290,005.65)

Attachments: [Map](#)
[Resolution](#)

25. [24-1561](#) Authorize a professional engineering services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc., for the preliminary design of intersection improvements at Dallas Parkway and Frankford Road and Gaston Avenue and Tucker Street - Not to exceed \$326,039.00 - Financing: General Fund

Attachments: [Map](#)
[Resolution](#)

26. [24-1555](#) Authorize a professional engineering services contract with Freese and Nichols, Inc. for traffic signal design services for the following four intersections selected as part of the 2023 Dallas Area Rapid Transit (DART) Public Transportation Improvement Program: North Fitzhugh Avenue at Gaston Avenue; Malcolm X Boulevard at Pine Street; Malcolm X Boulevard at Al Lipscomb Way; Ross Avenue at Pearl Street; and other related tasks - Not to exceed \$335,000.00 - Financing: DART Transportation Projects Fund

Attachments: [Map](#)
[Resolution](#)

27. [24-1554](#) Authorize a professional engineering services contract with LJA Engineering, Inc. for traffic signal design services for the following four intersections selected as part of the 2023 Dallas Area Rapid Transit (DART) Public Transportation Improvement Program: South Polk Street at Reynoldston Lane; Ann Arbor Avenue at South Marsalis Avenue; East Kiest Boulevard at South Marsalis Avenue; South Marsalis Avenue at East Saner Avenue; and other related tasks - Not to exceed \$310,420.00 - Financing: DART Transportation Projects Fund

Attachments: [Map](#)
[Resolution](#)

28. [24-1556](#) Authorize a professional engineering services contract with Urban Engineers Group, Inc. for traffic signal design services for the following four intersections: Lemmon Avenue at North Washington Avenue; Live Oak Street at North Munger Boulevard; Botham Jean Boulevard at Bellevue Street; Ferguson Road at Fenwick Drive/Shiloh Road; and other related tasks - Not to exceed \$340,050.00 - Financing: General Fund (\$170,025.00) and Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$170,025.00)

Attachments: [Map](#)
[Resolution](#)

29. [24-1559](#) Authorize payment to the Texas Department of Transportation for the Advance Funding Agreement (Agreement No. CSJ 0918-47-348, etc., Assistance Listing No. 20.205) for cost overruns related to the construction of four traffic signals and associated off-system intersection improvements at: Gaston Avenue at Haskell Avenue, Peavy Road at Oates Drive, Lake June Road at Pleasant Drive, and McKinney Avenue at Routh Street - Total amount of \$751,825.83 - Financing: Coronavirus State and Local Fiscal Recovery Fund (\$632,990.32) and General Fund (\$118,835.51)

Attachments: [Map](#)
[Resolution](#)

30. [24-1558](#) Authorize the (1) acceptance of a grant from the United States Department of Transportation Federal Highway Administration through the Texas Department of Transportation (TxDOT) for the Surface Transportation Block Grant Program (Agreement No. CSJ 0918-47-484, Assistance Listing No. 20.205) in the amount of \$3,000,000.00 as federal share in the total project cost of \$3,135,240.00 (includes \$2,940,000.00 in Federal reimbursement, \$60,000.00 in Direct State Cost, \$135,240.00 in Indirect State Cost, and the City of Dallas' portion covered by the use of 600,000 regional Transportation Development Credits in lieu of a local cash match) for engineering costs to reconstruct the intersection at Harry Hines Boulevard and Mockingbird Lane in the City of Dallas; (2) receipt and deposit of funds in the amount of \$2,940,000.00 in the FY24 TxDOT Surface Transportation Block Grant Program Fund; (3) establishment of appropriations in the amount of \$2,940,000.00 in the FY24 TxDOT Surface Transportation Block Grant Program Fund; and (4) execution of the Advance Funding Agreement with TxDOT and all terms, conditions, and documents required by the grant agreement - Total amount of \$2,940,000.00 - Financing: Texas Department of Transportation Grant Funds

Attachments: [Map](#)
[Resolution](#)

Office of Economic Development

31. [24-1772](#) Authorize a Chapter 380 Economic Development Grant Agreement and all other necessary documents with Low Ervay, LLC and/or its affiliates ("Developer") in an amount not to exceed \$1,854,995.00 payable from the Economic Development (3) Fund (2012 General Obligation Bond Funds) in consideration of the Power & Light Mixed-Income Redevelopment Project ("Project") on property to be addressed as 2220 S. Ervay Street, Dallas, Texas 75215 and to assist with the extraordinary cost of required off-site wastewater infrastructure improvements for the Project - Not to exceed \$1,854,995.00 - Financing: 2012 General Obligation Bond Funds

Attachments: [Resolution](#)
 [Exhibit A](#)
 [Exhibit B](#)
 [Exhibit C](#)
 [Exhibit D](#)
 [Exhibit E](#)
 [Exhibit F](#)

~~**Office of Government Affairs**~~

- ~~32. [24-1770](#) A resolution adopting the City's Federal Legislative Program for the 119th Session of the United States Congress - Financing: No cost consideration to the City~~

~~**Attachments:** [Resolution](#)~~

33. [24-1768](#) Authorize two permanent easements at Dallas Fort Worth International Airport to Oncor Electric Delivery Company, LLC: (1) easements for +/- 5.530 acres to be used to expand an existing switchyard that is not on Airport property and (2) for +/- 3.738 acres to build an additional substation at the intersection of Mid-Cities Boulevard and SH360 as set forth in the DFW Airport Board Resolution - Financing: No cost consideration to the City

Attachments: [Memorandum](#)
 [Resolution](#)

Office of the City Auditor

34. [24-1615](#) Authorize a budget estimate of the needs and requirements of the Office of the City Auditor for Fiscal Year 2024-25 in the amount of \$3,199,840.00 net of vacancy savings of \$150,767.00 (subject to final citywide funding adjustments for decisions that will be made on a citywide basis for items such as staff merit increases, benefits, insurance, Department of Information and Technology Services chargebacks, and other items that may affect all City departmental budgets) - Not to exceed \$3,199,840.00 - Financing: General Fund (subject to appropriations)

Attachments: [Resolution](#)
[Presentation](#)

Park & Recreation Department

35. [24-1712](#) Authorize an Interlocal Agreement with Dallas County for designing, constructing, and maintaining a portion of the Cypress Waters Trail which contributes to a comprehensive trail system in the City of Dallas, Dallas County, and the over 1,800 mile, ten-county Regional Veloweb - Financing: No cost consideration to the City

Attachments: [Map](#)
[Resolution](#)
[Exhibit A](#)

Police Department

36. [24-1757](#) Authorize a Memorandum of Understanding with the United States Capitol Police (USCP) to provide reimbursement for support and enhancements provided by the Dallas Police Department and Dallas Fire Rescue for Congressional events and/or USCP protective operations occurring in the jurisdiction of the City of Dallas - Not to exceed \$150,000.00 - Financing: General Fund

Attachments: [Resolution](#)

Water Utilities Department

37. [24-943](#) Authorize a construction services contract for the installation of erosion control improvements at four locations (list attached to the Agenda Information Sheet) - TREG Erosion Control Specialists, LLC, lowest responsible bidder of three - Not to exceed \$4,297,770.00 - Financing: 2024 Certificate of Obligation Fund (\$2,055,851.00), Storm Drainage Management Capital Construction Fund (\$1,201,646.96), and Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund) (\$1,040,272.04)

Attachments: [List](#)
[Maps](#)
[Resolution](#)

38. [24-1763](#) Authorize an increase in the construction services contract with SYB Construction Co., Inc., for the emergency replacement of a 60-inch diameter sanitary sewer pipeline behind 11400 Central Expressway - Not to exceed \$676,310.00, from \$21,003,141.50 to \$21,679,451.50 - Financing: Wastewater Construction Fund

Attachments: [Map](#)
[Resolution](#)

ITEMS FOR INDIVIDUAL CONSIDERATION**City Secretary's Office**

39. [24-1672](#) 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)
40. [24-1824](#) Election of Officers to the City Council for: **(1)** Mayor Pro Tem; and **(2)** Deputy Mayor Pro Tem, to each serve a one-year term, beginning Monday, June 17, 2024, and expiring on the day the new city council takes office in June 2025 - Financing: No cost consideration to the City

Budget and Management Services

Note: Agenda Item Nos. PH1 and 41 must be considered collectively.

41. [24-1651](#) Authorize **(1)** final adoption of the FY 2024-25 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$30,949,109 for the following programs and estimated amounts: **(a)** Community Development Block Grant (CDBG) in the amount of \$13,023,068; **(b)** HOME Investment Partnerships Program (HOME) in the amount of \$5,078,453; **(c)** Emergency Solutions Grant in the amount of \$1,213,719; **(d)** Housing Opportunities for Persons with AIDS in the amount of \$9,864,583; **(e)** estimated CDBG and HOME Program Income in the amount of \$700,000; and **(f)** FY 2023-24 Reprogramming Funds in the amount of \$1,069,286; and **(2)** the new Five-Year Consolidated Plan, covering the period of FY 2024-25 through FY 2028-29 - Financing: This action has no cost consideration to the City (see Fiscal Information)

Attachments: [Resolution](#)
[Schedule A](#)
[Schedule B](#)
[Schedule C](#)
[Schedule D](#)

ITEMS FOR FURTHER CONSIDERATION**Department of Convention and Event Services**

42. [24-1825](#) Authorize a three-year service contract with two one-year renewal options for permitting software licenses and services for the Convention and Event Services Department's Office of Special Events with Event Approvals, Inc. - Not to exceed \$142,500.00 - Financing: Convention and Event Services Fund (subject to annual appropriations) (This item was deferred on May 22, 2024)

Attachments: [Resolution](#)

Department of Housing & Neighborhood Revitalization

43. [24-1826](#) Authorize **(1)** the approval of the City Council of the City of Dallas, to act as the applicable elected representative, as defined by Section 147(f)(2) (E) of the Internal Revenue Code of 1986, as amended (Code), of the issuance of multifamily residential mortgage revenue bonds (Bonds) issued by the City of Dallas Housing Finance Corporation (DHFC or Issuer) in one or more series of tax-exempt bonds in an amount not to exceed \$31,000,000.00; proceeds of the Bonds will be loaned April Housing, or its affiliate, 13695 Goldmark Drive (TX) Owner, LP (collectively referred to as Borrower) to finance a portion of the cost of the renovation of units for an affordable multifamily complex to be known as Waterford at Goldmark and located at 13695 Goldmark Drive, Dallas, Texas, 75240 (Development); and **(2)** the approval of the application of the Texas Housing Finance Corporations Act, Chapter 394, Local Government Code (Act), to the property on which the Development will be constructed and the use of proceeds of the bonds issued by the DHFC pursuant to the Act to finance and construct the Development; a public hearing with respect to the Bonds and the Development was held on April 18, 2024 after reasonable public notice was published in a newspaper of general circulation in the City of Dallas all in compliance with Section 147(f) of the Code - Financing: No cost consideration to the City (This item was deferred on May 22, 2024)

Attachments: [Map](#)
[Resolution](#)

ADDITIONS:**OTHER ITEMS FOR INDIVIDUAL CONSIDERATION****Mayor and City Council Office**

44. [24-1978](#) A resolution stating that the City Council does not support construction of any aboveground rail lines through the Downtown, Uptown, and Victory Park areas of Dallas, except for streetcar expansion projects currently under consideration and that the City Council will reconsider the Dallas to Fort Worth high speed rail alignment upon completion of the economic impact study - Financing: No cost consideration to the City

Attachments: [Memorandum](#)
[Resolution](#)

Office of Equity and Inclusion

45. [24-1776](#) Authorize the adoption of the Senate Bill 4 Resolution, which (1) condemns Senate Bill 4 for its potential negative impact on public safety; and (2) emphasizes the importance of maintaining cooperation and trust between city officials, law enforcement, and the community - Financing: This action has no cost consideration to the City (see Fiscal Information)

Attachments: [Resolution](#)

PUBLIC HEARINGS AND RELATED ACTIONS**Department of Planning and Urban Design****ZONING CASES - CONSENT**

- Z1. [24-1732](#) A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned Subarea 1 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay, on the west line of South Buckner Boulevard, between North Scyene Road and Blossom Lane
Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z223-256(LC)

Attachments: [Case Report](#)

- Z2. [24-1733](#) A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an inside commercial amusement on property zoned Planned Development District No. 7 with a D Liquor Control Overlay and a D-1 Liquor Control Overlay, on the north line of Centerville Road, between Garland Road and Jupiter Road
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z234-118(LC)

Attachments: [Case Report](#)

- Z3. [24-1734](#) A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 2111 for a body piercing studio and a tattoo studio on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the northwest corner of Main Street and Exposition Avenue
Recommendation of Staff: Approval for a five-year period, subject to amended conditions.
Recommendation of CPC: Approval for a five-year period, subject to amended conditions.
Z234-153(LC)

Attachments: [Case Report](#)

- Z4. [24-1790](#) A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 2453 for supportive housing on property zoned Subdistrict 3C within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District, on the south line of Fort Worth Avenue, south of Interstate 30
Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval for a five-year period, subject to a site plan and conditions
Z234-185(WK)

Attachments: [Case Report](#)

ZONING CASES - INDIVIDUAL

- Z5. [24-1735](#) A public hearing to receive comments regarding an application for **(1)** an ordinance granting a CR Community Retail District, and **(2)** an ordinance granting a Specific Use Permit for a commercial amusement (outside), on property zoned R-7.5(A) Single Family District, on the east line of Dowdy Ferry Road between Fireside Drive and Lake Anna Drive
Recommendation of Staff: Denial
Recommendation of CPC: Denial
Z223-319(GB)

Attachments: [Case Report](#)

MISCELLANEOUS HEARINGS - UNDER ADVISEMENT**Budget and Management Services**

Note: Agenda Item Nos. PH1 and 41 must be considered collectively.

- PH1. [24-1892](#) A public hearing to receive comments on **(1)** the Proposed FY 2024-25 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds and Fiscal Year (FY) 2023-24 Reprogramming Funds; and **(2)** the new Five-Year Consolidated Plan, covering the period of FY 2024-25 through FY 2028-29 - Financing: No cost consideration to the City
- Note: This item was considered by the City Council at a public hearing on May 22, 2024, and was held under advisement until June 12, 2024, with the public hearing open.

MISCELLANEOUS HEARINGS**Department of Housing & Neighborhood Revitalization**

- PH2. [24-1669](#) A public hearing to receive comments regarding an application by LDG The Legacy on Kiest, LP an affiliate of LDG Development, LLC (Applicant) to the Texas Department of Housing and Community Affairs (TDHCA) for 4% Non-Competitive Low Income Housing Tax Credits for the development of The Legacy on Kiest, a 180-unit multifamily development located at 2621 Southerland Avenue, Dallas, Texas 75203 (Property); and, at the close of the public hearing adopt a Resolution of No Objection for Applicant, related to its application to TDHCA for the development of The Legacy on Kiest, a multifamily development (Development), and in accordance with 10 TAC § 11.3(d) (the Administrative Code) and the Qualified Allocation Plan (QAP), specifically allow the construction of the Development, as required by the Administrative Code, because the Development is within one linear mile or less of Skyline at Cedar Crest (a recent 4% housing tax credit project located at 2720 East Kiest Boulevard, Dallas, Texas 75216), and is therefore subject to the One Mile Three Year Rule - Financing: No cost consideration to the City

Attachments: [Map](#)
[Resolution](#)

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]
3. 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]
7. 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: June 12, 2024

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	V	SEC	N/A	Approval of Minutes of the May 22, 2024 City Council Meeting
2.	N/A	C	BMS	REV- \$7,474,668.00	Authorize an increase in the homestead property tax exemption for persons who are disabled or 65 or older from \$139,400 to \$153,400 beginning with the 2024 tax year (fiscal year beginning October 1, 2024) - Total Estimated Annual Revenue Foregone: General Fund (\$5,402,040) and Debt Service Fund (\$2,072,628)
3.	N/A	C	ATT	\$55,000.00	Authorize partial settlement of the lawsuit styled Pedro Lopez Individually, as a Parent, Guardian, and Next Friends of J.L. and T.L. v. City of Dallas et al., Cause No. DC-22-08867 - Not to exceed \$55,000.00 - Financing: Liability Reserve Fund
4.	N/A	C	ATT	\$50,000.00	Authorize payment of the jury verdict entered against the City in the lawsuit styled Krystal Thompson and Saige Frazier v. Mario P. Mazza and City of Dallas, Cause No. DC-22-12476 - Not to exceed \$50,000.00 - Financing: Liability Reserve Fund
5.	N/A	C	ATT	\$270,000.00	Authorize payment of the jury verdict issued against the City in the lawsuit styled Terrance Cotton, Individually, and as Next Friend of E.C., T.C., and T.C., Jr. v. the City of Dallas, Cause No. DC-20-11343 - Not to exceed \$270,000.00 - Financing: Liability Reserve Fund
6.	N/A	C	ATT	\$36,000.00	Authorize settlement of the lawsuit styled Anthony Darvette Anderson v. City of Dallas, Cause No. DC-23-06282 - Not to exceed \$36,000.00 - Financing: Liability Reserve Fund
7.	N/A	C	ATT	\$80,000.00	Authorize settlement of the lawsuit styled Cedrick Omah Williams v. City of Dallas, Cause No. DC-22-16343 - Not to exceed \$80,000.00 - Financing: Liability Reserve Fund
8.	N/A	C	ATT	\$248,500.00	Authorize settlement of the lawsuit styled Tammy Jenkins v. City of Dallas, Cause No. DC-23-05320 - Not to exceed \$248,500.00 - Financing: Liability Reserve Fund
9.	N/A	C	CCO	\$6,230,579.00	A resolution authorizing the (1) execution of the Amended and Restated Revolving Credit Agreement with JPMorgan Chase Bank, National Association ("JPMorgan") in support of the City of Dallas, Texas Waterworks and Sewer System Commercial Paper Notes, Series F; and (2) execution of the Amended and Restated Fee Letter Agreement with JPMorgan; and (3) the execution of agreements pertaining thereto and resolving other matters related thereto for a three-year extension from July 8, 2024 to July 8, 2027 - Not to exceed \$6,230,579 - Financing: Dallas

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Water Utilities Fund (\$683,300 upfront closing costs plus three-year cost of \$5,547,279) (subject to annual appropriations)
10.	3	C	AVI	\$1,234,600.00	Authorize an amendment to Resolution No. 24-0417, previously approved on March 27, 2024, for an Interlocal Agreement with the Texas Department of Transportation to modify the City's estimated share of the project costs from \$791,600.00 to \$1,234,600.00 - Amount of \$1,234,600.00 - Financing: Aviation Construction Fund
11.	6	C	AVI	\$1,311,910.00	Authorize a three-year service contract with two, three-year renewal options for the purchase, installation, and maintenance of Energy Capturing Pod System pods and equipment, which capture exhaust produced by aircraft engines and convert it to clean renewable energy for the Department of Aviation at Dallas Love Field Airport - JetWind Power Corporation, sole source - Not to exceed \$1,311,910.00 - Financing: Aviation Fund (subject to appropriations)
12.	6	C	AVI	\$17,269,776.00	Authorize (1) a construction services contract to provide construction to provide new location, additional airport facility, landscaping, structural, civil, parking and driveway, fueling, heating, ventilation, and air conditioning, electrical, mechanical, plumbing, equipment, fire alarm, and technological construction services to the Dallas Love Field Aircraft Rescue and Firefighters Station No. 21 Project - Satterfield & Pontikes construction, Inc., lowest responsible bidder of two; and (2) an increase in appropriations in an amount not to exceed \$16,000,000.00 in the Aviation Construction Fund - Not to exceed \$30,833,255.00 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund (\$2,161,481.00), Aviation Construction Fund (\$15,108,295.00), and FY24 FAA AIG Grant Fund (\$13,563,479.00)
13.	All	C	EFM	\$350,014,918.00	Authorize a five-year master agreement for fleet vehicles and equipment with Kirby-Smith Machinery, Sam Pack's Five Star Ford, Berry Companies, Holt Texas, Southwest International Trucks, United Equipment Rentals Gulf, Kinloch Equipment and Supply, BTE Body Company, Austin Truck and Equipment, Rush Truck Centers of Texas, Chastang Ford, Texas Kenworth Company, Vermeer Equipment of Texas, Houston Freightliner, LHD Partners, Magnum Custom Trailer Manufacturing, Grande Truck Center, Texan Waste Equipment, Industrial Power and Hardware, Dickson Equipment Company, Bond Equipment, Versalift Southwest, Briggs Equipment, Freedom Dodge, Darr Equipment, Siddons Martin Emergency Group, Rosenbauer Minnesota, Reliance Environmental Truck Sales, Genserve LLC, Landmark Equipment, Norh Texas Trailers, Deer and Company, Custom Truck One Source, Caldwell Country Chevrolet,

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					<p>Generac Power Systems, Caldwell Country Ford, Donalson CDJR, Cameron Dodge, Silsbee Ford, Chrysler Jeep Dodge City of McKinney, Specialty Fleet Sales, Interstate Trailers, Lake Country Chevrolet, Doggett Freightliner of South Texas, Cavendar Ford Motor Company, Tom Loftus Inc. DBA Austin Turf and Tractor, Czar Companies, Scranton Manufacturing Company, South Star JCB, Bruckner Truck Sales, The Sewell Family of Companies, Cummins Southern Plains, R.D. Offutt Company, Holt Truck Centers of Oklahoma, Ed Morse Automotive LLC - Freedom Chevrolet Buick GMC by Ed Morse, Ed Morse Automotive LLC - Freedom Chrysler Dodge Jeep Ram by Ed Morse, Donalson-Hiner Automotive Group, Coufal-Prater Equipment, The Around The Clock Freightliner Group, Chastang Enterprises - Houston, Rush Truck Centers of Texas, Equipmentsshare.com, Daco Fire Equipment, Deen Kubota, Brazos Motorsports, Curbtender Sweepers, Custom Truck One Source and their associated distributors through the BuyBoard National Purchasing Cooperation, Texas Smartbuy, TIPS Coop, National Intergovernmental Purchasing Alliance (NIPA), Sourcewell (NJPA), HGACBuy, Tarrant County Coop, The Cooperative Purchasing Network (TCPN), Texas Correctional Industries (TCI), Texas Multiple Award Schedules (TXMAS), U.S. Communities Government Purchasing Alliance (U.S. Communities) General Services Administration (GSA), NASPO ValuePoint, Omnia Partners, California CMAS, Virginia Sheriff's Association, Florida Sheriff's Association, as specifically described in Exhibit A - Total estimated amount of \$350,014,918.00 - Financing: Sanitation Capital Improvement Fund (\$20,000,000.00), Dallas Water Utilities Fund (\$60,000,000.00), Stormwater Drainage Management Fund (\$10,000,000.00), SDM-Equipment Acquisition Notes (\$12,500,000.00), Aviation Fund (\$6,200,000.00), Building Inspection Fund (\$7,050,000.00), General Fleet Equipment Acquisition Notes (\$90,049,500.00), Sanitation Equipment Acquisition Notes (\$50,000,000.00), and Dallas Fire Department Master Lease-Equipment Fund (\$94,215,418.00)</p>
14.	All	C	HOU	NC	<p>Authorize an amendment to (1) the Dallas Housing Policy 2033, as shown in the attached Exhibit A page 11 to (a) require 50% of the Department of Housing & Neighborhood Revitalization's annual funding to Equity Strategy Target Areas; (2) the Dallas Housing Resource Catalog to New Construction and Substantial Rehabilitation Program, as shown in the attached Exhibit B pages 31-39 to (a) add a preference to award to developer partners with no current outstanding housing projects with the City; (b) cap all gap funding provided to a developer at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exceptions for affordable housing projects in target areas and</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					developments with specific project initiatives); (c) revise and provide consistency in repayment terms for annual cash surplus payments for developers; (3) Single Family Development Requirements/Underwriting, as shown in the attached Exhibit B pages 71-81 to (a) add a preference for single-family and homeownership development; (b) add a preference to award to developer partners with no current outstanding housing projects with the City; (c) cap all gap funding provided to a developer at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exceptions for affordable housing projects in target areas and developments with specific project initiatives); (d) revise and provide consistency in repayment terms for annual cash surplus payments for developers; and (4) the Land Transfer Program, as shown in the attached Exhibit B pages 44-49 (a) to authorize the City Manager to provide a defaulting developer's third-party private financial institution an opportunity to cure the developer's default before the City exercises its Right of Reverter with a right of reentry for affordable multi-family rental or single-family homeownership projects when the third-party lender's loan is in an amount greater than the City's financing - Financing: No cost consideration to the City
15.	6	C	HOU	GT REV- \$178,205,551.00	Authorize an amendment to Resolution 23-0544, previously approved on April 26, 2023 authorizing the (1) Dallas Public Facility Corporation (DPFC) or its affiliate to purchase, using Community Development Block Grant (CDBG) Funds, and own property located at 9999 West Technology Boulevard, Dallas, Texas 75220 (the Property); (2) City Manager to negotiate and execute a development agreement and security instruments with the DPFC, each as approved to form by the City Attorney, and in compliance with 24 CFR 570.201(a) and (b), in an amount not to exceed \$10,000,000.00 in CDBG Funds to acquire and own, and facilitate the development of a mixed-income affordable multifamily complex known as The Park at Northpoint to be located at the Property; and (3) DPFC to enter into a seventy-five-year ground lease with the LDG - The Park at Northpoint, LP and/or its affiliate, for the development of the Project at the Property - Not to exceed \$10,000,000.00 - Financing: Community Development Block Grant Funds; Estimated Revenue Forgone: General Fund \$178,205,551.00 for 75 years (see Fiscal Information)
16.	2	C	PBW	REV \$400.00	An ordinance amending Ordinance No. 22320, previously approved on January 25, 1995, which licensed a portion of Welborn Street right-of-way to the Texas Scottish Rite Hospital for Children, formerly known as Texas Scottish Rite Hospital for Crippled Children, by (1) altering Sections 2, 3 and 4; (2) adding a new subsection 7(d); and (3) adding a new Exhibit A -

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Revenue: General Fund \$400.00 one-time fee, plus the \$20.00 ordinance publication fee
17.	14	C	PBW	REV \$7,471.00	An ordinance granting a private license to Olymbec USA LLC, for the use of approximately 907 square feet of aerial space to maintain and utilize an existing aerial walkway over a portion of St. Paul Avenue right-of-way located near its intersection with Pacific Avenue - Revenue: General Fund \$7,471.00, plus the \$20.00 ordinance publication fee
18.	2	C	PBW	REV \$200.00	An ordinance granting a private license to Willow Commerce Owner LLC for the use of a total of approximately 16 square feet of land to occupy, maintain and utilize five streetlights on Willow Street and three streetlights on Commerce Street rights-of-way located near its intersection with Willow and Commerce Streets - Revenue: General Fund \$200.00 one-time fee, plus the \$20.00 ordinance publication fee
19.	4	C	PBW	\$547,563.20	Authorize a professional services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc. for the engineering design of Eads/Hutchins Avenue from Eads Avenue to East Colorado Boulevard to Hutchins Avenue and 8th Street - Not to exceed \$547,563.20 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$472,077.20), Water Capital Improvement G Fund (\$41,955.45), and Wastewater Capital Improvement F Fund (\$33,530.55)
20.	2	C	PBW	\$264,936.00	Authorize the Sixth Amendment to the Project Supplemental Agreement with Dallas County for Medical District Drive from Interstate Highway to Southwestern Medical Avenue for the City's share of additional construction costs for additional paving and drainage, structural, landscape, streetlight, and water and wastewater improvements - Not to exceed \$264,936.00 - Financing: Street and Transportation (A) (2017 General Obligation Bond Fund) (\$123,535.00), Water Capital Improvement G Fund (\$63,816.00), Water Construction Fund (\$896.00), and Wastewater Capital Improvement F Fund (\$76,689.00)
21.	1	C	PBW	\$261,412.00	Authorize Supplemental Agreement No. 2 to the professional services contract with Criado & Associates, LLC., formerly known as Criado & Associates Inc. to provide additional design services for the North Boulevard Terrace Extension/Bridge to Plymouth Road Project - Not to exceed \$261,412.00, from \$434,042.00 to \$695,454.00 - Financing: 2023 Certificate of Obligation Bond Fund
22.	2, 14	C	PBW	\$571,874.00	Authorize Supplemental Agreement No. 2 to the professional services contract with Huitt-Zollars, Inc. to provide additional engineering services for Columbia Avenue/Main Street from South Beacon Street to Deep

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Ellum - Not to exceed \$571,874.00, from \$416,805.90 to \$988,679.90 - Financing: 2023 Certificate of Obligation Funds
23.	2, 5, 7, 9	C	TRN	\$368,601.20	Authorize a professional engineering services contract with CivTech Inc. for traffic signal design services for the following four intersections: Ferguson Road at Barnes Bridge Road; Ferguson Road at St. Francis Avenue; North Jim Miller Road at Forney Road; Everglade Road at North Jim Miller; and other related tasks - Not to exceed \$368,601.20 - Financing: General Fund (\$184,300.60) and Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$184,300.60)
24.	4, 14	C	TRN	\$290,005.65	Authorize a professional engineering services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc., for preliminary engineering, environmental assessment, and final engineering/design services for pedestrian improvements to include sidewalks and curb ramps in various locations at and around the Dallas Zoo Dallas Area Rapid Transit (DART) Station/Southern Gateway Public Green and system connections to the Perot Museum/Klyde Warren Park - Not to exceed \$650,005.65 - Financing: Dallas Zoo DART Station at Southern Gateway Public Green Fund (\$360,000.00) and General Fund (\$290,005.65)
25.	9, 12, 14	C	TRN	\$326,039.00	Authorize a professional engineering services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc., for the preliminary design of intersection improvements at Dallas Parkway and Frankford Road and Gaston Avenue and Tucker Street - Not to exceed \$326,039.00 - Financing: General Fund
26.	2, 7, 14	C	TRN	\$335,000.00	Authorize a professional engineering services contract with Freese and Nichols, Inc. for traffic signal design services for the following four intersections selected as part of the 2023 Dallas Area Rapid Transit (DART) Public Transportation Improvement Program: North Fitzhugh Avenue at Gaston Avenue; Malcolm X Boulevard at Pine Street; Malcolm X Boulevard at Al Lipscomb Way; Ross Avenue at Pearl Street; and other related tasks - Not to exceed \$335,000.00 - Financing: DART Transportation Projects Fund
27.	3, 4	C	TRN	\$310,420.00	Authorize a professional engineering services contract with LJA Engineering, Inc. for traffic signal design services for the following four intersections selected as part of the 2023 Dallas Area Rapid Transit (DART) Public Transportation Improvement Program: South Polk Street at Reynoldston Lane; Ann Arbor Avenue at South Marsalis Avenue; East Kiest Boulevard at South Marsalis Avenue; South Marsalis Avenue at East Saner Avenue; and other related tasks - Not to exceed \$310,420.00 -

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Financing: DART Transportation Projects Fund
28.	2, 9, 14	C	TRN	\$340,050.00	Authorize a professional engineering services contract with Urban Engineers Group, Inc. for traffic signal design services for the following four intersections: Lemmon Avenue at North Washington Avenue; Live Oak Street at North Munger Boulevard; Botham Jean Boulevard at Belleview Street; Ferguson Road at Fenwick Drive/Shiloh Road; and other related tasks - Not to exceed \$340,050.00 - Financing: General Fund (\$170,025.00) and Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$170,025.00)
29.	2, 5, 14	C	TRN	\$118,835.51	Authorize payment to the Texas Department of Transportation for the Advance Funding Agreement (Agreement No. CSJ 0918-47-348, etc., Assistance Listing No. 20.205) for cost overruns related to the construction of four traffic signals and associated off-system intersection improvements at: Gaston Avenue at Haskell Avenue, Peavy Road at Oates Drive, Lake June Road at Pleasant Drive, and McKinney Avenue at Routh Street - Total amount of \$751,825.83 - Financing: Coronavirus State and Local Fiscal Recovery Fund (\$632,990.32) and General Fund (\$118,835.51)
30.	2	C	TRN	GT	Authorize the (1) acceptance of a grant from the United States Department of Transportation Federal Highway Administration through the Texas Department of Transportation (TxDOT) for the Surface Transportation Block Grant Program (Agreement No. CSJ 0918-47-484, Assistance Listing No. 20.205) in the amount of \$3,000,000.00 as federal share in the total project cost of \$3,135,240.00 (includes \$2,940,000.00 in Federal reimbursement, \$60,000.00 in Direct State Cost, \$135,240.00 in Indirect State Cost, and the City of Dallas' portion covered by the use of 600,000 regional Transportation Development Credits in lieu of a local cash match) for engineering costs to reconstruct the intersection at Harry Hines Boulevard and Mockingbird Lane in the City of Dallas; (2) receipt and deposit of funds in the amount of \$2,940,000.00 in the FY24 TxDOT Surface Transportation Block Grant Program Fund; (3) establishment of appropriations in the amount of \$2,940,000.00 in the FY24 TxDOT Surface Transportation Block Grant Program Fund; and (4) execution of the Advance Funding Agreement with TxDOT and all terms, conditions, and documents required by the grant agreement - Total amount of \$2,940,000.00 - Financing: Texas Department of Transportation Grant Funds
31.	2	C	ECO	\$1,854,995.00	Authorize a Chapter 380 Economic Development Grant Agreement and all other necessary documents with Low Ervay, LLC and/or its affiliates ("Developer") in an amount not to exceed \$1,854,995.00 payable from the

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Economic Development (3) Fund (2012 General Obligation Bond Funds) in consideration of the Power & Light Mixed-Income Redevelopment Project ("Project") on property to be addressed as 2220 S. Ervay Street, Dallas, Texas 75215 and to assist with the extraordinary cost of required off-site wastewater infrastructure improvements for the Project - Not to exceed \$1,854,995.00 - Financing: 2012 General Obligation Bond Funds
32.	All	C	OGA	NC	A resolution adopting the City's Federal Legislative Program for the 119th Session of the United States Congress - Financing: No cost consideration to the City
33.	All	C	OGA	NC	Authorize two permanent easements at Dallas Fort Worth International Airport to Oncor Electric Delivery Company, LLC: (1) easements for +/- 5.530 acres to be used to expand an existing switchyard that is not on Airport property and (2) for +/- 3.738 acres to build an additional substation at the intersection of Mid-Cities Boulevard and SH360 as set forth in the DFW Airport Board Resolution - Financing: No cost consideration to the City
34.	N/A	C	AUD	\$3,199,840.00	Authorize a budget estimate of the needs and requirements of the Office of the City Auditor for Fiscal Year 2024-25 in the amount of \$3,199,840.00 net of vacancy savings of \$150,767.00 (subject to final citywide funding adjustments for decisions that will be made on a citywide basis for items such as staff merit increases, benefits, insurance, Department of Information and Technology Services chargebacks, and other items that may affect all City departmental budgets) - Not to exceed \$3,199,840.00 - Financing: General Fund (subject to appropriations)
35.	6	C	PKR	NC	Authorize an Interlocal Agreement with Dallas County for designing, constructing, and maintaining a portion of the Cypress Waters Trail which contributes to a comprehensive trail system in the City of Dallas, Dallas County, and the over 1,800 mile, ten-county Regional Veloweb - Financing: No cost consideration to the City
36.	All	C	DPD	\$150,000.00	Authorize a Memorandum of Understanding with the United States Capitol Police (USCP) to provide reimbursement for support and enhancements provided by the Dallas Police Department and Dallas Fire Rescue for Congressional events and/or USCP protective operations occurring in the jurisdiction of the City of Dallas - Not to exceed \$150,000.00 - Financing: General Fund
37.	3, 11, 12	C	DWU	\$4,297,770.00	Authorize a construction services contract for the installation of erosion control improvements at four locations (list attached to the Agenda Information Sheet) - TREG Erosion Control Specialists, LLC, lowest

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					responsible bidder of three - Not to exceed \$4,297,770.00 - Financing: 2024 Certificate of Obligation Fund (\$2,055,851.00), Storm Drainage Management Capital Construction Fund (\$1,201,646.96), and Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund) (\$1,040,272.04)
38.	10	C	DWU	\$676,310.00	Authorize an increase in the construction services contract with SYB Construction Co., Inc., for the emergency replacement of a 60-inch diameter sanitary sewer pipeline behind 11400 Central Expressway - Not to exceed \$676,310.00, from \$21,003,141.50 to \$21,679,451.50 - Financing: Wastewater Construction Fund
39.	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)
40.	N/A	I	SEC	NC	Election of Officers to the City Council for: (1) Mayor Pro Tem; and (2) Deputy Mayor Pro Tem, to each serve a one-year term, beginning Monday, June 17, 2024, and expiring on the day the new city council takes office in June 2025 - Financing: No cost consideration to the City
41.	N/A	I	BMS	NC	Authorize (1) final adoption of the FY 2024-25 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$30,949,109 for the following programs and estimated amounts: (a) Community Development Block Grant (CDBG) in the amount of \$13,023,068; (b) HOME Investment Partnerships Program (HOME) in the amount of \$5,078,453; (c) Emergency Solutions Grant in the amount of \$1,213,719; (d) Housing Opportunities for Persons with AIDS in the amount of \$9,864,583; (e) estimated CDBG and HOME Program Income in the amount of \$700,000; and (f) FY 2023-24 Reprogramming Funds in the amount of \$1,069,286; and (2) the new Five-Year Consolidated Plan, covering the period of FY 2024-25 through FY 2028-29 - Financing: This action has no cost consideration to the City (see Fiscal Information)
42.	All	I	CCT	\$142,500.00	Authorize a three-year service contract with two one-year renewal options for permitting software licenses and services for the Convention and Event Services Department's Office of Special Events with Event Approvals, Inc. - Not to exceed \$142,500.00 - Financing: Convention and Event Services Fund (subject to annual appropriations) (This item was deferred on May 22, 2024)
43.	11	I	HOU	NC	Authorize (1) the approval of the City Council of the City of Dallas, to act as the applicable elected representative, as defined by Section 147(f)(2)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					(E) of the Internal Revenue Code of 1986, as amended (Code), of the issuance of multifamily residential mortgage revenue bonds (Bonds) issued by the City of Dallas Housing Finance Corporation (DHFC or Issuer) in one or more series of tax-exempt bonds in an amount not to exceed \$31,000,000.00; proceeds of the Bonds will be loaned April Housing, or its affiliate, 13695 Goldmark Drive (TX) Owner, LP (collectively referred to as Borrower) to finance a portion of the cost of the renovation of units for an affordable multifamily complex to be known as Waterford at Goldmark and located at 13695 Goldmark Drive, Dallas, Texas, 75240 (Development); and (2) the approval of the application of the Texas Housing Finance Corporations Act, Chapter 394, Local Government Code (Act), to the property on which the Development will be constructed and the use of proceeds of the bonds issued by the DHFC pursuant to the Act to finance and construct the Development; a public hearing with respect to the Bonds and the Development was held on April 18, 2024 after reasonable public notice was published in a newspaper of general circulation in the City of Dallas all in compliance with Section 147(f) of the Code - Financing: No cost consideration to the City (This item was deferred on May 22, 2024)
44.	2, 7, 14	I	MCC	NC	A resolution stating that the City Council does not support construction of any aboveground rail lines through the Downtown, Uptown, and Victory Park areas of Dallas, except for streetcar expansion projects currently under consideration and that the City Council will reconsider the Dallas to Fort Worth high speed rail alignment upon completion of the economic impact study - Financing: No cost consideration to the City
45.	All	I	EQU	NC	Authorize the adoption of the Senate Bill 4 Resolution, which (1) condemns Senate Bill 4 for its potential negative impact on public safety; and (2) emphasizes the importance of maintaining cooperation and trust between city officials, law enforcement, and the community - Financing: This action has no cost consideration to the City (see Fiscal Information)
Z1.	5	PH	PNV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned Subarea 1 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay, on the west line of South Buckner Boulevard, between North Scyene Road and Blossom Lane Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions Z223-256(LC)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
Z2.	9	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an inside commercial amusement on property zoned Planned Development District No. 7 with a D Liquor Control Overlay and a D-1 Liquor Control Overlay, on the north line of Centerville Road, between Garland Road and Jupiter Road</p> <p>Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions</p> <p>Recommendation of CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions</p> <p>Z234-118(LC)</p>
Z3.	2	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 2111 for a body piercing studio and a tattoo studio on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the northwest corner of Main Street and Exposition Avenue</p> <p>Recommendation of Staff: Approval for a five-year period, subject to amended conditions.</p> <p>Recommendation of CPC: Approval for a five-year period, subject to amended conditions.</p> <p>Z234-153(LC)</p>
Z4.	1	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 2453 for supportive housing on property zoned Subdistrict 3C within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District, on the south line of Fort Worth Avenue, south of Interstate 30</p> <p>Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions</p> <p>Recommendation of CPC: Approval for a five-year period, subject to a site plan and conditions</p> <p>Z234-185(WK)</p>
Z5.	8	PH	PNV	NC	<p>A public hearing to receive comments regarding an application for (1) an ordinance granting a CR Community Retail District, and (2) an ordinance granting a Specific Use Permit for a commercial amusement (outside), on property zoned R-7.5(A) Single Family District, on the east line of Dowdy Ferry Road between Fireside Drive and Lake Anna Drive</p> <p>Recommendation of Staff: Denial</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Recommendation of CPC: Denial Z223-319(GB)
PH1.	N/A	PH	BMS	NC	A public hearing to receive comments on (1) the Proposed FY 2024-25 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds and Fiscal Year (FY) 2023-24 Reprogramming Funds; and (2) the new Five-Year Consolidated Plan, covering the period of FY 2024-25 through FY 2028-29 - Financing: No cost consideration to the City Note: This item was considered by the City Council at a public hearing on May 22, 2024, and was held under advisement until June 12, 2024, with the public hearing open.
PH2.	4	PH	HOU	NC	A public hearing to receive comments regarding an application by LDG The Legacy on Kiest, LP an affiliate of LDG Development, LLC (Applicant) to the Texas Department of Housing and Community Affairs (TDHCA) for 4% Non-Competitive Low Income Housing Tax Credits for the development of The Legacy on Kiest, a 180-unit multifamily development located at 2621 Southerland Avenue, Dallas, Texas 75203 (Property); and, at the close of the public hearing adopt a Resolution of No Objection for Applicant, related to its application to TDHCA for the development of The Legacy on Kiest, a multifamily development (Development), and in accordance with 10 TAC § 11.3(d) (the Administrative Code) and the Qualified Allocation Plan (QAP), specifically allow the construction of the Development, as required by the Administrative Code, because the Development is within one linear mile or less of Skyline at Cedar Crest (a recent 4% housing tax credit project located at 2720 East Kiest Boulevard, Dallas, Texas 75216), and is therefore subject to the One Mile Three Year Rule - Financing: No cost consideration to the City

TOTAL \$390,857,434.56



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1563

Item #: 1.

SUBJECT

Approval of Minutes of the May 22, 2024 City Council Meeting



Agenda Information Sheet

File #: 24-1374

Item #: 2.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Budget and Management Services

EXECUTIVE: Jack Ireland

SUBJECT

Authorize an increase in the homestead property tax exemption for persons who are disabled or 65 or older from \$139,400 to \$153,400 beginning with the 2024 tax year (fiscal year beginning October 1, 2024) - Total Estimated Annual Revenue Foregone: General Fund (\$5,402,040) and Debt Service Fund (\$2,072,628)

BACKGROUND

The City of Dallas grants a homestead exemption of 20 percent or a minimum of \$5,000 of the market value of residence homesteads. An additional exemption of up to \$139,400 of the market value is granted to those persons who are disabled or 65 or older. The \$139,400 exemption has been in effect since tax year 2023 (fiscal year beginning October 1, 2023).

On December 13, 2017, the City Council added Financial Management Performance Criteria (FPMC) #23 that requires a comparison of the current exemption for individuals who are disabled or 65 or older to the most recent annual Consumer Price Index (CPI) every two years.

On May 26, 2021, the City Council approved an amendment to FMPC #23 that requires a comparison of the current exemption to the most recent annual Consumer Price Index for the Elderly (CPI-E) or the year-over-year change in the average residential market value (whichever is greater) annually.

The proposed increase recognizes the year-over-year change in the average residential market value.

<u>Exemption Increase</u>	<u>Total Exemption</u>	<u>Projected General Fund Revenue Impact</u>	<u>Projected Debt Service Fund Revenue Impact</u>	<u>Incremental Savings to \$435,922 average Single-Family Home</u>
\$14,000	\$153,400	(\$5,402,040)	(\$2,072,628)	(\$103.00)
		TOTAL:	(\$7,474,668)	

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 23, 1986, the City Council established the disabled or 65 or older homestead exemption at \$50,000, by Resolution No. 86-1283.

On September 17, 1986, the City Council authorized an increase of the disabled or 65 or older homestead exemption from \$50,000 to \$64,000, by Resolution No. 86-2926.

On June 28, 2017, the City Council authorized an increase of the disabled or 65 or older homestead exemption from \$64,000 to \$90,000, by Resolution No. 17-1084.

On June 12, 2019, the City Council authorized an increase of the disabled or 65 or older homestead exemption from \$90,000 to \$100,000, by Resolution No. 19-0946.

On June 9, 2021, the City Council authorized an increase of the disabled or 65 or older homestead exemption from \$100,000 to \$107,000, by Resolution No. 21-918.

On June 8, 2022, the City Council authorized an increase of the disabled or 65 or older homestead exemption from \$107,000 to \$115,500, by Resolution No. 22-0855.

On June 14, 2023, the City Council authorized an increase of the disabled or 65 or older homestead exemption from \$115,500 to \$139,400, by Resolution No. 23-0764.

The Government Performance and Financial Management Committee was briefed on May 21, 2024, with a recommendation to move forward for full City Council approval on June 12, 2024.

FISCAL INFORMATION

Total Estimated Annual Revenue Foregone: General Fund (\$5,402,040) and Debt Service Fund (\$2,072,628)

June 12, 2024

WHEREAS, the Texas Tax Code allows the City Council to adopt a homestead exemption for persons who are disabled or 65 or older; and

WHEREAS, on September 17, 1986, the City Council adopted a resolution authorizing a homestead exemption for persons who are disabled or 65 or older, which increased the exemption from \$50,000 to \$64,000 for the fiscal year beginning October 1, 1986, by Resolution No. 86-2926; and

WHEREAS, June 28, 2017, the City Council authorized an increase to the homestead exemption for persons who are disabled or 65 or older resolution from \$64,000 to \$90,000, by Resolution No. 17-1084; and

WHEREAS, June 12, 2019, the City Council authorized an increase to the homestead exemption for persons who are disabled or 65 or older resolution from \$90,000 to \$100,000, by Resolution No. 19-0946; and

WHEREAS, June 9, 2021, the City Council authorized an increase to the homestead exemption for persons who are disabled or 65 or older resolution from \$100,000 to \$107,000, by Resolution No. 21-918; and

WHEREAS, June 8, 2022, the City Council authorized an increase to the homestead exemption for persons who are disabled or 65 or older resolution from \$107,000 to \$115,500, by Resolution No. 22-0855; and

WHEREAS, June 14, 2023, the City Council authorized an increase to the homestead exemption for persons who are disabled or 65 or older resolution from \$115,500 to \$139,400, by Resolution No. 23-0764; and

WHEREAS, the City Council desires to change the amount of the exemption for persons who are disabled or 65 or older from \$139,400 to \$153,400, beginning with the 2024 tax year (fiscal year beginning October 1, 2024).

Now, Therefore,

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

SECTION 1. That the exemption for persons who are disabled or 65 or older is set at \$153,400, beginning with the 2024 tax year (fiscal year beginning October 1, 2024).

SECTION 2. That the City Council shall adjust the homestead exemption for persons who are disabled or 65 or older according to the last annual Consumer Price Index for the Elderly (CPI-E) or the year-over-year change in the average residential market value (whichever is greater) annually.

June 12, 2024

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

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1729

Item #: 3.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Tammy L. Palomino

SUBJECT

Authorize partial settlement of the lawsuit styled Pedro Lopez Individually, as a Parent, Guardian, and Next Friends of J.L. and T.L. v. City of Dallas et al., Cause No. DC-22-08867 - Not to exceed \$55,000.00 - Financing: Liability Reserve Fund

BACKGROUND

Plaintiff Pedro Lopez filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on August 8, 2020, involving a Dallas Animal Services employee operating a city-owned vehicle. The City and Pedro Lopez have reached a proposed settlement, subject to City Council approval. Pedro Lopez is represented by Briana Crozier and Crozier & Rogers, PLLC.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

A confidential memorandum regarding this matter will be provided to the City Council on June 7, 2024.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Liability Reserve Fund	\$55,000.00	\$0.00	\$0.00

June 12, 2024

WHEREAS, a lawsuit styled Pedro Lopez Individually, as a Parent, Guardian, and Next Friends of J.L. and T.L. v. City of Dallas et al., Cause No. DC-22-08867 was filed by the plaintiff, Pedro Lopez, individually and as a parent, guardian, and next friend of J.L. and T.L., both minors, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on August 8, 2020, involving a Dallas Animal Services employee operating a city-owned vehicle; and

WHEREAS, the plaintiff, Pedro Lopez, has agreed to a proposed settlement of his claim whereby the City will pay Pedro Lopez, Crozier & Rogers, PLLC, and all other persons having an interest in the settlement proceeds, the total amount of \$55,000.00; and

WHEREAS, it is in the City's best interest to settle the claims of Pedro Lopez in this lawsuit.

Now, Therefore,

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

SECTION 1. That the proposed partial settlement of the claims filed by Pedro Lopez in the lawsuit styled Pedro Lopez Individually, as a Parent, Guardian, and Next Friends of J.L. and T.L. v. City of Dallas et al., Cause No. DC-22-08867, in an amount not to exceed \$55,000.00 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Pedro Lopez, Crozier & Rogers, PLLC, and all other persons having an interest in the settlement proceeds, the total amount of \$55,000.00 from the 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

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1575

Item #: 4.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Tammy L. Palomino

SUBJECT

Authorize payment of the jury verdict entered against the City in the lawsuit styled Krystal Thompson and Saige Frazier v. Mario P. Mazza and City of Dallas, Cause No. DC-22-12476 - Not to exceed \$50,000.00 - Financing: Liability Reserve Fund

BACKGROUND

Plaintiffs, Krystal Thompson and Saige Frazier, filed a lawsuit against the City of Dallas and Dallas police officer Mario Mazza, seeking compensation for alleged bodily injuries and other damages arising from an automobile collision on July 8, 2021. The court dismissed Plaintiffs' claims against Mazza before trial. The parties tried the case before a jury on April 23, 2024. After the evidentiary phase, the court dismissed Saige Fraizer's claims and allowed the jury to decide the remaining claims brought by Krystal Thompson. The jury determined that Thompson and the city's driver were at fault for the accident, assigning 70% liability to the City and 30% to Thompson. The jury then awarded Thompson \$58,561.00 in compensatory and noneconomic damages; however, that amount will be reduced to \$40,992.70 based on the percentage of fault assigned to the parties. In addition, Thompson is entitled to prejudgment interest on past damages at a rate of 8.5% from September 14, 2022, through the day before judgment is entered, her taxable court costs, and post-judgment interest on the total amount awarded at a rate of 8.5% from the date the judgment is signed until paid. The Daspit Law Firm represents Thompson.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

A confidential memorandum regarding this matter will be provided to the City Council on June 7, 2024.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Liability Reserve Fund	\$50,000.00	\$0.00	\$0.00

June 12, 2024

WHEREAS, a lawsuit styled Krystal Thompson and Saige Frazier v. Mario P. Mazza and City of Dallas, Cause No. DC-22-12476 was filed by plaintiff Krystal Thompson, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on July 8, 2021, involving a Dallas Police Department Officer operating a city-owned vehicle; and

WHEREAS, Krystal Thompson's claims were tried before a jury on April 23, 2024, and the jury returned a verdict in which it assigned 70% liability against the City and 30% against Krystal Thompson; and

WHEREAS, the jury awarded \$58,561.00 to Krystal Thompson for compensatory and noneconomic damages; and

WHEREAS, the court reduced the jury's award according to the assignment of liability against the City and Krystal Thompson, resulting in a final jury award in favor of Krystal Thompson for \$40,992.70; and

WHEREAS, the court assessed prejudgment interest on past damages at a rate of 8.5% from September 14, 2022, through the day before judgment is entered, taxable court costs, and post-judgment interest on the total amount awarded at a rate of 8.5% from the date the judgment is signed until paid; and

WHEREAS, it is in the City's best interest to pay the jury's verdict in favor of Krystal Thompson in this lawsuit.

Now, Therefore,

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

SECTION 1. That payment in satisfaction of the final judgment in the lawsuit styled Krystal Thompson and Saige Frazier v. Mario P. Mazza and City of Dallas, Cause No. DC-22-12476, in an amount not to exceed \$50,000.00 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Krystal Thompson, the Daspit Law Firm, and all other persons having an interest in the judgment, the total amount of \$50,000.00 from the 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.



Agenda Information Sheet

File #: 24-1566

Item #: 5.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Tammy L. Palomino

SUBJECT

Authorize payment of the jury verdict issued against the City in the lawsuit styled Terrance Cotton, Individually, and as Next Friend of E.C., T.C., and T.C., Jr. v. the City of Dallas, Cause No. DC-20-11343 - Not to exceed \$270,000.00 - Financing: Liability Reserve Fund

BACKGROUND

Plaintiff, Terrance Cotton, filed a lawsuit on behalf of himself and his three minor children, Erik Cotton (E.C.), Tristan Cotton (T.C.), and Terrance Cotton, Jr. (T.C., Jr.), against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on August 19, 2019, involving a Dallas Water Utilities employee operating a city-owned vehicle. The parties tried the case before a jury on April 24 and 25, 2024. At the conclusion of the evidence, a Dallas County jury returned a verdict in favor of Cotton and the three minor children. The jury awarded Cotton \$286,515.20; however, that amount is reduced to a total of \$250,000.00 pursuant to the limitations on damages under the Texas Civil Practice and Remedies Code. The jury awarded E.C. \$1,366.00, T.C. \$1,727.00, and T.C., Jr. \$1,769.00. In addition, the minor children are entitled to prejudgment interest on their past damages at a rate of 8.5% from March 8, 2020, through the day before judgment is entered. Cotton is not entitled to prejudgment interest because his reduced damage award is the maximum amount of recovery allowed under the Texas Civil Practice and Remedies Code. Plaintiffs also are entitled to their taxable court costs and post-judgment interest on their total damage awards at a rate of 8.5% from the date the judgment is signed until paid. Plaintiffs are represented by Rabia Said and Witherite Law Group, PLLC.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

A confidential memorandum regarding this matter will be provided to the City Council on June 7, 2024.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Liability Reserve Fund	\$270,000.00	\$0.00	\$0.00

June 12, 2024

WHEREAS, a lawsuit styled Terrance Cotton, Individually, and as Next friend of E.C., T.C., and T.C., Jr. v. the City of Dallas, Cause No. DC-20-11343 was filed by the plaintiff, Terrance Cotton, on behalf of himself and his three minor children seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on August 19, 2019, involving a Dallas Water Utilities employee operating a city-owned vehicle; and

WHEREAS, Plaintiffs' claims were tried before a jury on April 24 and 25, 2024, resulting in a verdict in favor of Plaintiffs; and

WHEREAS, the jury awarded Cotton \$286,515.20, which is reduced to \$250,000.00 pursuant to the limitations on damages provided by the Texas Civil Practice and Remedies Code; and

WHEREAS, the jury awarded E.C. \$1,366.00, T.C. \$1,727.00, and T.C., Jr. \$1,769.00; and

WHEREAS, the court assessed taxable court costs, prejudgment interest on the minor children's past damages at a rate of 8.5% from March 8, 2020, through the day before judgment is entered, and post-judgment interest on the total amounts awarded at a rate of 8.5% from the date the judgment is signed until paid; and

WHEREAS, it is in the City's best interest to pay the jury's verdict in favor of Terrance Cotton and minors E.C., T.C., and T.C., Jr.

Now, Therefore,

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

SECTION 1. That payment in satisfaction of the final judgment in the lawsuit styled Terrance Cotton, Individually, and as Next friend of E.C., T.C., and T.C., Jr. v. the City of Dallas, Cause No. DC-20-11343, in an amount not to exceed \$270,000.00 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Terrance Cotton, individually, and on behalf of his three minor children, E.C., T.C., and T.C., Jr., Witherite Law Group, PLLC, and all other persons having an interest in the judgment, a total amount not to exceed \$270,000.00 from the 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

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1694

Item #: 6.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Tammy L. Palomino

SUBJECT

Authorize settlement of the lawsuit styled Anthony Darvette Anderson v. City of Dallas, Cause No. DC-23-06282 - Not to exceed \$36,000.00 - Financing: Liability Reserve Fund

BACKGROUND

Plaintiff Anthony Darvette Anderson filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on February 7, 2022, involving a Dallas Police Department officer operating a city-owned vehicle. The City and Mr. Anderson have reached a proposed settlement subject to City Council approval. Plaintiff is represented by Gary Francis and The Heald Law Firm, PLLC.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

A confidential memorandum regarding this matter will be provided to the City Council on June 7, 2024.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Liability Reserve Fund	\$36,000.00	\$0.00	\$0.00

June 12, 2024

WHEREAS, a lawsuit styled Anthony Darvette Anderson v. City of Dallas, Cause No. DC-23-06282 was filed by Plaintiff Anthony Darvette Anderson, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on February 7, 2022, involving a Dallas Police Department officer operating a city-owned vehicle; and

WHEREAS, Plaintiff Anthony Darvette Anderson has agreed to a proposed settlement of his claim whereby the City will pay Anthony Darvette Anderson, The Heald Law Firm, PLLC, and all other persons having an interest in the settlement proceeds, the total amount of \$36,000.00; and

WHEREAS, it is in the City's best interest 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 Anthony Darvette Anderson v. City of Dallas, Cause No. DC-23-06282, in an amount not to exceed \$36,000.00 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Anthony Darvette Anderson, the Heald Law Firm, PLLC, and all other persons having an interest in the settlement proceeds, the total amount of \$36,000.00 from the 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

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1689

Item #: 7.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Tammy L. Palomino

SUBJECT

Authorize settlement of the lawsuit styled Cedrick Omah Williams v. City of Dallas, Cause No. DC-22-16343 - Not to exceed \$80,000.00 - Financing: Liability Reserve Fund

BACKGROUND

Plaintiff Cedrick Omah Williams filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on September 23, 2021, involving a Department of Sanitation Services employee operating a city-owned vehicle. The City and Mr. Williams have reached a proposed settlement, subject to City Council approval. Plaintiff is represented by Attorney Laura Rivas with the J. Alexander Law Firm.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

A confidential memorandum regarding this matter will be provided to the City Council on June 7, 2024.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Liability Reserve Fund	\$80,000.00	\$0.00	\$0.00

June 12, 2024

WHEREAS, a lawsuit styled Cedrick Omah Williams v. City of Dallas, Cause No. DC-22-16343 was filed by Plaintiff Cedrick Omah Williams, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on September 23, 2021, involving a Dallas Department of Sanitation Services employee operating a city-owned vehicle; and

WHEREAS, Plaintiff Cedrick Omah Williams has agreed to a proposed settlement of his claims whereby the City will pay Cedrick Omah Williams, J. Alexander Law Firm, and all other persons having an interest in the settlement proceeds, the total amount of \$80,000.00; and

WHEREAS, it is in the City's best interest 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 Cedrick Omah Williams v. City of Dallas, Cause No. DC-22-16343, in an amount not to exceed \$80,000.00 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Cedrick Omah Williams, J. Alexander Law Firm, and all other persons having an interest in the settlement proceeds, the total amount of \$80,000.00 from the 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

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1765

Item #: 8.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

EXECUTIVE: Tammy L. Palomino

SUBJECT

Authorize settlement of the lawsuit styled Tammy Jenkins v. City of Dallas, Cause No. DC-23-05320 - Not to exceed \$248,500.00 - Financing: Liability Reserve Fund

BACKGROUND

Plaintiff Tammy Jenkins filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries and other damages sustained in an automobile collision on December 12, 2021, involving a Dallas Fire-Rescue employee operating a city-owned vehicle. The City and Tammy Jenkins have reached a proposed settlement, subject to City Council approval. Tammy Jenkins is represented by Tanner Forman and Jim S. Adler & Associates.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

A confidential memorandum regarding this matter will be provided to the City Council on June 7, 2024.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Liability Reserve Fund	\$248,500.00	\$0.00	\$0.00

June 12, 2024

WHEREAS, a lawsuit styled Tammy Jenkins v. City of Dallas, Cause No. DC-23-05320 was filed by the plaintiff, Tammy Jenkins, seeking compensation from the City of Dallas for alleged bodily injuries and other damages sustained in an automobile collision on December 12, 2021, involving a Dallas Fire-Rescue employee operating a city-owned vehicle; and

WHEREAS, the plaintiff, Tammy Jenkins, has agreed to a proposed settlement of her claim whereby the City will pay Tammy Jenkins, Jim S. Adler & Associates, and all other persons having an interest in the settlement proceeds, the total amount of \$248,500.00; and

WHEREAS, it is in the City's best interest 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 Tammy Jenkins v. City of Dallas, Cause No. DC-23-05320, in an amount not to exceed \$248,500.00, is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Tammy Jenkins, Jim S. Adler & Associates, and all other persons having an interest in the settlement proceeds, the total amount of \$248,500.00 from the 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.



Agenda Information Sheet

File #: 24-1752

Item #: 9.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller's Office

EXECUTIVE: Jack Ireland

SUBJECT

A resolution authorizing the **(1)** execution of the Amended and Restated Revolving Credit Agreement with JPMorgan Chase Bank, National Association ("JPMorgan") in support of the City of Dallas, Texas Waterworks and Sewer System Commercial Paper Notes, Series F; and **(2)** execution of the Amended and Restated Fee Letter Agreement with JPMorgan; and **(3)** the execution of agreements pertaining thereto and resolving other matters related thereto for a three-year extension from July 8, 2024 to July 8, 2027 - Not to exceed \$6,230,579 - Financing: Dallas Water Utilities Fund (\$683,300 upfront closing costs plus three-year cost of \$5,547,279) (subject to annual appropriations)

BACKGROUND

Commercial paper provides interim financing for Dallas Water Utilities (DWU) capital projects. The use of commercial paper permits more cost-efficient use of capital as short-term debt is issued to closely match the amount and timing of the award of capital project contracts. Commercial paper notes are normally sold at rates of interest that are lower than rates available at the same time on long-term debt. Commercial paper issuance is supported by lines of credit from highly rated banks. These lines of credit assure investors that the notes will be paid in the unlikely event that a note cannot be sold to another investor at maturity. Outstanding commercial paper is periodically reduced by refinancing it with long-term debt.

In 1987, City Council authorized an ordinance establishing a commercial paper program as interim financing for DWU capital improvements for a period of 10 years, ending in September 1997, with a maximum issuance amount of \$100 million. Since 1987, DWU's initial commercial paper program has been reauthorized several times and increased in total size to \$600 million. The current \$600 million program was authorized in June 2021 to be issued as Series F notes, supported by lines of credit from JPMorgan (Sub-Series F-1) and Bank of America, N.A. (Sub-Series F-2); and Series G notes supported by a line of credit from State Street Bank and Trust Company.

JPMorgan has agreed to absorb the entirety of the \$300 million Series F notes in an amended agreement to extend the agreement from expiring on July 8, 2024 to July 8, 2027. This item provides authorization to extend the agreement for three years with JPMorgan under the same terms and conditions and a modified fee structure. The extension of the program is necessary to provide liquidity for the Waterworks and Sewer System Commercial Paper Notes, Series F.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 9, 2021, the City Council approved an ordinance authorizing the issuance by the City of Dallas of its Waterworks and Sewer System Commercial Paper Notes, Series F, in an aggregate principal amount at any one time outstanding not to exceed \$300,000,000, to provide interim financing to pay Project Costs for Eligible Projects and to refund obligations issued in connection with Eligible Projects; authorizing the issuance of the Commercial Paper Notes in one or more sub-series; authorizing the issuance and delivery of promissory notes in connection with the issuance, sale and delivery of Commercial Paper Notes, and prescribing the terms, features and characteristics of such instruments; approving and authorizing certain authorized officers and employees to act on behalf of the City in the selling and delivery of such Commercial Paper Notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, security and delivery of such Commercial Paper Notes, including (1) the approval and authorizing the execution of Credit Agreements with Bank of America, N.A. and JPMorgan Chase Bank, National Association; (2) approving a Dealer Agreement with J.P. Morgan Securities LLC; and (3) a related Issuing and Paying Agent Agreement with U.S. Bank National Association in the manner herein provided; approving the use of an Offering Memorandum in connection with the sale from time to time of such Commercial Paper Notes; and providing an effective date by Ordinance No. 31887.

[The City Council was briefed by memorandum regarding this matter on June 7, 2024.](#)

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Dallas Water Utilities Fund	\$1,175,458.00	\$1,835,967.00	\$3,219,154.00

OWNER

JPMorgan Chase Bank, N.A., a wholly owned subsidiary of JPMorgan Chase & Co.

Jamie Dimon, Jr., Chairman of the Board

Attachment I

**Dallas Water Utilities Commercial Paper Program
Series F Extension**

Estimate of Total Issuance Closing Costs/Annual Fees

	\$ 300,000,000	Percent of
<u>CLOSING COSTS</u>	<u>Series F</u>	<u>Total</u>
Co-Bond Counsel		
McCall, Parkhurst & Horton LLP (Vendor 193173)	\$ 135,000	19.8%
Escamilla & Poneck (Vendor 518903)	95,000	13.9%
Co-Disclosure Counsel		
Norton Rose Fulbright US LLP (Vendor VC0000006239)	110,000	16.1%
Hardwick Law Firm, LLC (Vendor VC29078)	77,000	11.3%
Co-Financial Advisors		
Hilltop Securities (Vendor VS0000052889)	105,000	15.4%
Estrada Hinojosa (Vendor 259910)	70,000	10.2%
Liquidity Facility Counsel Fees		
Chapman and Cutler LLP (Vendor VS88313)	37,500	5.5%
Issuing and Paying Agent		
US Bank, N.A. (Vendor VS97179)	2,300	0.3%
Rating Agencies	37,000	5.4%
FitchRatings (Vendor VC14720)		
Standard & Poor's (Vendor 954974)		
Attorney General Fees		
Attorney General of Texas (Vendor 344989)	9,500	1.4%
Out of Pocket Expenses	5,000	0.7%
Total Estimated Closing Costs	\$ 683,300	100.0%
<u>ANNUAL FEES</u>		
Liquidity Facility Fees		
J.P. Morgan Chase Bank, N.A. (Vendor 188018)	5,429,379	
Rating Agencies (Annual surveillance)	111,000	
FitchRatings (Vendor VC14720)		
Standard & Poor's (Vendor 954974)		
Issuing and Paying Agent		
US Bank, N.A. (Vendor VS97179)	6,900	
Total Estimated Annual Fees	\$ 5,547,279	
Total Estimated Closing and 3-Year Annual Costs	\$ 6,230,579	
 Total M/WBE Participation as % of Total Issuance Costs:	 \$ 247,000	 36.1%

June 12, 2024

WHEREAS, JPMorgan Chase Bank, N.A. (“JPMorgan”) and Bank of America, N.A. (“Bank of America”) currently provide liquidity services to the City of Dallas for the Waterworks and Sewer System Commercial Paper Notes, Series F, consisting of two sub-series, Sub-Series F-1 and Sub-Series F-2 (the “Commercial Paper Notes”); and

WHEREAS, JPMorgan and Bank of America currently provide liquidity support for the Commercial Paper Notes in accordance with the terms of separate Revolving Credit Agreements (each, a “Credit Agreement”) for the Commercial Paper Notes, each dated as of July 1, 2021; and

WHEREAS, JPMorgan and Bank of America are each compensated for the liquidity support services provided by it under the terms of their respective Credit Agreement in accordance with the terms of Fee Letter Agreements, each dated as of July 1, 2021; and

WHEREAS, under the terms of each Credit Agreement, the City may request an extension of the term of the Credit Agreement; and

WHEREAS, the City has determined that the operation of the Series F commercial paper note program is best served by consolidating the separate Sub-Series F-1 and Sub-Series F-2 into a single Series F, with JPMorgan serving as the sole liquidity provider for the \$300 million Series F commercial paper note program; and

WHEREAS, JPMorgan has agreed to provide liquidity support for the Commercial Paper Notes, Series F, and extend the term of its Credit Agreement through July 8, 2027, in accordance with the provisions of the Amended and Restated Revolving Credit Agreement with JPMorgan; and

WHEREAS, the City has requested JPMorgan to amend the Fee Letter Agreement, in accordance with the provisions of the Amended and Restated Fee Letter Agreement, to reflect the amendment to the definition of the term “Applicable Rate”; and

WHEREAS, it is in the best interests of the City of Dallas to authorize the City Manager to execute an Amended and Restated Revolving Credit Agreement with JPMorgan, to make conforming changes to the Amended and Restated Fee Letter Agreement in respect to the extension of liquidity provided under the terms of the Amended and Restated Revolving Credit Agreement, in accordance with the provisions, and subject to the limitations, set forth in this resolution.

Now, Therefore,

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

June 12, 2024

SECTION 1. That the City Manager is hereby authorized to **(1)** execute the Amended and Restated Revolving Credit Agreement with JPMorgan in support of the City of Dallas, Texas Waterworks and Sewer System Commercial Paper Notes, Series F; and **(2)** execute the Amended and Restated Fee Letter Agreement with JPMorgan; and **(3)** execute agreements pertaining thereto and resolving other matters related thereto, for an extension of the Credit Agreement with JPMorgan through July 8, 2027, approved as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$135,000 for McCall, Parkhurst & Horton L.L.P. (193173) and in an amount not to exceed \$95,000 for Escamilla & Poneck, LLP (518903) as co-bond counsel for professional legal services in connection with the review of the Amended and Restated Revolving Credit Agreement and Amended and Restated Fee Letter Agreement, under contract with McCall, Parkhurst & Horton L.L.P. from Dallas Water Utilities Fund, Fund 0100, Department DWU, Unit 7017, Object 3033.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$110,000 for Norton Rose Fulbright US LLP (VC0000006239) and in an amount not to exceed \$77,000 for Hardwick Law Firm, LLC (Vendor VC29078) as co-disclosure counsel for professional legal services in connection with the review of the Amended and Restated Revolving Credit Agreement and Amended and Restated Fee Letter Agreement, and the preparation of an Offering Memorandum in connection therewith, under contract with Norton Rose Fulbright US LLP from Dallas Water Utilities Fund, Fund 0100, Department DWU, Unit 7017, Object 3033

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$37,500 to Chapman and Cutler LLP (VS88313) for professional legal services in connection with the drafting and review of the Amended and Restated Revolving Credit Agreement and Amended and Restated Fee Letter Agreement, from Dallas Water Utilities Fund, Fund 0100, Department DWU, Unit 7017, Object 3033.

SECTION 5. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$105,000 to Hilltop Securities, Inc. (VS0000052889) and funds in an amount not to exceed \$70,000 to Estrada Hinojosa & Company, Inc. (259910) for previously contracted professional services as co-financial advisors in connection with the Amended and Restated Revolving Credit Agreement and Amended and Restated Fee Letter Agreement, from Dallas Water Utilities Fund, Fund 0100, Department DWU, Unit 7017, Object 3803.

SECTION 6. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$5,000 for miscellaneous expenses in connection with the Amended and Restated Revolving Credit Agreement and Amended and Restated Fee Letter Agreement, from Dallas Water Utilities Fund, Fund 0100, Department DWU, Unit 7017, Object 3803.

June 12, 2024

SECTION 7. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$60,000 for Fitch Ratings (VC14720) and disburse funds in an amount not to exceed \$88,000 for S&P Global (954974) for annual surveillance rating services in connection with the Amended and Restated Revolving Credit Agreement and Amended and Restated Fee Letter Agreement, from Dallas Water Utilities Fund, Fund 0100, Department DWU, Unit 7017, Object 3803.

SECTION 8. That the Chief Financial Officer is hereby authorized to use contracted services provided by U.S. Bank, National Association (VS97179) as paying agent/registrar with respect to the Commercial Paper Notes at cost of \$2,300 at closing and for annual agent fees plus payment processing expenses, for an amount not to exceed \$9,200, from Dallas Water Utilities Fund, Fund 0100, Department DWU, Unit 7017, Object 3803.

SECTION 9. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$5,429,379 for J.P. Morgan Chase Bank, N.A. (188018) for annual Liquidity Facility Fees in connection with the Amended and Restated Revolving Credit Agreement and Amended and Restated Fee Letter Agreement, from Dallas Water Utilities Fund, Fund 0100, Department DWU, Unit 7017, Object 3803.

SECTION 10. That the Chief Financial Officer is hereby authorized and directed to file an Offering Memorandum with respect to the Amended and Restated Revolving Credit Agreement and Amended and Restated Fee Letter Agreement and prepare such other documents as are necessary and incidental for review by the Attorney General of Texas (344989). The payment for the filing fee is estimated not to exceed \$9,500 and shall be made from Dallas Water Utilities Fund, Fund 0100, Department DWU, Unit 7017, Object 3803.

SECTION 11. That this Amended and Restated Revolving Credit Agreement with JPMorgan Chase Bank, N.A. is designated as Contract No. CCO-2024- 00025174.

SECTION 12. That this Amended and Restated Fee Letter Agreement with JPMorgan Chase Bank, N.A. is designated as Contract No. CCO-2024- 00025175.

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.



Agenda Information Sheet

File #: 24-1594

Item #: 10.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 3

DEPARTMENT: Department of Aviation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize an amendment to Resolution No. 24-0417, previously approved on March 27, 2024, for an Interlocal Agreement with the Texas Department of Transportation to modify the City's estimated share of the project costs from \$791,600.00 to \$1,234,600.00 - Amount of \$1,234,600.00 - Financing: Aviation Construction Fund

BACKGROUND

This action will authorize an amendment to Resolution No. 24-0417 for an Interlocal Agreement with the Texas Department of Transportation (TxDOT) to modify the City's estimated share of the project costs from \$791,600.00 to \$1,234,600.00 for a phased Taxiway Echo design and construction project at Dallas Executive Airport as part of the capital improvement plan under the TxDOT's State Block Grant Program. Portions of the Taxiway Echo Project is not eligible for federal funding, therefore, the City's estimated costs will increase.

Deferral of this item would delay the completion of this project and potentially increase the City's risk of losing federal funding tied to the eligible portions of this project.

ESTIMATED SCHEDULE OF PROJECT

Began Design	August 2021
Completed Design	April 2023
Begin Construction	November 2024
Complete Construction	August 2025

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 24, 2021, the City Council authorized an Interlocal Agreement with the Texas Department of Transportation to perform a phased Taxiway Echo design and construction project at Dallas Executive Airport as a part of the capital improvement plan under TxDOT's State Block Grant Program, in the amount up to \$4,633,000.00, by Resolution No. 21-0362.

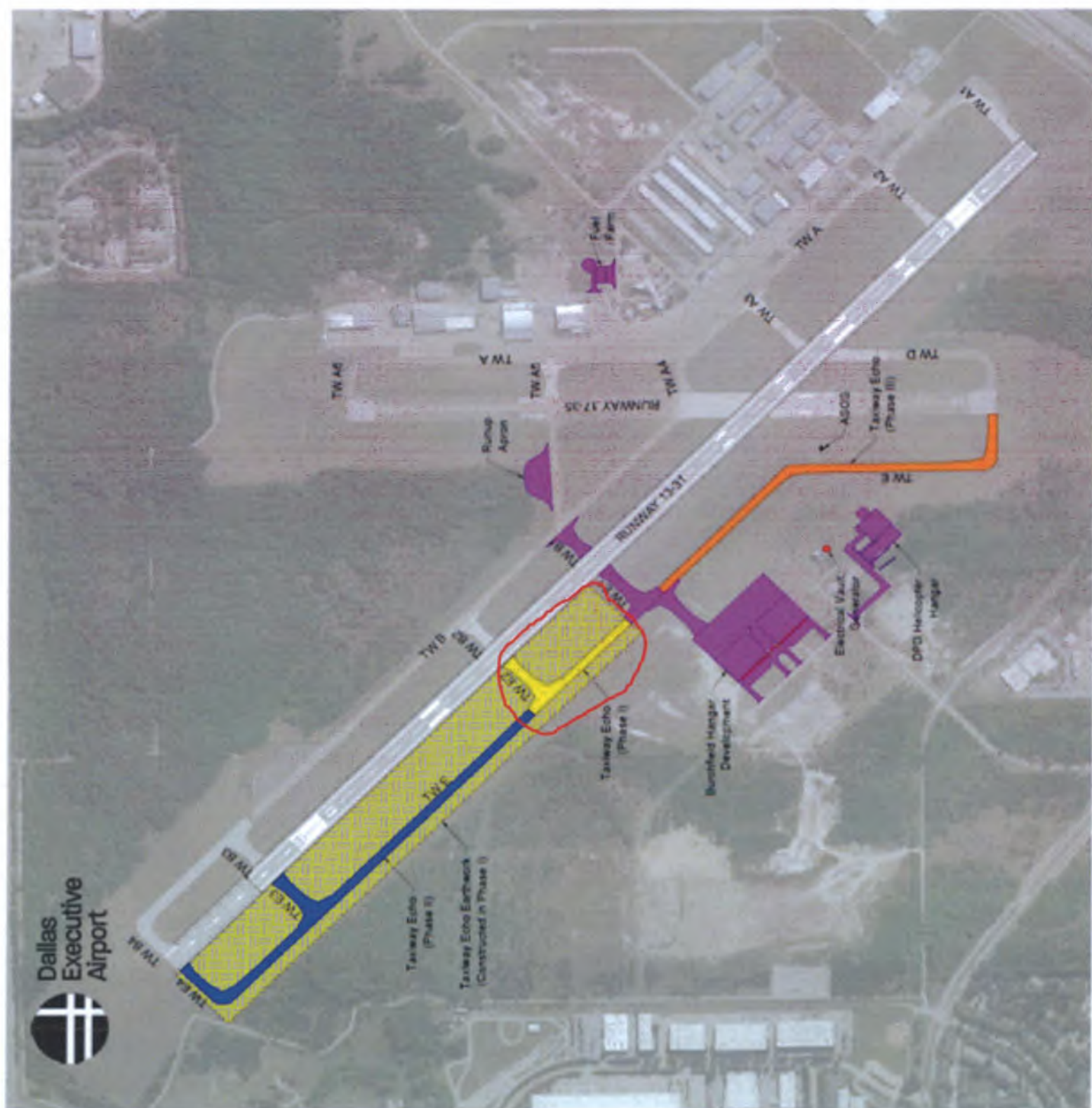
On March 27, 2024, the City Council authorized an amendment to Resolution No. 21-0362, previously approved on February 24, 2021, for an Interlocal Agreement with the Texas Department of Transportation to modify the City's estimated share of the project costs, in the amount of \$791,600.00, by Resolution No. 24-0417.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Aviation Construction Fund	\$1,234,600.00	\$0.00	\$0.00

MAP

Attached



June 12, 2024

WHEREAS, the City of Dallas intends to enhance the city's economic vibrancy; particularly within the city's southern sector; and

WHEREAS, the Dallas Executive Airport is proven to be a significant economic generator within the city's southern sector; and

WHEREAS, it is desirable to maintain the airport infrastructure to provide a safe and attractive environment for aircraft owners and operators to conduct business at Dallas Executive Airport; and

WHEREAS, the Texas Department of Transportation (TxDOT) has indicated that capital improvement program is a project that is eligible for federal funding through the Federal Aviation Administration State Block Grant Program through which it has responsibilities for the federal improvement program for general aviation airports and will participate in 90 percent of eligible costs; and

WHEREAS, the total project costs are estimated to be \$4,633,000.00, and the City of Dallas will be responsible for 10 percent of \$4,633,000.00 of the project costs, estimated to be \$463,300.00; and

WHEREAS, the City of Dallas names TxDOT as its agent for the purpose of receiving and disbursing all funds for the capital improvement project and for the administration of contracts necessary for completing this project; and

WHEREAS, on March 27, 2024, the City Council authorized an amendment to Resolution No. 21-0362, previously approved on February 24, 2021, for an Interlocal Agreement with the Texas Department of Transportation to modify the City's estimated share of the project costs from \$463,300.00 to \$791,600.00, by Resolution No. 04-0417; and

WHEREAS, it is now necessary to amend the City's estimated project costs to \$1,234,600.00 for the phased Taxiway Echo design and construction project at Dallas Executive Airport.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to amend Resolution No. 24-0417, previously approved on March 27, 2024, for an Interlocal Agreement with the Texas Department of Transportation to modify the City's estimated share of the project costs from \$791,600.00 to \$1,234,600.00.

June 12, 2024

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,234,600.00 to Texas Department of Transportation to pay the City's share of this project, as follows:

Aviation Construction Fund
Fund 0131, Department AVI, Unit W388, Object 4111
Activity AAIP, Program AVIW388
Encumbrance/Contract No. CX-AVI-2021-00015699
Vendor 020318 \$ 180,000.00

Aviation Construction Fund
Fund 0131, Department AVI, Unit W388, Object 4599
Activity AAIP, Program AVIW388
Encumbrance/Contract No. CX-AVI-2021-00015699
Vendor 020318 \$1,054,600.00

Total amount not to exceed \$1,234,600.00

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



Agenda Information Sheet

File #: 24-1491

Item #: 11.

STRATEGIC PRIORITY: Environmental & Sustainability

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Aviation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a three-year service contract with two, three-year renewal options for the purchase, installation, and maintenance of Energy Capturing Pod System pods and equipment, which capture exhaust produced by aircraft engines and convert it to clean renewable energy for the Department of Aviation at Dallas Love Field Airport - JetWind Power Corporation, sole source - Not to exceed \$1,311,910.00 - Financing: Aviation Fund (subject to appropriations)

BACKGROUND

JetWind Power Corporation has already proven the effectiveness of the Energy Capturing Pod System through successful beta-testing at Dallas Love Field Airport. The system not only provided sustainable energy but also supported the City of Dallas' air quality initiatives, demonstrating its potential to make a significant positive impact.

The Department of Aviation will utilize renewable energy for sustainability projects. JetWind's Energy Capturing Pod System has the potential to reduce Dallas Love Field Airport's greenhouse gas emissions to reduce its carbon footprint.

This unique product is an affordable method of capturing energy from aircraft propulsion and transferring this energy into clean, renewable energy. No other vendor currently offers this product, JetWind Power Corporation is the sole source provider.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Aviation Funds	\$285,750.00	\$505,600.00	\$520,560.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Policy adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal
\$1,311,910.00	Other Services	N/A
M/WBE Subcontracting %	M/WBE Overall %	M/WBE Overall Participation \$
N/A	N/A	N/A
• This item is Other Services which does not have an availability and disparity participation goal.		
• JetWind Power Corporation - Local; Workforce - 0.00% Local		

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Sole Source	<ul style="list-style-type: none">• Utilized for procurements where functional requirements can only be satisfied by one vendor, such as those where patents, copyrights or monopolies exist.• Exempted from competitive bidding process.• The Office of Procurement Services conducted a sole source review and found no exceptions.
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OWNERS**JetWind Power Corporation**

3406 Princeton Avenue
Dallas, Texas 75205

Tarek O. Souryal, MD, President

June 12, 2024

WHEREAS, from October 20, 2021 to December 13, 2022, JetWind Power Corporation beta tested its Energy Capturing Pod System at Dallas Love Field Airport, which system converts aircraft engine exhaust to clean energy; and

WHEREAS, after the completion of the beta testing, the City now desires to purchase the Energy Capturing Pod System for use by the Department of Aviation at Dallas Love Field Airport; and

WHEREAS, JetWind Power Corporation is the sole source provider of the system.

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 three-year service contract with two, three-year renewal options with JetWind Power Corporation, sole source, approved as to form by the City Attorney, for the purchase, installation, and maintenance of Energy Capturing Pod System pods and equipment, which capture the exhaust produced by aircraft engines and convert it to clean renewable energy for the Department of Aviation at Dallas Love Field Airport, in an amount not to exceed \$1,311,910.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,311,910.00 (subject to appropriations) to JetWind Power Corporation from the Aviation Fund, Fund 0130, Department AVI, Unit 7729, Object 4735, Encumbrance/Contract No. AVI-2024-00024483, Vendor VC31198.

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.



Agenda Information Sheet

File #: 24-1345

Item #: 12.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Aviation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize **(1)** a construction services contract to provide construction to provide new location, additional airport facility, landscaping, structural, civil, parking and driveway, fueling, heating, ventilation, and air conditioning, electrical, mechanical, plumbing, equipment, fire alarm, and technological construction services to the Dallas Love Field Aircraft Rescue and Firefighters Station No. 21 Project - Satterfield & Pontikes construction, Inc., lowest responsible bidder of two; and **(2)** an increase in appropriations in an amount not to exceed \$16,000,000.00 in the Aviation Construction Fund - Not to exceed \$30,833,255.00 - Financing: Aviation Passenger Facility Charge - Near Term Projects Fund (\$2,161,481.00), Aviation Construction Fund (\$15,108,295.00), and FY24 FAA AIG Grant Fund (\$13,563,479.00)

BACKGROUND

Dallas Love Field Airport's existing Aircraft Rescue and Firefighting Station No. 21 is located near the north side of airfield and currently accommodates six Dallas Fire Rescue vehicles, which includes four Aircraft Rescue and Fire Fighting (ARFF) Apparatus in four pull-through bays. The building was built in the 1960's and has passed its useful life. The Department of Aviation is in the process of reconfiguring the Crossfield Taxiway Project in the middle of the airfield to comply with current Federal Aviation Administration (FAA) design standards. Based on the reconfiguration, the existing fire station does not meet the FAA response time for aircraft emergencies and consequently the proposed new fire station will need to be constructed in a new location to meet the FAA requirements.

In July 2019, a site study which included a conceptual program for the building and site, was completed by Ricondo & Associates, Inc. and was approved by the Department of Aviation. The architectural programming is in accordance with the City of Dallas, FAA and ARFF standards and requirements. This project intent is to procure a contractor to build a new facility that combines efficiency and sustainability by co-locating both ARFF Station No. 21 functions and personnel as well as the Department of Aviation's Airside Operations Division.

This action will authorize a construction services contract with Satterfield & Pontikes Construction, Inc. to provide construction services for the Dallas Love Field Aircraft Rescue and Firefighters Station No. 21 Project.

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2022
Completed Design	August 2023
Begin Construction	July 2024
Complete Construction	December 2025

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 13, 2021, the City Council authorized an architectural services contract with Mead and Hunt, Inc. to provide an architectural programming for a replacement Aircraft Rescue and Firefighting Station at Dallas Love Field by Resolution No. 21-0114.

On September 14, 2022, the City Council authorized an architectural services contract with PGAL, Inc. to provide design services for the Aircraft Rescue and Firefighting Station No. 21 Replacement at Dallas Love Field by Resolution No. 22-1344.

On April 24, 2024, the City Council authorized to accept a grant from the U.S. Department of Transportation, Federal Aviation Administration Airport Improvement Program Grant Fund for the federal share of the eligible capital improvement project for the Bipartisan Infrastructure Law at Dallas Love Field (Grant No. 3-48-0062-071-2024, Assistance Listing No. 20.106) in the amount of \$13,563,479.00 for the construction of Aircraft Rescue and Firefighters Building Project for performance period shall be four years (1,460 calendar days) from the date of acceptance by Resolution No. 24-0615.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Aviation Passenger Facility Charge - Near Term Projects Fund	\$ 2,161,481.00	\$0.00	\$0.00
Aviation Construction Fund	\$15,108,295.00	\$0.00	\$0.00
FY24 FAA AIG Grant Fund	\$13,563,479.00	\$0.00	\$0.00
Total	\$30,833,255.00	\$0.00	\$0.00

DBE INFORMATION

In accordance with US CFR 49, Part 26 for Disadvantaged Business Enterprise (DBE) participation on projects wholly or partly funded through federal grant dollars, the DBE participation on this contract is as follows:

Contract Amount	Procurement Category	DBE Goal
\$30,827,500.00	Construction	23.30%
DBE Subcontracting %	DBE Overall %	DBE Overall Participation \$
5.63%	5.63%	\$1,735,902.00
• The Request for Bid method of procurement resulted in the lowest responsive bidders being selected.		
• Satterfield & Pontikes Construction, Inc. - Local; Workforce - 86.00% Local		

BID INFORMATION

The following two bids were received and opened on February 9, 2024:

*Denotes successful bidder

Bidders**Bid Amount**

*Satterfield & Pontikes Construction, Inc. 3030 Lyndon B Johnson Freeway Suite 750 Dallas, TX 75234	\$30,833,255.00
Imperial Construction, Inc.	\$43,284,344.00

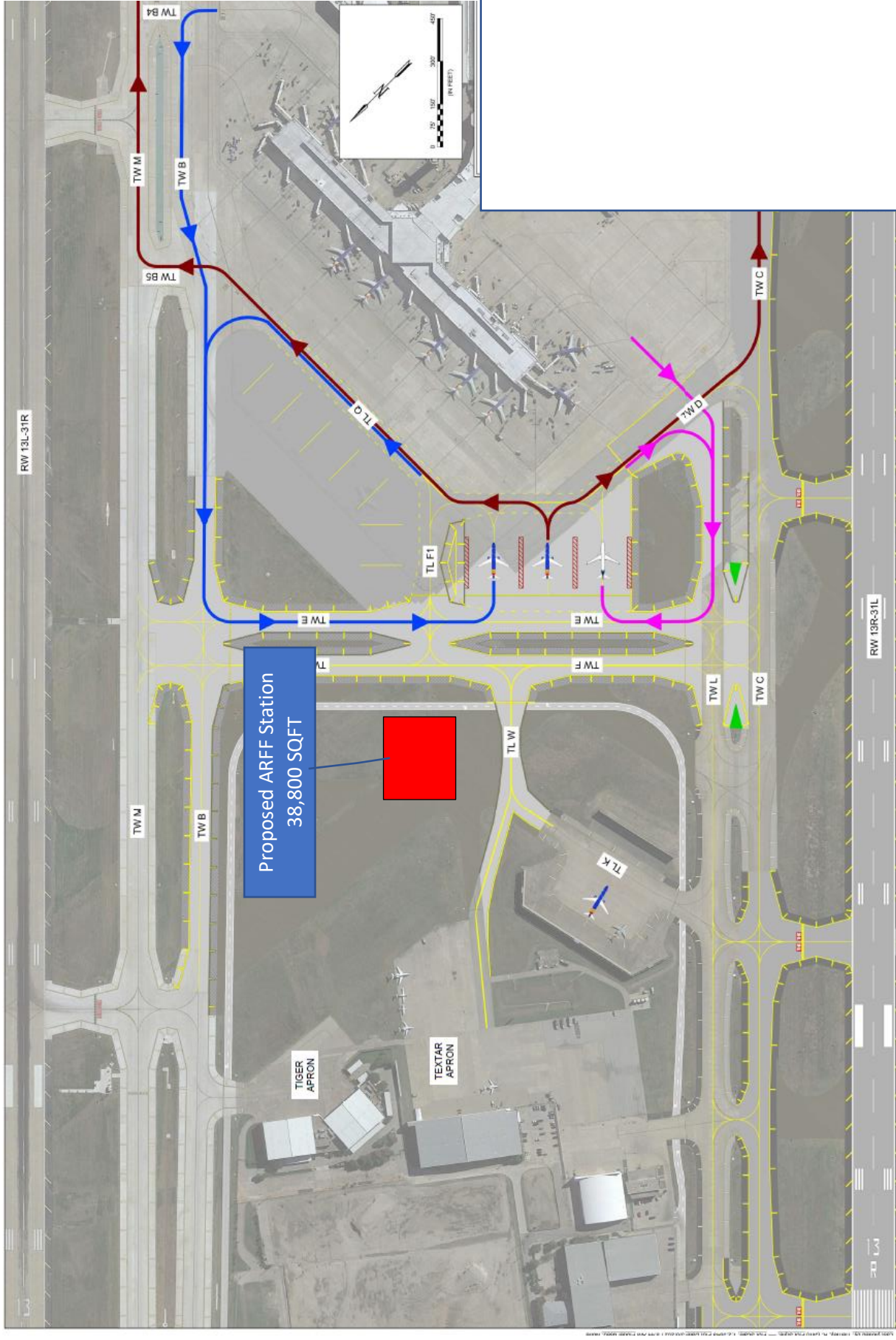
OWNER

Satterfield & Pontikes Construction, Inc.

Jason Haralson, Senior Vice President

MAP

Attached



June 12, 2024

WHEREAS, safety and emergency management are the utmost priority at Dallas Love Field (DAL); and

WHEREAS, Dallas Love Field works closely with Dallas Fire-Rescue to prepare and train for possible aviation emergencies at the airport; and

WHEREAS, current condition of existing Dallas Fire-Rescue Station No. 21 (current station) and realignment of existing Crossfield taxiways require a replacement Aircraft Rescue and Firefighting (ARFF) station that will meet Federal Aviation Administration (FAA) response time requirements and comply with current building standards and codes. The new facility will house staff and firefighting vehicles, as well as the Dallas Love Field Airside Operations work group; and

WHEREAS, on January 13, 2021, the City Council authorized an architectural services contract with Mead and Hunt, Inc. to provide an architectural programming for a replacement Aircraft Rescue and Firefighting Station at Dallas Love Field by Resolution No. 21-0114; and

WHEREAS, on September 14, 2022, the City Council authorized an architectural services contract with PGAL, Inc. to provide design services for the Aircraft Rescue and Firefighting Station No. 21 Replacement at Dallas Love Field by Resolution No. 22-1344; and

WHEREAS, bids were received and opened on February 9, 2024, for the Field Aircraft Rescue and Firefighters Station No. 21, as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Satterfield & Pontikes Construction, Inc.	\$30,833,255.00
Imperial Construction, Inc.	\$43,284,344.00

WHEREAS, it is necessary to authorize a construction services contract with Satterfield & Pontikes Construction Inc. for the construction of the Dallas Love Field Aircraft Rescue and Firefighters Station No. 21 Project, in an amount not to exceed \$30,833,255.00.

Now, Therefore,

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

June 12, 2024

SECTION 1. That the City Manager is hereby authorized to execute a construction services contract for construction services to Satterfield & Pontikes Construction, Inc., approved as to form by the City Attorney, to provide new location, additional airport facility, landscaping, structural, civil, parking and driveway, fueling, heating, ventilation, and air conditioning, electrical, mechanical, plumbing, equipment, fire alarm, and technological construction services to the Dallas Love Field Aircraft Rescue and Firefighters Station No. 21 Project, in an amount not to exceed \$30,833,255.00.

SECTION 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$16,000,000.00 in the Aviation Construction Fund, Fund 0131, Department AVI, Unit W358, Object 4599.

SECTION 3. That the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed \$16,000,000.00 to the Aviation Construction Fund, Fund 0131, Department AVI, Unit W358, Object 4599, Program AVIW358 from Aviation Passenger Facility Charge - Near Term Projects Fund, Fund A477, Department AVI, Unit W287, Object 4599, Program AVIW287.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$30,833,255.00 to Satterfield & Pontikes Construction, Inc. in accordance with the terms and conditions of the contract, as follows:

Aviation Passenger Facility Charge - Near Term Projects Fund
Fund A477, Department AVI, Unit W358
Object 4599, Activity AAIP, Program AVIW358
Commodities 15000, 28539, 33032, 42000, 84000, 91427
Encumbrance/Contract No. CX-AVI-2024-00023519
Vendor 500425 \$ 2,161,481.00

Aviation Construction Fund
Fund 0131, Department AVI, Unit W358
Object 4599, Activity AAIP, Program AVIW358
Commodities 15000, 28539, 33032, 42000, 84000, 91427
Encumbrance/Contract No. CX-AVI-2024-00023519
Vendor 500425 \$15,108,295.00

FY24 FAA AIG Grant Fund
Fund F763, Department AVI, Unit W358,
Object 4599, Activity AAIP, Program AVIW358
Commodities 15000, 28539, 33032, 42000, 84000, 91427
Encumbrance/Contract No. CX-AVI-2024-00023519
Vendor 500425 \$13,563,479.00

Total amount not to exceed \$30,833,255.00

June 12, 2024

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.



Agenda Information Sheet

File #: 24-1528

Item #: 13.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Equipment and Fleet Management

EXECUTIVE: Donzell Gipson

SUBJECT

Authorize a five-year master agreement for fleet vehicles and equipment with Kirby-Smith Machinery, Sam Pack's Five Star Ford, Berry Companies, Holt Texas, Southwest International Trucks, United Equipment Rentals Gulf, Kinloch Equipment and Supply, BTE Body Company, Austin Truck and Equipment, Rush Truck Centers of Texas, Chastang Ford, Texas Kenworth Company, Vermeer Equipment of Texas, Houston Freightliner, LHD Partners, Magnum Custom Trailer Manufacturing, Grande Truck Center, Texan Waste Equipment, Industrial Power and Hardware, Dickson Equipment Company, Bond Equipment, Versalift Southwest, Briggs Equipment, Freedom Dodge, Darr Equipment, Siddons Martin Emergency Group, Rosenbauer Minnesota, Reliance Environmental Truck Sales, Genserve LLC, Landmark Equipment, North Texas Trailers, Deer and Company, Custom Truck One Source, Caldwell Country Chevrolet, Generac Power Systems, Caldwell Country Ford, Donalson CDJR, Cameron Dodge, Silsbee Ford, Chrysler Jeep Dodge City of McKinney, Specialty Fleet Sales, Interstate Trailers, Lake Country Chevrolet, Doggett Freightliner of South Texas, Cavendar Ford Motor Company, Tom Loftus Inc. DBA Austin Turf and Tractor, Czar Companies, Scranton Manufacturing Company, South Star JCB, Bruckner Truck Sales, The Sewell Family of Companies, Cummins Southern Plains, R.D. Offutt Company, Holt Truck Centers of Oklahoma, Ed Morse Automotive LLC - Freedom Chevrolet Buick GMC by Ed Morse, Ed Morse Automotive LLC - Freedom Chrysler Dodge Jeep Ram by Ed Morse, Donalson-Hiner Automotive Group, Coufal-Prater Equipment, The Around The Clock Freightliner Group, Chastang Enterprises - Houston, Rush Truck Centers of Texas, Equipmentsshare.com, Daco Fire Equipment, Deen Kubota, Brazos Motorsports, Curbtender Sweepers, Custom Truck One Source and their associated distributors through the BuyBoard National Purchasing Cooperation, Texas Smartbuy, TIPS Coop, National Intergovernmental Purchasing Alliance (NIPA), Sourcewell (NJPA), HGACBuy, Tarrant County Coop, The Cooperative Purchasing Network (TCPN), Texas Correctional Industries (TCI), Texas Multiple Award Schedules (TXMAS), U.S. Communities Government Purchasing Alliance (U.S. Communities) General Services Administration (GSA), NASPO ValuePoint, Omnia Partners, California CMAS, Virginia Sheriff's Association, Florida Sheriff's Association, as specifically described in Exhibit A - Total estimated amount of \$350,014,918.00 - Financing: Sanitation Capital Improvement Fund (\$20,000,000.00), Dallas Water Utilities Fund (\$60,000,000.00), Stormwater Drainage Management Fund (\$10,000,000.00), SDM-Equipment Acquisition Notes (\$12,500,000.00), Aviation Fund

(\$6,200,000.00), Building Inspection Fund (\$7,050,000.00), General Fleet Equipment Acquisition Notes (\$90,049,500.00), Sanitation Equipment Acquisition Notes (\$50,000,000.00), and Dallas Fire Department Master Lease-Equipment Fund (\$94,215,418.00)

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 order 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 the agreement.

This master agreement will provide the City with; better scheduling and timelines of deliveries dates, better alignments on build schedules with manufacturers, reduce rental costs associated with replacement of the unscheduled decommission of equipment, better timing with grant awards that fund fleet purchases, and the ability to economize cost by taking advantage of price incentives. The master agreement will also provide the City with flexibility to more efficiently respond to vehicle and equipment needs for first responders, special task forces (i.e. code compliance), and emergencies.

The approach for this fleet purchase has been greatly influenced by a Fleet Efficiency Study conducted in 2018. Specifically, the recommendations to implement a Total Cost of Ownership (TCO) procurement strategy to achieve the most effective life cycle return on the fleet investment. Equipment and Fleet Management collaborated with departments to identify; costly long term leased vehicles, vehicles that were inoperable but critical to service delivery, and worked to take advantage of extended warranties and other adjustments to specifications that lend to ease of maintenance and operation.

The City conducts an evaluation on vehicles and equipment using established criteria before replacement occurs. This evaluation includes life-to-date maintenance cost, recommended replacement mileage, and recommended replacement life.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The City Council was briefed on the “Fleet Management Update” on February 21, 2024.

FISCAL INFORMATION

Fund	FY 2023-24	FY 2024-25	Future Years
Sanitation Capital Improvement Fund	\$0.00	\$ 4,000,000.00	\$ 16,000,000.00
Water & Sewer Revenue Fund	\$0.00	\$12,000,000.00	\$ 48,000,000.00
SDM-Operations Fund	\$0.00	\$ 2,000,000.00	\$ 8,000,000.00
SDM- Equipment Acquisition Notes Fund	\$0.00	\$ 2,500,000.00	\$ 10,000,000.00
Aviation Fund	\$0.00	\$ 1,800,000.00	\$ 4,400,000.00
Building Inspection Fund	\$0.00	\$ 1,700,000.00	\$ 5,350,000.00

General Fleet Equipment Acquisition Notes Fund	\$0.00	\$18,009,900.00	\$ 72,039,600.00
Sanitation Equipment Acquisition Notes Fund	\$0.00	\$10,000,000.00	\$ 40,000,000.00
Dallas Fire Department Master Lease-Equipment Fund	\$0.00	\$20,164,430.00	\$ 74,050,988.00
Total	\$0.00	\$72,174,330.00	\$277,840,588.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Procurement Category	M/WBE Goal
\$350,014,918.00	Goods	32.00%
M/WBE Subcontracting %	M/WBE Overall %	M/WBE Overall Participation \$
N/A	N/A	N/A
<ul style="list-style-type: none"> The Business Inclusion and Development Policy does not apply to Cooperative Purchasing Agreements. 		

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Cooperative Purchasing	<ul style="list-style-type: none"> 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 Cooperative Purchasing is an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement
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June 12, 2024

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

SECTION 1. That a master agreement for the purchase of fleet vehicles and equipment is authorized with Kirby-Smith Machinery, Sam Pack's Five Star Ford, Berry Companies, Holt Texas, Southwest International Trucks, United Equipment Rentals Gulf, Kinloch Equipment and Supply, BTE Body Company, Austin Truck and Equipment, Rush Truck Centers of Texas, Chastang Ford, Texas Kenworth Company, Vermeer Equipment of Texas, Houston Freightliner, LHD Partners, Magnum Custom Trailer Manufacturing, Grande Truck Center, Texan Waste Equipment, Industrial Power and Hardware, Dickson Equipment Company, Bond Equipment, Versalift Southwest, Briggs Equipment, Freedom Dodge, Darr Equipment, Siddons Martin Emergency Group, Rosenbauer Minnesota, Reliance Environmental Truck Sales, Genserve LLC, Landmark Equipment, North Texas Trailers, Deer and Company, Custom Truck One Source, Caldwell Country Chevrolet, Generac Power Systems, Caldwell Country Ford, Donalson CDJR, Cameron Dodge, Silsbee Ford, Chrysler Jeep Dodge City of McKinney, Specialty Fleet Sales, Interstate Trailers, Lake Country Chevrolet, Doggett Freightliner of South Texas, Cavendar Ford Motor Company, Tom Loftus Inc. DBA Austin Turf and Tractor, Czar Companies, Scranton Manufacturing Company, South Star JCB, Bruckner Truck Sales, The Sewell Family of Companies, Cummins Southern Plains, R.D. Offutt Company, Holt Truck Centers of Oklahoma, Ed Morse Automotive LLC – Freedom Chevrolet Buick GMC by Ed Morse, Ed Morse Automotive LLC – Freedom Chrysler Dodge Jeep Ram by Ed Morse, Donalson-Hiner Automotive Group, Coufal-Prater Equipment, The Around The Clock Freightliner Group, Chastang Enterprises – Houston, Rush Truck Centers of Texas, Equipmentshare.com, Daco Fire Equipment, Deen Kubota, Brazos Motorsports, Curbtender Sweepers, Custom Truck One Source and their associated distributors) through the BuyBoard National Purchasing Cooperation, Texas Smartbuy, TIPS Coop, National Intergovernmental Purchasing Alliance (NIPA), Sourcewell (NJPA), HGACBuy, Tarrant County Coop, The Cooperative Purchasing Network (TCPN), Texas Correctional Industries (TCI), Texas Multiple Award Schedules (TXMAS), U.S. Communities Government Purchasing Alliance (U.S. Communities), General Services Administration (GSA), NASPO ValuePoint, Omnia Partners, California CMAS, Virginia Sheriff's Association, Florida Sheriff's Association as specifically described in Exhibit A, approved as to form by the City Attorney, for a term of five years, in a total estimated amount of \$350,014,918.00. 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 contract for six months by filing a notice of extension with the City Secretary's Office.

June 12, 2024

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for fleet vehicles and equipment. If a written contract is required or requested for any or all purchases for fleet vehicles and equipment 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 City Manager or designee is authorized to make amendments/additions to the lists of authorized vehicle/equipment manufacturers, cooperative agreements, and vendors in recognition that cooperative agreement contracts expire by date and are replaced by new contracts with new expiration dates, but if there is a valid cooperative contract this master agreement is operational.

SECTION 4. That in order to reimburse and finance the lease/purchase acquisition of the equipment described herein over a period not to exceed the estimated useful life (10 years) thereof, any Authorized Officer of the City designated in the Master Equipment Lease/Purchase Agreement (the "Master Lease") between JPMorgan Chase Bank, N.A. and the City is hereby authorized and directed to execute, acknowledge and deliver a Exhibit A (as defined in the Master Lease) pertaining to such equipment including all attachments, financing statements and Exhibit A thereto, in substantially the form attached to the Master Lease, with such changes as the signing officer shall determine to be advisable. Each Authorized Officer of the City is also authorized to execute, acknowledge and deliver any other agreement, instrument, certificate, representation and document, and to take any other action as may be advisable, convenient or necessary to enter into such Exhibit A. The financing terms for such equipment, to be determined pursuant to the provisions of the Master Lease and reflected in such Exhibit A, and the granting of a security interest in the financed equipment pursuant to the Master Lease, are hereby approved.

SECTION 5. That the Chief Financial Officer is hereby authorized to disburse funds, in an estimated amount of at least \$350,014,918.00, but not more than the amount of budgetary appropriations for this master agreement during its term from Master Agreement Contract No. EFM-2024-00024842.

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.

EXHIBIT A

Vehicles & Equipment

is required and with City Attorney (CAO) if a contract or bonding is also required before issuing a

*BuyBoard National Purchasing Cooperation (BuyBoard) www.info@buyboard.com

Texas Smartbuy www.txsmartbuy.com

Sourcewell www.sourcewell-mn.gov

HGACBuy www.hgacbuy.org

TIPS (The Interlocal Purchasing System) www.tips-usa.com

Tarrant County Cooperative www.tarrantcounty.com

* Buyboard, TXMas & U.S. Communities are the popular Cooperatives** TCI Texas Correctional Industries was

Manufacturer/Brand	Types of Vehicles	Cooperative Purchasing Program. Pricing by distributor/product is available on the Cooperative Website.
Altec	Aerial lifts, Bucket Trucks	Sourcewell www.sourcewell-mn.gov Contact #110421-ALT expires 12-27-2025
Autocar	Heavy Duty Trucks	Buyboard National Purchasing Cooperation www.info@buyboard Contract 723-23 expires 11-30-2024 Sourcewell www.sourcewell-mn.gov Contract #060920-ATC expires 08-01-2024
ADDCO	Directional/Information Boards	Texas Smartbuy www.txsmartbuy.com Contract #TXMAS-22-80102 expires 10-04-2024
Blue Bird	Buses	Buyboard National Purchasing Cooperation www.info@buyboard Contract 722-23 expires 11-30-2024
Bobcat	Skid Steers	Buyboard National Purchasing Cooperation www.info@buyboard Contract 684-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contact #040319-CEC expires 05-31-2024 HGAC www.hgacbuy.org Contract #EM06-19 Expires 05-31-2024 and #GR01-20 Expires 06-30-2024
Bomag	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contact #060122-BAI expires 08-01-2026
Case	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contact #011723-CNH-1 expires 04-14-2027 and #032119-CNH-1 expires 05-13-2024 HGAC www.hgacbuy.org Contract #EM06-19 Expires 5-31-2024 and #GR01-20 Expires 06-30-2024

Catepillar	Motor graders, Wheel loaders Skid steer loaders, multi-terrain loaders, and compact track loaders, Dozers and track loaders Track excavators, wheel excavators, and material handlers	Buyboard National Purchasing Cooperation www.info@buyboard Contract 684-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contact #060122-CAT expires 08-01-2026 and #020223-CAT expires 04-17-2027 and #011723-CAT expires 04-14-2027 HGAC www.hgacbuy.org Contract #EM06-19 Expires 05-31-2024 TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #221001 expires 01-31-2026
Chevrolet	Sedans, Light Trucks, SUV's ,Medium Trucks, Vans	Buyboard National Purchasing Cooperation www.info@buyboard Contract 723-23 expires 11-30-2026 and #724-23 expires 11-30-2026 Sourcewell www.sourcewell-mn.gov Contract #060920-NAF expires 08-01-2024 and #091521-NAF expires 11-08-2025 HGAC www.hgacbuy.org Contract #VE11-20 Expires10-31-2024 Texas Smartbuy www.txsmartbuy.com Contract #TXMAS-22-68001 expires 11-01-2024 Tarrant County www.tarrantcounty.com 2023-016 expires 12-3-2024
Chrysler	Sedans, Light Trucks, SUV's ,Medium Trucks, Vans	TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #210907 expires 11-30-2024
Clifford	Generators, construction equipment	TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #221004 expires 01-31-2026
CLS Sewer Equipment	Sewer Cleaning/Vacumm Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 676-22 expires 09-30-2025
Club Car	UTVs	Buyboard National Purchasing Cooperation www.info@buyboard Contract 706-23 expires 5-31-2026 HGAC www.hgacbuy.org Contract #GR01-20 expires 06-30-2024
Crane Carrier	Heavy Duty Trucks	Sourcewell www.sourcewell-mn.gov Contract #060920-CRN expires 08-01-2024
Cummins	Generators	HGAC www.hgacbuy.org Contract #GE02-20 Expires 07-31-2024
Dadee	Refuse Trucks, Rear Loaders, Front Loaders, Side Loaders,	Buyboard National Purchasing Cooperation www.info@buyboard Contract 516-6 expires 11-30-19
Ditch Witch	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 684-22 expires 11-30-2025 HGAC www.hgacbuy.org Contract #EM06-19 Expires 5-31-2024
Dodge	Sedans, Light Trucks, SUV's ,Medium Trucks, Vans	Buyboard National Purchasing Cooperation www.info@buyboard Contract 723-23 expires 11-30-2026 and Contract # 724-23 expires 11-30-2026 HGAC www.hgacbuy.org Contract #FS12-23 Expires 11-30-2027 and Contract # VE11-20 expires 10-31-2024

Doosan	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 and Contract #684-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contract #0040319-CEC expires 05-31-2024 and Contract #020923-CEC expires 04-20-2027 and Contract #041719-CEC expires 06-17-2024
Durabilt	Truck Bodies, Trailers	Buyboard National Purchasing Cooperation www.info@buyboard Contract 516-6 expires 11-30-19
Elgin	Sweepers	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025
Elliott	Aerial Platforms, Crane Trucks & Derrick Diggers	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contract #110421-EEC expires 12-27-2025
Felling	Trailers	Sourcewell www.sourcewell-mn.gov Contract #092922-FTS expires 12-20-2026
Ford	Sedans, Light Trucks, SUV's ,Medium Trucks, Vans	Buyboard National Purchasing Cooperation www.info@buyboard Contract 724-23 expires 11-30-2026 Sourcewell www.sourcewell-mn.gov Contract #060920-NAF expires 08-01-2024 and Contract #091521-NAF expires 11-08-2025 and Contract #113021-PLC expires 02-10-2026 HGAC www.hgacbuy.org Contract #VE11-20 Expires 10-31-2024 and Contract #FS12-23 expires 11-30-2027
Freightliner	Medium Trucks, Heavy Trucks	Buyboard National Purchasing Cooperation www.info@buyboard Contract 723-23 expires 11-30-2026 Sourcewell www.sourcewell-mn.gov Contract #060920-NAF expires 08-01-2024
Frontline	Emergency Vehicles, Fire Trucks and Equipment	HGAC www.hgacbuy.org Contract #AM10-23 Expires 09-30-2027 and Contract #FS12-23 expires 11-30-2027
Gehl	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 HGAC www.hgacbuy.org Contract #EM06-19 Expires 5-31-2024 Sourcewell www.sourcewell-mn.gov Contract #020223-MAI expires 04-17-2027
Generac	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 HGAC www.hgacbuy.org Contract #GE02-20 Expires 07-31-2024 Sourcewell www.sourcewell-mn.gov Contract #092222-GNR expires 11-22-2026 and Contract #020923-GNR expires 04-20-2027
Genie	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contract #110421-TER expires 12-27-2025 and Contract #020923-TER expires 04-20-2027

Globe	Trailers	Sourcewell www.sourcewell-mn.gov Contract #092922-GLB expires 12-20-2026
GMC	Sedans, Light Trucks, SUV's ,Medium Trucks, Vans	Buyboard National Purchasing Cooperation www.info@buyboard Contract 724-23 expires 11-30-2026 Sourcewell www.sourcewell-mn.gov Contract #060902-NAF expires 08-01-2024 and Contract #101520-FMP expires 12-14-2024
Gradall	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contract #011723-GRD expires 04-14-2027 and Contract #040319-GRD expires 05-31-2024 HGAC www.hgacbuy.org Contract #EM06-19 Expires 05-31-2024
Hamm(Wirtgen)	Road Construction and Paving Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contract #060122-WAI expires 08-01-2026 and Contract #060122-VTL expires 08-01-2026
Harley Davidson	Motorcycles	Buyboard National Purchasing Cooperation www.info@buyboard Contract 724-23 expires 11-30-2026
Heil	Refuse Trucks, Rear Loaders, Front Loaders, Side Loaders,	Buyboard National Purchasing Cooperation www.info@buyboard Contract 686-22 expires 11-30-2025 and Contract #684-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contract #110223-THC expires 12-28-2027 HGAC www.hgacbuy.org Contract #RH08-20 Expires 07-31-2024
Hino	Medium Trucks, Heavy Trucks	Buyboard National Purchasing Cooperation www.info@buyboard Contract 723-23 expires 11-30-2026
Hitachi	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contract #011723-HTI expires 04-14-2027
Honda	Sedans, Light Trucks, SUV's ,Medium Trucks, Vans	Buyboard National Purchasing Cooperation www.info@buyboard Contract 724-23 expires 11-30-2026
Honda	Generators, grounds equipment	Texas Smartbuy www.txsmartbuy.com Contract #TXMAS-19-8403 expires 10-14-2024 and Contract #TXMAS-23-44501 expires 12-14-2027
Hustler	Grounds equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 706-23 expires 5-31-2026 Sourcewell www.sourcewell-mn.gov Contract #031121-HTE expires 04-30-2025
Hyster	Forklifts, Lifttrucks, Pallet Jacks and Related Equipment	GSA www.gsa.gov Contract No 47QMCA20D001G expires 03-30-2025

Hyundi	Sedans, Light Trucks, SUV's ,Medium Trucks, Vans Motor graders, Wheel loaders Skid steer loaders, multi-terrain loaders, and compact track loaders, Dozers and track loaders Track excavators, wheel excavators, and material handlers	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025
Ingersoll Rand	Air Compressors and Related Equipment	Texas Smartbuy www.txsmartbuy.com Contract #TXMAS-18-51V08 expires 03-01-2025 and Contract #TXMAS-18-51V06 expires 06-30-2024
International(Navistar)	Medium Trucks, Heavy Trucks	GSA www.gsaadvantage.gov Contract #GS-07F-9287S expires 12-31-2025
Interstate Trailer	Trailers	Buyboard National Purchasing Cooperation www.info@buyboard Contract 687-22 expires 11-30-2025 TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #230802 expires 10-31-2026
Isuzu	Medium Trucks, Heavy Trucks	Buyboard National Purchasing Cooperation www.info@buyboard Contract 723-23 expires 11-30-2026 Sourcewell www.sourcewell-mn.gov Contract #060920-NAF expires 08-01-2024 TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #230802 expires 10-31-2026 and Contract #221001 expires 01-31-2026 and Contract #230803 expires 10-31-2026
JCB	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contract #020923-JCB expires 04-20-2027 and Contract #040319-JCB expires 05-31-2024 and Contract #020223-JCB expires 04-17-2027 HGAC www.hgacbuy.org Contract #EM06-19 Expires 5-31-2024
Jeep	Sedans, Light Trucks, SUV's ,Medium Trucks, Vans	TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #220304 expires 11-30-2024 Sourcewell www.sourcewell-mn.gov Contract #091521-NAF expires 11-08-2025
JLG Indus	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 GSA www.gsa.gov Contract No GS-03F-113DA expires 06-12-2026 HGAC www.hgacbuy.org Contract #CM02-21 expires 01-31-2025

John Deere	Motor graders, Wheel loaders Skid steer loaders, multi-terrain loaders, and compact track loaders, Dozers and track loaders Track excavators, wheel excavators, and material handlers; Grounds equipment(mowers, tractors, etc..)	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contact #011723-JDC expires 04-14-2027 and Contract #031121-DAC expires 04-30-2025 and Contract #082923-DAC expires 10-11-2027 HGAC www.hgacbuy.org Contract #GR01-20 Expires 06-30-2024 and Contract #EM06-19 expires 05-31-2024
Kaeser	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment, air compressors	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025
Kawasaki	UTVs	TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #210802 expires 10-31-2024 and Contract #230802 expires 10-31-2026 and Contract #230903 expires 11-30-2026
Kenworth	Medium Trucks, Heavy Trucks	Buyboard National Purchasing Cooperation www.info@buyboard Contract 723-23 expires 11-30-2026 Sourcewell www.sourcewell-mn.gov Contract #060920-KTC expires 0801-2024
Kohler	Generators	HGAC www.hgacbuy.org Contract #GE02-20 Expires 07-31-2024 Sourcewell www.sourcewell-mn.gov Contact #09222-KOH expires 11-22-2026 TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #230903 expires 11-30-2026
Komatsu	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 HGAC www.hgacbuy.org Contract #EM06-19 Expires 5-31-2024
Kubota	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contact #040319-KBA expires 05-31-2024 and Contract #082923-KBA expires 10-11-2027 and Contract #031121-KBA expires 04-30-2025 and Contract #122220-KBA expires 01-29-2025 HGAC www.hgacbuy.org Contract #GE02-20 Expires 07-31-2024
LaBrie	Refuse Trucks, Rear Loaders	Buyboard National Purchasing Cooperation www.info@buyboard Contract 686-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contract #110223-LEG expires 12-28-2027

Mack	Medium Trucks, Heavy Trucks	Buyboard National Purchasing Cooperation www.info@buyboard Contract 723-23 expires 11-30-2026 Sourcwell www.sourcwell-mn.gov Contract #091521-NAF expires 11-08-2025 and Contract #060920-MAK expires 08-01-2024
Magnum	Light Towers, Generators	Buyboard National Purchasing Cooperation www.info@buyboard Contract 687-22 expires 11-30-2025 HGAC www.hgacbuy.org Contract #GE02-20 Expires 07-31-2024
Mahindra	UTVs	TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #23020101 expires 04-30-2026
MaxxD	Trailiers	Buyboard National Purchasing Cooperation www.info@buyboard Contract 687-22 expires 11-30-2025 TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #2210001 expires 01-31-2026 and Contract #230802 expires 10-31-2026 and Contract #230803 expires 10-31-2026
McNeilus	Refuse Trucks, Rear Loaders, Front Loaders, Side Loaders,	Buyboard National Purchasing Cooperation www.info@buyboard Contract 686-22 expires 11-30-2025 Sourcwell www.sourcwell-mn.gov Contract #110223-MCN expires 12-28-2027
Mitsubishi	Forklifts, Lifttrucks, Pallet Jacks and Related Equipment	Sourcwell www.sourcwell-mn.gov Contact #091520-MCF expires 10-26-2025
New Holland	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcwell www.sourcwell-mn.gov Contact #082923-CNH expires 10-11-2027 and Contract #011723-CNH expires 04-14-2027 and Contract #032119-CNH expires 05-13-2024 HGAC www.hgacbuy.org Contract #EM06-19 Expires 5-31-2024
NewWay	Refuse Trucks, Rear Loaders, Front Loaders, Side Loaders,	Sourcwell www.sourcwell-mn.gov Contract #110223-NWY expires 12-28-2027 HGAC www.hgacbuy.org Contract #RH08-20 Expires 07-31-2024
Nissan	Sedans, Light Trucks, SUV's ,Medium Trucks, Vans	HGAC www.hgacbuy.org Contract #VE11-20 Expires 10-31-2024
PAC-MAC	Waste and Recycling Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 686-22 expires 11-30-2025 HGAC www.hgacbuy.org Contract #RH08-20 Expires 07-31-2024
Palfinger	Waste and Recycling Equipment	HGAC www.hgacbuy.org Contract #RH08-20 Expires 07-31-2024
Peterbilt	Medium Trucks, Heavy Trucks	Buyboard National Purchasing Cooperation www.info@buyboard Contract 723-23 expires 11-30-2026 Sourcwell www.sourcwell-mn.gov Contract #060920-PMC expires 08-01-2024 and Contract #060920-NAF expires 08-01-2024

Pierce	Fire Apparatus	HGAC www.hgacbuy.org Contract #AM10-23 Expires 09-30-2027 and Contract #FS12-23 expires 11-30-2027
PJ	Trailers,	Buyboard National Purchasing Cooperation www.info@buyboard Contract 687-22 expires 11-30-2025 HGAC www.hgacbuy.org Contract #TR11-18 expires 07-31-2024 GSA www.gsa.gov Contract No GS-30F-0014Y expires 01-26-2027 and Contract #47QMCA23D000L expires 01-25-2028 and Contract #GS-30F-028AA expires 09-25-2028
Polaris	Utility Vehicles	Sourcewell www.sourcewell-mn.gov Contract #122220-PSI expires 01-29-2025 HGAC www.hgacbuy.org Contract #FS12-23 expires 11-30-2027 TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #210907 expires 11-30-2024 and Contract #210802 expires 10-31-2024
Rev Ambulance Group	Emergency Vehicles, Fire Trucks and Equipment	TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #230405 expires 06-30-2026
Rhino	Flexwing Cutters, ground equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 706-23 expires 05-31-2026
Rolls Offs USA	Refuse containers	Buyboard National Purchasing Cooperation www.info@buyboard Contract 686-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contract #110223-MCN expires 12-28-2027 HGAC www.hgacbuy.org Contract #RH08-20 Expires 07-31-2024
Rosenbauer	Emergency Vehicles, Fire Trucks and Equipment	Sourcewell www.sourcewell-mn.gov Contract #113021-RSB expires 02-10-2026 HGAC www.hgacbuy.org Contract #AM10-23 Expires 09-30-2027 and Contract #FS12-23 expires 11-30-2027
Scag	Mowers, ground equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 706-23 expires 05-31-2026 Sourcewell www.sourcewell-mn.gov Contract #031121-SCG expires 04-30-2025
Scully's Aluminum Boats	Marine Boats	GSA www.gsa.gov Contract No GS-07F-0159W expires 12-21-2024
Stellar INC	Truck Bodies	TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #221001 expires 01-31-2026 and Contract #230803 expires 10-31-2026
Sullair	Air Compressors and Related Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025
Swaploader USA LTD	Hook lifts	HGAC www.hgacbuy.org Contract RH08-20 expires 07-31-2024 Sourcewell www.sourcewell-mn.gov Contract #080521-PBL expires 10-11-2025
Terex	Lifts, Cranes, Booms & Specialty Equipment	Sourcewell www.sourcewell-mn.gov Contact #110421-TER expires 12-27-2025 and Contract #020923-TER expires 04-20-2027 HGAC www.hgacbuy.org Contract #EM06-19 Expires 5-31-2024

Toro	Mowers, ground equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 706-23 expires 05-31-2026 Sourcewell www.sourcewell-mn.gov Contract #031121-TTC expires 04-30-2025
Townmaster Trailers	Trailers	Sourcewell www.sourcewell-mn.gov Contract #092922-MNR expires 12-20-2026
Toyota	Sedans, Light Trucks, SUV's ,Medium Trucks, Vans	Buyboard National Purchasing Cooperation www.info@buyboard Contract 724-23 expires 11-30-2026 Sourcewell www.sourcewell-mn.gov Contract #120716-NAF 10-31-2024 and Contract #FS12-23 expires 11-30-2027
Trailking	Trailers	Buyboard National Purchasing Cooperation www.info@buyboard Contract 687-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contact #092922-TKI expires 10-20-2026
Tymco	Sweepers	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contact #111522-TYM expires 02-03-2027
Vac-Con	Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Sourcewell www.sourcewell-mn.gov Contract #101221-VAC expires 11-29-2025 HGAC www.hgacbuy.org Contract #SC01-21 expires 12-31-2024 TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #221001 expires 01-31-2026
Vactor	Public Works Equipment	Sourcewell www.sourcewell-mn.gov Contract # 101221-VTR expires 11-29-2025 HGAC www.hgacbuy.org Contract #SC01-21 expires 12-31-2024
Vermeer	Chippers, Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contract #110421-VRM expires 12-27-2025 and Contract #030923-VRM expires 05-03- 2027 and Contract #031721-VRM expires 05-07-2025
Versalift	Aerial lifts, Bucket Trucks	Sourcewell www.sourcewell-mn.gov Contract #110421-TIM expires 12-27-2025
Volvo	Medium Trucks, Heavy Trucks Construction, Road/Bridge, Ditching, Trenching, Utility and Other Equipment	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025 Sourcewell www.sourcewell-mn.gov Contract #060920-NAF expires 08-01-2024 and Contract #011723-VCE expires 04-14- 2027 and Contract #060122-VTL expires 08-01-2026 HGAC www.hgacbuy.org Contract #EM06-19 Expires 5-31- 2024 and Contract # SM10-20 expires 09-30-2024 TIPS (The Interlocal Purchasing System) www.tips-usa.com Contract #230802 expires 10-31-2026
Warren	Trailers, Dump Bodies	Buyboard National Purchasing Cooperation www.info@buyboard Contract 685-22 expires 11-30-2025

Wells Cargo	Trailers	www.sourcewell-mn.gov Contract #092922-AGO expires 12-20-2026
Wheeled Coach	Rescue Vehicle	www.sourcewell-mn.gov Contract #122123-RVG expires 02-28-2028 and Contract #110921-RVO expires 02-23-2026 HGAC www.hgacbuy.org Contract #AM10-23 Expires 09-30-2027
Wittke	Refuse Trucks, Rear Loaders, Front Loaders, Side Loaders,	HGAC www.hgacbuy.org Contract #RH08-20 Expires 07-31-2024
Yale	Forklifts, Lifttrucks, Pallet Jacks and Related Equipment	GSA www.gsa.gov Contract No 47QMCA20D001G expires 03-30-2025



Agenda Information Sheet

File #: 24-1696

Item #: 14.

STRATEGIC PRIORITY: Housing & Homelessness Solutions
AGENDA DATE: June 12, 2024
COUNCIL DISTRICT(S): All
DEPARTMENT: Department of Housing & Neighborhood Revitalization
EXECUTIVE: Robin Bentley

SUBJECT

Authorize an amendment to **(1)** the Dallas Housing Policy 2033, as shown in the attached Exhibit A page 11 to **(a)** require 50% of the Department of Housing & Neighborhood Revitalization's annual funding to Equity Strategy Target Areas; **(2)** the Dallas Housing Resource Catalog to New Construction and Substantial Rehabilitation Program, as shown in the attached Exhibit B pages 31-39 to **(a)** add a preference to award to developer partners with no current outstanding housing projects with the City; **(b)** cap all gap funding provided to a developer at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exceptions for affordable housing projects in target areas and developments with specific project initiatives); **(c)** revise and provide consistency in repayment terms for annual cash surplus payments for developers; **(3)** Single Family Development Requirements/Underwriting, as shown in the attached Exhibit B pages 71-81 to **(a)** add a preference for single-family and homeownership development; **(b)** add a preference to award to developer partners with no current outstanding housing projects with the City; **(c)** cap all gap funding provided to a developer at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exceptions for affordable housing projects in target areas and developments with specific project initiatives); **(d)** revise and provide consistency in repayment terms for annual cash surplus payments for developers; and **(4)** the Land Transfer Program, as shown in the attached Exhibit B pages 44-49 **(a)** to authorize the City Manager to provide a defaulting developer's third-party private financial institution an opportunity to cure the developer's default before the City exercises its Right of Reverter with a right of reentry for affordable multi-family rental or single-family homeownership projects when the third-party lender's loan is in an amount greater than the City's financing - Financing: No cost consideration to the City

BACKGROUND

Dallas Housing Policy 2033 (DHP33) - The DHP33 was adopted to replace the Comprehensive Housing Policy (CHP) by Resolution No. 23-0443 on April 12, 2023, based on the fundamental premise that equity reduces disparities while improving outcomes for all. The following preference is proposed to provide equitable investments and opportunities in target areas throughout the City utilizing a targeted approach.

The proposed policy amendment to the DHP33 will require 50% of the Department of Housing & Neighborhood Revitalization's annual funding to Equity Strategy Target Areas as outlined in Exhibit A described as Pillar One Smartie Goals.

New Construction and Substantial Rehabilitation Program - The City Council authorized the adoption of the CHP by Resolution No. 18-0704 which included developer programs: New Construction and Substantial Rehabilitation Program (NCSRP), the Single-Family Homeownership Development Requirements Program (SFHDRP), and the Land Transfer Program (LTP). Since the inception of the policy, multiple amendments have been authorized.

On August 7, 2020, the Notice of Funding Availability (NOFA) for gap financing in the form of repayable loan support for acquisition and rehabilitation of affordable housing units was created. The NOFA was issued by the Department of Housing & Neighborhood Revitalization (Housing) in accordance with the CHP, as restated as the DHP33 and Dallas Housing Resource Catalog (DHRC). Housing administers both the NCSRP and the SFHDRP to appropriately incentivize private investment for the development of quality, sustainable housing that is affordable to the residents of the City. Specifically, Housing administers the NCSRP which, when necessary, seeks to provide financial assistance to new developments or to substantially rehabilitate existing developments. All projects seeking financial assistance are required to submit a Notice of Intent to apply for financial assistance through NOFA to develop affordable homeownership and rental housing. As outlined in the NOFA, multiple sources of funding are available; however, proposed projects must meet specific thresholds to qualify for the use of a specific funding source. At minimum, each proposed project must be composed of at least five affordable units and must achieve a fundable score as outlined in the NOFA solicitation.

Challenges facing the NCSRP are due to the current conditions in the real estate market including frequent and large gap financing requests during the fiscal year from the same developers which results in the depletion of available gap financing to smaller developers. In an effort to be more equitable in the disbursements of gap funding to small, mid-size, and large-scale developers, setting parameters around the number of times a NOFA application is submitted during a fiscal year as well as capping the amount of gap financing would create equitable outcomes for all.

For the NCSRP, staff recommends policy amendments to the DHRC adding the following preferences for project selection: 1) awards to new developer partners or current partners that have not been awarded in the past two years to allow equitable distribution of gap financing; 2) cap all gap funding provided to a developer at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exceptions for affordable housing projects in target areas and developments with specific project initiatives); and 3) revise and provide consistency in repayment terms for annual cash surplus payments for developers.

Single-Family Homeownership Development Requirements Program - For the SFHDRP, staff recommends policy amendments to the DHRC adding the following preferences for project selection: 1) single-family and homeownership development; 2) awards to new developer partners or current partners that have not been awarded in the past two years to allow equitable distribution of gap financing; 3) cap all gap funding provided to developers at a maximum 25% of total development cost or \$5,000,000.00, whichever is less subject to exceptions for affordable housing projects in target areas and developments with specific project initiatives; and 4) revise and provide consistency in repayment terms for annual cash surplus payments for developers.

Use of Right-of-Reverter with Right of Reentry (ROR) in Land Transfer Program - Under the DHP33 and the DHRC, the LTP authorizes the sale of surplus lots (subject to Texas Local Government Code, Section 272.001(g)) or tax-foreclosed lots (subject to Texas Tax Code, Section 34.051) to qualified developers. The sale of land transfer lots to qualified developers facilitates the construction of affordable housing units for low- and moderate-income households (as well as targeted commercial uses). Pursuant to applicable law, the City sells the property subject to a right-of-reverter with right of reentry to ensure that construction and sale or rental of the affordable units actually takes place and imposes deed restrictions to ensure that the housing units constructed remain affordable for a certain period of time as specified by the LTP.

The LTP requires the developer to sell the newly constructed home to a qualified homebuyer and that any subsequent resale of the home by the initial qualified homebuyer must be to another qualified household during the 5-year affordability period ("resale deed restriction") if the qualified homebuyer is not a Dallas Homebuyer Assistance Program (DHAP) participant. If the qualified homebuyer is a DHAP participant the LTP resale deed restriction is released and replaced with DHAP ("recapture deed restriction") for the specified affordability period ranging from five to 15 years depending on the amount homebuyer assistance provided to the qualified homebuyer.

State law authorizes the City to sell the LTP lots without public notice and bidding if the sale is for a public purpose - affordable housing. To ensure that the city is not providing an unconstitutional gift to developers by selling them public property at below market value, the LTP imposes various deed restrictions and a right of reverter with right of reentry (ROR) on the lots to ensure compliance with the public purpose-affordable housing - as established by the City Council.

The deed restrictions on all LTP parcels require: 1) the property to be developed per the size, quality, public infrastructure access and other requirements in the development agreement; 2) a defined number of units to be developed for low- to moderate-income households and remain the primary residence for qualified homebuyers for the affordability period; and 3) a cap on the sales price based on the AMI income band.

The conditions under which the City exercises the ROR are if the developer: 1) fails to take possession of land within 90 calendars after receiving the deed; 2) fails to complete construction of housing units or other development on real property, or fails to ensure occupancy by eligible households within timeframe set forth in the development agreement; 3) incurred a lien on property due to violations city ordinance and failed to fully pay off lien within 180 days of the City's recording of lien; or 4) sold, conveyed, or transferred land without the City's consent. Ultimately, the City releases the ROR when developer completes construction and sells to qualified homebuyer within the required timeframe.

The ROR is superior to (precedes) the developer's third-party lender's liens. Current challenges regarding the use of the ROR in LTP development deals whereby construction financing is provided by a third party. Issues have centered around whether the City's ROR is absolute and without notice or right to cure which have complicated developers' ability to secure construction financing. To address this challenge, the LTP is being amended to allow the city to provide the third-party lender with a right to cure a developer's default before the City exercises its reverter right in instances when the third-party lender's construction loan exceeds the amount of the City's loan.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Housing and Homelessness Solutions Committee was briefed on the “Update on Development Programs” on March 25, 2024, and on April 22, 2024.

[The Housing and Homelessness Solutions Committee was briefed by memorandum regarding this matter on May 24, 2024.](#)

FISCAL INFORMATION

No cost consideration to the City.

June 12, 2024

WHEREAS, on May 9, 2018, the City Council adopted the Comprehensive Housing Policy (CHP) by Resolution No. 18-0704; and

WHEREAS, after the adoption of the CHP, the City Council authorized multiple amendments to the CHP on November 28, 2018, by Resolution No. 18-1680; on May 22, 2019, by Resolution No. 19-0824; on March 27, 2019, by Resolution No. 19-0429 and Ordinance No. 31142; on June 12, 2019, by Resolution No. 19-0884; on June 26, 2019, by Resolution No. 19-1041; on September 25, 2019, by Resolution No. 19-1498; on December 11, 2019, by Resolution No. 19-1864; on September 9, 2021, by Resolution No. 21-1450; on January 22, 2020, by Resolution No. 20-0188; on August 26, 2020, by Resolution No. 20-1220; on January 27, 2021, by Resolution No. 21-0212; on September 9, 2021, by Resolution No. 21-1450; on October 13, 2021, by Resolution No. 21-1655; on October 13, 2021, by Resolution No. 21-1656; on May 11, 2022, by Resolution No. 22-0744; and on September 28, 2022, by Resolution No. 22-1432; and

WHEREAS, on April 12, 2023, the City Council adopted the Dallas Housing Policy 2033 (DHP33) to replace the CHP by Resolution No. 23-0443 and the Dallas Housing Resource Catalog (DHRC) to include the approved programs from the CHP by Resolution No. 23-0444; and

WHEREAS, the DHP33 and the DHRC, which sets forth the City's housing programs, including developer programs: New Construction and Substantial Rehabilitation Program (NCSRP), Single-Family Development Requirements (SFDRU), and the Land Transfer Program (LTP); and

WHEREAS, state law authorizes the City to sell real property lots without public notice and bidding in certain instances including when the sale is for a public purpose – affordable housing; and

WHEREAS, the City sells surplus lots (subject to Texas Local Government Code, Section 272.001(g)) and tax-foreclosed lots (subject to Texas Tax Code, Section 34.051) to qualified developers through the City's LTP for the construction of affordable single-family homes and rental units for low- to moderate-income households; and

WHEREAS, the LTP requires the city to impose various deed restrictions and a right of reverter (ROR) with right of reentry on the lots to ensure compliance with the public purpose; and

WHEREAS, the LTP requires developers to sell newly constructed single-family homes to a qualified buyer and any subsequent resale of the home by the initial qualified homebuyer must be to another qualified household during the five-year affordability period; and for affordable rental housing, each unit must be leased by a qualified tenant for the 20-year affordability period; and

June 12, 2024

WHEREAS, the conditions under which the City exercises the right of reverter with right of reentry are if the developer: 1) fails to take possession of land within 90 calendars after receiving the deed; 2) fails to complete construction of housing units or other development on real property, or fails to ensure occupancy by eligible households within timeframe set forth in the development agreement; 3) incurred a lien on property due to violations city ordinance and failed to fully pay off lien within 180 days of the City's recording of lien; or 4) sold, conveyed, or transferred land without City's consent; and

WHEREAS, numerous developers and lenders state that the City's ROR decreases the developers' ability to obtain construction financing because the City's ROR is superior to a third-party lender's foreclosure; and

WHEREAS, the City desires to amend the LTP to provide the defaulting developer's third-party lender with a right to cure a developer's default before the city exercises its ROR in instances when the third-party lender's construction loan exceeds the amount of the City's loan; and

WHEREAS, under the DHRC, the NCSRP and SFDRU provides gap financing to developers constructing single-family homes through a competitive Notice of Funding Availability (NOFA); and

WHEREAS, in an effort to be more equitable in the disbursement of gap funding to small, mid-size, and large-scale developers, setting parameters around the number of times a NOFA application is submitted, capping the amount of gap funding provided would create equitable outcomes for all; and

WHEREAS, the City desires to allocate 50% of the Department of Housing & Neighborhood Revitalization's annual funding to targeted investments in Equity Strategy Target Areas; and

WHEREAS, exceptions will be made to the amount of gap funding provided to affordable housing project in target areas and developments with specific project initiatives to meet housing production goals and objectives as outline in the DHP33 and DHRC; and

WHEREAS, to incentivize developers to utilize gap funding to for development of additional single-family homeownership developments throughout the City of Dallas, a preference will be added to the SFDRU.

Now, Therefore,

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

June 12, 2024

SECTION 1. That the City Council is hereby authorizes the City Manager or his/her designee to amend **(1)** the Dallas Housing Policy 2033, as shown in the attached Exhibit A page 11 to ~~(a)~~ require 50% of the Department of Housing and Neighborhood Revitalization's annual funding to Equity Strategy Target Areas; **(2)** the Dallas Housing Resource Catalog New Construction and Substantial Rehabilitation Program, as shown in the attached Exhibit B pages 31-39 to **(a)** add a preference to award to developer partners with no current outstanding housing projects with the City; **(b)** cap all gap funding provided to a developer at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exceptions for affordable housing projects in target areas and developments with specific project initiatives); **(c)** revise and provide consistency in repayment terms for annual cash surplus payments for developers; **(3)** Single Family Development Requirements/Underwriting, as shown in the attached Exhibit B pages 71-81 to: **(a)** add a preference for single-family and homeownership development; **(b)** add a preference to award to developer partners with no current outstanding housing projects with the City; **(c)** cap all gap funding provided to a developer at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exceptions for affordable housing projects in target areas and developments with specific project initiatives); **(d)** revise and provide consistency in repayment terms for annual cash surplus payments for developers; and **(4)** amend the Land Transfer Program, as shown in the attached Exhibit D to **(a)** authorize the City Manager to provide a defaulting developer's third-party private financial institution an opportunity to cure the developer's default before the City exercises its right of reverter with a right of reentry for affordable single-family homes and multi-family rental projects when the third-party lender's loan is in an amount greater than the city's financing.

SECTION 2. 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

DALLAS HOUSING POLICY 2033

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ACKNOWLEDGEMENTS

The Department of Housing and Neighborhood Revitalization would like to thank everyone who participated in the process of developing the DHP33 framework. This initiative epitomizes how collaboration between the city and stakeholders can create effective public policy.

City of Dallas Leadership

Mayor Eric Johnson

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Council Member Jesse Moreno
Council Member Casey Thomas II
Council Member Carolyn King Arnold
Council Member Jaime Resendez
Council Member Omar Narvaez
Council Member Adam Bazaldua

Council Member Tennell Atkins
Council Member Paula Blackmon
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Council Member Jaynie Schultz
Council Member Cara Mendelsohn
Council Member Donnell Willis
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David Noguera, Director, Housing and Neighborhood Revitalization

INTRODUCTION

Racial and economic inclusion are integral to Dallas’ housing growth. Accordingly, through the Dallas Housing Policy 2033, the City seeks to continue to reduce disparities that disproportionately impact historically disadvantaged communities by providing quality affordable mixed-income housing initiatives across the City.

In January 2021, the Housing and Homelessness Solutions Committee asked the Department of Housing and Neighborhood Revitalization Department to conduct a racial equity audit of the Comprehensive Housing Policy (CHP). The equity audit of the CHP, which took place from July 2021 to December 2021, produced eleven recommendations to address disproportionate impacts on historically disadvantaged communities. The

eleven recommendations challenge the City to reconsider its approach to affordable housing, moving from a production model to an impact model while addressing quality of life for Dallas residents.

At the same time, the Office of Equity and Inclusion was developing the City’s first Racial Equity Plan to set equity goals, measures, and action targets for all 42 City

departments. The adoption of the eleven recommendations of the Comprehensive Housing Policy Racial Equity Assessment, by resolution No. 22-0664, and the Racial Equity Plan by the Dallas City Council, by resolution 22-1236, set the stage to create a new housing policy based on the fundamental premise that equity reduces disparities while improving outcomes for all.

COMMUNITY ENGAGEMENT

Dallas Housing Policy 2033 (DHP33) development process started in July 2022 with community engagement activities reaching 2,065 people through in-person meetings, virtual meetings, focus groups, interviews, and consultations with City staff.

An additional 7,083 individuals connected through social media and 1,847 through the [Dallas Accountability for Housing Equity Story Map](#) This process will conclude with the City Council’s adoption of DHP33 in April 2023.

Residents, housing advocates, and industry experts that have participated in this process shared that housing affordability is fundamentally about choice, that Dallas residents should be able to

choose to live in safe, quality housing in a neighborhood with access to high-paying jobs, healthy food, and healthcare, which is free from airborne toxins, protected from flooding, has adequate street lighting, and is in proximity to family, friends, faith, culture, and other community connections, all of which are vital to wellbeing.

SUPPORTING DATA

According to the 2018 North Texas Regional Housing Assessment, disparities in housing opportunity continue to negatively affect historically disadvantaged Dallas residents.¹

These disparities include significantly lower homeownership rates, higher housing cost burden ([HUD](#) defines

cost-burdened families as those “who pay more than 30 percent of their income for housing”), lower median property value, higher likelihood of living in substandard housing, and greater exposure to airborne

¹ 2018 North Texas Regional Housing Assessment, Executive Summary, page 4. <https://dhan.tx.com/wp-content/uploads/2019/03/North-Texas-Regional-Housing-Assessment-2018.pdf>

toxins and other environmental hazards associated with living in neighborhoods too close to industrial operations.

The following charts help illustrate some of the disparities DPH33 aims to reduce. A more comprehensive outline and discussion of supporting data, including city maps depicting the geography of infrastructure deficits and other disparities, can be found in Appendix A, Disparities Analysis Supporting New Housing Policy Strategies.

Chart 1 (top right) shows the pronounced racial disparities among City of Dallas households having “severe housing problems,” which the U.S. Department of Housing and Urban Development (HUD) defines as housing units in which the household has at least one of the following:

- Lack of complete kitchen facilities
- Lack of plumbing facilities
- Overcrowding
- Spending more than 50% of its income on rent and utilities.²

The chart shows the percentage of households meeting this definition for the city’s three largest racial/ethnic groups:

- African American (Non-Hispanic/Latinx)
- Hispanic/Latinx, regardless of their identified race (White or Non-White)
- White (Non-Hispanic/Latinx)

As the chart illustrates, the percentage of African-American (Non-Hispanic/Latinx) and Hispanic/Latinx households with severe housing problems is each about twice the percentage of White (Non-Hispanic/Latinx) households. Rates of severe housing problems for the

remaining 6% of Dallas households are as follows: 25% for Asian / Pacific Islander, 19% for Native American, 20% for Other (includes “Two or More races” and “Some Other Race”).

Chart 2 (middle right) shows the pronounced racial disparities in median home value among City of Dallas households. The three groups compared in this chart are the same as those compared in Chart 1, the city’s three largest racial/ethnic groups.

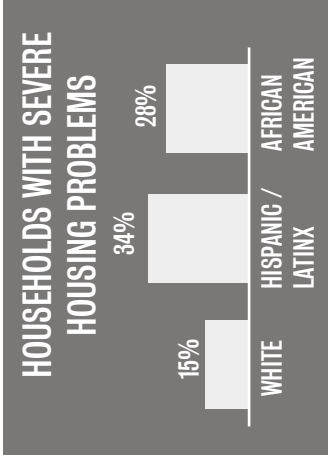
Chart 2 illustrates that the average median home value for White (Non-Hispanic/Latinx) households is over three times higher than the average median home value for African-American (Non-Hispanic/Latinx) and Hispanic/Latinx households. Average median home value for the Asian / Pacific Islander, the next largest racial/ethnic group in Dallas, is \$245,000.

Chart 3 (bottom right) shows the pronounced racial disparities in homeownership rates among City of Dallas households. The three groups compared in this chart are the same as those compared in Charts 1 and 2, the city’s three largest racial/ethnic groups.. The chart illustrates that the homeownership rate for White (Non-Hispanic//Latinx) households is almost twice the rate for African-American (Non-Hispanic/Latinx) households and is significantly higher than the rate for Hispanic/Latinx households. Homeownership rates for the remaining 6% of Dallas households are as follows: 34.8% for Asian / Pacific Islander, 44.3% for Native American, 37% for Other (includes “Two or More races” and “Some Other Race”).

Source: American Community Survey 2016-20, <https://www.census.gov/newsroom/press-kits/2021/acs-5-year.html>

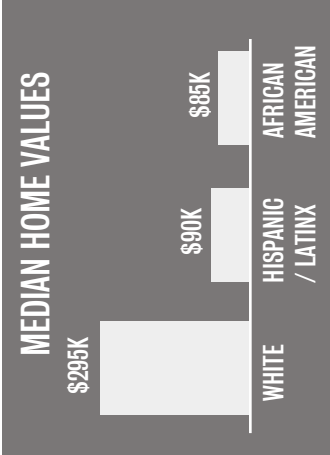
² https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html#:~:text=A%20household%20is%20said%20to,exceeding%2030%25%20of%20monthly%20income.

Chart 1. Racial Disparities in Severe Housing Problems in the City of Dallas



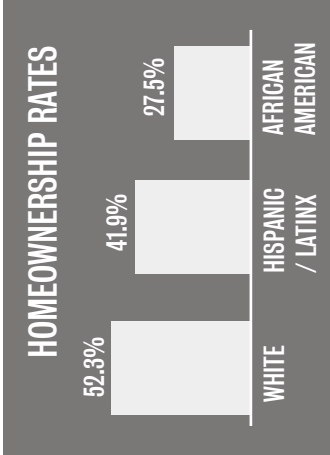
Source: Analysis of Impediments to Fair Housing Choice, City of Dallas, July 2019, page 65. <https://dallascityhall.com/departments/office-of-equity-and-inclusion/Fair-Housing/PublishingImages/Pages/default/Dallas%202019%20AI%20with%20Appendix.pdf>

Chart 2. Racial Disparities in Median Home Value in the City of Dallas



Source: Racial Wealth Divide in Dallas, October 2018, https://prosperitynow.org/sites/default/files/resource/2018-10/Racial_Wealth_Divide_in_Dallas.pdf

Chart 3. Racial Disparities in Homeownership Rates in the City of Dallas



Source: American Community Survey 2016-20, <https://www.census.gov/newsroom/press-kits/2021/acs-5-year.html>

ALIGNMENT WITH OTHER CITY INITIATIVES

DHP33 is designed to work across city departments in a collaborative manner, leveraging their expertise and resources to impact residential communities.

Below are examples of current City initiatives that have a direct relationship with housing. As other plans or policies are developed, DHP33 will work in alignment with them.

- The [Racial Equity Plan \(REP\)](#) is intended to advance equity and assist City leaders by establishing short-, mid-, and long-term goals to minimize existing inequities. The REP is the product of City leadership, community input, and intentional deliberation with City departments focused on advancing equity by closing disparity gaps for residents with the greatest need.

City of Dallas services, developers, nonprofits, and other organizations to bring \$100 million of investment to historically disadvantaged communities by December 2027.
- Develop affordable housing for educators and staff in proximity to higher education institutions
 - Pursue non-traditional sources of funding (for example, loan funds consisting of public/private capital focused on building mixed-income/mixed-use developments) and align incentive use with affordable housing goals to support the production of mixed-income development projects

- The [Economic Development Policy](#) fosters economic growth and social progress for all residents. It is a powerful and proactive mechanism that supports hyper-local investments, new job creation, and corporate relocation. It is the tool needed to foster resilient and prosperous communities. DHP33 supports the interdepartmental planning and external collaboration needed for the City to successfully take the following housing-related actions outlined in the Economic Development Policy:
- Prioritize the preservation of naturally occurring affordable housing (NOAH) and aging low-income housing tax credit (LIHTC) developments
 - Establish housing tools beyond HUD programs that expand capacity to support market-rate development in adding workforce housing

- Conduct trainings, workshops, and capacity-building initiatives
- Explore funding options to create a funding pool for gap financing and review underwriting process for developer scale and equity
- Convene CDCs, developers, and neighborhood partners to identify needs.

[ForwardDallas Land Use update](#) is the citywide visionary plan that establishes guidelines for how public and private land should be used and what the city should look like. These decisions about the use and design of land affect almost everything,

including employment opportunities, commute times, access to green space, air quality, and food access. As ForwardDallas is developed, staff and city consultants will work to increase the production of housing in a targeted manner that aligns with the goals of DHP33.

The **Comprehensive Environmental and Climate Action Plan (CECAP)** was released by the City of Dallas on April 22, 2020 - the 50th anniversary of the first Earth Day - in recognition of the need for community-oriented and data-driven solutions to the environmental challenges we face as a city, a state, and a nation.

CECAP states that:

- Zero Net Energy (ZNE) building requirements could increase the cost of new construction and pose a barrier to new affordable housing development. The City will evaluate the cost implications for these new low-income housing developments along with an estimate of the return on investment. The upfront cost may be higher than existing, the significantly reduced ongoing energy costs will benefit low-income residents.

- The City will develop a public-facing land use strategy in a holistic and comprehensive manner that aligns mixed-income housing and jobs around transit and is coordinated with DART's long-range transit plan.

- The city needs to synergize land use and housing with transportation infrastructure to increase access to walking and biking options and public transit.

DPH33 enhances the City's ability to coordinate actions in these areas with actions to equitably increase housing opportunities. As other plans or policies are developed by city departments or with external partners, DHP33 is positioned to work together with them to advance multiple initiatives.

THE SEVEN PILLARS OF HOUSING EQUITY

DHP33 has seven pillars of housing equity that weave together the strategies guiding implementation, leverage internal and external partnerships, and revitalize neighborhoods through housing development that meets the needs of all Dallas residents.

While there are interconnections between the seven pillars, each pillar has its own distinct aim that defines how it will contribute to increasing housing equity and affordability:

These seven pillars will ensure the grounding of all collaboration and program management in:

- Directing housing and neighborhood revitalization resources administered by the city
- Addressing disparities that negatively impact historically disadvantaged communities
- Providing affordable mixed-income housing initiatives across the city.

Achieving the aims of the seven pillars requires the City to measure performance using Specific, Measurable, Achievable, Relevant, Time-bound, Inclusive, and Equitable (SMARTIE) goals for each pillar. The SMARTIE goals will orient all efforts to implement the strategies within each pillar. They will also provide a way for the City Council, City staff, and the public to measure progress in a transparent manner.



EQUITY PILLARS

Pillar

Policy Statement/Aim

1 Equity Strategy Target Areas

Identify specific disparities in housing opportunities and reduce them utilizing a targeted approach

2 Citywide Production

Increase production to improve housing affordability for a broad mix of incomes in all areas of the city

3 Citywide Preservation

Increase preservation to improve housing affordability for a broad mix of incomes in all areas of the city

4 Infrastructure

Prioritize infrastructure investments in equity strategy target areas

5 Collaboration and Coordination

Align strategies and resources to maximize the impact of partnerships with internal and external stakeholders

6 Engagement

Cultivate diverse and multi-lingual avenues of communication with residents across all neighborhoods to guide City's housing investment decisions

7 Education

Develop a city-wide, collaborative campaign to increase YIMBYism (Yes in My Back Yard) for housing affordability and the people who need it

THE 7 PILLARS OF HOUSING EQUITY

EACH PILLAR HAS ITS OWN DISTINCT AIM THAT DEFINES HOW IT WILL CONTRIBUTE TO INCREASING HOUSING EQUITY AND AFFORDABILITY.

Increasing racial equity while also increasing citywide housing affordability requires targeted strategies.

These strategies must be tailored to address historical disparities and current conditions that vary throughout the city. The tools and tactics used to improve mixed-income affordability for each target area will be selected based on data, community engagement, financial resources, and alignment with other City initiatives to:

- Increase affordable homeownership or rental opportunities
- Reduce infrastructure deficits
- Prioritize anti-displacement strategies
- Avoid concentration of dedicated affordable units in historically disadvantaged areas
- Preserve cultural integrity and community institutions
- Identify development resources
- Mitigate Racially or Ethnically Concentrated Areas of Poverty (R/ECAP)

Each strategy target area will be selected by:

- Collecting and analyzing quantitative and qualitative data to identify racial inequities
- Incorporating strategies for preventing displacement while preserving the cultural integrity of communities at risk of being displaced
- Identifying the quality-of-life factors and attributes needed to ensure that residents can thrive (health, education, environment, employment, infrastructure, nutrition, safety, transportation)
- Identifying potential locations for affordable housing, including single-family homes, homeownership opportunities, preserved units, and affordable rental units
- Including a design standard that ensures quality development, rehabilitation, and preservation
- Specifying the investment resources needed, including
 - Public dollars from the city’s housing department programs and other City department investments
 - Philanthropy
 - Nonprofit and Minority and Women-Owned Business Enterprise (M/WBE) housing developments
 - Tax and regulatory incentives

EQUITY STRATEGY
TARGET AREAS

IDENTIFY SPECIFIC DISPARITIES IN HOUSING OPPORTUNITIES AND REDUCE THEM UTILIZING A TARGETED APPROACH.

SMARTIE GOALS

- 1

By March 31, 2024, establish measurable indicators of progress in reducing identified disparities for each target area
- 2

By December 31, 2024, establish neighborhood eligibility criteria for anti-displacement investments
- 3

By December 31, 2024, select strategy target areas, and establish measurable indicators of progress in reducing identified disparities in each target area
- 4

By December 31, 2024, ensure that each [City Service Area's](#) boundaries overlap with the boundaries of at least one established strategy target area to ensure a citywide approach to reducing disparities
- 5

By December 31, 2027, analyze equity strategy target area to assess continuity or consider potential creation of new areas
- 6

By December 31, 2033, evaluate the impact of DHP33 in established equity strategy target areas and determine readiness to adopt additional areas
- 7

By September 31, 2024, develop a process dedicating at least 50% of each Fiscal Year Housing budget to be allocated to the target areas.

“ A NEIGHBORHOOD'S BASIC NEEDS MUST BE MET BEFORE A LARGER CONVERSATION AROUND EQUITY CAN BEGIN. THERE MUST BE GREATER INVESTMENT IN THESE NEIGHBORHOODS FIRST. ”

– Meeting Participant

“ THERE IS NO EQUITY IN HOME IMPROVEMENT PROGRAMS. THE PROGRAMS NEED MORE RESOURCES AND THE APPLICATION PROCESS SHOULD BE CHANGED TO INCREASE ACCESS TO THOSE WHO NEED IT. ”

– Meeting Participant

STRATEGY OVERVIEW

Increasing the number of dedicated affordable housing units and market-rate units affordable to a broad mix of incomes requires adapting existing tools and developing new tools.

It also requires a comprehensive approach to reducing barriers that hamper the efforts of both nonprofit and for-profit developers. To build credibility with community stakeholders and leverage private investments for housing developments the City will collaborate with:

- The development community, including both private and nonprofit developers
- Philanthropic entities
- Advocacy groups
- Neighborhood residents
- Other City departments

To increase City-wide production, the City will:

- Maximize housing choice by investing in the development of a range of housing types
- Ensure that affordable housing production does not concentrate dedicated affordable units
- Invest in cultivating the capacity of affordable housing nonprofit and small for-profit developers
- Support all affordable housing projects that include infill and master-planned developments

“ WE NEED QUALITY, AFFORDABLE HOUSING THAT IS NOT JUST QUICKLY BUILT AND POORLY DESIGNED.”
– Meeting Participant

SMARTIE GOALS

- 1

By December 31, 2024, create a database of developments to manage project timelines and expenditures
- 2

By December 31, 2033, increase production of dedicated affordable rental housing units by 10% each year for households at 0% to 120% of Dallas Area Median Income
- 3

By December 31, 2033, increase production of dedicated affordable ownership housing units by 5% each year for households at 0% to 120% of Dallas Area Median Income

CITYWIDE PRODUCTION

INCREASE PRODUCTION TO IMPROVE HOUSING AFFORDABILITY FOR A BROAD MIX OF INCOMES IN ALL AREAS OF THE CITY.

STRATEGY OVERVIEW

The City will identify existing dedicated affordable units such as Low-Income Housing Tax Credit (LIHTC) properties, naturally occurring affordable rental units, and owner-occupied houses in need of repair to forecast preservation needs across the city.

The city will collaborate with nonprofits, MWBEs, neighborhood leaders, philanthropic groups, community groups, and the private sector to leverage resources.

SMARTIE GOALS

- 1 By December 31, 2024, create a database of affordable housing to target for preservation
- 2 By December 31, 2033, increase preservation of multi-family rental units by 10% each year for households at 0% to 120% of Dallas Area Median Income
- 3 By December 31, 2033, increase preservation of single-family owner-occupied units by 5% each year for households at 0% to 120% of Dallas Area Median Income

“ PRESERVATION OF NATURALLY AFFORDABLE HOUSING & TENANT PROTECTIONS ARE VERY IMPORTANT PARTS OF AFFORDABILITY.”

– Meeting Participant

CITYWIDE PRESERVATION

INCREASE PRESERVATION TO IMPROVE HOUSING AFFORDABILITY FOR A BROAD MIX OF INCOMES IN ALL AREAS OF THE CITY.

Functional infrastructure is a key element for developing and preserving affordable housing.

Areas that experience low homeownership rates, low median home values, and high housing-cost burdens also have infrastructure deficits that complicate efforts to improve affordable housing.

By prioritizing infrastructure investment in equity strategy target areas, the City can improve its affordable housing efforts. To this end, the City will develop common cross-departmental infrastructure investment strategies for designated strategy target areas.

To address the needed infrastructure to develop and preserve affordable housing, the City will:

- Identify infrastructure priorities for needs such as but not limited to: internet access, transportation enhancements, flood plain mitigation, and stormwater drainage systems to establish a baseline of need
- Leverage planned private investments in mixed-income housing developments
- Apply infrastructure development guidelines put forth in adopted city plans related to equity and housing affordability

“BASIC NEEDS MUST BE MET BEFORE LARGER CONVERSATIONS CAN BE HAD AROUND EQUITY.”

- Meeting Participant

SMARTIE GOALS

- 1

By December 31, 2024, identify infrastructure priorities that support the development or preservation of affordable housing for needs such as but not limited to: internet access, transportation enhancements, floodplain mitigation, and stormwater drainage systems
- 2

By December 31, 2025, assess the value of infrastructure needs in target areas and establish a 10-year budget to address those needs
- 3

By December 31, 2033, reduce identified infrastructure deficits from the baseline by 5% each year that supports the development and preservation of affordable housing

INFRASTRUCTURE

PRIORITIZE INFRASTRUCTURE INVESTMENTS IN EQUITY STRATEGY TARGET AREAS.

STRATEGY OVERVIEW

City departments and external partners integral to equitable housing development and preservation will make the commitment to work in concert to facilitate neighborhood revitalization and make strategic investments in a coordinated fashion.

To align collaboration and coordination efforts, the City will:

- Develop interdepartmental agreements between city departments that highlight common goals for resource allocations, planning, and timing of projects
- Develop formal agreements with external organizations for partnerships to develop and preserve affordable housing
- Identify new initiatives by internal and external partners as they arise and assess them to advance DHP33

SMARTIE GOALS

- 1 By December 31, 2023, identify internal and external agreements to develop and execute that support DHP33 goals
- 2 By March 31, 2024, execute top ten agreements identified and initiate implementation plan to support DHP33 goals
- 3 By March 31, 2025, execute the remaining priority agreements identified to advance the development and preservation of affordable housing

“ CITY OFFICES NEED TO BE CONNECTED AND INFORMED AND WORKING TOGETHER. ”
– Meeting Participant

“ CITY SHOULD LEVERAGE EXISTING NONPROFITS TO EXPAND ON THEIR WORK AND MAKE THINGS EFFECTIVE. ”
– Meeting Participant

COLLABORATION & COORDINATION

ALIGN STRATEGIES AND RESOURCES TO MAXIMIZE THE IMPACT OF PARTNERSHIPS WITH INTERNAL AND EXTERNAL STAKEHOLDERS.

Advancing equity is both a process and an outcome, meaning before locations are selected and housing investment decisions are made, the community must be engaged to inform the process, ensuring their needs and expectations are reflected in the outcomes.

The listening sessions, conclusions drawn, and accountability measures used all factor into how city actions are received by the public. DHP33 sets the standard for community engagement that will be applied prior to, during, and post housing investments.

To enhance engagement that supports housing development and preservation, the City will:

- Dedicate resources for community engagement activities that are accessible, informative, and sustainable to all residents
- Authentically engage Dallas residents to minimize confusion on planned activities and better understand community interests and expectations
- Implement housing activities that reflect the will of the people, rather than a select few, at times and in places accessible to a wider array of residents

SMARTIE GOALS

1 By December 31, 2023, provide staffing resources to carry out the sustainable community engagement structure

2 By December 31, 2024, build a network of community stakeholders that represents the demographics of Dallas communities

3 By December 31, 2033, use engagement as the mechanism to drive program design, resource allocations, and communications with stakeholders

“ THERE NEEDS TO BE SUSTAINED ENGAGEMENT AND CONSISTENT WORK FOR RETENTION OF KNOWLEDGE AND MAINTAINING TRUST AND RELATIONSHIPS WITH PEOPLE. ”

- Meeting Participant

ENGAGEMENT

CULTIVATE DIVERSE & MULTI-LINGUAL AVENUES OF COMMUNICATION WITH RESIDENTS ACROSS ALL NEIGHBORHOODS TO GUIDE CITY’S HOUSING INVESTMENT DECISIONS.

STRATEGY OVERVIEW

Cultivating support for affordable housing development and preservation requires a commitment to education.

Residents, investors, city staff, and elected officials must be educated on the value of affordable housing and the fallacies that persist around the people it serves. Long before projects are considered, forums must be established to review data, best practices and engage in healthy conversations about diversity in our communities.

To build an educational campaign around YIMBYism, the City will:

- Invest in a cross-departmental approach to building a storyboard of historical events and activities that influenced affordable housing in Dallas
- Invest in the development of educational resources on the value of affordable housing and the people who need it
- Convene community stakeholders to discuss housing and community development interests, leveraging experts who specialize in mediating difficult conversations

SMARTIE GOALS

- 1 By December 31, 2023, establish a live dashboard with publicly accessible data of government-subsidized and naturally occurring affordable housing units in Dallas
- 2 By December 31, 2024, invest in a storyboard of historical events and activities that influenced affordable housing in Dallas
- 3 By December 31, 2033, use network of community stakeholders representing the demographics of Dallas communities to develop and deploy educational resources on the value of affordable housing and the people who need it

“ THERE IS A DIFFERENCE BETWEEN SELF DETERMINATION AND SELF INTEREST. SELF DETERMINATION IS ABOUT ACHIEVING EQUITY. SELF INTEREST IS ABOUT NIMBYISM. ”

– Meeting Participant

IMPLEMENTATION

The implementation plan for DHP33 will be guided by the work of the City Council, the City Manager, the Department of Housing & Neighborhood Revitalization, and other city departments over the next six to twelve months.

A companion document, the Dallas Housing Resource Catalog (DHRC), will house the programs, corporations, and compliance and funding resources designed to achieve DHP33 SMARTIE Goals. Both DHP33 and DHRC will include SMARTIE goals that measure progress in advancing racial equity annually over a 10-year period.

Beyond the DHP33 and DHRC, city staff and consultants will collaborate to develop a sustainable community engagement

structure that will inform an inclusive housing task force, select equity strategy target areas, and complete agreements with internal and external partners. These approaches, along with progress reports and presentations, will be provided to the City Council on an established schedule. Adjustments will follow as needed to build equity through targeted investments in housing development and preservation.





APPENDICES

APPENDIX A

DISPARITIES ANALYSIS SUPPORTING NEW HOUSING POLICY STRATEGIES

In the years leading up to the Dallas City Council’s 2018 adoption of the Comprehensive Housing Policy (CHP), studies revealed concentrations of poverty in historically segregated areas where African-American and Hispanic/Latinx people resided.

In seeking to address these concentrated areas of poverty, the 2018 CHP:

- Discouraged investing in areas with high concentrations of African-American and Hispanic/Latinx households living in poverty, including areas designated as Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)³ and/or those labeled “Distressed” by the 2018 Market Value Analysis (MVA)⁴

- Encouraged investing in a limited number of relatively small zones located across the city that meet MVA criteria indicating superior potential for the development or preservation of mixed-income housing with proximity to high-paying jobs and infrastructure offering economic opportunity.

The MVA refers to these preferred areas as:

- **Redevelopment Areas:**
Midtown, High-Speed Rail, Wynnewood, and Red Bird
- **Emerging Market Areas**
Southern Gateway, Pleasant Grove, and University Hills
- **Stabilization Areas**
LBJ Skillman, Vickery Midtown, Casa View, Forest District, East Downtown, The Bottom/Tenth Street, West Dallas, and Red Bird North
- **Significantly more likely to have severe housing problems**
 - The percentage of African-American (Non-Hispanic/Latinx) and Hispanic/Latinx households with severe housing problems is each about twice the percentage of White (Non-Hispanic/Latinx) households.⁵
- **Significantly less likely to own their own homes**
 - The homeownership rate for White (Non-Hispanic/Latinx) households is almost twice the rate for African-American (Non-Hispanic/Latinx) households and is significantly higher than the rate for Hispanic/Latinx households.

The boundaries of the CHP reinvestment zones and Dallas’s R/ECAPs as of 2016 are highlighted in Map 1 (right).

This narrowly focused CHP investment approach does not address how pervasively housing disparities limit opportunity for African-American and Hispanic/Latinx residents across the entire city, and especially within the large portion of the city commonly known as Southern Dallas.

As the charts included above in the Supporting Data section illustrate, compared to White (Non-Hispanic/Latinx) households, African-American and Hispanic/Latinx households are:

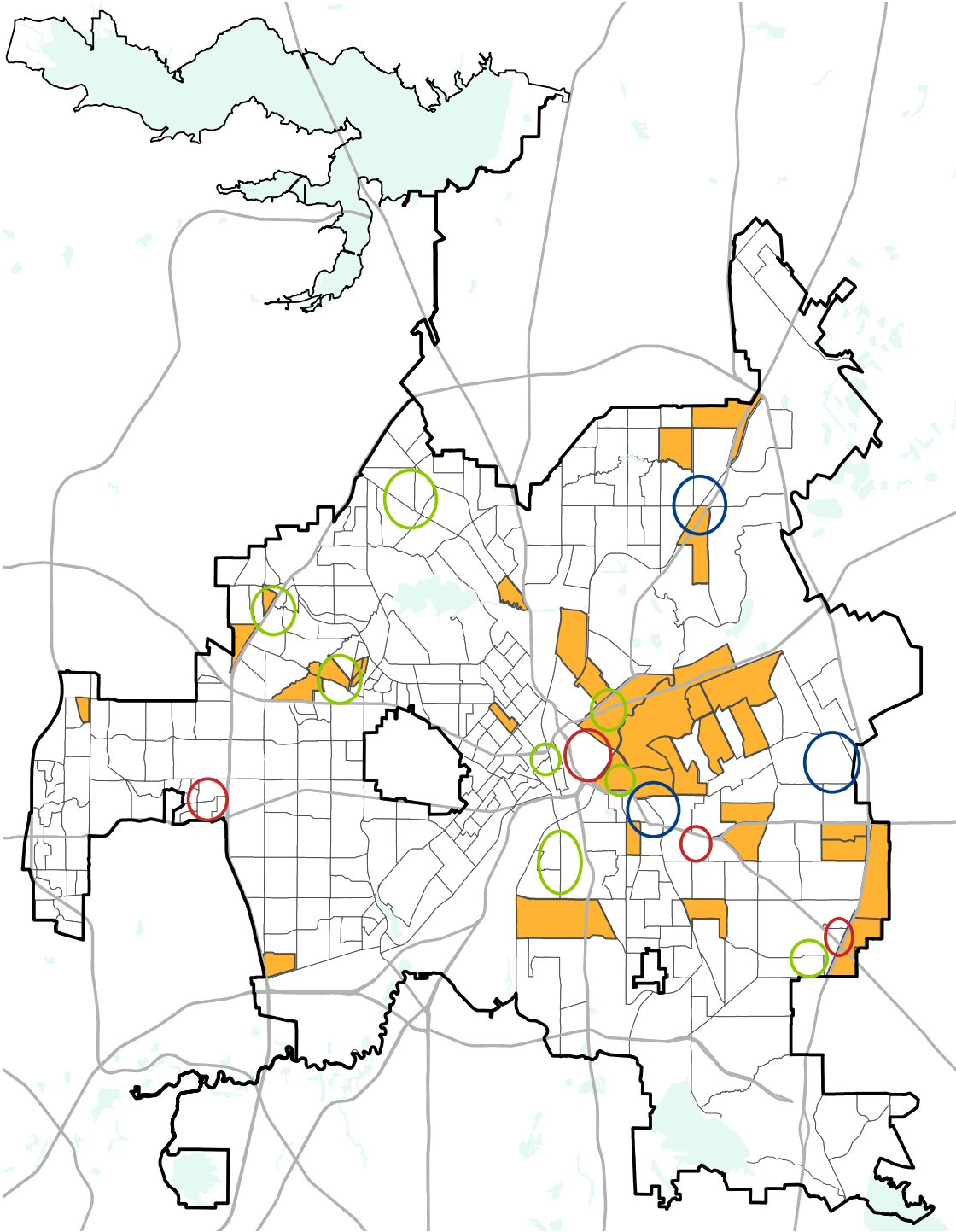
- **Significantly more likely to be impacted by low home values**
 - The average median home value for White (Non-Hispanic/Latinx) households is over three times higher than the average median home value for African-American (Non-Hispanic/Latinx) and Hispanic/Latinx households.

³ R/ECAPs are defined by HUD as areas in which: (1) the non-white population comprises 50 percent or more of the total population and (2) the percentage of individuals living in households with incomes below the poverty rate is either (a) 40 percent or above or (b) three times the average poverty rate for the metropolitan area, whichever is lower.

⁴ <https://dallascityhall.com/departments/pnv/Pages/MarketValueAnalysis.aspx>

⁵ Severe housing problems are defined as the percentage of housing units in which the household has at least one of the following: lack of complete kitchen facilities, lack of plumbing facilities, overcrowding, or spending more than 50% of its income on rent and utilities.

Map 1. 2019 Dallas Fair Housing Study Map showing CHP reinvestment areas and R/ECAPs



Source: Analysis of Impediments to Fair Housing Choice, City of Dallas, July 2019

These disparities and others, such as disparities in neighborhood infrastructure, are not concentrated in areas designated as R/ECAPs or categorized as “Distressed” by the MVA. Rather, they exist in neighborhoods across the entire city in which African-American, Hispanic/Latinx, and other People of Color make up the majority of residents. The maps below illustrate the systemic way these pervasive disparities create what the 2019 Dallas Fair Housing Study called an “inequitable landscape of opportunity” that stretches across Southern Dallas and reaches into many areas North of I-30 and North of the Trinity River.

Legend

Emerging Market Area

Redevelopment Area

Stabilization Areas

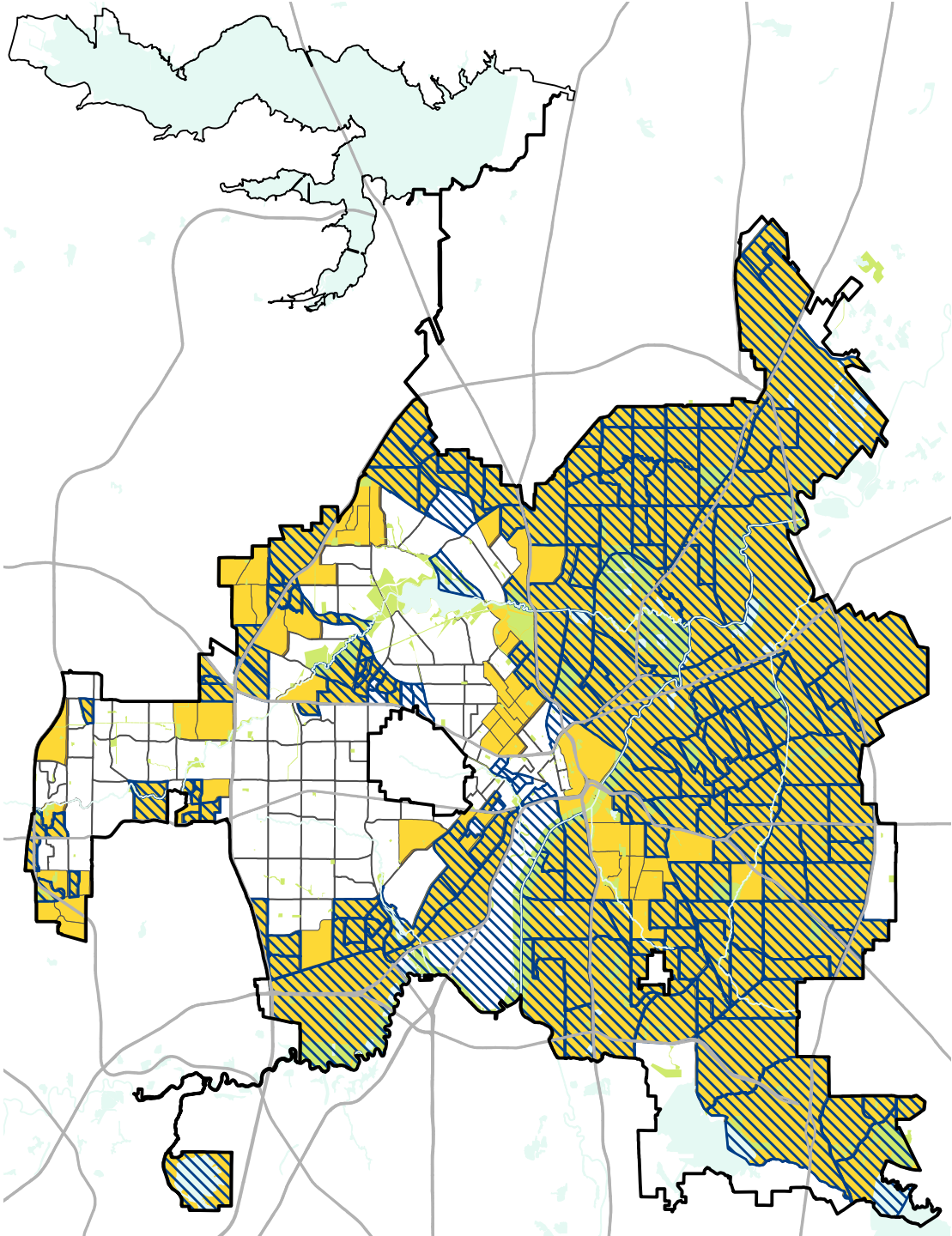
Reinvestment Areas

R/ECAP 2016

Yes

⁶ Non-Hispanic/Latinx White residents make up 28.1% of the city’s population., Non-Hispanic/Latinx African-American residents make up 22.9%, and Hispanic/Latinx residents make up 42.3%. The remaining 6.7% of residents are identified as Non-Hispanic/Latinx Other Race and are included in the group identified as People of Color for this analysis. (<https://www.dallasecdev.org/490/Demographics>)

Map 2. Below Citywide Average Median Home Values in City of Dallas Census Tracts by Racial/Ethnic Majority



Source: American Community Survey 2016-20, <https://www.census.gov/newsroom/press-kits/2021/acs-5-year.html>

Map 2 shows the geography of disparities in median home values.

Census tracts with median home values below the citywide average are those with cross-hatching. To show racial/ethnic demographics, census tracts in which the majority of residents are non-Hispanic/Latinx White have a white background, and all other

all other census tracts (labeled as “Majority People of Color”) have a dark yellow background. The map shows the much higher tendency for the “Majority People of Color” tracts to have below-average median home values.

Legend

Census Tracts with Below Average Home Values

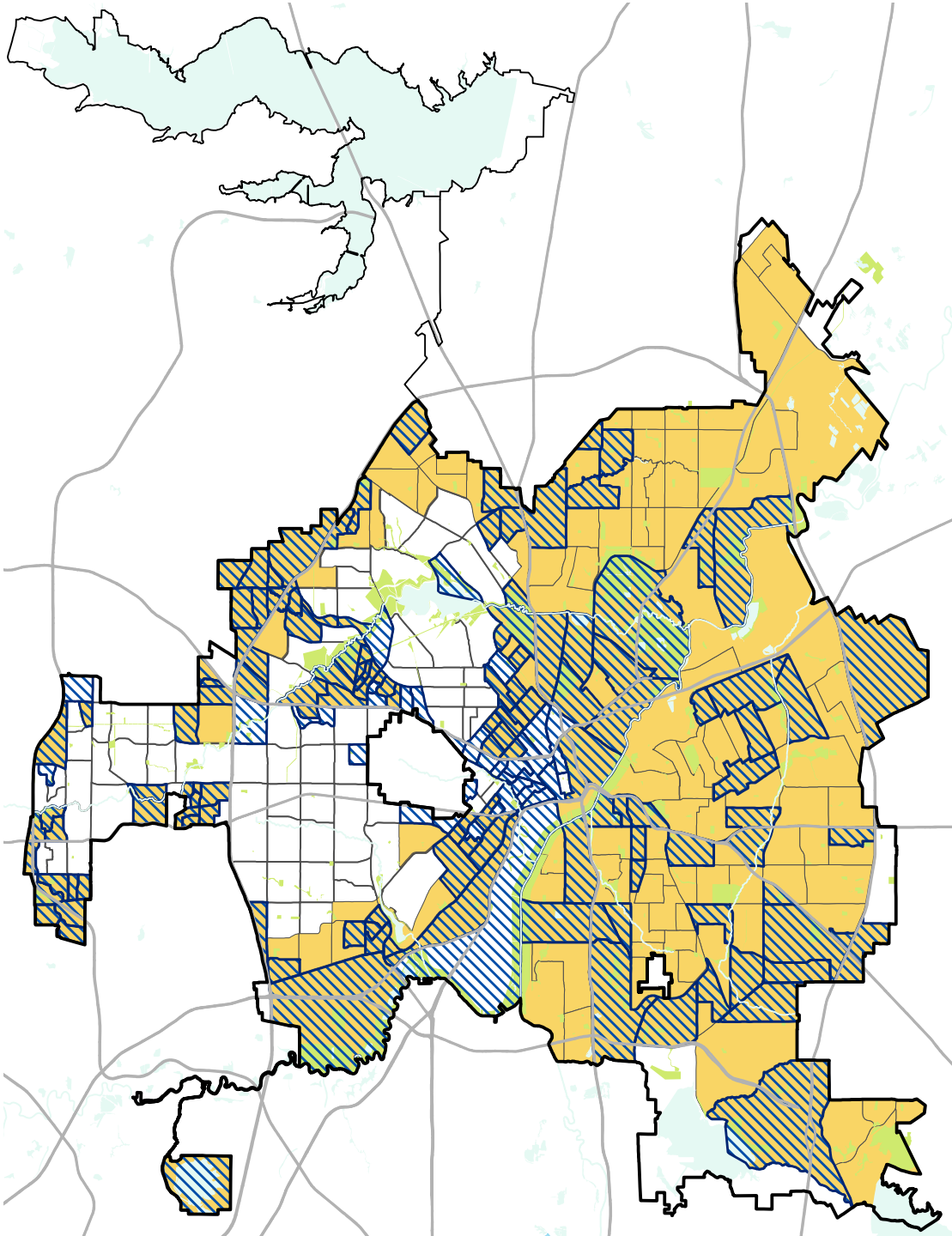
Census Tracts with Below Average Home Values

Census Tracts with Majority People of Color

Majority People of Color

Majority White

Map 3. Below Citywide Average Homeownership Rates in City of Dallas Census Tracts by Racial/Ethnic Majority



Source: American Community Survey 2016-20, <https://www.census.gov/newsroom/press-kits/2021/acs-5-year.html>

Map 3 shows the geography of disparities in homeownership rates.

Census tracts with homeownership rates below the citywide average are those with cross-hatching. As in Map 2, census tracts in which the majority of residents are non-Hispanic/Latinx White have a white background, and all other

census tracts (labeled as “Majority People of Color”) have a dark yellow background. The map shows the much higher tendency for the “Majority People of Color” tracts to have below-average homeownership rates.

Legend

Census Tracts with Below Average Homeownership Rates

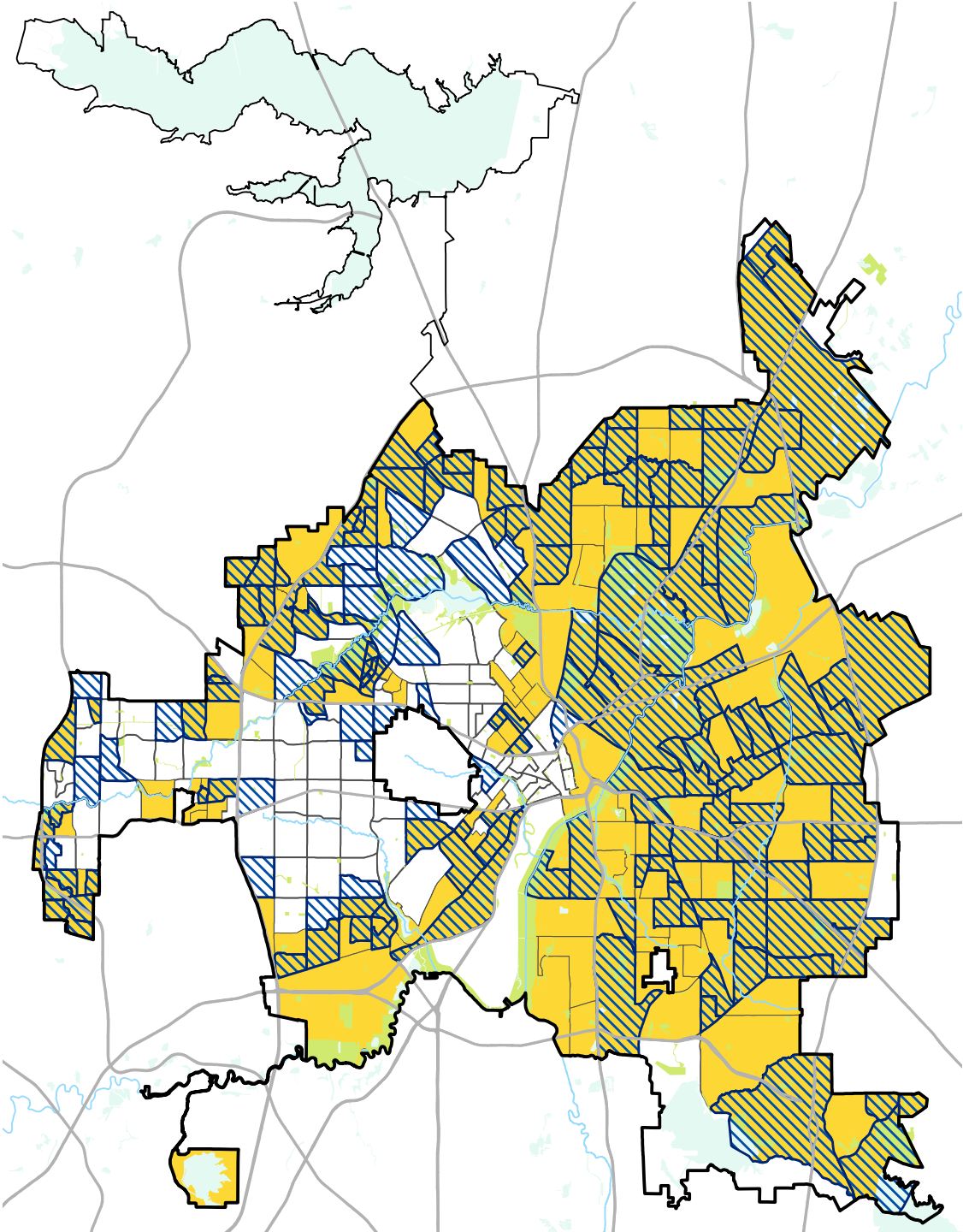
Census Tracts with Below Average Homeownership Rates

Census Tracts with Majority People of Color

Majority People of Color

Majority White

Map 4. Above Citywide Average Housing Cost Burdened Rates in City of Dallas Census Tracts by Racial/Ethnic Majority



Source: American Community Survey 2016-20, <https://www.census.gov/newsroom/press-kits/2021/acs-5-year.html>

Map 4 shows the geography of disparities in housing cost burden rates.

Census tracts with housing cost burden rates above the citywide average are those with cross-hatching. As in Map 2, census tracts in which the majority of residents are non-Hispanic/Latinx White have a white background, and all other census tracts (labeled as “Majority People of Color”) have a dark yellow background. The map shows the higher tendency for the “Majority People of Color” tracts to have above-average housing cost burden rates.

Legend

Census Tracts with Above Average Rental Cost Burdened Households



Census Tracts with Above Average Rental Cost Burdened Households

Census Tracts with Majority People of Color

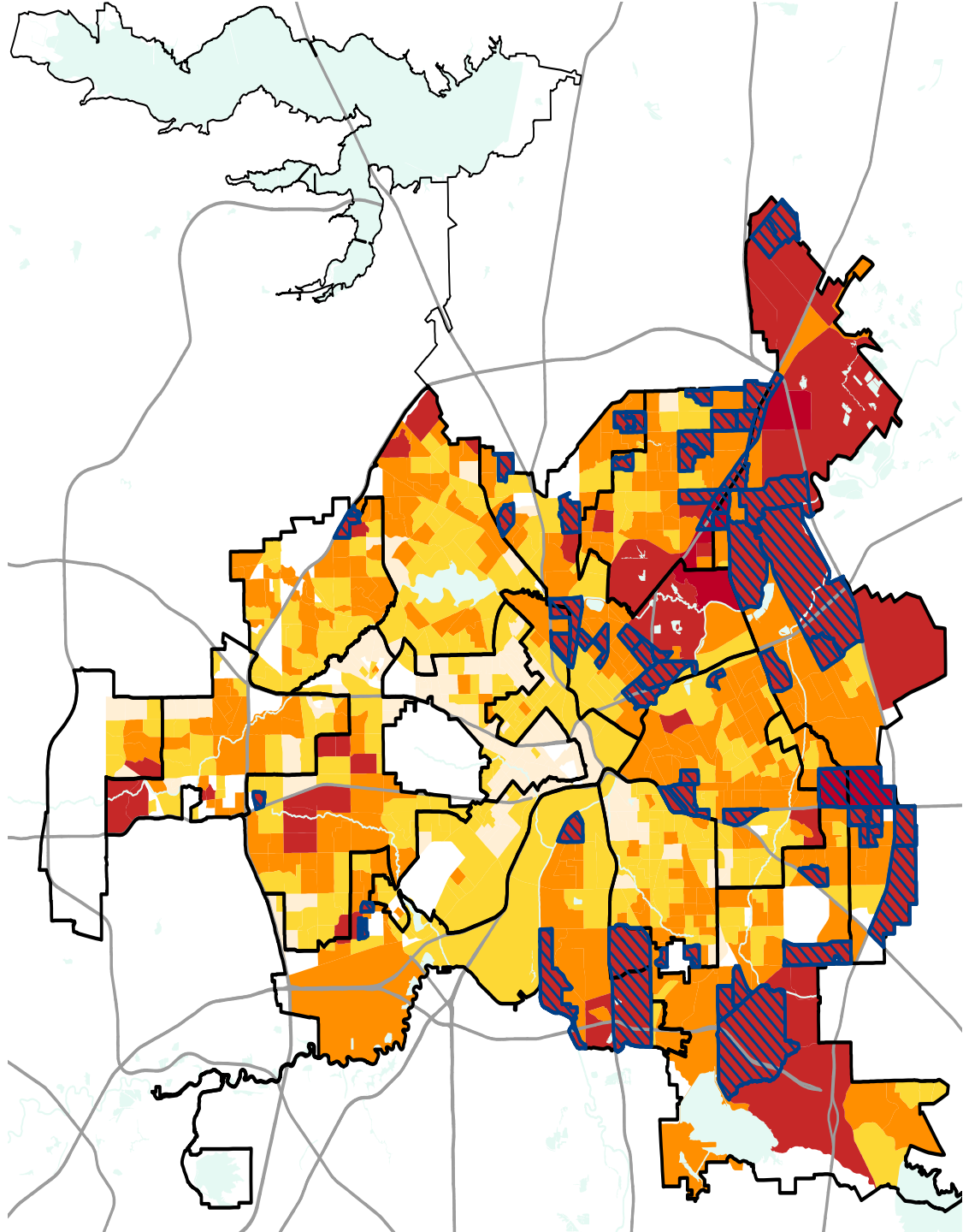


Majority People of Color



Majority White

Map 5. Infrastructure Deficits and Infrastructure Deserts City of Dallas Census Tracts



Source: Database shared by Southern Methodists University, Department of Civil and Environmental Engineering, created 2022


Map 5 shows the geography of disparities in infrastructure that negatively impact housing opportunities.

The different colors represent different levels of infrastructure deficiency from census tract to census tract, according to a recent study by Southern Methodist University Professor Barbara Minsker.⁷ The infrastructure types used by the study to determine the level of deficiency are pavement, noise walls, crosswalks, sidewalks, internet service, street tree canopy, as well as residents’ access to food, bike and pedestrian trails, public transportation, gathering places, medical services and banks.


The cross-hatched census tracts in Map 5 are those the study labeled “infrastructure deserts.” According to an SMU report on the study’s findings: “The researchers...[were able] to identify 62 Dallas neighborhoods as infrastructure deserts: low-income areas highly deficient in infrastructure that creates a safe, functional and economically viable area in which to live. Known as infrastructure deserts, most of the neighborhoods are located in the southern part of the city and home to primarily low-income, Black and Hispanic residents.”⁸

Legend

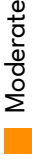
Overall Infrastructure Deficiency Level



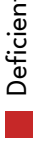
Excellent



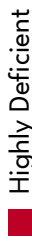
Good




Moderate



Deficient



Highly Deficient



Infrastructure Deserts

⁷ <https://www.smu.edu/stories/neighborhoods-in-focus>
⁸ <https://www.smu.edu/stories/neighborhoods-in-focus>

The compounding effect of the pervasive disparities illustrated in these maps and in the charts above has been demonstrated in numerous published studies focused on Dallas as well as studies focused on other communities.

For example, Cullum Clark, Director of the George W. Bush Institute-SMU Economic Growth at Southern Methodist University, outlines this compounding effect in his 2022 white paper, The Dallas Collaborative for Equitable Development, Year Two: Adapting to Old and New Challenges in Southern Dallas. Dr. Clark describes “the lasting imprint on the economic geography of Southern Dallas” left by “decades of redlining, policies to promote northward development, ‘urban renewal’ initiatives, and construction of highways and other infrastructure running through the middle of historically Black and Hispanic neighborhoods.” His paper summarizes of the systemic impact of these policies in this way:

“Southern Dallas is a vast, under-invested urban expanse that has experienced little economic progress in recent decades... The area south of Interstate 30 plus West Dallas between I-30 and the Trinity River is physically larger than the city of Atlanta and contains approximately 600,000 people or about 45% of the city’s population. But it represents less than 15% of the city’s assessed property value. It has fewer housing units and jobs than it had at the start of the 21st century. Black and Hispanic people constitute just over 80% of Southern Dallas’s population, compared with 62% for the city as a whole, based on the 2010 Census. The Black and Hispanic population of Southern Dallas exceeds the total populations of Washington, Boston, or Seattle.”⁹

Dr. Clark’s paper adds to an extensive body of data documented in the 2018 North Texas Regional

Housing Assessment, the 2019 Analysis of Impediments to Fair Housing Choice, City of Dallas Fair Housing Study, and other research documenting the breadth and depth of Dallas’s inequitable landscape of opportunity. The city’s [Racial Equity Plan](#) (REP) points to this breadth and depth on page 14 when it outlines how “data continues to demonstrate how race and ethnicity predict life outcomes for Dallas residents.” The REP also notes on page 18 that “experts say housing is a key indicator for success as it impacts families’ access to schools, healthcare, and other resources.”

The conclusions reached by these studies and plans demonstrate the need for a very different approach to equitably improving housing affordability in Dallas than the approach at the center of the CHP. In alignment with the REP, Dallas’s housing policy framework requires a comprehensive strategic approach for increasing opportunities for all residents negatively impacted by racial disparities. Like other Dallas residents, they should be able to choose to live in safe, quality housing in a neighborhood with access to high-paying jobs, healthy food, and healthcare, freedom from airborne toxins, protection from flooding, adequate street lighting, and proximity to family, friends, faith, culture, and other community connections vital to wellbeing.

Dallas’s primary strategies to increase housing opportunity for all should not depend on the willingness and ability of people currently living in neighborhoods with very high poverty rates and blight to move to the few

neighborhoods identified by the MVA as having strong potential for return on public investment. The breadth and depth of the inequitable landscape requires collaborative, targeted game plans for developing thriving neighborhoods over a far wider geographic area. The disparities data demand a vision for improving the lives of the many thousands of people across the city who are negatively affected by severe housing problems, low homeownership rates, low home values, poor infrastructure, and other obstacles to prosperity, health, and well-being. The disparities data necessitate intensive community engagement that amplifies and prioritizes the input of those most impacted by disparities. Finally, the disparities data call for the Housing Department’s flexibility in identifying which approaches will work best to support and facilitate mixed-income housing production and preservation from neighborhood to neighborhood.

DHP2033 aligns with the REP by strategically addressing the systemic issues revealed by the data. DHP2033’s strategies:

- Broaden the city’s housing policy focus to “address... [the] inequitable landscape of opportunity with coordinated and geographically-targeted actions across City departments and agencies,” as recommended by the 2019 Fair Housing Study
- Tailor strategies to reflect dramatic differences in the historical and current conditions from one area of the city to the next, including differences among potential Neighborhood Revitalization Strategy Areas
- Avoid contributing to further concentrations of poverty within R/ECAPs and “Distressed” areas, but also avoid writing off these areas as inappropriate for city housing planning and investment
- Authentically engage residents and communities most impacted by identified housing disparities rather than encourage them to move to areas highlighted in the MVA, which in many cases would weaken connections to family, friends, places of worship, and other aspects of community essential to health and wellbeing

- Invest in the collaboration required to redress deeply rooted inequities while developing and preserving mixed income areas—collaboration among departments and agencies as well as collaboration that leverages the resources and expertise of for-profit and nonprofit developers, community leaders advocating for housing affordability and equity, and neighborhood residents with lived experience of inequity

- Ensure that targeted planning for mixed income development and preservation efforts are integrated with anti-displacement efforts using the toolkit under development
- Establish a broad set of SMARTIE goals creating a mechanism for measuring equitable progress toward increased city-wide housing opportunity as well as equitable planning and plan implementation
- Establish a transparent and inclusive community oversight structure and invest in sufficient staff capacity to center the voices and meaningfully share decision making with a wide range of grassroots stakeholders in addition to stakeholders with expertise in real estate development, non-profit affordable housing production, neighborhood planning, fair housing and housing justice, and philanthropy

⁹ https://recouncil.com/wp-content/uploads/2022/06/DCED-Year-2-Report_Adapting-to-Old-and-New-Challenges-2.pdf

APPENDIX B

COMMUNITY ENGAGEMENT: SUMMARY OF QUALITATIVE DATA COLLECTION

Community Equity Solutions, (CES) partnered with buildingcommunityWORKSHOP to develop and implement a community engagement strategy that would allow for authentic participation from multiple sectors in co-creating essential elements of the housing policy. The team used multiple communication modes, including in-person, telephonic, email, and social media connections.

The team also used a community organizing approach of connecting with known individuals who, in turn, would recommend additional parties to be involved, developing materials to inform people of events, activities, and opportunities for engagement. This approach recognizes that building trust is essential in authentic engagement between city officials and the community. Increasing trust comes from being persistent and consistent since it is common for people to step back and watch how a process will unfold before fully engaging.

The team set a goal to make direct connections with 1,000 individuals. Direct connection means individual communication either in person, via email conversation, or by phone. Between August and December 2022, the team exceeded that goal, establishing a direct connection with 2,063 individuals. Several individuals had more than one contact. Detailed contact information was shared with the Department of Housing and Neighborhood Revitalization with permission from the contacted individuals.

Community engagement strategy components included:

- Development of Outreach materials
 - All materials produced in English and Spanish
- Outreach to all City Council Members and Mayor
 - Memos updating the City Council on process and progress
 - Community meeting notices and invites to distribute among constituents
 - Invitations to all City Council members to meet with the team and collaborate on organizing community meetings
 - Housing Committee Chairman Thomas and Council Members Willis and West attended 1 or more community meetings/summits and made recommendations for people and groups to engage in the process

- Council Member Schultz collaborated with the team to include this initiative in one of her established community sessions
- Individual Council Member and Mayor meetings
 - Chairman Thomas and Councilmembers Schultz, Resendez, MPT Arnold, West
 - Staff representing the Office of the Mayor
- Follow-up meetings with stakeholders recommended by City Council Members
- Dallas County Commissioner Dr. Theresa Daniel attended one of the community summits

- Community Meetings
 - One in each City Service Area
 - 2 Virtual Meetings
 - In response to community input, the team added 4 additional meetings, including one in person and one virtual predominantly in Spanish

- Participants included residents of all 14 districts (see map on page 39)
- Attended City Council Member events to share information regarding the policy and invite participants to community meetings
- Two day-long Strategy Summits

buildingcommunityWORKSHOP Story Map

- [Dallas Accountability for Housing Equity \(DAHE\)](#)¹²

- List of all meetings hosted by CES / buildingcommunity WORKSHOP
- Meeting Attendance
- Agenda, notes and pictures from each event
- Allied community events hosted by forwardDallas, the Office of Equity and Inclusion, and the group that hosted The Accommodation book discussions
- 1,847 connections

Community Organizers

The team deployed four local community organizers recruited through outreach to community groups interested in housing. In August and September 2022, we conducted qualitative research to identify potential community partners to be part of the community engagement process.

The Department of Housing & Neighborhood Revitalization staff provided initial contacts that led to us locating additional potential community partners. The community organizers the team recruited proceeded to meet with neighborhood and homeowners associations. In addition, the community organizers:

- Canvassed neighborhoods, meeting with individual community members to obtain thoughts and opinions on what should be included in the housing policy and inviting residents to community meetings
- Facilitated and participated in community meetings hosted by community groups

Outreach to community advocacy leaders to obtain their input on the policy and recommendations for additional residents with whom to connect

Emails sharing our process and progress, inviting people to community meetings, and sharing initial drafts of the policy framework for input

- Emails to Housing Policy Task Force
- Emails to contact list

Social Media - 7,893 hits combined on Facebook, Twitter, and Instagram

Co-Creation of the Policy Framework

Co-creation is a process where people impacted by a policy, plan, or initiative are integral in its development. Facilitators meet with parties and obtain priorities, ideas, and essential elements. They take that information, qualitative data, combine it with the quantitative data on the subject matter, and draft the piece to be co-created. The piece is then circulated for additional comments and suggestions. This back and forth can occur several times before the co-created piece has its essential components. Once all components are developed, the piece is copyedited into an easily accessible document.

City staff played an integral role in the co-creation process:

- Office of Equity and Inclusion
- forwardDallas!
- Housing and Neighborhood Revitalization Department

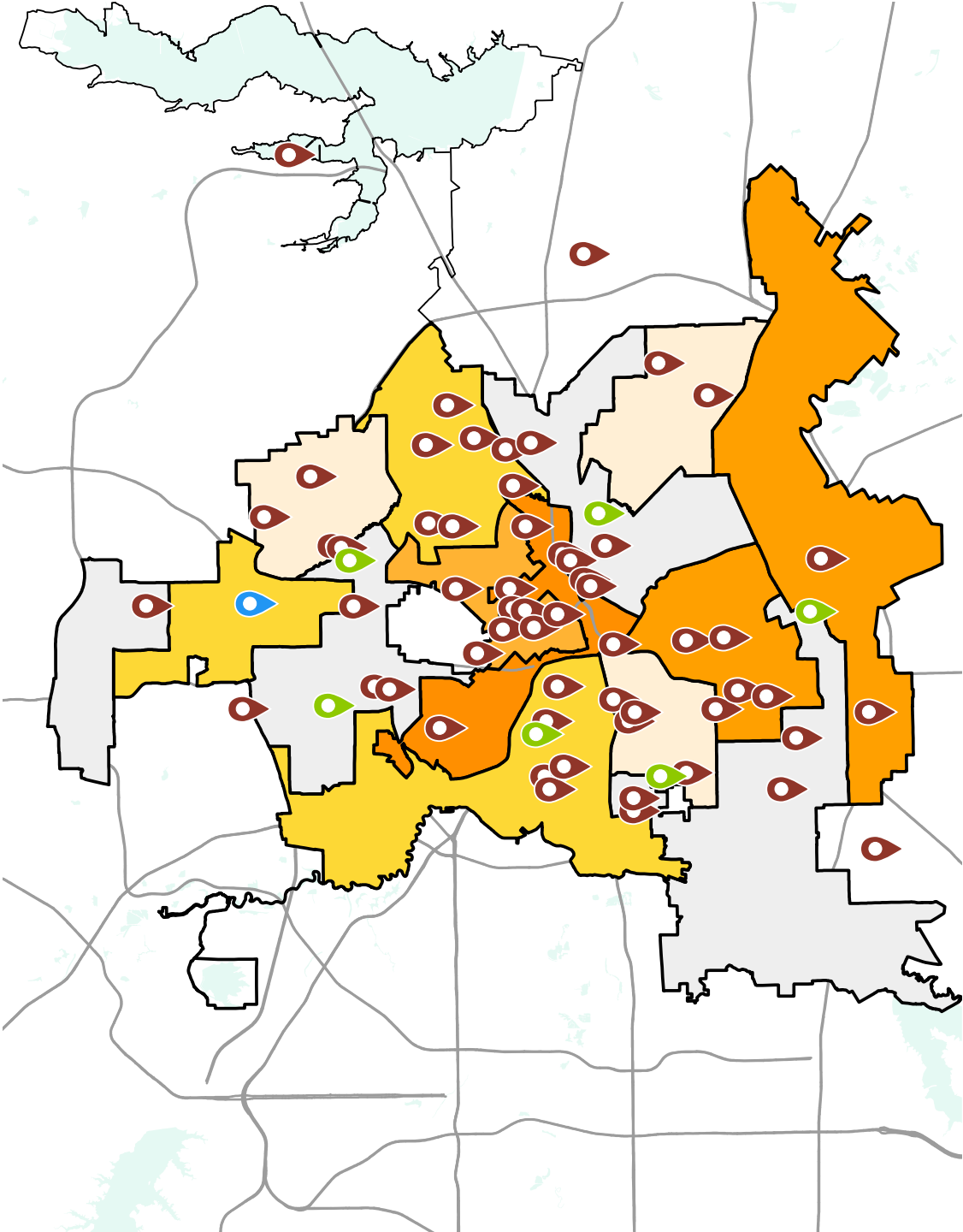
Modifications to the usual co-creation process were needed to successfully develop the policy framework. Challenges arose around sharing successive revised drafts among community members before sharing the drafts with the City Council. Unfortunately, the workarounds limited opportunities for full transparency in the co-creation process, and some community members expressed confusion and trust concerns. Moving forward, the recommendation is to maximize transparency such that the staff and Council can receive authentic and ongoing community feedback that will influence implementation of DPH33.

¹⁰ Community Equity Strategies, A national consulting firm specializing in serving communities seeking to truly center equity in their strategic planning, policy assessment, and policy development work

¹¹ The buildingcommunityWORKSHOP is a Texas based nonprofit community design center seeking to improve the livability and viability of communities through the practice of thoughtful design and making.

¹² Dallas Accountability for Housing Equity: title given to the DHP33 development process

Community Meeting Locations and Participation by Council District



Source: CES/[bc] Qualitative Data Collection

This map shows the locations of the DAHE-hosted community meetings (yellow) and the reported residence neighborhoods of the in-person and virtual participants (purple). The blue marker indicates the meeting a City Council Member hosted, and

DAHE organizers and volunteers attended, representing the policy development process. Participants did not necessarily attend the community meeting closest to their neighborhoods.

- Legend**
- Community Conversation
 - Piggy-back Meetings
 - Individual Participants

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CES recommends that should Dallas decide it needs a Housing Taskforce (HTF), as part of its community engagement strategy, they develop one that is inclusive and shares power with the community. In establishing the HTF, there should be support from a partner who understands community engagement, networking, policy development, and implementation.

Inclusive Housing Policy Taskforce Sample Structure

The Housing Taskforce is designed as one of the ways that the City and community partner to ensure the effective implementation of the Dallas Housing Policy 2033.

Structure:

- Chair: Serves as the primary point of contact, convener, and project manager
- Members: Serve as thought partners for Dallas Housing Policy 2033 Implementation

- Committees: Committees would be established for specific tasks, including data collection and analysis, progress review, communication and transparency, and community engagement. Chairs would be representative of different membership categories. (i.e., if there are five chairs, one should be a community member, one from Development/Business, one from Advocacy and FB organizations (See Membership below)

- Leadership Team: made up of Chair and Committee chairs. Responsible for ensuring that all Taskforce activities are coordinated

Memberships:

24 Members

- 12 community members (6 from historically disadvantaged neighborhoods)
- 3 Development/Business

- 4 Advocacy organizations
- 3 Philanthropy representatives
- 2 Faith-based organization representatives

In the overall make-up, there needs to be representation from all 14 districts

Member Responsibilities:

- Attend 75% of scheduled in-person and virtual meetings
- Review materials such that they can actively participate in discussions and decision-making.

- Communicate to and collect feedback from sectors of the community
- Actively participate in Taskforce discussions and activities

Term Length:

Members will serve up to three 3-year terms with a possibility to renew to allow cycling on/off the task force. Terms will be staggered. In the first term, community members will have a 3-year term, and advocacy, faith-based developers, businesses, and philanthropy will serve two-year terms.

Membership Application (google form)

Candidates who are interested in serving on the task force are asked to submit an online application which includes:

- Name
- Title
- Organization/Affiliation

- District
- Contact information (phone number, email address, mailing address)
- Why are you interested in serving on the task force? (250 words or less)
- What do you hope to be able to contribute? (250 words or less)

Selection Process:

All applications will be reviewed by a selection committee comprised of the following:

- Chair of Council Housing and Homelessness Committee/
- Chair of Council Equity Committee
- Housing and Neighborhood Revitalization staff person
- Community Member

Meeting Structure:

Meetings will be held every other month in a location easily accessible to members representing historically disadvantaged communities.

The task force will be a facilitated group with specific support for unaffiliated community members. All members have the responsibility to inform and engage the larger community.

Examples of Work products from Inclusive Taskforces around the Country

- [Fair Budget Coalition An Act of Justice](#)
- [James County Workforce Housing Taskforce](#)

Distressed – A piece of real estate that is in foreclosure or owned by the lender; properties that have fallen into disrepair, or whose owner is under financial stress and in danger of losing the property to foreclosure

Inequitable/inequities - Lack of fairness or justice. Favoritism or bias. An unfair circumstance or proceeding.

Infrastructure - According to a recent study by Southern Methodist University professor in the Department of Civil and Environmental Engineering, Barbara Minsker. The infrastructure types used by the study to determine the level of deficiency

are pavement, noise walls, crosswalks, sidewalks, internet service, street tree canopy, as well as residents’ access to food, bike and pedestrian trails, public transportation, gathering places, medical services and banks.

Historically Disadvantaged

Communities - A term often used in the United States to refer to communities with the greatest need, communities of color, lower-income neighborhoods, or those neighborhoods that lack access to needed resources including health care, infrastructure, economic opportunities, and retail stores, among others. Least resourced communities.

Housing Affordability - The U.S Department of Housing and Urban Development (HUD) considers housing to be affordable when a household spends 30% or less of its income on housing costs.¹³

Housing Cost Burden - Households are considered cost burdened when they spend more than 30% of their income on rent, mortgage and other housing needs.¹⁴

Marginalized - A reference to a person or group who have been systemically isolated from resources necessary to thrive, often by means of segregation, separation, and lack of access.

Market Rate Unit – Residential units (including condominium, apartment and retirement community units that are rented or sold at market rates.

Median Property Value - The median divides the value distribution into two equal parts: one-half of the cases falling below the median value of the property (house and lot) and one-half above the median. Median value calculations are rounded to the nearest hundred dollars.

Qualitative Data - Descriptive data, expressed in language rather than numerical values; answers the “why” or “how” behind the numbers.

Quantitative Data - Data expressing a certain quantity, amount, or range; statistical, can be counted, and given a numerical value.

Race - A social construct that categorizes individuals based on their physical characteristics, particularly skin color and hair texture.

Racial Disparities - A condition where one racial group systemically and disproportionately experiences worse outcomes in comparison to another racial group or groups. Racial Disparities may occur in a range of areas, including but not limited to education, employment, wealth, policing, criminal justice, health, transportation, housing, and homelessness.

Racial Equity - A situation that is achieved when people are thriving, and race nor ethnicity no longer determines or predicts one’s social outcomes or ability to thrive.

R/ECAPs – Racially or Ethnically Concentrated Areas of Poverty

Redlining - A discriminatory practice that puts services (financial and otherwise) out of reach for residents of certain areas based on race or ethnicity.

SMARTIE – Specific, Measurable, Achievable, Relevant, Time-bound, Inclusive, and Equitable

¹³ Hud.gov: https://archives.hud.gov/local/nv/goodstories/2006-04-06glos.cfm#:~:text=Affordable%20Housing%3A%20Affordable%20housing%20is,for%20housing%20costs%2C%20including%20utilities.

¹⁴ Huduser.gov: https://www.huduser.gov/portal/pdredge/pdr_edge_featd_article_092214.html#:~:text=HUD%20defines%20cost%2Dburdened%20families,of%20one's%20income%20on%20rent.



EXHIBIT B



Dallas Housing Resource Catalog: Programs, Corporations, Compliance & Funding Tools



City of Dallas

OVERVIEW

The Dallas Housing Resource Catalog is a clearinghouse for housing programs, corporations and compliance and funding tools that drive city investments in mixed-income housing. Resources included in the Catalog are organized around the 7 pillars of housing equity described in Dallas Housing Policy 2033 (DHP33). Goals for each resource are established annually to monitor progress and alignment with DHP33. Revisions will be made as new resources are realized or existing resources require modifications. Through community engagement, industry best practices and service delivery experience the Dallas Housing Resource Catalog will help build racial equity.

DHP33 Equity Pillars

1. Equity Strategy Targets
2. Citywide Production
3. Citywide Preservation
4. Infrastructure
5. Collaboration and Coordination
6. Engagement
7. Education

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PROGRAMS

HOMEOWNER PROGRAMS

The Department of Housing and Neighborhood Revitalization (“Housing” or the “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.

Home Improvement and Preservation Program – Pillars 1, 3, 4, 5, 6, 7

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

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

Amended September 9, 2021, by Resolution No. 21-1450

Amended March 27, 2024, by Resolution No 24-762

The Home Improvement & Preservation Program (HIPP) addresses home repair through emergency repair, Dallas Tomorrow Fund for exterior code violations and major systems rehabilitation for eligible single-family owner-occupied units in the City of Dallas.

HIPP has three components for the purposes of making needed improvements and preserving affordable housing:

- 1) Emergency Home Rehabilitation (EHR) that provides grant assistance to low- and moderate-income homeowners needing emergency repairs.
- 2) Dallas Tomorrow Fund (DTF) for exterior code violations that provides grant assistance to low- and moderate-income homeowners needing exterior code violation repairs.
- 3) Major-Systems Repair Program (MSRP) that provides forgivable loan assistance to low- and moderate-income homeowners needing systems rehabilitation to their home.

Administration

The City of Dallas Department of Housing and Neighborhood Revitalization staff or their designees, consultants, contractors, subrecipients, or other third-party organizations procured by the City, as permitted by applicable laws and regulations, may administer all or parts of HIPP and shall have experience relevant to the program services and must follow all funding source protocols. Services may include rehabilitation activities of single family homes or administration of HIPP which may include direct delivery costs, application evaluation, procedures for eligibility review, 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, procurement method and/or the policies and procedures. Applications received for The Targeted Rehab Program, Senior Home Repair, or HIPP since August 2022 can be applied to the amended program

Funding for HIPP may be federal or non-federal.

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

Applicants for HIPP will be selected based upon funding being utilized and may include, but is not limited to, factors such as: location of property, age of applicant or home, type of repair, or a combination of factors. The Department of Housing and Neighborhood Revitalization staff will determine the way applications will be received, processed and selected. Details will be posted on the Department of Housing and Neighborhood Revitalization website.

If an applicant has received prior assistance and is within the affordability period from any other City of Dallas home repair programs, the applicant may be eligible for additional service. Additional deeds of trust or deed restrictions may be filed when necessary. An applicant is not eligible for additional Dallas Tomorrow Fund assistance if they have received funds from the Dallas Tomorrow Fund within the preceding 60 months.

All applicants will be required to submit for themselves and must include information on all household members:

1. Complete Application
2. Proof of Identity
3. Proof of Income
4. Proof of Ownership
5. Proof of Needed Repairs

Emergency Home Rehabilitation

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.
- Applicants must have a gross annual household income at or below 80% Area Median Income (“AMI”). 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.
- Applications for emergency home repair may be submitted throughout the year. To be eligible for assistance under this program, the application must demonstrate that the emergency situation was caused within the four days preceding submission of the application, and it poses an immediate life or health and safety concern. Applications will be reviewed if funding is available.
- Applicants must be willing to voluntarily relocate at the homeowner’s expense, if necessary.
- 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.

Property Eligibility Requirements

- Must be a single-family dwelling, owner-occupied, and must be located within the City of Dallas, Texas city limits.
- Applicant must certify that the home is not for sale at the time of application and is the primary residence of Applicant.
- The property must need repairs designated as eligible repairs. The City has the authority to determine what the necessary repairs will be, and if the amount of assistance needed exceeds the limits of the program, the application may be cancelled.

Eligible Repair Improvements

Eligible rehabilitation activities include items necessary to address the health and safety of the occupant(s) related to an emergency situation that has occurred within the last four days.

Assistance may not be used for the purchase or repairs of appliances or renovations not necessary to address the emergency need or when relevant 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).

Eligible improvements under the emergency designation may include the following:

Mechanical

- Replace/repair HVAC systems

Electrical

- Replace/repair electrical system and installation of ground fault circuit interrupters and may include installation of new smoke, fire, and CO₂ alarms

Plumbing

- Replace/repair plumbing, water and sewer pipes, kitchen and bath fixtures
- Replace/repair gas pipes/gas testing
- Replace/repair water heaters

Structural

- Replace/repair roofing
- Replace/repair existing exterior cladding
- Structural repairs/modifications (only to correct existing structural code deficiencies or to provide accessibility to disabled persons)

Other

- Handicapped improvements & removal of barriers to the handicapped
- Tree trimming will be in conjunction with repair and only if considered necessary and if allowable under the funding regulation.
- 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.

- Any items determined eligible by the Director

Terms of Assistance

Assistance will be in the form of a grant up to \$10,000.00.

Dallas Tomorrow Fund

On March 9, 2005, the Dallas Tomorrow Fund (DTF) was created by Ordinance No. 25927 with an amendment to Chapter 27 of the Dallas City Code to provide financial assistance and other guidance to persons determined financially unable to repair or rehabilitate their property or premises in compliance with City ordinances. For each violation for which a person is found liable, \$36.00 will be deposited into the Dallas Tomorrow Fund established in Section 27-16.22 of the Dallas City Code.

The city of Dallas established DTF pursuant to Chapter 380 of the Texas Local Government Code in order to make grants of public money to promote local economic development and to stimulate business and commercial activity in the city of Dallas by improving the quality and public safety of residential neighborhoods. The city desires to provide an economic incentive in the form of in-kind grants covering the costs of rehabilitation and/or repair of properties and premises that violate city ordinances and to enter into a grant agreement with an administrator in order to promote within the city of Dallas:

1. Development and diversification of the economy; and
2. Elimination of unemployment and underemployment; and
3. The stability and economic value of residential neighborhoods.

On September 28, 2016, the Dallas City Council approved Ordinance No. 30236 amending City Code Chapter 27, Sections 27-16.13 through 27-16.23, changing the process of referring persons determined financially unable to repair or rehabilitate their property or premises in compliance with city ordinances to the Dallas Tomorrow Fund.

DTF must be used for the sole purpose of rehabilitating and/or repairing properties and premises in the city for persons who are found by the DTF Administrator to be unable to financially comply with a notice of violation issued by the director of Code Compliance under Section 27-16.19 of the Dallas City Code.

The City Manager appoints the DTF Administrator (Administrator). Currently the Department of Housing & Neighborhood Revitalization has been appointed the Administrator of DTF.

DTF is composed of:

1. All Dallas Tomorrow Fund penalties collected under Section 27-16.21(b) of the Dallas City Code;
2. 30 percent of all civil penalties collected by the city for civil lawsuits filed in the municipal court under Subchapter B, Chapter 54 of the Texas Local Government Code. as amended, or under Chapter 214 of the Texas Local Government Code, as amended;

3. Any funds donated by an individual or entity, any of which donations may be refused by a majority vote of the city council.

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.
- Applicants must have been found by the Dallas Tomorrow Fund Administrator to be financially unable to comply with the notice of violation issued or financially unable to cover the cost of repairs and must have a gross annual household income at or below 80% AMI. 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.
- Applicant for exterior violation repair must have received a notice of violation or citation from Dallas Code Compliance (DCC) and be referred to Housing to apply by DCC to the Dallas Tomorrow Fund. Applications will not be received without this referral.
- Applicants must voluntarily fill out an application with Housing for the purpose of rehabilitating and/or repairing the person's property or premises until it complies with the notice of violation.
- Applicant must not have received funds from the Dallas Tomorrow Fund within the preceding 60 months.
- Applicants must be willing to voluntarily relocate at the homeowner's expense, if necessary.
- 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.

Property Eligibility Requirements

- Must be a single-family dwelling, owner-occupied, and must be located within the City of Dallas, Texas city limits.
- Applicant must certify that the home is not for sale at the time of application and is the primary residence of Applicant.
- The property must need repairs designated as eligible repairs. The City has the authority to determine what the necessary repairs will be and if the amount of assistance needed exceeds the limits of the program, the application may be cancelled.

Eligible Repair Improvements

Eligible rehabilitation activities include only items needed to address exterior violations or citations needed to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes.

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 address the exterior violation or citation.

Eligible improvements may include the following:

- All exterior code violations listed on a notice of violation or code citation on the primary structure.
- Secondary structure (detached garages, sheds, etc.) demolition only when causing harm to the health and safety of neighboring properties

Ineligible Repairs:

- Interior repairs;
- Towing vehicles;
- Mowing / weeding;
- Sidewalk repairs;
- Hazardous or Junk removal;
- Citations issued by DCC requiring a 48-hour response;
- Other repairs not listed on violation or citation;
- Chronic code violators.

Terms of Assistance

Assistance will be in the form of a grant up to \$20,000.00.

Major Systems Repair Program

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.
- There can be no more than two owners of the property.
- 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 the U.S. Department of Housing and Urban Development (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.
- 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 80% AMI. 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.
- 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.
- Applicants can refinance their properties for better terms. However, they shall not be allowed to do a cash out refinance.
- 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.
- 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 on the primary dwelling unit, 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 at the time of application and is the primary residence of Applicant.
- The property must need repairs designated as eligible repairs. The City has the authority to determine what the necessary repairs will be and if the amount of assistance needed exceeds the limits of the program, the application may be cancelled.
- An Applicant may be eligible to receive more than one major system repair.

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 system repairs include Mechanical, Electrical, Plumbing, and Structural, or as indicated by the director. Housing Inspector will determine which assistance the applicant may qualify for based upon initial home inspection and available funding.

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 funding regulations. Any other ineligible activity may be considered if deemed necessary by the City to undertake an eligible activity, if allowable under the funding regulations, as applicable.

The types of repairs or replacement may include but is not limited to the following:

Mechanical

- Replace/repair HVAC systems

Electrical

- Replace/repair electrical system and installation of ground fault circuit interrupters and may include installation of new smoke, fire, and CO₂ alarms

Plumbing

- Replace/repair plumbing, water and sewer pipes, kitchen and bath fixtures
- Replace/repair gas pipes/gas testing
- Replace/repair water heaters

Structural

- Replace/repair roofing
- Replace/repair existing exterior cladding
- Structural repairs/modifications (only to correct existing structural code deficiencies or to provide accessibility to disabled persons)

Other

- Testing & treatment/removal of lead-based paint/asbestos hazards
- Handicapped improvements & removal of barriers to the handicapped
- Tree trimming will be in conjunction with repair and only if considered necessary and if allowable under the funding regulation.
- 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.
- Any items determined eligible by the Director

Terms of Assistance

Assistance is an interest-free, forgivable, self-amortizing loan in an amount subject to the City's assessment of needs, not to exceed \$24,000.00. The City loan shall be secured by a five-year Deed of Trust (lien) and a Deed Restriction on the property, signed by Applicant as the owner of the property. No more than two people may be the owners of the home. Applicant cannot receive assistance more than one time within any given year and if they had prior assistance and are within their affordability period from any other past City of Dallas home repair programs, they may be eligible for additional service, however additional deeds of trust or deed restrictions may be filed when necessary.

Loan payments are self-amortized over the five-year loan term and forgiven annually at the rate of one-fifth 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 fifth anniversary of date of completion of rehabilitation activity 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 their 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.

Applicant shall be required to provide on-going proof of homeowner insurance covering the appraised value of the primary structure to the City, 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 promissory note will be required for the five-year term.

Applicant may repay the 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; or
- If the Applicant falls behind on the mortgage of their home; or
- Failure to otherwise adhere to the provisions under the City's contract, deed restrictions, deed of trust and/or the note.

Loans are assumable only 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.

Loans 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.

Dallas Homebuyer Assistance Program Pillars 1, 6, 7

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

Amended October 13, 2021 by Resolution No. 21-1656

Amended February 22, 2023 by Resolution 23-0278

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 not exceed 80% of Area Median Income, but if the funding source allows, annual income may be increased to an amount not to 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 meet the citizenship and/or immigration status guidelines set forth by the Department of Housing and Urban Development (HUD).
- 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 \$50,000 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 no higher than 35%
- First mortgage amount must have a back-end ratio no higher than 45%

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 Pillars 1, 3, 4, 5, 6, 7

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 \$50,000. Applicants who receive assistance using federal funds are subject to the rules of the "Dallas Homebuyer Assistance Program" (see above).

Eligibility

Applicant must meet the following criteria:

- Property must be located in the city limits of Dallas.
- Household projected annual income must 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.
- 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 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 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.

Amount of Funds	Required Affordability
\$50,000 or less	5 Years

Eligible Expenses

Eligible expenses may include principle reduction, down payment and closing cost assistance. If the property 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 DHAP Targeted Homebuyer Incentive 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.
 - 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
 - Failure to adhere to the provisions of the contract; or
 - 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 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 will be \$50,000 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 up to 35%
- First mortgage amount must have a back-end ratio no higher than 45%

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.

Anti-Displacement Assistance Program Pillars 1, 3, 4, 5, 6, 7

The Anti-Displacement Assistance Program (ADAP) is designed to assist low-and moderate-income homebuyers with homeownership opportunities through the provision of financial assistance when purchasing a home in the city limits of Dallas. The program will help eligible residents living in Dallas who are facing rising rental costs, rising home prices and increasing mortgage interest rates by providing an opportunity for them to continue to reside in the city limits. This program is for homebuyers with a Dallas residency of 10 years or more, living in Dallas as a current resident, with an income between 50-120% of Area Median Income. Eligible applicants may receive down payment assistance funds based on need up to \$50,000.00 per household.

Eligibility

Applicant must meet the following criteria:

- Property must be located in the city limits of Dallas.
- Applicant must be a resident living in the city limits of Dallas at the time of application.
- Applicant must have at least 10 cumulative years of Dallas residency.
- Household projected annual income must be between 50-120% of Area Median Income, but not to 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 meet the citizenship and/or immigration status guidelines set forth by the Department of Housing and Urban Development (HUD).
- 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.
- 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 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 the City's minimum housing standards and lead based paint requirements 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

The sales price will be based on qualifying income and credit as determined by the mortgage lender.

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
\$50,000 or less	5 Years

Eligible Expenses

Eligible expenses may include down payment, closing cost assistance and principal reduction. 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 DHAP Anti-Displacement Assistance Program (ADAP) 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 will be \$50,000 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 no higher than 35%
- First mortgage amount must have a back-end ratio no higher than 45%

Heirs

A loan may be transferred to the heir(s) of the borrower if the heir(s) utilize the assisted property as their primary residence for the remainder of the affordability period. If the heir(s) do 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.

Title Clearing and Clouded Title Prevention Program Pillars 1, 3, 6

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.

American Rescue Plan Act – Neighborhood Revitalization Program Pillars 1, 3, 6

To address the negative impacts of COVID-19, to preserve affordable housing and to invest in sidewalk, water, and sewer infrastructure improvements in (1) Qualified Census Tracts (QCTs), including but not limited to Tenth Street Historic District, Five Mile Neighborhood, Freedman's towns, and Joppa/Joppee, and (2) households outside of QC Ts whose household may have been disproportionately impacted by the COVID-19 pandemic and currently receives federal benefits through programs including: Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP) and/or Pell Grants (ARPA Eligible Households). This program will (1) provide for the cost of repairs to homes (home repair activities), as households have been confined to residences and have engaged in more activities not previously or traditionally conducted in the home due to COVID-19, such as schooling and work, which has caused greater wear and tear on aging housing stock already in need of repairs, thus making the living situation more difficult; and (2) provide for maintenance of sidewalk, water, and sewer infrastructure improvements which support home repair activities (infrastructure projects).

This Program may (1) utilize subrecipients or contractors to administer the Program; and/or (2) be directly administered by the Department of Housing & Neighborhood Revitalization ("Housing") in concert with other departments.

Program Overview

All portions of this program operate under the same program guidelines, including qualification, eligibility, grant terms and program review.

Funding Source

The initial allocation of American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) applies to home repair activities and infrastructure projects to be completed in three neighborhoods - Tenth Street Historic District, Five Mile, and Joppa/Joppee. Funding will be targeted to home repair and infrastructure activities in these communities; however, Housing staff may reevaluate unused portions of the initial funding in time to mobilize funding by the end of FY 2024 and redirect unused funding to other QCTs and ARPA Eligible Households. Existing boundaries for Five Mile and Joppa/Joppee can be seen in maps 1 and 2. Original and Adjusted boundaries for Tenth Street Historic District can be seen in maps 3 and 4.

Up to an additional \$10,000,000 may be allocated to the American Rescue Plan Act (ARPA) Neighborhood Revitalization Program through approval by the City Manager and appropriations by the Chief Financial Officer, from two sources (1) Councilmember discretionary ARPA funding, to be used in QC Ts throughout their district; and (2) other unused or underutilized ARPA allocations from various departments and various units, to be used in QCTs city-wide. Councilmembers may use ARPA discretionary funding within their districts to serve homeowners in QCTs. Discretionary ARPA funding from Councilmembers must be identified by December 2023. Additional funds from unused or underutilized ARPA may be used in all QCT's throughout the City of Dallas, or for ARPA Eligible Households. Additional ARPA funding from various departments and various units must be identified by December 2023. Map 5, attached, shows eligible QC Ts throughout the City of Dallas. The City Manager may make modifications to funding applicability and timelines as funding becomes available.

Home Repair Activities in QCTs for Homeowners:

Grants up to \$100,000 per property may be provided to eligible applicants. The City or subrecipient, City or subrecipient selected contractor, and property owner(s) will enter into a tri-party agreement and the City or subrecipient will pay the contractor directly for the work performed. No work shall begin prior to the full execution of the tri-party agreement and recording of the deed restrictions. The home must be a single-family dwelling and constructed in or before 1959. Homes must be located within a QCT, or must qualify by being an ARPA Eligible Household. The City will use contractors qualified under similar home repair programs to conduct the work, subject to compliance with applicable local, state and federal laws.

Infrastructure, Sidewalks, Water, and Sewer Improvements made by the City within QCTs:

The City may perform infrastructure projects in QCT's that can be completed by December 2025. Projects will be selected in coordination with the City of Dallas Public Works department. Projects funded must support home repair activities.

In addition, program funds are anticipated to be used for program administration, including staff positions, technology, and equipment.

Eligibility Requirements

Eligible home repair activities include repairs the City deems necessary:

- Repairs necessary to bring the structure and infrastructure into compliance with local, state, and/or federal law, including but not limited to the Dallas City Code.
- Repairs necessary to preserve the property's structural integrity.
- Repairs necessary to preserve the property's historic integrity as required by the City's Certificate of Appropriateness and Landmark Commission processes. The goal is to improve the property starting with the home and then the landscape to improve both the living condition as well as the neighborhood.
- Sidewalk, water and sewer improvements where additional funding will expedite completion of projects in QCTs.

Eligible infrastructure projects include, but are not limited to, the following:

Under the American Rescue Plan Act Section 602(c)(1)(A) or 603(c)(1)(A), a general infrastructure project typically would not be considered a response to the public health emergency and its negative economic impacts unless the project responds to a specific pandemic-related public health need (e.g., investments in facilities for the delivery of vaccines) or a specific negative economic impact of the pandemic (e.g., affordable housing in a Qualified Census Tract).

Eligible infrastructure activity may include making necessary investments to improve access to clean drinking water, supporting vital wastewater and stormwater infrastructure, and sidewalks.

Necessary investments include projects that are required to maintain a level of service that, at least, meets applicable health-based standards, taking into account resilience to climate change to unserved or underserved populations to reach an adequate level to permit a household to work or attend school, and that are unlikely to be met with private sources of funds.

The City may use this funding to invest in an array of drinking water infrastructure projects, such as building or upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines. The City may also use this funding to invest in wastewater infrastructure projects, including constructing publicly owned treatment infrastructure, managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly-owned treatment works.

Eligible Repairs

Eligible home repair activities include, but are not limited to:

- Correcting any code violations
- Testing & treatment/removal of lead-based paint/asbestos hazards
- Handicapped improvements & removal of barriers to the handicapped
- Pest control; removal of termites; removal of rodents and insects, but not as a stand-alone cost
- Roofing
- HVAC
- Plumbing, water and sewer pipes, kitchen and bath fixtures
- Gas pipes/gas test
- Smoke, fire, and CO2 alarms
- Insulation
- Flooring and carpeting
- Water heaters
- Electrical
- Windows
- Window and/or door screens

- Plaster, siding and stucco
- Painting (inside and outside)
- Install new deadbolt locks
- Kitchen or bath cabinets and countertops - Replace/repair
- Garage doors
- Structural repairs/modifications
- Stairs interior and exterior
- Foundation repairs
- Landscaping — modest improvements consistent with the neighborhood
- Hardscape / Softscape
- Tree trimming and removal
- Fences
- Sidewalks
- Junk/Trash Removal
- Demolition of accessory structures
- Any items determined eligible by the Director that comply with ARPA regulations and guidance.

Ineligible Repairs

- Ineligible home repair activities include but are not limited to
- Demolition of historic structures
- Demolition of primary structure that results in vacant lot
- Rehabilitation that makes the home inconsistent with the neighborhood character

Applicant Eligibility for Home Repair Activities

- Property owners who reside in owner-occupied single-family houses located in QCTs or ARPA
- Eligible Households, are eligible for the ARPA Home Repair Program.
- Property owners who rent or sell their property to families under 80 percent of the Area Median Income (AMI) established by the U.S. Department of Housing and Urban Development are eligible.
- Property owners who own a non-occupied home that they wish to (1) rent or sell to a low-to-moderate income family, under 80 percent AMI; or (2) occupy as their primary residence at completion of the repairs are eligible.
- Entities who own unoccupied homes are eligible if, after the repairs are completed, the entity (1) rents to a low-to-moderate income family, under 80 percent AMI, who must occupy the home as their primary residence; or (2) sells the home to a buyer under the same income threshold, who must occupy the home as their primary residence.

Eligible Areas

On [November 9, 2022] City Council authorized changes to the ARPA Home Repair and Infrastructure Program, to expand the program to serve more qualified households throughout the City of Dallas. The ARPA Home Repair and Infrastructure Program eligible areas include (1) Tenth Street Historic District, Five Mile Neighborhood, Freedman's towns, and Joppa/Joppee, (2) other households in all QCT's throughout the City of Dallas; or (3) households outside of QCTs whose household may have been disproportionately impacted by the COVID-19 pandemic and currently receives federal benefits.

- The eligible area for Joppa/Joppee can be seen in map 1.
- The eligible area for Five Mile can be seen in map 2.
- The original and adjusted eligible area for Tenth Street Historic District can be seen in map 3 and 4.
- All eligible QCTs throughout Dallas can be seen in map 5.

The City Manager may make modifications to funding applicability and timelines as funding becomes available.

Ineligible Participants

- Property owners who have or will receive funds for the same repairs/replacement, including but not limited to insurance proceeds.
- City Council members, Housing 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.

Property Eligibility

- The property must be a detached single-family dwelling that is owner occupied, rented or sold to an income qualifying household at or below 80% AMI, or vacant.
- The property must either be, (1) in a QCT, including but not limited to Tenth Street Historic District, Five Mile Neighborhood, Freedman's towns, and Joppa/Joppee; or (2) occupied by a household, located in the City of Dallas and outside of a QCT, that has been disproportionately impacted by the COVID-19 pandemic and currently receives federal benefits, described above.
- Home must have been constructed in or before 1959.
- Home must need eligible repairs.
- In the absence of a deed or other instrument proving property ownership, owners of property may self-certify that they own the home. The means in which an owner may self-certify include but is not limited to a printout from the Dallas Central Appraisal District website or the Dallas County website reflecting the applicant as the owner, an affidavit signed by the applicant attesting to home ownership, a tax receipt for the property that reflects the applicant as the owner, or proof of insurance on the property.

Assistance

Assistance for home repairs will be provided as a grant on behalf of the property owner and shall not exceed \$100,000.00 per property. All funds will be paid directly to the contractor.

Applicants must provide documentation to determine eligibility, which includes but is not limited to the following:

- Application
- Proof of identity
- Proof of primary homeowner occupancy or occupancy by a qualifying household at or below AMI
- Proof of income for tenants
- Proof of ownership (including self-certification, as detailed above)
- Grant Terms
- In addition to the triparty agreement, the owner of the property shall execute and record deed restrictions in the Real Property records of Dallas County, Texas (and other applicable counties) for a period of five years.

This program statement may be amended by the City Manager to include amendments as appropriate to meet funding requirements and/or to comply with ARPA regulations/guidance, as applicable.

Program Review

The program expanded to serve more households in QC Ts throughout the City of Dallas on November 9, 2022. The Program will be reviewed as more funding becomes available through Councilmember allocation of discretionary funding or other resources, including additional ARPA CSLFRF funding, allocated to the ARPA Home Repair and Infrastructure Program through FY 2024. The City Manager may make modifications to funding applicability and timelines as funding becomes available.

DEVELOPER PROGRAMS

New Construction and Substantial Rehabilitation Program – Pillars 1, ,2, 4, 6, 7

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.

Preferences:

- Award to developer partners with no current outstanding housing projects with the City.

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

Funding Caps and Targeted Investments:

- Gap funding provided to a developer shall be capped at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exception for affordable housing projects in target areas and developments with specific project initiatives e.g., city-owned properties, DART, Dallas Housing Authority, and Dallas ISD).

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 lease-up; 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. 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 marketing 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 co-insured 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 Demolition	Affirmative marketing, initial leasing & 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 units, 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 Pillars 1, 2, 6, 7

The mixed income housing development bonus (MIHDB) and the mixed income housing administrative requirements were approved by Ordinance Nos. 31142 and 31152, on March 27, 2019. The MIHDB program was amended by Ordinance Nos. 32195 and 32210 and by Resolution 22-0744 on May 11, 2022.

Background

The goal of the MIHDB is to address systemic inequities by providing housing that is affordable to a broad range of income levels in all areas of the city. The program will create affordable housing in strong neighborhoods (Market Value Analysis (MVA) Categories A, B, and C); create mixed income communities and reduce neighborhood displacement in gentrifying and transitioning areas (MVA Categories D, E, and F); and support equitable revitalization¹ in weaker market areas (MVA Categories G, H, and I).² Likewise, the MIHDB Fund will be used to support the creation of housing least likely to be provided by the market.

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 Districts³ As of 2019, these districts represented approximately 15,000 acres across the city.

The by-right bonuses in Chapter 51A provide a framework for new and amended planned development districts (PDs) offering a base plus a negotiated bonus. Regulatory bonuses and the reserved unit requirements are specified in the PD, along with references to the administrative procedures in Division 51A-4.1100 and by reference the procedures in Article 20A-II - Mixed Income Housing,” which outlines requirements for managing mixed income developments approved using the MIHDB.

On May 11, 2022, City Council approved amendments to Dallas City Code Chapters 51A and 20A. Together, these chapters, along with the Comprehensive Housing Policy (CHP), regulate the MIHDB.

Administration

Multiple departments administer portions of this program. Among other responsibilities and in general:

- The Department of Housing and Neighborhood Revitalization administers Dallas City Code Chapter 20A-II, administers the MIHDB fund, recommends percentages of reserved units and income bands in zoning cases, and monitors developments for compliance
- The Department of Planning and Urban Design administers zoning changes and participation in the bonus from a land use perspective
- The Department of Development Services reviews development applications for building permits and ensures compliance with the Dallas Development Code

¹ *Equitable revitalization* means embedding equitable principles, practices, and measurements into program decisions to protect against displacement, to prevent further decline, and to create communities where all residents thrive.

² See the Background Section of the CHP for more information on the MVA.

³ These districts include: MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts and MU-1, MU-2, and MU-3 Mixed Use Districts.

- The Office of Equity and Inclusion administers the affirmative fair housing marketing plan.

Program Benefits

The MIHDB provides program participants with a menu of incentive options, including additional development rights, parking reductions, and financial incentives in exchange for on-site provision of reserved dwelling units or a fee in lieu of provision of reserved dwelling units.

Regulatory Incentives

The MIHDB regulatory incentives vary depending on the zoning district in which the development is located and the classification of the development as Type One, Two, or Three. Regardless of the district, if compliance with Division 51A-4.1100 is referenced, the development is eligible for participation in the MIHDB. Types One, Two and Three, defined in Division 51A-4.1100, are summarized below:

- Type One developments are located in MF(A) and MU zoning districts.
- Type Two developments are located in PDs that include an expressly-stated development bonus for providing mixed income housing.
- Type Three developments are located in PDs that expressly reference compliance with Ch. 51A-4.1106(j).

Type One - By-Right Development Bonuses in Multifamily and Mixed-Use Districts

In these districts, 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 stronger market categories are required to serve households at lower income levels, and properties in weaker market categories are required to serve households at higher income levels, 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 (stronger markets):
 - (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 (transitioning markets):
 - (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 (weaker markets):
 - (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 Type One districts:

- Building heights are subject to residential proximity slopes, where applicable, and existing setbacks are maintained.
- Participation in the MIHDB reduces the minimum parking required.
- Developments with transit proximity may 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 in Type One districts

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, street trees, 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

Type Two and Type Three - Development Bonuses in Planned Development Districts

Developments in planned development districts (PDs) that reference compliance with Div. 51A-4.1100 may also participate in the MIHDB.

Developments in PDs are divided into two groups:

- Developments in PDs that specify a development bonus for providing mixed income housing (Type Two)
- Developments in PDs that expressly reference compliance with Ch. 51A-4.1106(j), which lays out a menu of regulatory bonuses (Type Three).

Type Two and Type Three districts should respect the design intent of the design standards in Dallas Development Code Sec. 51A-4.1107

Financial Incentives (subject to availability of funding)

All developments in MIHDB (Type 1, 2, and 3) that provide on-site reserved dwelling units may apply for financial incentives, including reimbursement of certain development fees. Participants must apply through the New Construction and Substantial Rehabilitation Program process and are subject to the requirements of the CHP, including Fair Housing review as required by Ch. 51A-4.1100. To the greatest extent possible, federal funds should be maximized prior to using funds from the MIHDB Fund. See the MIHDB program statement for additional information.

Developments that obtained mixed income bonuses by paying the fee-in-lieu are not eligible for

financial incentives from the MIHDB fund.

Minimum Requirements

Developments may qualify by providing required reserved units on-site or by paying a fee in lieu of on-site provision. All developments are eligible for the development bonus and administrative incentives, but only those developments that provide the required reserved dwelling units on site are eligible for the financial incentives.

On-Site Provision

Developments that provide units on-site must comply with all requirements Chapter 51A, Article 20A-II, and the relevant zoning district regulations as applicable.

Fee-in-Lieu

Program participants may pay a fee-in-lieu of on-site provision of the required reserved units as provided in Chapter 20A-23.1

Implementation

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

Procedures

Program participants must comply with the procedures in the Dallas City Code and MIHDB program manual.

Program Operation and Compliance

- Term of affordability is 20 years
- Property owner must remain in compliance with restrictive covenants based on the requirements in Chapter 20A-II and Chapter 51A-4.1100, as amended.
- Each eligible household must be charged an affordable rent as defined in the Dallas City Code.
- See the State and Local Funding Sources section of this document for the MIHDB Fund program statement.

Land Transfer Program Pillars 1, 2, 6, 7

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	Affordable housing	Enabling Statute: TLGC 253.010
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	
TLGC 272.001(g)	Any city-owned land except land acquired by condemnation	No limitation	Low- and Mod-income	No	Low- and moderate income housing	
TPTC 34.051	Tax-foreclosed land	No limitation	Primarily Low- and Mod- income	No	A purpose consistent with City urban redevelopment or affordable housing plan	Interlocal agreement among taxing entities; land must be vacant/distressed & tax-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 under the following conditions: 1) if no homebuyer assistance is provided to the qualified homebuyer through the DHAP program or other City of Dallas assistance program to the homebuyer, DHAP underwriting guidelines shall not apply, instead the homebuyer will be required to meet the required AMI band based on verification of household income pursuant to 24 CFR Part 5 and provide proof of mortgage approval from a reputable lender including an affordability analysis comprised of acceptable front-end and back-end ratios by the lender and must ensure the home remains the primary residence over the specified affordability period; 2) if a qualified homebuyer receives homebuyer assistance through DHAP or other City of Dallas assistance program, the qualified homebuyer must meet the underwriting guidelines 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 (a “resale deed restriction”).

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.

Use of Right-of-Reverter with Right of Reentry when used with Construction Financing

In the event a developer utilizing Land Transfer Program lots for multi-family or single-family homeownership developments whereby construction financing is provided by a third party, the following shall occur:

- To provide a defaulting developer's third-party private financial institution an opportunity to cure the developer's default before the City exercises its Right-of Reverter with a right of reentry for affordable multi-family rental or single-family homeownership projects when the third-party lender's loan is in an amount greater than the city's financing

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.

When a developer sells a housing unit(s) constructed on a Land Transfer Program lot(s) to a qualified homebuyer(s) who receives financial assistance from the Dallas Homebuyer Assistance Program (DHAP) or other homebuyer assistance programs using other funding sources that require deed restrictions with recapture provisions, the City Manager or his/her designee is authorized to execute instruments, approved as to form by the City Attorney, to: (1) release the resale deed restrictions initially recorded on the applicable Land Transfer Program lot(s) when sold by the City to the developer; and, (2) impose recapture deed restrictions on the lot(s) to be filed and recorded in the in the real property records of the county in which the parcel of real property is located.

Pursuant to the federal regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) and the DHRC's various DHAP programs, a recapture deed restriction requires repayment of the DHAP financial assistance not yet forgiven under the terms of the DHAP program, if the qualified homebuyer violates the terms of the DHAP 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.

Community Land Trust Program Pillars 1, 2, 5, 6, 7

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 re-designation 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 re-designated by the City of Dallas as a CLT must meet the Eligibility and Operation Criteria set forth in 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 re-designation 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 long-term 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 non-discrimination 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 in 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.

Housing Tax Credits Program – Pillars 1, 2, 3, 6, 7

(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 be 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 City-approved 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

CORPORATIONS

Dallas Housing Acquisition and Development Corporation (DHADC or Land Bank) – Pillars 1, 2, 6, 7

The Dallas Housing and Acquisition Development Corporation (DHADC) is a non-profit entity organized under the Texas Nonprofit Corporation Act and acts as a duly constituted instrumentality of the City of Dallas (the "City"). Its purposes are to:

1. Provide safe, affordable housing facilities for the benefit of low and moderate-income persons, as determined by the City.
2. Promote local economic development and stimulate business and commercial activity through enhanced market availability in the City of Dallas by the development of new, mixed income single family housing.
3. Increase the supply of new affordable housing for working individuals and families to attract and retain economic growth.

One of the activities of the DHADC is to administer the Urban Land Bank Demonstration Program (the "Program" or "Land Bank"), which is authorized by Chapter 379C of the Texas Local Government Code. Another activity of the DHADC is to acquire and transfer, at less than market value, tax foreclosed vacant or distressed properties pursuant to Section 34.051 of the Texas Property Tax Code (i.e. HB 110 lots).

The objectives of the program are to acquire unproductive, vacant, and developable property, and property intended for commercial use to be "banked" for affordable housing or commercial development

- The resale of such property enables the development of new single-family homeowner or rental units to serve low-income households or the development of commercial uses that stabilize distressed communities. Follow the link to view the [Land Bank Inventory](#).
- [Land Bank Annual Plan](#) - The Land Bank Annual plan identifies the parcels of property that are eligible for sale to the Land Bank along with the Land Bank's acquisition and affordable housing development strategies. Once the annual plan is approved by the City Council, the Land Bank staff will refer approximately 25 properties per month for tax foreclosure. Once a tax foreclosure judgment is obtained, the properties are sold to the Land Bank and become part of the Land Bank's inventory. This process takes approximately eighteen (18) months.
- [Annual Plan Map](#) - Map of lots eligible for sale to the Land Bank. **The Land Bank does not own these properties** and they are not currently available for purchase by a qualified participating developer. If the lots are purchased by the Land Bank, they will be added to the Land Bank inventory.

Dallas Housing Finance Corporation (DHFC) – Pillars 1, 2, 3, 4, 5, 6, 7

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 acquisition of existing residential properties, 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 and for-sale 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.

Dallas Public Facility Corporation (DPFC) – Pillars 1, 2, 3, 4, 5, 6, 7

Created by the City of Dallas in 2020, the Dallas Public Facility Corporation (DPFC) is a Texas public facility corporation and public nonprofit corporation governed by the Public Facility Corporation Act, Chapter 303 of the Texas Local Government Code, as amended (the "Act"). The DPFC is organized exclusively for the purpose of assisting the City in financing, refinancing, or providing "public facilities," as defined by the Act. In general, the DPFC seeks to develop and preserve mixed-income workforce housing communities to serve residents earning at or below 80% of the area median income (AMI) as well as provide non-income restricted units.

The DPFC is authorized to finance the acquisition of obligations issued or incurred in accordance with existing law, to provide for the acquisition, construction, rehabilitation, renovation, repair, equipping, furnishing, and placement in service of public facilities as allowed by the City and pursuant to the Act.

COMPLIANCE AND FUNDING RESOURCES

The Department will have internal and external agreements -working relationships and formal agreements. This section catalogs these items.

Anti-Displacement Toolkit Pillars 1, 2, 3, 5, 6, 7

Staff from the Department of Housing & Neighborhood Revitalization have been working to address resources available to combat displacement as an outcome of gentrification of neighborhoods throughout Dallas.

Gentrification and displacement are perennial issues in Dallas communities experiencing revitalization for both the City and BOHCDC. There are existing studies and policy toolkits addressing displacement that Dallas can use to inform this work, including The University of Texas at Austin's 2018 "Uprooted: Residential Displacement in Austin's Gentrifying Neighborhoods and What Can Be Done About It" and its 2019 statewide companion, the "Texas Anti-Displacement Toolkit." These publications set the stage for what is possible in Dallas; they outline the suite of potential policies that can be pursued and highlight best practices and success stories from around nation. However, because gentrification occurs on a localized level, a targeted and comprehensive strategy is needed in Dallas to better understand its unique and diverse demographic conditions at various stages of neighborhood change. This approach allows the City and BOHCDC to strategically match policies to strategies that meet the needs of vulnerable residents in impacted neighborhoods facing displacement pressures.

BOHCDC has secured investments for the development of the Anti-Displacement Toolkit from private foundations and assembled key project partners. The JPMorgan Chase Foundation awarded \$250,000.00 towards development of the Anti-Displacement Toolkit and The Dallas Foundation committed \$150,000.00 to comprise an overall budget of \$400,000.00. BOHCDC will have full control over the topics, methodology, and conclusions of the Anti-Displacement Toolkit.

The City may implement the Anti-Displacement Toolkit pending review of final deliverables and alignment with Housing Department initiatives including Council approval and appropriation of City financial resources to support BOHCDC's recommendations.

City of Dallas Affirmative Fair Housing Marketing Policy

The Affirmative Fair Housing Marketing (AFHM) Plan is a marketing strategy 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 Investment Partnership Program (HOME), Community Development Block Grant (CDBG) or Neighborhood Stabilization Program (NSP) funds, for all projects resulting in five (5) or more assisted housing units, implement affirmative marketing 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 marketing to such groups prior to expending any funds on a project, 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.

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 to certify the following:

- Examine and attempt to alleviate housing discrimination within 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: 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 requirement 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 American
 - Native American
 - Hispanics
 - Asians and Pacific Islanders
 - Persons with Disabilities
- 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 HUD-27061-H "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 placed 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 underrepresented groups in an attempt to balance the residents 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 agent 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 access to any pertinent books, documents, papers or other records of their properties, as necessary, for determining compliance with civil rights and nondiscrimination requirements.

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.

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 low-income 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.

Minority/Women Business Enterprise

Developers must request a list for certified Minority and Women Business Enterprises (M/WBE) from the Business Inclusion and Development (BID) Department a division of the City of Dallas's Small Business Center to send an invitation to bid to M/WBE Subcontractors to bid on the Developer's project. The list will compose of M/WBE companies from the following M/WBE certification agencies recognized by the City, the North Central Texas Regional Certification Agency (NCTRCA), Dallas / Fort Worth Minority Supplier Development Council (DFWMSDC), and the Women's Business Council Southwest (WBCSW). The M/WBE Subcontractor list request will identify the scopes of work or construction trades that the Developer plans to subcontract as part of the Developer's hard construction cost.

Developers are to work with City's BID Department to maximize M/WBE Subcontractor participation in the Developer's project. A M/WBE General Contractor does not count toward the M/WBE Subcontracting Participation Goal but is encouraged to be utilized to build the capacity of M/WBE General Contractors.

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.

Preferences:

- Incentivize more development of additional single-family developments through the use of gap funding
- Award to developer partners with no current outstanding housing projects with the City.

Funding Caps and Targeted Investments:

- Gap funding provided to a developer shall be capped at a maximum 25% of total development cost or \$5,000,000.00, whichever is less (subject to exception for affordable housing projects in target areas and developments with specific project initiatives e.g., city-owned properties, DART, Dallas Housing Authority, and Dallas ISD).

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 free-standing 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.

I. 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 Accountant.
 - 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.

J. Structure of Transaction

Definitions.

Total Development Cost means the total cost incurred in the development of property and/or homebuyer unit including but not limited to acquisition costs, hard construction costs, soft costs, financing costs, marketing costs, developer fees, and sundry costs. Total Development Cost does not include the Developer Fee when it used as the basis for calculating the Developer Fee (i.e.,

the Developer Fee is not counted as part of the Total Development Cost to calculate the Developer Fee).

Developer Fee means the fee that is intended to compensate a developer for the time and effort of assembling a project, overseeing its development team, and carrying a project to fruition. It is equal to 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.).

Developer Subsidy means the Total Development Cost less the sales price of the home and in no event it shall exceed the amount of the HOME loan to the developer.

Recapture means the repayment by the home buyer to the city of the amount of HOME assistance that enabled the homebuyer to purchase the home, including any HOME assistance used to reduce purchase price from fair market value to an affordable price, but excludes the difference in the total development cost and sales price (e.g., developer subsidy).

City-Certified Community Housing Development Organization (CHDO) means a private nonprofit entity that meets the qualifications in 24 CFR Part 92.2 and the requirements set forth in Dallas Housing Resource Catalog.

Net Proceeds – means the amount equal to the sales price minus the developer's repayment of superior loan(s) (other than the city's HOME-funded loan) and repayment of any other lender funding.

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. for the purposes of creating affordable single-family homebuyer units and subject to the terms and conditions of the development agreement, the DHP33, and the DHRC and any amendments thereto. No grants will be awarded, and Funding commitments are not transferable without prior written City of Dallas approval. HOME loans to CHDOs will be forgivable loans, subject to compliance with the terms and conditions of the development agreement, the DHRC.

The City of Dallas HOME Loan may be used for acquisition and construction financing. A portion or all of which may be forgiven based on the total development cost as it relates to the sales price of the home. Proceeds of the HOME loan sale of the single-family unit is as follows: will only be released following satisfaction of all requirements outlined below.

1. Sales Price Exceeds Total Development Cost

In instances where the sales price exceeds Total Development Cost, proceeds from the initial sale of the home will be distributed in the following amounts and order of priority:

- a. Repayment of the amount of any construction loan applicable to the home unit received by the developer from a commercial lender for that unit;
- b. Payment of the developer fee, up to the maximum amount permitted per city's Single Family Development Requirements/Underwriting policy;
- c. For developers that are **not** Community Housing Developer Organizations (CHDO), the remaining sales proceeds will be repaid to the City of Dallas;
- d. If a developer **is** a CHDO, any remaining proceeds may be retained by the CHDO and must be used for HOME-eligible or other single-family housing development activities to benefit families with household income up to 80%

AMI within the City of Dallas pursuant to 24 CFR 92.300(a)(6)(ii), 24 CFR 92.505 and 2 CFR Part 200. The CHDO must remain in good standing as a certified CHDO and comply with all contractual obligations including tracking, monitoring of CHDO proceeds from the sale, 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.

2. Total Development Cost Exceeds Sales Price

In some instances, the total development cost of a home will exceed the sales price. In these cases, a portion of the City's award will be used to pay for the difference between the total development cost and the sales price. This amount is referred to as a developer subsidy and is not subject to repayment by the developer and not subject to recapture from the ultimate purchaser of the home.

Proceeds from the initial sale of the home will be distributed in the following amounts and order of priority:

- a. Repayment of the amount of any construction loan applicable to the home unit received from a commercial lender;
- b. Payment of the developer fee, up to the maximum amount permitted per city's Single Family Development Requirements/Underwriting policy;
- c. For developers that are **not** a Community Housing Development Organization (CHDO), the remaining sales proceeds will be repaid to the City of Dallas;
- d. If a developer **is** a CHDO, any remaining proceeds may be retained by the CHDO and used for HOME-eligible or other single-family housing development activities to benefit families with household income up to 80% AMI within the City of Dallas pursuant to 24 CFR 92.300(a)(6)(ii), 24 CFR 92.505 and 2 CFR Part 200. The CHDO must remain in good standing as a certified CHDO and comply with all contractual obligations, including tracking, reporting, monitoring of CHDO proceeds from the sale, 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.

For non-CHDO developers, the HOME loan will: In all cases, The forgivable 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
- For both CHDO and non-CHDO developers, the HOME loan will: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.

K. 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:

- 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.

L. 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.

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 cross-cutting 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 TDHCA Approved Market Analysts. 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. Inasmuch 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 over-subsidized 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 lease-up (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 least 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 or 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.

Inasmuch as is reasonable, the City will update and clarify these guidelines over time to account for exceptions, waivers, or additional restrictions it imposes.

Design Guidelines

This portion of the catalog 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.

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.

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
- 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.

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 development-related 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

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.



Agenda Information Sheet

File #: 24-1713

Item #: 15.

STRATEGIC PRIORITY: Housing & Homelessness Solutions
AGENDA DATE: June 12, 2024
COUNCIL DISTRICT(S): 6
DEPARTMENT: Department of Housing & Neighborhood Revitalization
EXECUTIVE: Robin Bentley

SUBJECT

Authorize an amendment to Resolution 23-0544, previously approved on April 26, 2023 authorizing the **(1)** Dallas Public Facility Corporation (DPFC) or its affiliate to purchase, using Community Development Block Grant (CDBG) Funds, and own property located at 9999 West Technology Boulevard, Dallas, Texas 75220 (the Property); **(2)** City Manager to negotiate and execute a development agreement and security instruments with the DPFC, each as approved to form by the City Attorney, and in compliance with 24 CFR 570.201(a) and (b), in an amount not to exceed \$10,000,000.00 in CDBG Funds to acquire and own, and facilitate the development of a mixed-income affordable multifamily complex known as The Park at Northpoint to be located at the Property; and **(3)** DPFC to enter into a seventy-five-year ground lease with the LDG - The Park at Northpoint, LP and/or its affiliate, for the development of the Project at the Property - Not to exceed \$10,000,000.00 - Financing: Community Development Block Grant Funds; Estimated Revenue Forgone: General Fund \$178,205,551.00 for 75 years (see Fiscal Information)

BACKGROUND

LDG Development and/ or its affiliate (Developer) submitted a Proposal on behalf of LDG The Park at Northpoint, LP (Owner) under the City's Notice of Funding Availability (NOFA), issued on August 7, 2020, as amended, to receive gap financing in the form of a cashflow loan to support the acquisition and development of affordable housing units within the City limits. The NOFA was issued by the Department of Housing & Neighborhood Revitalization (Housing) in accordance with the City's Comprehensive Housing Policy (CHP), as restated in the Dallas Housing Resource Catalog. The Developer received a fundable score of 99 out of 143 points. On April 26, 2023, by Resolution No. 23-0544, the City Council authorized the execution of a development loan agreement in an amount not to exceed \$10,000,000.00 in Community Development Block Grant Funds.

On October 16, 2023, due to increases in development costs and construction loan rates, the developer submitted a subsequent proposal under the City's NOFA, as amended, to the Dallas Public Facility Corporation (Corporation) and the City, to adjust the scope of work and unit mix in order to produce a financially feasible development project. The requested revisions, if approved, will reduce the development to a single phase of 426 units, and change to a three-story building type.

The Corporation will own the site and improvements and lease the Project back to the Developer or its affiliate. Pursuant to the Texas Public Facility Corporation Act, Chapter 303 of the Texas Local Government Code, as amended (Act), any public facility owned by a Public Facility Corporation is exempt from all ad valorem taxes. To qualify as a public facility, pursuant to the Act, a multifamily property must reserve at least 50% of the units for residents earning at or below 80% of the Area Median Income (AMI). The Project will reserve 41% of these units at 80%-AMI, 5% of these units at 60%-AMI and 5% of these units at 50%-AMI.

In response to the Developer's supplemental NOFA application requesting the changes, Housing requested additional consideration in order to bring this item before the Housing and Homelessness Solutions Committee and the City Council. The items agreed upon for additional consideration included the following:

1. **Deeper Affordability** - The Developer has agreed to commit to restricting 5% of the total units to 50% AMI.
2. **Social Services** - The Developer will provide a number of social services at the Property to include financial literacy, first-time homebuyer's class, after school tutoring, monthly social events, free Wi-Fi, larger swimming pool, two fitness centers, two dog parks, walking trail, yoga studio, and business center. Resident services will be included in the Regulatory Agreement to provide further assurances to the City that these services will be provided.
3. **Extended Affordability Period** - The Developer has agreed to the City's request for an extension of the affordability period for its original \$10M investment to the DPFC in CDBG Funds from 20 years to 30 years. The additional 10 years will further restrict the affordable rents for Dallas residents secured through restrictive covenants on the Property.

The Developer will be a limited partnership. The company was founded in 1994 and has successfully completed over 77 multifamily properties totaling 13,673 units and is currently developing other workforce housing developments in partnership with the City of Dallas and the Dallas Housing Finance Corporation as well as the previously approved Legacy at White Rock project with the DPFC. The proposed property manager will be Solidago Residential Services based in Austin, Texas. Currently, Solidago manages 6,600 multifamily units including 6,300 affordable units.

The Project will be situated on approximately 15 acres on Technology Boulevard West in Northwest Dallas, at the intersection of Interstate 35 and Loop 12. Amenities will include a business center, community room, theater room, walking trail, dog parks, playscape areas, picnic areas, fitness center and swimming pools. In addition, the Project will now include social services not previously considered, such as financial literacy, first time homebuyer's education, after school tutoring services and free Wi-Fi access.

Developer will work with the Office of Integrated Public Safety Solutions throughout the planning and design process for security input, community activities, and incorporate best practices of Crime Prevention Through Environmental Design. Additionally, the Developer will provide modern security features to include a full camera system, controlled access, a community crime watch program, and participation in National Night Out to ensure a safe living environment for all residents and staff.

The Project is in close proximity to Dallas Area Rapid Transit bus stops, a Wal-Mart Supercenter, a Sam's Club, Village at Bachman Lake, Las Colinas Plaza, Texas Health Family Care and William P. Clements Jr. Hospital.

The Project has been re-zoned for multifamily development without any opposition to the request. The Developer will consult with the Office of Integrated Public Safety Solutions for security input, community activities and the Crime Prevention Through Environmental Design. The Developer will also provide security features such as a full camera system, controlled gate access with perimeter fencing.

The 426 units will be comprised of 186 one-bedroom units, 198 two-bedroom units and 42 three-bedroom units. All units will include energy efficient appliances, washer/dryer hookups, covered entries/patios and additional Class A features in the unit finish out.

The anticipated unit mix and rental rates are as follows:

Unit Type	AMI	Units	SF	Rent
1 bedroom	50%	10	650	\$ 898.00
1 bedroom	60%	10	650	\$1,092.00
1 bedroom	80%	76	650	\$1,479.00
1 bedroom	Market Rate	90	850	\$1,518.00
2 bedrooms	50%	10	850	\$1,084.00
2 bedrooms	60%	10	850	\$1,316.00
2 bedrooms	80%	80	850	\$1,780.00
2 bedrooms	Market Rate	98	850	\$1,875.00
2 bedrooms	50%	2	1163	\$1,257.00
2 bedrooms	60%	2	1163	\$1,525.00
2 bedrooms	80%	18	1163	\$2,062.00
2 bedrooms	Market Rate	20	1163	\$2,428.00

The rents for individuals and families earning between 60% and 80% AMI are meant to provide housing to the "missing middle" of the market: residents that earn above low-income housing tax credit income restrictions of 60% AMI but would be cost burdened by market rents. These incomes range from approximately \$54,560.00 to \$77,900.00 in the City based on family size and represent a wide variety of employment sectors including, but not limited to, teachers, first responders, government employees, health care providers, etc. The rents for individuals and families earning below 60% AMI are included to provide deeper affordability at this property. These incomes range from \$40,920.00 to \$58,440.00 depending on family size. This project also aims to provide a small

number of units serving households at 50% AMI and below.

Total development costs are anticipated to be approximately \$121,907,308.00 which includes the acquisition price for the land. The development budget less soft/financial costs is anticipated to be approximately \$91,678,608.00, which is 215,208.00 per unit.

Proposed Financing Sources	Amount
Mortgage Loan	\$ 69,020,000.00
Developer Equity	\$ 42,887,308.00
City of Dallas CDBG Loan	\$ 10,000,000.00
Total	\$121,907,308.00

Proposed Uses	Amount
Acquisition	\$ 10,000,000.00
Development Costs	\$ 91,678,608.00
Soft Costs & Fees	\$ 20,228,700.00
Total	\$121,907,308.00

The Project will be owned by the Corporation and leased to the Developer and other potential owners for a period of 75 years. In consideration for the Corporation's participation in the Project, the Corporation is estimated to receive \$102,907,468.00 in revenues over the 75 years of the lease. Potential proceeds to the DPFC include (1) a \$250,000.00 structuring fee paid at closing; (2) 25% of the sales tax savings on all construction materials; (3) lease payments starting at \$425,000.00 and increasing by 3% annually upon stabilization; (4) a 15% sales commission after repayment of debt, equity, and preferred equity returns upon first sale of the Project; and (5) a 2% sales commission on all future sales. In the event of a sale during the life of the Project, the Corporation will continue to receive the annual lease payments. Upon termination of the seventy-five-year lease, the Corporation will own the Project free and clear.

The revenues of the Corporation will be used to fund operations and the provision of additional affordable and workforce housing throughout the City. This proposed development results in foregone tax revenues for the City while the DPFC owns the asset. The 2023 City tax bill for this property is \$54,072.98 and the 75-year estimate of foregone taxes is \$178,205,551.00. However, the workforce housing rental savings of \$147,011,186.00 over 75 years and the estimated \$102,907,468.00 in revenues provides the City with \$249,918,655.00 in benefits that outweigh the foregone revenue.

The Corporation's estimated revenues were calculated by the Corporation's counsel and financial advisors. Market rent comps and current construction costs were analyzed to ensure the project costs were reasonable for the market. The Corporation's financial advisors also confirmed that but for the ad valorem tax exemption, the Project would not be economically feasible and would not attract responsible debt and equity investment in the project. The Project's revenue considerations and affordability levels were also analyzed to confirm that the ad valorem tax exemption does not over subsidize the Project.

The City is authorized by the Act to create a public facility corporation for the purposes established in the Act, including the financing, acquisition, construction, and leasing of public facilities under the Act. On June 24, 2020, the City Council authorized the creation of the Corporation to further the public purposes stated in the Corporation's articles of incorporation and bylaws pursuant to the Act by Resolution No. 20-1035, which were subsequently amended by Resolution No. 22-1194 (bylaws). Section 6.2 of the Corporation's bylaws requires City Council approval by written resolution prior to entering into any agreement that would result in a property tax exemption. Per Section 7.3 of the bylaws, any Public Facility related to multifamily residential development of the Corporation shall not proceed unless (1) the development of the Public Facility could not be feasible but for the Corporation's participation, and (2) the development of the Public Facility is in furtherance of the City of Dallas's Comprehensive Housing Policy (CHP), as restated in the Dallas Housing Policy 2033 (DHP33) and the Dallas Housing Resource Catalog (DHRC).

Staff and the Corporation's Counsel and Financial Advisors have confirmed that this Project would not be feasible but for the Corporation's participation and that the Project furthers the goals of the CHP, as restated in the DHP33 and the DHRC. Staff recommends approval of this item to allow this mixed-income housing development to move forward.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	August 2024
Complete Construction	August 2026

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 20, 2020, the City Council authorized final adoption of the FY 2020-21 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included Community Development Block Grant Residential Development Acquisition Loan Funds; and adoption of the FY 2019-20 Budget by Resolution No. 20-0655.

On June 9, 2021, the City Council authorized final adoption of the FY 2021-22 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included Community Development Block Grant Residential Development Acquisition Loan Funds by Resolution No. 21-0974.

On March 9, 2022, the City Council authorized final adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 3) to the FY2021-22 Action Plan which included unspent prior year CDBG Funds in the amount of \$2,569,591.00 for the Residential Development Acquisition Loan Program by Resolution No. 22-0501.

On June 22, 2022, the City Council authorized final adoption of the FY 2022-23 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included Community Development Block Grant Residential Development Acquisition Loan Funds by Resolution No. 22-1024.

On February 28, 2023, the DPFC Board of Directors approved a partnership term sheet with the Developer to develop and own the Project.

On March 8, 2023, the City Council authorized final adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 1) to the FY 2022-23 Action Plan which included unspent prior year CDBG funds in the amount of \$2,971,130.00 for the Residential Development Acquisition Loan Program by Resolution No. 23-0414.

On April 26, 2023, the City Council authorized (1) Dallas Public Facility Corporation (DPFC) to purchase, using Community Development Block Grant (CDBG) Funds, and own property located at located at 9999 West Technology Boulevard, Dallas, Texas 75220 (the Property); (2) City Manager to execute a development agreement and security instruments with the DPFC, each as approved to form by the City Attorney, and in compliance with 24 CFR 570.201(a) and (b), in an amount not to exceed \$10,000,000.00 in CDBG Funds to acquire and own, and facilitate the development of a mixed-income affordable multifamily complex known as The Park at Northpoint to be located at the Property; and (3) DPFC to enter into a 75-year ground lease with the LDG The Park at Northpoint, LP, for the development of the Project at the Property - Not to exceed \$10,000,000.00 - Financing: Community Development Block Grant Funds by Resolution No. 23-0544.

On March 26, 2024, the Dallas Public Facility Corporation Board of Directors approved to amend the terms of the project with the Developer.

[The Housing and Homelessness Solutions Committee was briefed by memorandum regarding this matter on May 24, 2024.](#)

FISCAL INFORMATION

Fund	FY 2023	FY 2024	Future Years
Community Development Block Grant Funds	\$10,000,000.00	\$0.00	\$0.00

Estimated Revenue Foregone: General Fund \$178,205,551.00 for 75 years

Exhibit A provides supporting details on the estimated \$101,615,648.00 in lease payments over seventy-five years in addition to an acquisition fee in the amount of \$250,000.00 and sales tax abatement fee in the amount of \$1,042,000.00 totaling \$102,907,468.00 in projected revenue to the Corporation. Additionally, the estimated revenue forgone is \$178,205,551.00 in City taxes over seventy-five years. The project will provide a projected amount of \$147,011,186.00 in rent savings over the seventy-five-year period.

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
\$91,678,608.00	Construction	32.00%
M/WBE Subcontracting %	M/WBE Overall %	M/WBE Overall Participation \$
32.00%	32.00%	\$29,337,154.56
• This contract meets the M/WBE subcontracting goal.		
• LDG The Park at Northpoint, LP - Non-local; Workforce - 0.00% Local		

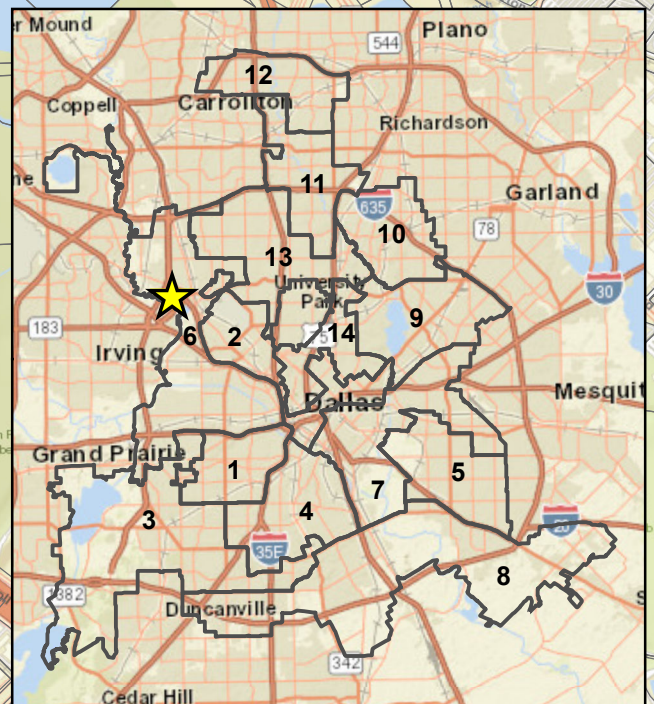
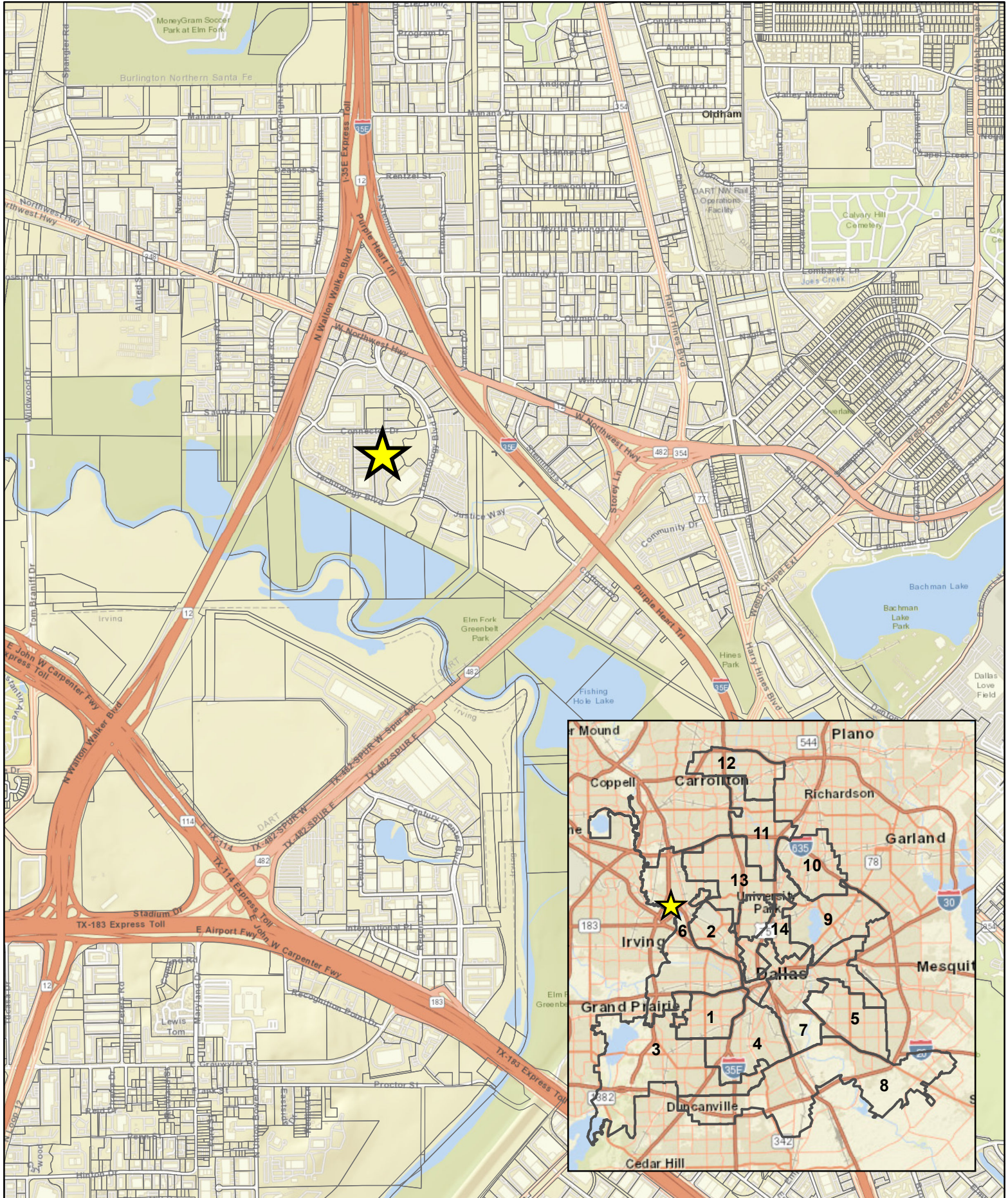
DEVELOPER**LDG - The Park at Northpoint, LP**

Jake Brown, Development Manager

MAP

Attached

The Park at Northpoint 9999 Technology Boulevard W.



June 12, 2024

WHEREAS, on April 26, 2023, by Resolution No. 23-0544 the City Council authorized: (1) the Dallas Public Facility Corporation (Corporation) or its affiliate to acquire, develop, and own The Park at Northpoint; and (2) the City Manager to enter into a development loan agreement with the Corporation; and (3) the Corporation to enter into a seventy-five-year ground lease agreement with LDG The Park at Northpoint, LP (Owner) for the development of The Park at Northpoint to be located at 9999 West Technology Boulevard, Dallas, Texas, 75220 pursuant to 24 CFR 570.201(a) and (b).

WHEREAS, it is necessary for the City to amend Resolution No. 23-0544, by modifying: (1) the scope of work from 2 phases to one phase; (2) the total units to be developed from 615 to 426; and (3) authorize the execution of amended development loan agreement and security documents with Owner for the development of The Park at Northpoint.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to amend Resolution No. 23-0544, previously approved on April 26, 2023, relating to the execution of development loan agreement and security documents with LDG The Park at Northpoint, LP, (Owner) or an affiliate(s) thereof and the City of Dallas Public Facility Corporation for the development of a mixed-income affordable multifamily complex known as The Park at Northpoint to **(1)** instead authorize execution of an amended development loan agreement with the Owner or an affiliate(s) by modifying: **(a)** the scope of work from 2 phases to one phase; and **(2)** modifying the total units to be developed from 615 to 426.

SECTION 2. That all other terms and conditions as set forth in Resolution No. 23-0544 approved on April 26, 2023, shall remain in full force and effect, except as specifically outlined in Section 1 above.

SECTION 3. That this resolution does not constitute a binding agreement upon the City or subject to the City to any liability or obligation until such time as the land is conveyed and the development agreement(s) is duly executed.

SECTION 4. That the development agreement is designated as Contract No. HOU-2023-00021538.

SECTION 5. That the 75-year ground lease is designated as Contract No. HOU-2023-00021832.

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.

Exhibit A
Dallas Public Facility Corporation - The Park at Northpoint
75-Year Estimates



	Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10	Y11	Y12	Y13	Y14	Y15
COD Property Taxes	\$ 99,680	\$ 226,134	\$ 349,376	\$ 719,716	\$ 741,307	\$ 763,547	\$ 786,453	\$ 810,047	\$ 834,348	\$ 859,379	\$ 885,160	\$ 911,715	\$ 939,066	\$ 967,238	\$ 996,255
Rent Savings	\$ -	\$ 186,471	\$ 432,147	\$ 593,482	\$ 611,286	\$ 629,625	\$ 648,514	\$ 667,969	\$ 688,008	\$ 708,649	\$ 729,908	\$ 751,805	\$ 774,359	\$ 797,590	\$ 821,518
Acquisition Fee	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sales Tax Abatement Fee	\$ 521,000	\$ 521,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Annual Lease Payment	\$ -	\$ -	\$ -	\$ 247,917	\$ 425,000	\$ 437,750	\$ 450,883	\$ 464,409	\$ 478,341	\$ 492,691	\$ 507,472	\$ 522,696	\$ 538,377	\$ 554,529	\$ 571,164
Annual TTL Revenue	\$ 771,000	\$ 521,000	\$ -	\$ 247,917	\$ 425,000	\$ 437,750	\$ 450,883	\$ 464,409	\$ 478,341	\$ 492,691	\$ 507,472	\$ 522,696	\$ 538,377	\$ 554,529	\$ 571,164
Benefits (Sav. + Rev.)	\$ 771,000	\$ 707,471	\$ 432,147	\$ 841,399	\$ 1,036,286	\$ 1,067,375	\$ 1,099,396	\$ 1,132,378	\$ 1,166,350	\$ 1,201,340	\$ 1,237,380	\$ 1,274,502	\$ 1,312,737	\$ 1,352,119	\$ 1,392,682

	Y16	Y17	Y18	Y19	Y20	Y21	Y22	Y23	Y24	Y25	Y26	Y27	Y28	Y29	Y30
COD Property Taxes	\$ 1,026,143	\$ 1,056,927	\$ 1,088,635	\$ 1,121,294	\$ 1,154,933	\$ 1,189,581	\$ 1,225,268	\$ 1,262,026	\$ 1,299,887	\$ 1,338,884	\$ 1,379,050	\$ 1,420,422	\$ 1,463,034	\$ 1,506,925	\$ 1,552,133
Rent Savings	\$ 846,163	\$ 871,548	\$ 897,695	\$ 924,626	\$ 952,364	\$ 980,935	\$ 1,010,363	\$ 1,040,674	\$ 1,071,895	\$ 1,104,051	\$ 1,137,173	\$ 1,171,288	\$ 1,206,427	\$ 1,242,620	\$ 1,279,898
Acquisition Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sales Tax Abatement Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Annual Lease Payment	\$ 588,299	\$ 605,948	\$ 624,127	\$ 642,851	\$ 662,136	\$ 682,000	\$ 702,460	\$ 723,534	\$ 745,240	\$ 767,597	\$ 790,625	\$ 814,344	\$ 838,774	\$ 863,937	\$ 889,856
Annual TTL Revenue	\$ 588,299	\$ 605,948	\$ 624,127	\$ 642,851	\$ 662,136	\$ 682,000	\$ 702,460	\$ 723,534	\$ 745,240	\$ 767,597	\$ 790,625	\$ 814,344	\$ 838,774	\$ 863,937	\$ 889,856
Benefits (Sav. + Rev.)	\$ 1,434,463	\$ 1,477,497	\$ 1,521,822	\$ 1,567,476	\$ 1,614,501	\$ 1,662,936	\$ 1,712,824	\$ 1,764,208	\$ 1,817,135	\$ 1,871,649	\$ 1,927,798	\$ 1,985,632	\$ 2,045,201	\$ 2,106,557	\$ 2,169,754

	Y31	Y32	Y33	Y34	Y35	Y36	Y37	Y38	Y39	Y40	Y41	Y42	Y43	Y44	Y45
COD Property Taxes	\$ 1,598,697	\$ 1,646,658	\$ 1,696,058	\$ 1,746,940	\$ 1,799,348	\$ 1,853,328	\$ 1,908,928	\$ 1,966,196	\$ 2,025,182	\$ 2,085,937	\$ 2,148,515	\$ 2,212,971	\$ 2,279,360	\$ 2,347,741	\$ 2,418,173
Rent Savings	\$ 1,318,295	\$ 1,357,844	\$ 1,398,579	\$ 1,440,537	\$ 1,483,753	\$ 1,528,265	\$ 1,574,113	\$ 1,621,337	\$ 1,669,977	\$ 1,720,076	\$ 1,771,678	\$ 1,824,829	\$ 1,879,574	\$ 1,935,961	\$ 1,994,040
Acquisition Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sales Tax Abatement Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Annual Lease Payment	\$ 916,551	\$ 944,048	\$ 972,369	\$ 1,001,540	\$ 1,031,587	\$ 1,062,534	\$ 1,094,410	\$ 1,127,242	\$ 1,161,060	\$ 1,195,892	\$ 1,231,768	\$ 1,268,721	\$ 1,306,783	\$ 1,345,986	\$ 1,386,366
Annual TTL Revenue	\$ 916,551	\$ 944,048	\$ 972,369	\$ 1,001,540	\$ 1,031,587	\$ 1,062,534	\$ 1,094,410	\$ 1,127,242	\$ 1,161,060	\$ 1,195,892	\$ 1,231,768	\$ 1,268,721	\$ 1,306,783	\$ 1,345,986	\$ 1,386,366
Benefits (Sav. + Rev.)	\$ 2,234,846	\$ 2,301,892	\$ 2,370,948	\$ 2,442,077	\$ 2,515,339	\$ 2,590,799	\$ 2,668,523	\$ 2,748,579	\$ 2,831,036	\$ 2,915,968	\$ 3,003,447	\$ 3,093,550	\$ 3,186,356	\$ 3,281,947	\$ 3,380,406

	Y46	Y47	Y48	Y49	Y50	Y51	Y52	Y53	Y54	Y55	Y56	Y57	Y58	Y59	Y60
COD Property Taxes	\$ 2,490,718	\$ 2,565,440	\$ 2,642,403	\$ 2,721,675	\$ 2,803,325	\$ 2,887,425	\$ 2,974,048	\$ 3,063,269	\$ 3,155,167	\$ 3,249,822	\$ 3,347,317	\$ 3,447,737	\$ 3,551,169	\$ 3,657,704	\$ 3,767,435
Rent Savings	\$ 2,053,861	\$ 2,115,477	\$ 2,178,941	\$ 2,244,309	\$ 2,311,638	\$ 2,380,987	\$ 2,452,417	\$ 2,525,990	\$ 2,601,769	\$ 2,679,822	\$ 2,760,217	\$ 2,843,024	\$ 2,928,314	\$ 3,016,164	\$ 3,106,649
Acquisition Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sales Tax Abatement Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Annual Lease Payment	\$ 1,427,957	\$ 1,470,796	\$ 1,514,920	\$ 1,560,367	\$ 1,607,178	\$ 1,655,394	\$ 1,705,055	\$ 1,756,207	\$ 1,808,893	\$ 1,863,160	\$ 1,919,055	\$ 1,976,627	\$ 2,035,925	\$ 2,097,003	\$ 2,159,913
Annual TTL Revenue	\$ 1,427,957	\$ 1,470,796	\$ 1,514,920	\$ 1,560,367	\$ 1,607,178	\$ 1,655,394	\$ 1,705,055	\$ 1,756,207	\$ 1,808,893	\$ 1,863,160	\$ 1,919,055	\$ 1,976,627	\$ 2,035,925	\$ 2,097,003	\$ 2,159,913
Benefits (Sav. + Rev.)	\$ 3,481,818	\$ 3,586,272	\$ 3,693,860	\$ 3,804,676	\$ 3,918,817	\$ 4,036,381	\$ 4,157,472	\$ 4,282,197	\$ 4,410,663	\$ 4,542,982	\$ 4,679,272	\$ 4,819,650	\$ 4,964,240	\$ 5,113,167	\$ 5,266,562

	Y61	Y62	Y63	Y64	Y65	Y66	Y67	Y68	Y69	Y70	Y71	Y72	Y73	Y74	Y75
COD Property Taxes	\$ 3,880,458	\$ 3,996,872	\$ 4,116,778	\$ 4,240,281	\$ 4,367,489	\$ 4,498,514	\$ 4,633,470	\$ 4,772,474	\$ 4,915,648	\$ 5,063,117	\$ 5,215,011	\$ 5,371,461	\$ 5,532,605	\$ 5,698,583	\$ 5,869,541
Rent Savings	\$ 3,199,848	\$ 3,295,844	\$ 3,394,719	\$ 3,496,560	\$ 3,601,457	\$ 3,709,501	\$ 3,820,786	\$ 3,935,410	\$ 4,053,472	\$ 4,175,076	\$ 4,300,328	\$ 4,429,338	\$ 4,562,218	\$ 4,699,085	\$ 4,840,057
Acquisition Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sales Tax Abatement Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Annual Lease Payment	\$ 2,224,711	\$ 2,291,452	\$ 2,360,195	\$ 2,431,001	\$ 2,503,931	\$ 2,579,049	\$ 2,656,421	\$ 2,736,113	\$ 2,818,197	\$ 2,902,743	\$ 2,989,825	\$ 3,079,520	\$ 3,171,905	\$ 3,267,062	\$ 3,365,074
Annual TTL Revenue	\$ 2,224,711	\$ 2,291,452	\$ 2,360,195	\$ 2,431,001	\$ 2,503,931	\$ 2,579,049	\$ 2,656,421	\$ 2,736,113	\$ 2,818,197	\$ 2,902,743	\$ 2,989,825	\$ 3,079,520	\$ 3,171,905	\$ 3,267,062	\$ 3,365,074
Benefits (Sav. + Rev.)	\$ 5,424,559	\$ 5,587,295	\$ 5,754,914	\$ 5,927,562	\$ 6,105,389	\$ 6,288,550	\$ 6,477,207	\$ 6,671,523	\$ 6,871,669	\$ 7,077,819	\$ 7,290,153	\$ 7,508,858	\$ 7,734,124	\$ 7,966,147	\$ 8,205,132



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1560

Item #: 16.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Public Works

EXECUTIVE: Dr. Robert Perez

SUBJECT

An ordinance amending Ordinance No. 22320, previously approved on January 25, 1995, which licensed a portion of Welborn Street right-of-way to the Texas Scottish Rite Hospital for Children, formerly known as Texas Scottish Rite Hospital for Crippled Children, by **(1)** altering Sections 2, 3 and 4; **(2)** adding a new subsection 7(d); and **(3)** adding a new Exhibit A - Revenue: General Fund \$400.00 one-time fee, plus the \$20.00 ordinance publication fee

BACKGROUND

This item authorizes amending Ordinance No. 22320, previously approved on January 25, 1995, by **(1)** altering Sections 2, 3 and 4; **(2)** adding a new subsection 7(d); and **(3)** adding a new Exhibit A, which licensed a portion of Welborn Street right-of-way for the use of a total of approximately 42,297 square feet to occupy, maintain and utilize landscaping, special pavers, decorative street lighting and twelve bollards without illumination near its intersection with Maple Avenue to the Texas Scottish Rite Hospital for Children, formerly known as Texas Scottish Rite Hospital for Crippled Children. The use of this area will not impede pedestrian or vehicular traffic. This license has a remaining term of 11 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)

On January 25, 1995, the City Council authorized a private license to the Texas Scottish Rite Hospital for Children, formerly known as Texas Scottish Rite Hospital for Crippled Children, for the use of a total of approximately 42,297 square feet of land to occupy, maintain and utilize landscaping, special pavers, and decorative street lighting on a portion of Welborn Street right-of-way near its intersection with Maple Avenue by Resolution No. 95-0381; Ordinance No. 22320.

FISCAL INFORMATION

Revenue: General Fund \$400.00 one-time fee, plus the \$20.00 ordinance publication fee

OWNER

Texas Scottish Rite Hospital for Children, formerly known as Texas Scottish Rite Hospital for Crippled Children

M. Douglas Adkins, Director

MAP

Attached

Info

Zoom

Dallas Tax Parcel Info

Parcel Account: 001006000B0010000

Address: 2222 WELBORN ST

Council Person: [Jesse Moreno](#)

Council District: 2

Sanitation District: 3, Day: WEDNESDAY

Brush Week: 1

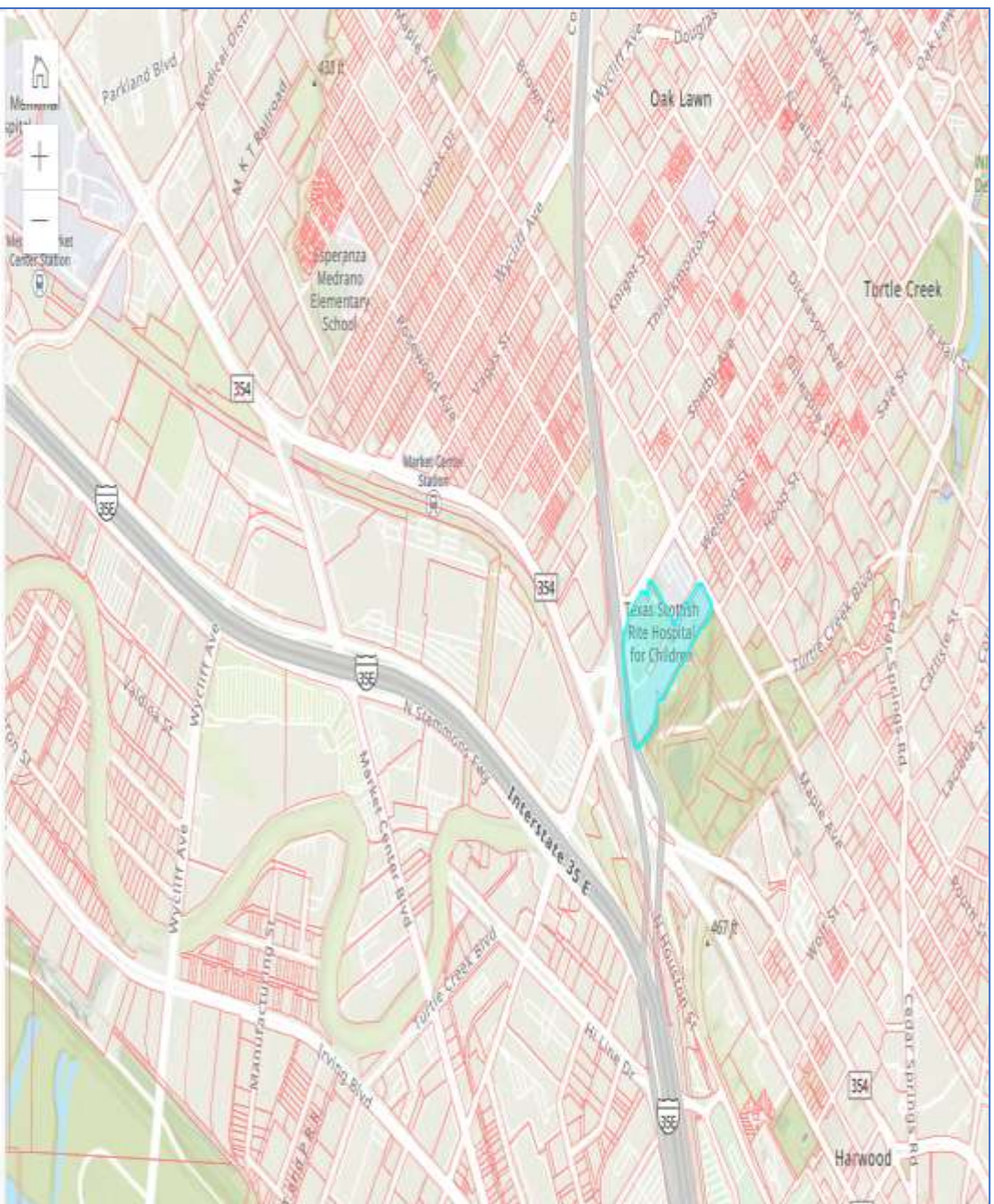
Fire District: 3

Police Beat: 123

Police Division: CENTRAL

Zoning: PD-518

Appraisal Website [Link](#)



COUNCIL DISTRICT MAP

DISTRICT 2

ORDINANCE NO. _____

An ordinance amending Ordinance No. 22320, by altering Sections 2, 3 and 4 and adding new subsection 7(d) and adding new Exhibit A; providing for consideration to be paid to the City of Dallas; providing for payment of the publication fee; providing a savings clause; and providing an effective date.

ooo0ooo

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

SECTION 1. That Ordinance No. 22320 adopted by the City Council of the City of Dallas on January 15, 1995, be and the same is hereby amended by altering Sections 2, 3 and 4 and adding new subsection 7(d) and adding new Exhibit A to read as follows:

SECTION 2. That this license is granted for a term of forty (40) years, with a remaining term to January 25, 2035, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of ~~THREE HUNDRED FIFTY and 00/100 DOLLARS (\$350.00)~~ **FOUR HUNDRED AND NO/100 DOLLARS (\$400.00)** annually for the license herein granted, said sum to be paid prior 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~~ **THREE HUNDRED FIFTY AND 00/100 DOLLARS (\$350.00)** shall ~~become due and payable upon~~ the final passage of this ordinance and shall cover the consideration for ~~1995.~~ the license term, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code. 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 Property Management Director may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the City Controller of the City of Dallas and ~~deposed in Fund 004,~~ Chief Financial Officer of the City of Dallas and deposited in General Fund, Fund 0001, Department PBW, 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

SECTION 1. (continued)

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 Public Works of the City of Dallas: landscaping, special pavers, ~~and~~ decorative street lighting; and twelve bollards without illumination.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

- (a) **GRANTEE** shall assume full responsibility for the maintenance of Welborn Street and any work in the right-of-way shall be in accordance with plans submitted to and approved by the Department of Public Works and Transportation prior to commencement of the work, including any future plans for narrowing the pavement.
- (b) **GRANTEE** shall obtain Cut Control Permit by calling 214-948-4445 prior to any construction requiring street cuts.
- (c) **GRANTEE** shall provide emergency access to the Fire Department at all times.
- (d) **GRANTEE** shall ensure unobstructed pedestrian path will meet the Americans with Disabilities Act (ADA) requirements.

SECTION 2. That as consideration for amending Ordinance No. 22320, Texas Scottish Rite Hospital for Children (formerly Texas Scottish Rite Hospital for Crippled Children) agrees to pay monetary consideration in the sum of **FOUR HUNDRED AND NO/100 (\$400.00) DOLLARS**, the one-time fee owed to cover the consideration of 2024.

SECTION 3. 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 PBW, Unit 1181, Revenue Code 8200.

SECTION 4. That Ordinance No. 23320 adopted by the City Council of the City of Dallas on January 25, 1995, be and the same is hereby amended by altering Section 3, altering Section 4, adding new subsection 7(d) and adding new Exhibit A hereto and made a part hereof.

SECTION 5. That the terms and conditions of Ordinance No. 22320 shall remain in full force and effect except as amended hereby.


SECTION 6. 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 Public Works, or designee. Upon receipt of fees pursuant to Section 2 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 Public Works, or designee shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Public Works, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 7. That this ordinance is designated for City purposes as Contract No. PBW-2023-00022862.

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:
TAMMY L. PALOMINO,
City Attorney

ALI HATEFI, Director
Department of Public Works

BY 
Assistant City Attorney
Passed _____

BY 
FOR Assistant Director

ELEMENTS IN ROW	
QTY	ELEMENT
12	BOLLARD

[illegible]

22320

EXHIBIT A

000000

LEGAL DESCRIPTION
PORTION OF WELBORN STREET
PRIVATE LICENSE AGREEMENT

Being a portion of Welborn Street (a 50 foot wide public right-of-way) situated in the James A. Sylvester Survey, Abstract No. 1383, Dallas County, City of Dallas, Texas, said street as dedicated via the plat of Cole's Sylvester Addition as recorded in Volume 1, Page 549, and being that portion of said Welborn Street lying southwesterly of Maple Avenue (a 70 foot wide public right-of-way), said portion of Welborn Street being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found where the northwesterly right-of-way line of said Welborn Avenue intersects the southwesterly right-of-way line of said Maple Avenue;

THENCE S44°59'30"E, 50.00 feet to an iron rod found where the southeasterly right-of-way line of said Welborn Street intersects said southwesterly right-of-way line of Maple Avenue;

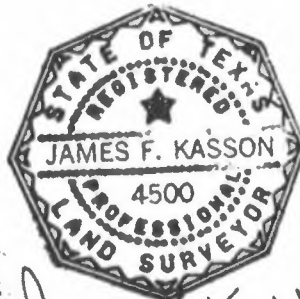
THENCE S44°20'00"W, 846.00 feet along said southeasterly right-of-way line to an iron rod found in the southerly terminus of said Welborn Street;

THENCE N44°59'30"W, 50.00 feet along said southerly terminus to an iron rod found in the northwesterly right-of-way line of said Welborn Street;

THENCE N44°20'00"E, 846.00 feet along said northwesterly right-of-way line and along the southeasterly lines of City Blocks B/1006 and A/1006 to the POINT OF BEGINNING, and containing 0.971 acres, or 42,297 square feet of land.

DK

NOTE: BEARINGS BASED ON THE PLAT OF TEXAS SCOTTISH RITE HOSPITAL ADDITION, AS RECORDED IN VOLUME 94019, PAGE 3549, DEED RECORDS, DALLAS COUNTY, TEXAS.



James F. Kasson
12/29/94

EXHIBIT A

22320

OAK LAWN AVENUE

MAPLE AVENUE

JAMES A. SYLVESTER SURVEY ABSTRACT NO. 1383

BLOCK A/1006
TEXAS SCOTTISH RITE HOSPITAL ADDITION
VOL. 94019, PG. 3549

COLE'S SYLVESTER ADDITION
OWNED BY CITY OF DALLAS
SYLVESTER AVENUE
VOL. 1, PG. 549
0.523 AC.

POINT OF BEGINNING
S 4° 59' 30" E
50.00'
0.971 AC.

BLOCK B/1006
TEXAS SCOTTISH RITE HOSPITAL ADDITION
VOL. 94019, PG. 3549



James F. Kasson
12/29/94

N 4° 20' 00" E
WELBORN STREET
S 4° 20' 00" W
COLE'S SYLVESTER ADDITION
VOL. 1, PG. 549
846.00'

TEXAS SCOTTISH RITE HOSPITAL
VOL. 94019, PG. 3549



REVIEWED BY

James F. Kasson
12/29/94

SCALE : 1" = 100'

EXHIBIT SHOWING PORTION OF WELBORN STREET PRIVATE LICENSE AGREEMENT

IRON RODS FOUND AT ALL CORNERS

SITUATED IN THE CITY OF DALLAS, DALLAS COUNTY,
TEXAS

NOTE: BEARINGS BASED ON THE PLAT OF SCOTTISH RITE HOSPITAL ADDITION
AS RECORDED IN VOLUME 94019, PAGE 3549, DEED RECORDS, DALLAS COUNTY, TEXAS.

J:\J08\947006\SUR\006V1EX.DGN

Carter-Burgess
Consultants in Engineering, Architecture,
Planning and the Environment
CARTER & BURGESS, INC.
3800 HALEN STREET
FT. WORTH, TX 76107-7804

**TEXAS SCOTTISH
RITE HOSPITAL
FOR CHILDREN**

DATE 12-01-94	SHT. NO.
DRAWN O. C.	2 OF 2
DESIGNED	



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1782

Item #: 17.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance granting a private license to Olymbec USA LLC, for the use of approximately 907 square feet of aerial space to maintain and utilize an existing aerial walkway over a portion of St. Paul Avenue right-of-way located near its intersection with Pacific Avenue - Revenue: General Fund \$7,471.00, plus the \$20.00 ordinance publication fee

BACKGROUND

This item grants a private license to Olymbec USA LLC, for the use of approximately 907 square feet of aerial space to occupy, use, maintain and utilize an existing aerial walkway over a portion of St. Paul Avenue right-of-way near its intersection with Pacific Avenue. The use of this area will not impede pedestrian or vehicular traffic. The term of this license is 40 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)

On September 24, 2003, the City Council authorized a private license to F/P/O Fee Associates, L. P. for the purpose of using and maintaining an existing aerial walkway on a portion of St. Paul Avenue right-of-way by Ordinance No. 25370.

FISCAL INFORMATION

Revenue: General Fund \$7,471.00, plus the \$20.00 ordinance publication fee

OWNER

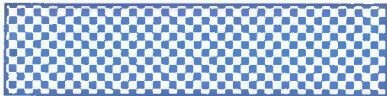
Olymbec USA LLC

Olymbec Investments, Inc

Jason Berger, Executive Vice President and General Counsel

MAP

Attached



License Area

ORDINANCE NO. _____

An ordinance granting a private license to Olymbec USA LLC to maintain and utilize a portion of St. Paul Avenue right-of-way located near its intersection with Pacific Avenue adjacent to City Blocks A/475 and 94 within the limits hereinafter more fully described, for the purpose of maintaining and utilizing an existing aerial walkway; 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.

ooo0ooo

WHEREAS, on September 24, 2003, the City Council of the City of Dallas passed Ordinance No. 25370, thereby granting F/P/D Fee Associates, L.P. the right, privilege, and franchise to utilize St. Paul Avenue right-of-way for the maintenance and use of an aerial walkway; and

WHEREAS, the rights granted by said ordinance have expired; and

WHEREAS, Olymbec USA LLC is the owner of the real property abutting the license area and has requested termination of the rights granted by said ordinance; and

WHEREAS, the City Council of the City of Dallas is of the opinion that a new license should be granted to Olymbec USA LLC to continue to use this public property for an existing aerial walkway, subject to the conditions hereinafter more fully set out.

Now Therefore,

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 Olymbec USA LLC, a Delaware limited liability company, its successors and assigns, hereinafter referred to as **GRANTEE**, to 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.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas the sum of **SEVEN THOUSAND FOUR HUNDRED SEVENTY-ONE AND NO/100 DOLLARS (\$7,471.00)** annually for the license herein granted, following the effective date of ordinance, 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 **SEVEN THOUSAND FOUR HUNDRED SEVENTY-ONE AND NO/100 DOLLARS (\$7,471.00)** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2024. 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 Department of Public Works, or designee, may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the City Financial Officer of the City of Dallas and deposited in General Fund, Fund 0001, Department PBW, Unit. 1181, Revenue Source 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 Public Works of the City of Dallas: to use and maintain and existing aerial walkway.

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 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

SECTION 6. (continued)

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 the 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 any improvements and encroachments from the licensed area 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 Public Works.

SECTION 7. That the license is subject to the following conditions, terms and reservations. **GRANTEE** shall comply with PD 619 and SUP 1957.

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Public Works, 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 Public Works, 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 Public Works, 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 Public Works within ten (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 Public Works, 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 Public Works, 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 Public Works, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Public Works, 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. PBW-2023-00023119.

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:
TAMMY L. PALOMINO
City Attorney

BY


City Attorney

ALI HATEFI, Director
Department of Public Works

BY


for Assistant Director

Passed _____.

25370

032546

EXHIBIT A

REVISED FILED NOTES FOR AN OVERHEAD PEDESTRIAN BRIDGE OVER
NORTH ST. PAUL STREET BETWEEN BLOCKS A/475 AND 94.

BEING situated in the John Grigsby Survey, Abstract No. 495,
Dallas County, Texas, and being an area over North St. Paul Street
between Block A/475 and Block 94, official City Numbers, and being
more particularly described as follows:

COMMENCING at the present intersection of the northeast line
of North St. Paul Street with the southeast line of Pacific Avenue;
and thence South $14^{\circ} 00' 00''$ East, along the northeast line of North
St. Paul Street, a distance of 122.50 feet to the POINT OF BEGINNING;

THENCE South $14^{\circ} 00' 00''$ East, along said northeast line of
North St. Paul Street, a distance of 15.12 feet to a point for corner;

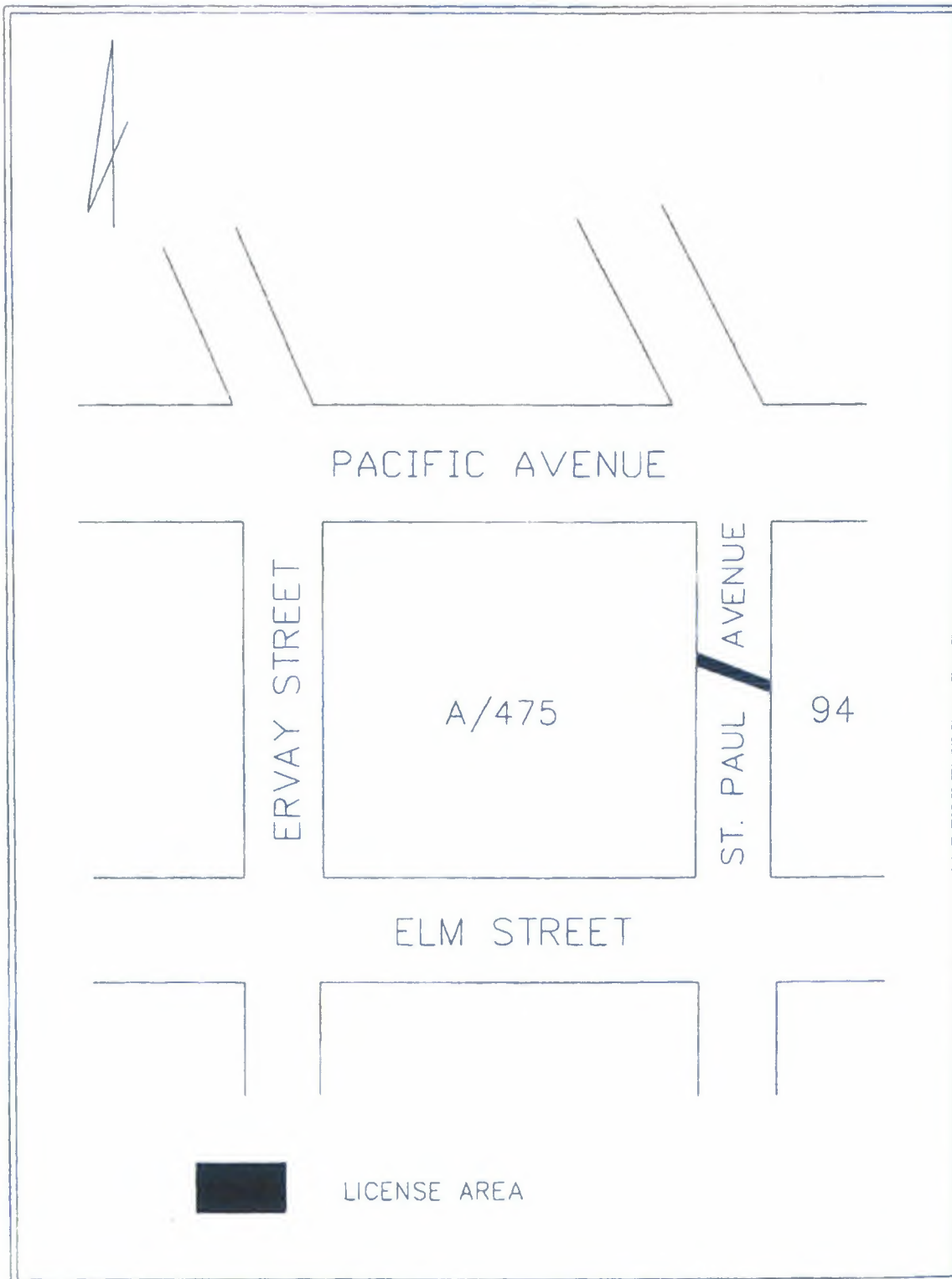
THENCE South $68^{\circ} 25' 30''$ West, across North St. Paul Street a
distance of 60.47 feet to the intersection of same with the south-
west line of North St. Paul Street;

THENCE North $14^{\circ} 00' 00''$ West, along said southwest line of
North St. Paul Street a distance of 15.12 feet to a point for corner;

THENCE North $68^{\circ} 25' 30''$ East, across North St. Paul Street a
distance of 60.47 feet to the POINT OF BEGINNING and containing approx-
imately 907 square feet of land.

032546

25370



**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

1

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 Public Works, 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 Public Works 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 Public Works, 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 Public Works.
- (c) 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,

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

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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 Public Works.
 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 Public Works, 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

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

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accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) 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, **GRANTEE** agrees and is bound 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 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

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

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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

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1783

Item #: 18.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance granting a private license to Willow Commerce Owner LLC for the use of a total of approximately 16 square feet of land to occupy, maintain and utilize five streetlights on Willow Street and three streetlights on Commerce Street rights-of-way located near its intersection with Willow and Commerce Streets - Revenue: General Fund \$200.00 one-time fee, plus the \$20.00 ordinance publication fee

BACKGROUND

This item grants a private license to Willow Commerce Owner LLC for the use of a total of approximately 16 square feet of land to occupy, maintain and utilize five streetlights on Willow Street and three streetlights on Commerce Street rights-of-way located near its intersection with Willow and Commerce Streets. The use of this area will not impede pedestrian or vehicular traffic. The term of this license is for 40 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 one-time fee, plus the \$20.00 ordinance publication Fee

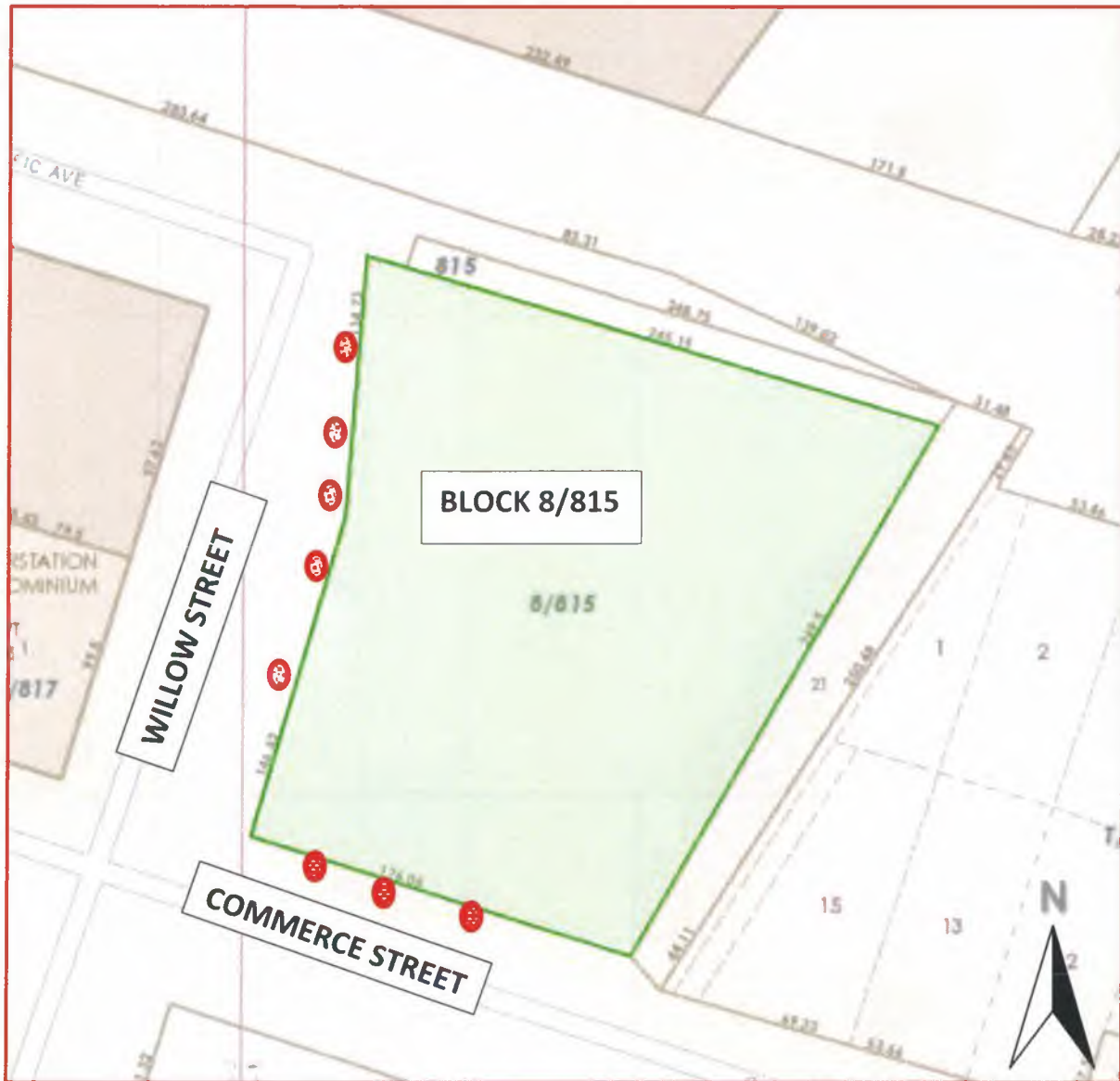
OWNER

Willow Commerce Owner LLC

Carl B. Anderson IV, President

MAP

Attached



LICENSE AREAS

5 Street lights (pedestrian) – Willow Street



3 Street lights (pedestrian) – Commerce Street



ORDINANCE NO. _____

An ordinance granting a private license to Willow Commerce Owner LLC to occupy, maintain and utilize a portion of Willow and Commerce Streets rights-of-way located near the intersection of Willow and Commerce Streets adjacent to City Block 8/815 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing five street lights on Willow Street and three street lights on Commerce Street; providing for the terms and conditions of this license; providing for the 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.

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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 Willow Commerce Owner LLC, a Delaware limited liability company, its successors and assigns, hereinafter referred to as "**GRANTEE**", to occupy, maintain and utilize for the purpose set out hereinbelow the tracts 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.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **TWO HUNDRED AND NO/100 DOLLARS (\$200.00)**, for the license herein granted, said sum to be paid prior to the final passage of this ordinance and shall cover the consideration for the license term, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. 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 PBW, 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

SECTION 3. (continued)

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 Public Works of the City of Dallas: occupying, maintaining and utilizing eight street lights.

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 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 Public Works, any improvements and encroachments from the licensed area 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 Public Works.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

- a) **GRANTEE** shall assure that final configuration of the accessible path after installing the street lights along the license area meets the Americans with Disabilities Act (ADA) and Texas Department of Licensing and Regulation (TDLR) requirements.
- b) **GRANTEE** understands that the lights are categorized as pedestrian lights and not street lights.

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Public Works, 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 Public Works, 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 Public Works, or designee. Such assignment shall recite that it is subject to the terms, restriction 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 Public Works 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 Public Works, 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 Public Works, 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 Public Works, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Public Works, 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. PBW-2024-00024013.

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:
TAMMY L. PALOMINO
City Attorney

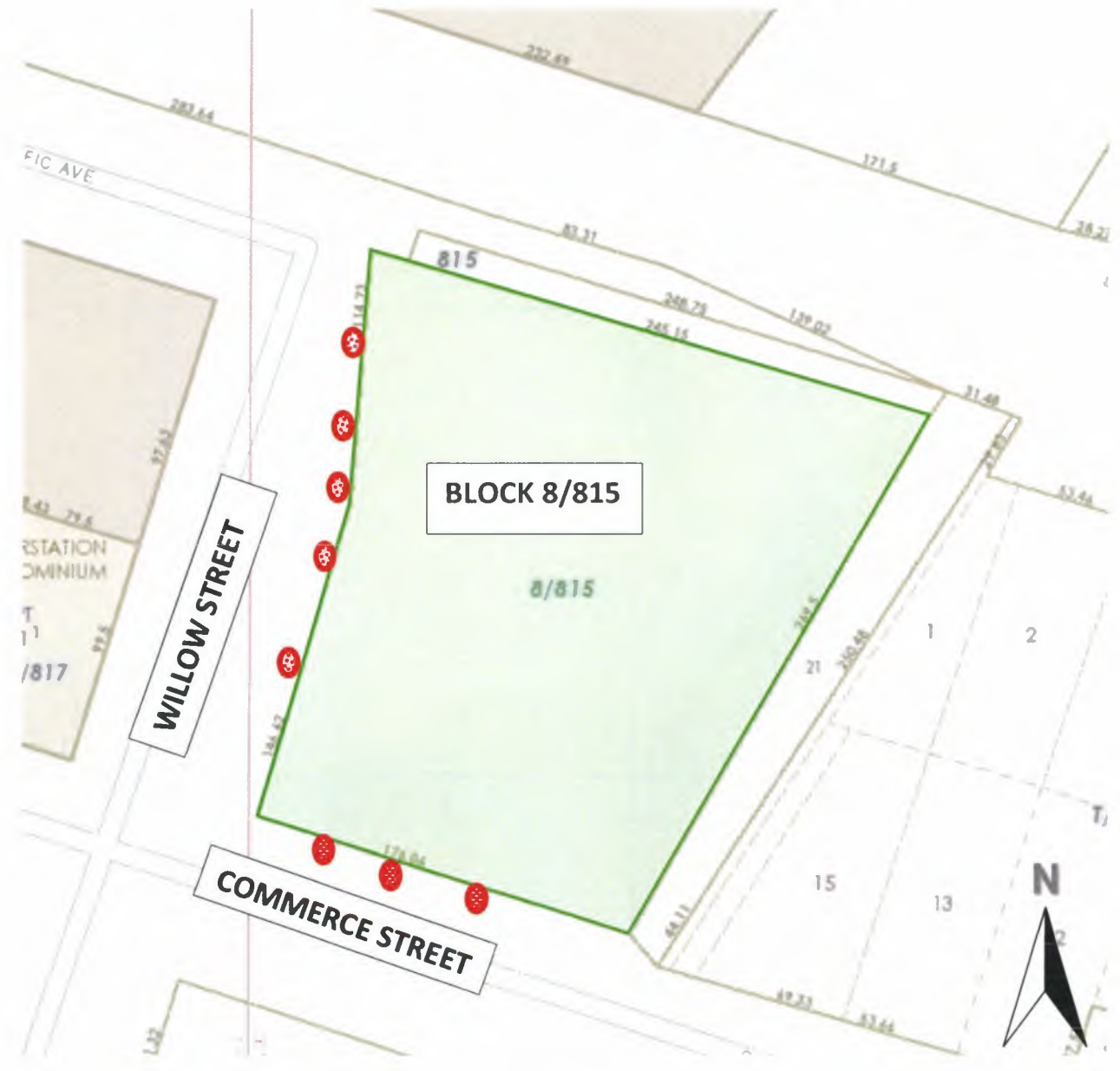
ALI HATEFI, Director
Department of Public Works



BY Molly P. Ward
Assistant City Attorney

BY Ann Carrington Bance
FOR Assistant Director

Passed _____.

EXHIBIT A



- 5 Street lights (pedestrian) – Willow Street 
- 3 Street lights (pedestrian) – Commerce Street 

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

1

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 Public Works, 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 Public Works 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 Public Works, 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 Public Works.
- (c) 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,

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

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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 Public Works.
 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 Public Works, 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

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

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accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) 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, **GRANTEE** agrees and is bound 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 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

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

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.



Agenda Information Sheet

File #: 24-1547

Item #: 19.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 4

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc. for the engineering design of Eads/Hutchins Avenue from Eads Avenue to East Colorado Boulevard to Hutchins Avenue and 8th Street - Not to exceed \$547,563.20 - Financing: Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$472,077.20), Water Capital Improvement G Fund (\$41,955.45), and Wastewater Capital Improvement F Fund (\$33,530.55)

BACKGROUND

On April 26, 2023, the City Council authorized an Advanced Funding Agreement with the State of Texas, acting by and through the Texas Department of Transportation to accept Regional Toll Revenue Funds for the reconstruction of a 2-lane- to-2-lane roadway including sidewalks, crosswalks, drainage, intersection improvements, streetlights, and potential traffic signal, if warranted, on Eads/Hutchins Avenue from Eads Avenue and East Colorado Boulevard to Hutchins Avenue and 8th Street by Resolution No. 23-0560.

The Request for Qualifications CIZ23-PBW-3013 was issued on April 26, 2023, for some Bond and special projects. The consulting firm, Criado & Associates, LLC., formerly known as Criado & Associates, Inc. was selected following the qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc. for the engineering design of a local street reconstruction project on Eads/Hutchins Avenue from Eads Avenue and East Colorado Boulevard to Hutchins Avenue and 8th Street.

The scope will include reconstruction of the existing 2-lane roadway with new reinforced concrete pavement with curb and gutter, sidewalks, drive approaches, storm drainage, illumination, traffic study, water and wastewater improvements, and other miscellaneous items necessary to complete the project.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

ESTIMATED SCHEDULE OF PROJECT

Begin Design August 2024

Complete Design June 2025

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Street and Transportation (A) Fund (2017 General Obligation Bond Fund)	\$472,077.20	\$0.00	\$0.00
Water Capital Improvement G Fund	\$ 41,955.45	\$0.00	\$0.00
Wastewater Capital Improvement F Fund	\$ 33,530.55	\$0.00	\$0.00
Total	\$547,563.20	\$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
\$547,563.20	Architecture & Engineering	34.00%
M/WBE Subcontracting %	M/WBE Overall %	M/WBE Overall Participation \$
34.71%	34.71%	\$190,035.00
• This contract exceeds the M/WBE goal.		
• Criado & Associates, LLC., formerly known as Criado & Associates, Inc. - Local; Workforce - 100.00% Local		

OWNER

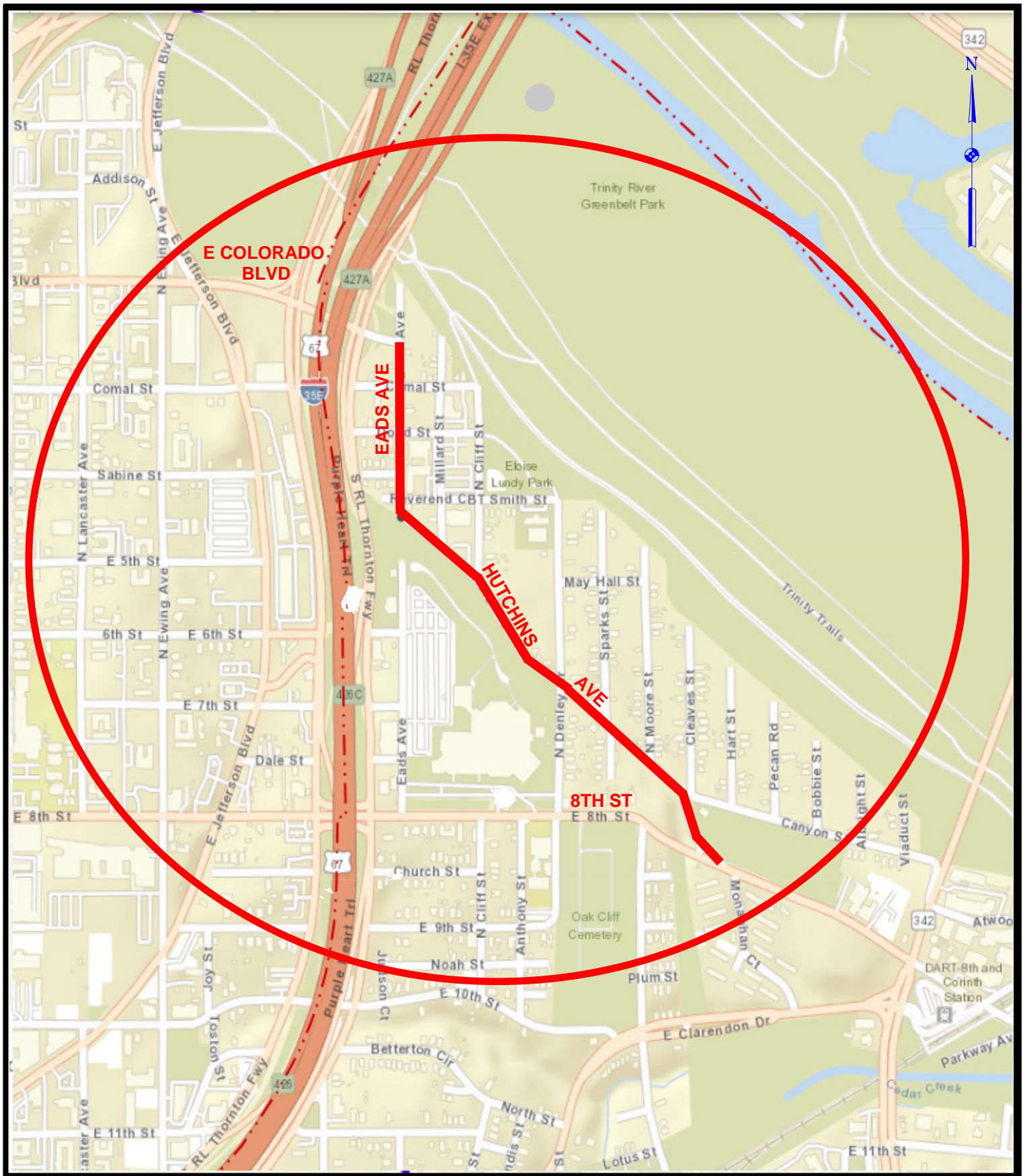
Criado & Associates, LLC., formerly known as Criado & Associates, Inc.

Cristina Criado, P.E., President

MAP

Attached

EADS/HUTCHINS AVENUE FROM EADS AVENUE AND EAST COLORADO BOULEVARD TO HUTCHINS AVENUE AND 8TH STREET



COUNCIL DISTRICT 4

June 12, 2024

WHEREAS, on April 26, 2023, the City Council authorized an Advanced Funding Agreement (AFA) with the State of Texas, acting by and through the Texas Department Of Transportation to accept Regional Toll Revenue Funds for the reconstruction of a 2-lane-to-2-lane roadway including sidewalks, crosswalks, drainage, intersection improvements, streetlights, and potential traffic signals, if warranted, on Eads/Hutchins Avenue from Eads Avenue and East Colorado Boulevard to Hutchins Avenue and 8th Street by Resolution No. 23-0560; and

WHEREAS, the City of Dallas is the lead agency to administer the engineering and construction of the project pursuant to the terms of the AFA; and

WHEREAS, Criado & Associates, LLC., formerly known as Criado & Associates, Inc. was selected for the engineering design of Eads/Hutchins Avenue from Eads Avenue and East Colorado Boulevard to Hutchins Avenue and 8th Street.

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 professional services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc., approved as to form by the City Attorney, for the engineering design of Eads/Hutchins Avenue from Eads Avenue and East Colorado Boulevard to Hutchins Avenue and 8th Street, in an amount not to exceed \$547,563.20.

SECTION 2. That in order to reimburse and finance the authorized disbursements described herein from General Obligation bonds, the City intends to issue one or more commercial paper notes as part of its General Obligation Commercial Paper Notes Series 2017A, and Series 2017B, 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 \$547,563.20 to Criado & Associates, LLC., formerly known as Criado & Associates, Inc., for the engineering design of Eads/Hutchins Avenue from Eads Avenue and East Colorado Boulevard to Hutchins Avenue and 8th Street, in accordance with the terms and conditions of the contract, as follows:

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit W992
Activity SREC, Object 4111, Program PB17W992
Encumbrance/Contract No. CX-TRN-2023-00021612
Vendor VS 89559

\$472,077.20

June 12, 2024

SECTION 3. (continued)

Water Capital Improvement G Fund
Fund 5115, Department DWU, Unit PW42
Object 4111, Program 724263
Encumbrance/Contract No. CX-TRN-2023-00021612 \$ 41,955.45

Wastewater Capital Improvement F Fund
Fund 4116, Department DWU, Unit PS42
Object 4111, Program 724264
Encumbrance/Contract No. CX- TRN-2023-00021612
Vendor VS89559 \$ 33,530.55

Total amount not to exceed \$ 547,563.20

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 #: 24-1657

Item #: 20.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize the Sixth Amendment to the Project Supplemental Agreement with Dallas County for Medical District Drive from Interstate Highway to Southwestern Medical Avenue for the City's share of additional construction costs for additional paving and drainage, structural, landscape, streetlight, and water and wastewater improvements - Not to exceed \$264,936.00 - Financing: Street and Transportation (A) (2017 General Obligation Bond Fund) (\$123,535.00), Water Capital Improvement G Fund (\$63,816.00), Water Construction Fund (\$896.00), and Wastewater Capital Improvement F Fund (\$76,689.00)

BACKGROUND

The Medical District Drive from Interstate Highway (IH 35E) to Southwestern Medical Avenue Project is a partnership project between the City of Dallas, Dallas County, and the Texas Department of Transportation (TxDOT). Dallas County is the lead agency responsible for administering the design, right-of-way acquisition, utility relocation, and construction of this project.

The scope of this project is to reconstruct and widen the existing four-lane roadway to a six-lane divided roadway with buffered bike lanes and landscaping, and to reconstruct and raise the existing Trinity Railway (TRE) bridge. The project includes paving, curbs and gutters, sidewalks, drainage improvements, and water main and wastewater main improvements including 2,012 linear feet of 12-inch water main and 66 linear feet of 8-inch wastewater main.

During construction, it was determined that change orders were needed for additional construction services. Dallas County approved and authorized Change Orders 32 to 35 with the Contractor. This action will authorize the Sixth Amendment to the Project Supplemental Agreement with Dallas County for Medical District Drive from IH 35E to the Southwestern Medical Avenue for project Improvements for the City of Dallas' share of additional construction costs for additional paving and drainage, structural, landscape, streetlight, and water and wastewater improvements.

The total estimated project cost has increased by an additional amount of \$1,611,927.00 from \$29,725,295.00 to \$31,337,222.00; of which \$2,223,327.00 will be funded by Bond Funds; \$706,666.00 by Dallas Water Utilities, \$6,509,255.00 by Dallas County, \$1,321,484.00 by TxDOT; and the remaining \$20,576,490.00 by federal funds.

If this action is delayed or deferred, it would delay payment to Dallas County for the City's share of additional construction costs for paving and drainage improvements.

ESTIMATED SCHEDULE OF PROJECT

Began Design	September 2011
Completed Design	November 2016
Began Construction	March 2018
Complete Construction	June 2024

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 9, 2002, the City Council authorized an amendment to the Thoroughfare Plan to change the dimensional classification of Motor Street from IH 35E Stemmons Freeway to Harry Hines Boulevard from a four-lane undivided (M-4-U) to a six-lane divided (M-6-D(A)) and ordinance implementing the change by Resolution No. 02-2971 and Ordinance No. 25057.

On August 27, 2003, the City Council authorized submission of the list of candidate projects to Dallas County for Dallas County's Major Capital Improvement Fund Thoroughfare Program's 2023 Call for Projects, and authorized acceptance and implementation of the projects selected by Dallas County for this program, by Resolution No. 03-2345.

On October 26, 2005, the City Council authorized submission of the list of candidate projects to the North Central Texas Council of Governments for the Regional Transportation Council Partnership Program Third Call for Projects; and authorized acceptance and implementation of the projects selected by the North Central Texas Council of Governments' Regional Transportation Council for the Partnership Program by Resolution No. 05-3032.

On April 13, 2011, the City Council authorized a new ten-year Master Agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927.

On August 24, 2011, the City Council authorized a Project Supplemental Agreement to the Master Interlocal Agreement with Dallas County for the preliminary design of paving and drainage improvements on Medical District Drive from IH 35E to Southwestern Medical Avenue; and payment of the City's and federal share of preliminary design costs by Resolution No. 11-2193.

On August 24, 2011, the City Council authorized a Local Project Advance Funding Agreement with the Texas Department of Transportation for the design, right-of-way acquisition, and construction of paving and drainage improvements on Medical District Drive from IH 35E to Harry Hines Boulevard, and payment for the City's share of TxDOT engineering review and construction oversight costs by Resolution No. 11-2194.

On June 25, 2014, the City Council authorized an ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by adding a new Division 51A- 7.2300; creating the Southwestern Medical District Sign District by Resolution No. 14-1070 and Ordinance No. 29392.

On August 13, 2014, the City Council authorized termination of the existing Local Project Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the design, right-of-way acquisition, and construction of paving and drainage improvements on Medical District Drive from IH 35E to Harry Hines Boulevard previously approved on August 24, 2011, by Resolution No. 14-1241.

On August 13, 2014, the City Council authorized the First Amendment to the Project Supplemental Agreement with Dallas County for the design, right-of-way acquisition, construction of paving, drainage, water main and wastewater main improvements on Medical District Drive from IH 35E to Southwestern Medical Avenue and payment to Dallas County for the City's share of design, right-of-way acquisition, and construction costs for Medical District Drive from IH 35E to Southwestern Medical Avenue by Resolution No. 14-1242.

On August 13, 2014, the City Council authorized an agreement with Dallas Area Rapid Transit (DART) for construction, maintenance, and use of the TRE underpass structure on Medical District Drive within the railroad right-of-way by Resolution No. 14-1243.

Information about this item was provided to the Transportation and Trinity River Project Committee on September 26, 2016.

On September 28, 2016, the City Council authorized a professional services contract with Urban Engineers Group, Inc. for design of additional drainage improvements for Medical District Drive from IH 35E to Southwestern Medical Avenue Project by Resolution No. 16-1576.

On September 28, 2016, the City Council authorized a maintenance agreement with the Southwestern Medical District for maintenance of the District's signs as defined in Division 51A-7.2300 of the Dallas City Code, bridge facade and landscape within the Southwestern Medical District by Resolution No. 16-1577.

[The City Council was briefed by memorandum regarding the upcoming Agenda Items for the June 28, 2017 Council Agenda Meeting on June 23, 2017.](#)

On June 28, 2017, the City Council authorized the Second Amendment to the Project Supplemental Agreement with Dallas County for the design, right-of-way acquisition, construction of paving, drainage, water main and wastewater main improvements on Medical District Drive from IH 35E to Southwestern Medical Avenue; and payment to Dallas County for the City's share of additional drainage construction costs for Medical District Drive from IH 35E to Southwestern Medical Avenue by Resolution No. 17- 1057.

On June 28, 2017, the City Council authorized an amendment to the license agreement with DART to allow for installation of an additional 12-inch water main within the TRE right-of-way and to clarify

the maintenance responsibilities during and after construction by Resolution No. 17-1058.

On February 28, 2018, the City Council authorized the Third Amendment to the Project Supplemental Agreement with Dallas County for the City's share of the additional construction costs for water main improvements on Medical District Drive from IH 35E to Southwestern Medical Avenue by Resolution No. 18-0330.

On June 23, 2021, the City Council authorized the acceptance of grant funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Fund to provide relief during the ongoing COVID-19 pandemic by Resolution No. 21- 1149.

On September 22, 2021, the City Council authorized the final reading and adoption of the appropriation ordinance for the FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets, which included the ARPA funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Funds by Resolution No. 21-1590.

On November 10, 2021, the City Council authorized the Fourth Amendment to the Project Supplemental Agreement with Dallas County for the City's share of the additional paving and drainage improvements on Medical District Drive from IH 35E to Southwestern Medical Avenue by Resolution No. 21-1817.

On February 22, 2023, the City Council authorized the Fifth Amendment to the Project Supplemental Agreement with Dallas County for Medical District Drive from IH 35E to Southwestern Medical Avenue to provide the City's share of additional construction costs for paving and drainage improvements, water main improvements, and transportation betterment by Resolution No. 23-0287.

FISCAL INFORMATION

Fund	FY 2023	FY 2024	Future Years
Street and Transportation (A) (2017 General Obligation Bond Fund)	\$123,535.00	\$0.00	\$0.00
Water Capital Improvement G Fund	\$ 63,816.00	\$0.00	\$0.00
Water Construction Fund	\$ 896.00	\$0.00	\$0.00
Wastewater Capital Improvement F Fund	\$ 76,689.00	\$0.00	\$0.00
Total	\$264,936.00	\$0.00	\$0.00

Total Project Funding

Committed Amount

City of Dallas	\$ 1,363,792.00
City of Dallas Amendment 4	\$ 500,000.00
City of Dallas Amendment 5	\$ 236,000.00
City of Dallas Amendment 6 (this action)	\$ 123,535.00
City of Dallas DWU**	\$ 308,530.00
City of Dallas DWU Additional	\$ 189,663.00

City of Dallas Amendment	\$ 67,072.00
City of Dallas Amendment 6 (this action)	\$ 141,401.00
Dallas County	\$ 4,662,264.00
Dallas County Amendment	\$ 500,000.00
Dallas County Amendment 6	\$ 1,346,991.00
Federal STP-MM (Construction)	\$ 14,970,000.00
Federal Congressional Demo (ENG,ROW, Utilities)	\$ 4,406,490.00
Federal Amendment	\$ 1,200,000.00
TxDOT (Indirect State Cost)	<u>\$ 1,321,484.00</u>
Total	\$31,337,222.00

OWNERS**Dallas County, Department of Public Works**

Alberta Blair, P. E., Director of Public Works

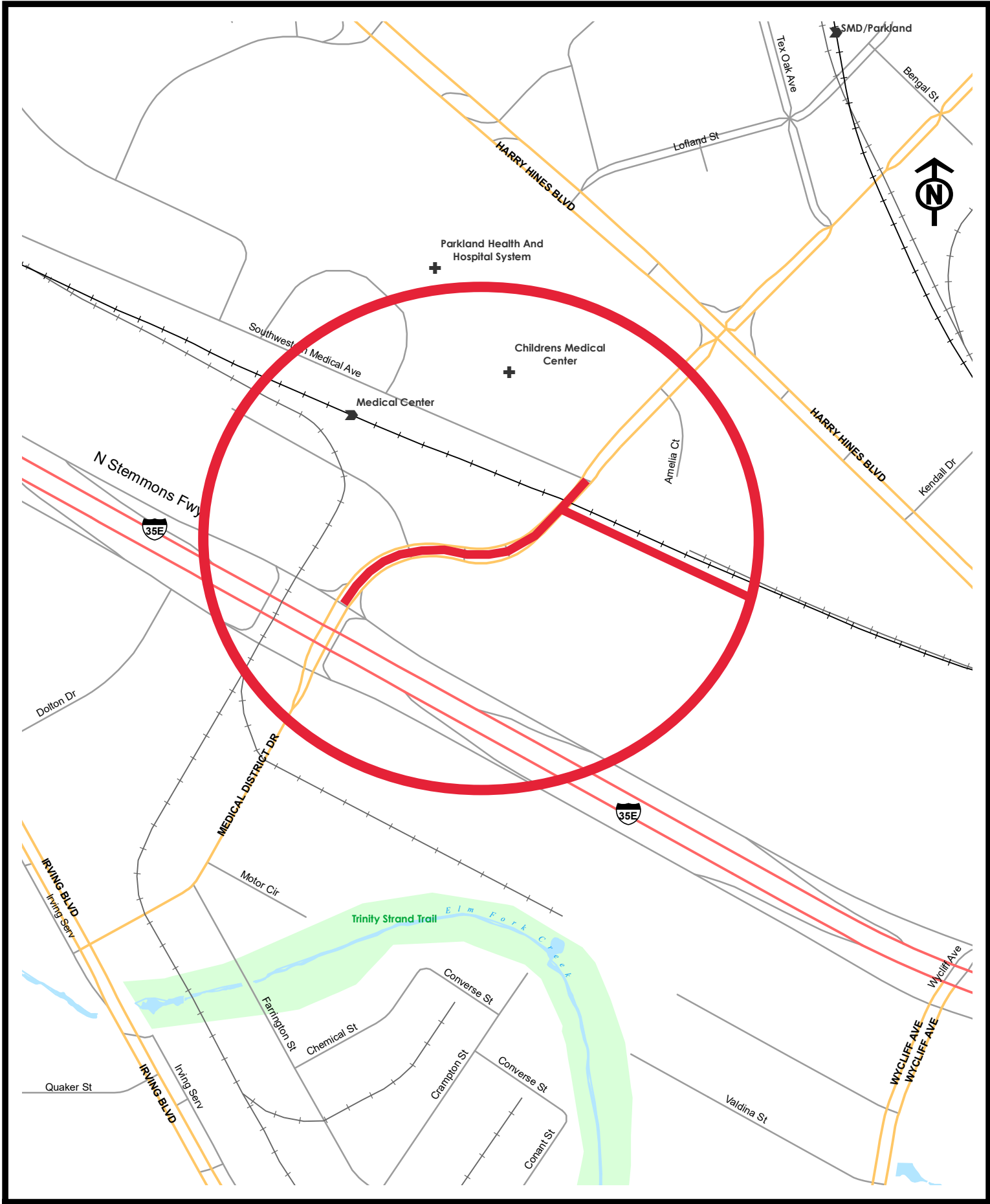
City of Dallas, Department of Public Works

Ali Hatefi, P.E., Director of Public Works

MAP

Attached

**MEDICAL DISTRICT DRIVE
FROM IH-35E TO SOUTHWESTERN MEDICAL AVENUE**



COUNCIL DISTRICT 2

June 12, 2024

WHEREAS, on October 9, 2002, the City Council authorized an amendment to the Thoroughfare Plan to change the dimensional classification of Motor Street from Interstate Highway (IH) 35E (Stemmons Freeway) to Harry Hines Boulevard from a four-lane undivided (M-4-U) to a six-lane divided (M-6-D(A)), by Resolution No. 02-2971; and

WHEREAS, on August 27, 2003, the City Council authorized submission of the list of candidate projects to Dallas County's Major Capital Improvement Fund Thoroughfare Program's Call for Projects and authorized acceptance and implementation of the projects selected by Dallas County for this program by Resolution No. 03-2345; and

WHEREAS, on October 26, 2005, the City Council authorized submission of the list of candidate projects to the North Central Texas Council of Governments for the Regional Transportation Council Partnership Program Third Call for Projects; and authorized acceptance and implementation of the projects selected by the North Central Texas Council of Governments' Regional Transportation Council for the Partnership Program 3, funding by Resolution No. 05-3032; and

WHEREAS, Medical District Drive from IH 35E to Harry Hines Boulevard was submitted and subsequently selected for Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) funding; and

WHEREAS, in 2005, Congresswoman Eddie Bernice Johnson secured additional congressional earmark funds to cover estimated project funding shortfalls; and

WHEREAS, the Texas Department of Transportation (TxDOT) is responsible for engineering review and construction oversight to ensure federal guidelines are followed; and

WHEREAS, on April 13, 2011, the City Council authorized a new ten-year Master Agreement with Dallas County governing major transportation capital improvement projects, by Resolution No. 11-0927; and

WHEREAS, on August 24, 2011, the City Council authorized a Project Supplemental Agreement to the Master Interlocal Agreement with Dallas County for the preliminary design of paving and drainage improvements on Medical District Drive from IH 35E to Southwestern Medical Avenue, and payment of the City's share of preliminary design costs, in an amount not to exceed \$720,000.00, by Resolution No. 11-2193; and

WHEREAS, on August 24, 2011, the City Council authorized a Local Project Advance Funding Agreement with the Texas Department of Transportation for the design, right-of-way acquisition, and construction of paving and drainage improvements on Medical District Drive from IH 35E to Harry Hines Boulevard, in an amount not to exceed \$235,484.00, by Resolution No. 11-2194; and

June 12, 2024

WHEREAS, on June 25, 2014, the City Council authorized an ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by adding a new Division 51A-7.2300; creating the Southwestern Medical District Sign District by Resolution No. 14-1070 and Ordinance No. 29392; and

WHEREAS, on August 13, 2014, the City Council authorized termination of the existing Local Project Advance Funding Agreement with the Texas Department of Transportation for the design, right-of-way acquisition, and construction of paving and drainage improvements on Medical District Drive from IH 35E to Harry Hines Boulevard by Resolution No. 14-1241; and

WHEREAS, on August 13, 2014, the City Council authorized the First Amendment to the Project Supplemental Agreement with Dallas County, for the design, right-of-way acquisition, construction of paving, drainage, water main and wastewater main improvements on Medical District Drive from IH 35E to Southwestern Medical Avenue and payment to Dallas County for the City's share of design, right-of-way acquisition and construction costs for Medical District Drive from IH 35E to Southwestern Medical Avenue, in an amount not to exceed \$1,292,322.00, by Resolution No. 14-1242; and

WHEREAS, on August 13, 2014, the City Council authorized an agreement with Dallas Area Rapid Transit for construction, maintenance, and use of the Trinity Railway Express underpass structure on Medical District Drive within the railroad right-of-way by Resolution No. 14-1243; and

WHEREAS, on September 28, 2016, the City Council authorized a professional services contract with Urban Engineers Group, Inc. for the design of additional drainage improvements for Medical District Drive from IH 35E to Southwestern Medical Avenue, in an amount not to exceed \$92,784.00, by Resolution No. 16-1576; and

WHEREAS, on September 28, 2016, the City Council authorized a maintenance agreement with the Southwestern Medical District for maintenance of the District's signs as defined in section 51A-7-2303 of the Dallas City Code, bridge façade and landscape within the Southwestern Medical District by Resolution No. 16-1577; and

WHEREAS, on June 28, 2017, the City Council authorized the Second Amendment to the Project Supplemental Agreement with Dallas County, for the design, right-of-way acquisition, construction of paving, drainage, water main and wastewater main improvements on Medical District Drive from IH 35E to Southwestern Medical Avenue and payment to Dallas County for the City's share of additional drainage construction costs for Medical District Drive from IH 35E to Southwestern Medical Avenue, in an amount not to exceed \$300,000.00, by Resolution No. 17-1057; and

June 12, 2024

WHEREAS, on June 28, 2017, the City Council authorized an amendment to the License Agreement with DART to allow for the installation of an additional 12-inch water main within the TRE right-of-way and to clarify the maintenance responsibilities during and after construction by Resolution No. 17-1058; and

WHEREAS, on November 16, 2017, Dallas County received construction bids for the Medical District Drive from IH 35E to Southwestern Medical Avenue Project, which the lowest bid was \$14,368,982.20 that will require an additional \$189,663.00 from Dallas Water Utilities for the water main improvements; and

WHEREAS, on February 28, 2018, the City Council authorized the Third Amendment to the Project Supplemental Agreement with Dallas County to provide the City's share of additional construction costs for water main improvements on Medical District Drive from IH 35E to Southwestern Medical Avenue, in an amount not to exceed \$189,663.00, by Resolution No. 18-0330; and

WHEREAS, on September 22, 2021, the City Council authorized the final reading and adoption of the appropriation ordinance for the FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets, which included the ARPA funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Funds by Resolution No. 21-1590; and

WHEREAS, On June 23, 2021, the City Council authorized the acceptance of grant funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Fund to provide relief during the ongoing COVID-19 pandemic by Resolution No. 21- 1149; and

WHEREAS, on September 22, 2021, the City Council authorized the final reading and adoption of the appropriation ordinance for the FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets, which included the ARPA funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Funds by Resolution No. 21-1590; and

WHEREAS, on November 10, 2021, the City Council authorized the Fourth Amendment to the Project Supplemental Agreement with Dallas County for Medical District Drive from IH 35E to Southwestern Medical Avenue to provide the City's share of additional construction costs for paving and drainage improvements, in an amount not to exceed \$500,000.00, by Resolution No. 21-1817; and

WHEREAS, on February 22, 2023, the City Council authorized the Fifth Amendment to the Project Supplemental Agreement with Dallas County for Medical District Drive from IH 35E to Southwestern Medical Avenue to provide the City's share of additional construction costs for paving and drainage improvements, water main improvements, and transportation betterment, in an amount not to exceed \$303,072.00, by Resolution No. 23-0287; and

June 12, 2024

WHEREAS, Dallas County is the lead agency for the project and is responsible for administering the design, right-of-way acquisition, utility relocations, and construction; and

WHEREAS, the total estimated project cost has increased by \$1,611,927.00, from \$29,725,295 to \$31,337,222.00; and

WHEREAS, it is now necessary to authorize the Sixth Amendment to the Project Supplemental Agreement with Dallas County for Medical District Drive from IH 35E to Southwestern Medical Avenue for the City's share of additional construction costs for additional paving and drainage, structural, landscape, streetlight, and water and wastewater improvements, in an amount not to exceed \$264,936.00.

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 the Sixth Amendment to the Project Supplemental Agreement with Dallas County, approved as to form by the City Attorney, for Medical District Drive from IH-35E to Southwestern Medical Avenue for the City's share of additional construction costs for additional paving and drainage, structural, landscape, streetlight, and water and wastewater improvements, in an amount not to exceed \$264,936.00.

SECTION 2. That in order to reimburse and finance the authorized disbursements described herein from General Obligation bonds, the City intends to issue one or more commercial paper notes as part of its General Obligation Commercial Paper Notes Series 2017A, and Series 2017B, 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 \$264,936.00 to Dallas County, as follows:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit U222, Object 4111 Activity INGV, Program PB06U222, Encumbrance CT-PBW06U222K1 Vendor 014003	\$123,535.00
Water Capital Improvement G Fund Fund 5115, Department DWU, Unit PW42 Object 4550, Program 715009 Encumbrance DWU715009CP Vendor 014003	\$ 63,816.00

June 12, 2024

SECTION 3. (continued)

Water Construction Fund

Fund 0102, Department DWU, Unit CW42

Object 3221, Program 715009X

Encumbrance DWU715009EN

Vendor 014003

\$ 896.00

Wastewater Capital Improvement F Fund

Fund 4116, Department DWU, Unit PS42

Object 4560, Program 715010

Encumbrance DWU715010CP

Vendor 014003

\$ 76,689.00

Total amount not to exceed

\$264,936.00

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit any unused Bond Funds advanced to Dallas County pertaining to this project into the Street and Transportation (A) Fund, Department PBW, Unit U222, Balance Sheet Account 032B.

SECTION 5. That this contract is designated as Contract No. STS-2017-00001986.

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



Agenda Information Sheet

File #: 24-1316

Item #: 21.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Criado & Associates, LLC., formerly known as Criado & Associates Inc. to provide additional design services for the North Boulevard Terrace Extension/Bridge to Plymouth Road Project - Not to exceed \$261,412.00, from \$434,042.00 to \$695,454.00 - Financing: 2023 Certificate of Obligation Bond Fund

BACKGROUND

The North Boulevard Terrace Extension/Bridge to Plymouth Road Project was included in the 2017 Bond Program. The project entailed extending North Boulevard Terrace approximately 600 feet over Coombs Creek to connect with North Plymouth Road at Bahama Drive. The project scope includes concrete pavement, curb and gutter, driveway approaches, sidewalk, storm drainage and a bridge structure.

On January 9, 2019, the City Council authorized a professional services contract with Criado & Associates, Inc., for the engineering design of the North Boulevard Terrace Extension/Bridge to Plymouth Road Project by Resolution No. 19-0075.

On February 9, 2022 the City Council authorized Supplemental Agreement No. 1 to the professional services contract with Criado & Associates, Inc., to provide additional design services for the North Boulevard Terrace Extension/Bridge to Plymouth Road Project by Resolution No. 22-0315.

On March 28, 2024, Texas Secretary of State approved the conversion of Criado & Associates, Inc. to Criado & Associates, LLC.

This action will authorize Supplemental Agreement No. 2 to the professional services contract with Criado & Associates LLC., formerly known as Criado & Associates, Inc. to provide additional design services for the North Boulevard Terrace Extension/Bridge including retaining wall design, bridge design, surveying, geotechnical investigation, concrete paving, sidewalk, curb and gutter, driveway approaches, and other miscellaneous items.

This supplemental agreement is necessary to extend the limits of the project and mitigate significant project risks identified at the conceptual phase. City staff considers the fee to be fair and reasonable for the additional scope of work proposed.

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2019
Complete Design	June 2025
Begin Construction	October 2025
Complete Construction	April 2027

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 9, 2019, the City Council authorized a professional engineering services contract with Criado & Associates Inc. for the North Boulevard Terrace Extension/Bridge to Plymouth Road Project by Resolution No. 19-0075.

On February 9, 2022, the City Council authorized a Supplemental Agreement No. 1 to the professional services contract with Criado & Associates Inc. to provide additional design services for the North Boulevard Terrace Extension/Bridge to Plymouth Road Project by Resolution No. 22-0315.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
2023 Certificate of Obligation Bond Fund	\$261,412.00	\$0.00	\$0.00

Professional Engineering services Contract	\$303,784.00
Supplemental Agreement No. 1	\$130,258.00
Supplemental Agreement No. 2 (this action)	<u>\$261,412.00</u>
Total	\$695,454.00

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
\$261,412.00	Construction	32.00%
M/WBE Subcontracting %	M/WBE Overall %	M/WBE Overall Participation \$
76.90%	76.90%	\$201,020.00
• This contract exceeds the M/WBE goal.		
• Supplemental Agreement No 2 - 91.72% Overall MWBE Participation		
• Criado & Associates, LLC., formerly known as Criado & Associates, Inc. - Local; Workforce - 100.00% Local		

OWNER

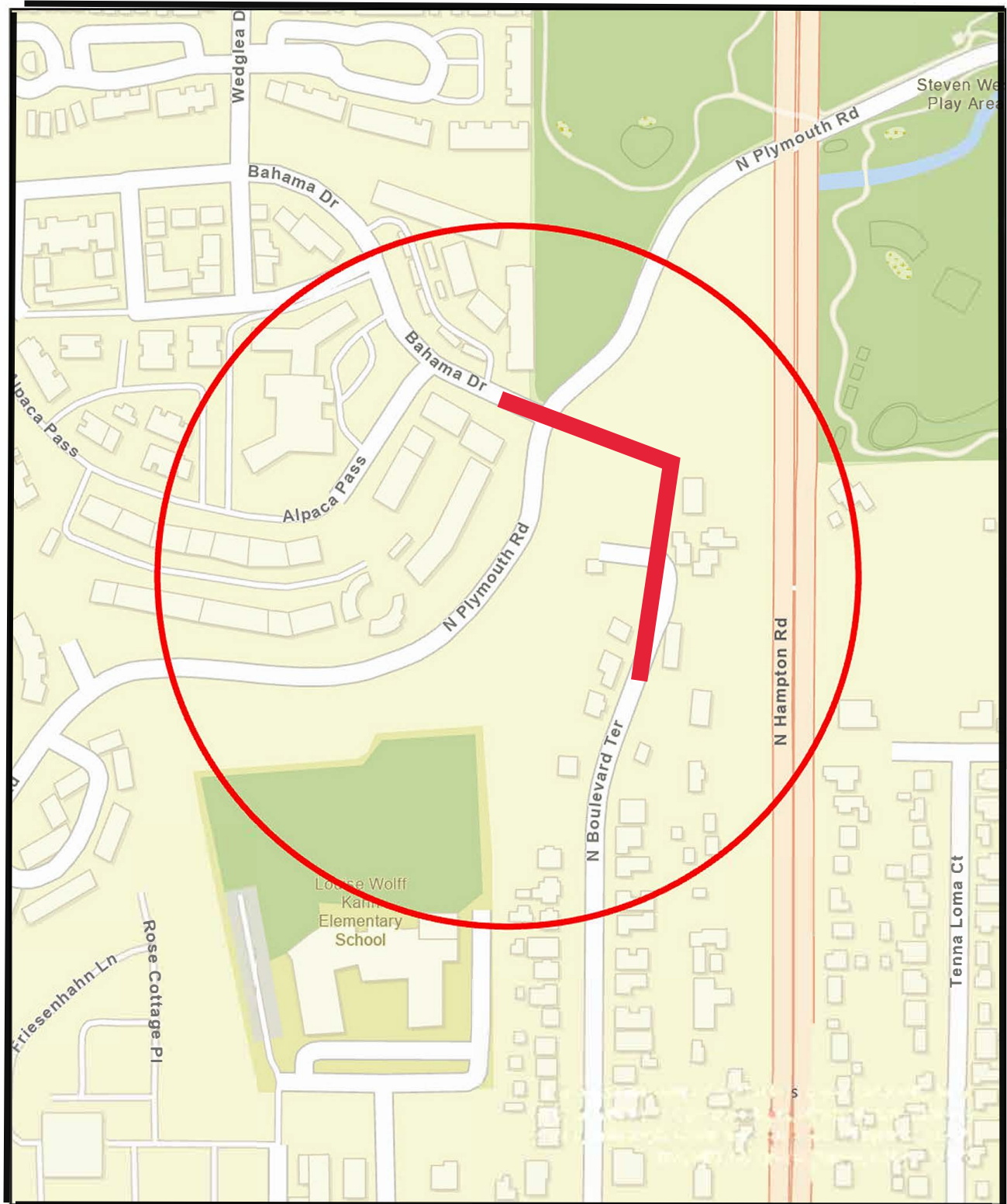
Criado & Associates, LLC., formerly known as Criado & Associates, Inc.

Cristina Criado, P.E., President/Chief Executive Officer

MAP

Attached

NORTH BOULEVARD TERRACE EXTENSION/BRIDGE TO PLYMOUTH ROAD PROJECT



COUNCIL DISTRICT 1

June 12, 2024

WHEREAS, on January 9, 2019, the City Council authorized a professional services contract with Criado & Associates, Inc., for the engineering design of the North Boulevard Terrace Extension/Bridge to Plymouth Road Project, in an amount not to exceed \$303,784.00, by Resolution No. 19-0075; and

WHEREAS, on February 9, 2022, the City Council authorized Supplemental Agreement No. 1 to the professional services contract with Criado & Associates, Inc., to provide additional design services for the North Boulevard Terrace Extension/Bridge to Plymouth Road Project, in an amount not to exceed \$130,258.00, increasing the contract amount from \$303,784.00 to \$434,042.00, by Resolution No. 22-0315; and

WHEREAS, on March 28, 2024, Texas Secretary of State approved the conversion of Criado & Associates, Inc. to Criado & Associates, LLC.; and

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 2 to the professional services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc. to provide additional design services for the North Boulevard Terrace Extension/Bridge to Plymouth Road Project, in an amount not to exceed \$261,412.00, increasing the contract amount from \$434,042.00 to \$695,454.00.

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 Supplemental Agreement No. 2 to the professional services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc., approved as to form by the City Attorney, to provide additional design services for the North Boulevard Terrace Extension/Bridge to Plymouth Road Project, in an amount not to exceed \$261,412.00, increasing the contract amount from \$434,042.00 to \$695,454.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$261,412.00 to Criado & Associates, LLC., formerly known as Criado & Associates, Inc., from the 2023 Certificate of Obligation Bond Fund, Fund 0797, Department PBW, Unit W957, Activity TGTN, Object 4111, Program PB17V991, Encumbrance/Contract No. CX-PBW-2019-00008720-1, Vendor VS89559.

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.



Agenda Information Sheet

File #: 24-1318

Item #: 22.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Huitt-Zollars, Inc. to provide additional engineering services for Columbia Avenue/Main Street from South Beacon Street to Deep Ellum - Not to exceed \$571,874.00, from \$416,805.90 to \$988,679.90 - Financing: 2023 Certificate of Obligation Funds

BACKGROUND

The Columbia Avenue/Main Street from South Beacon Street to Deep Ellum Project was included in the 2017 Bond Program.

On December 12, 2018, the City Council authorized a professional engineering design services contract with Huitt-Zollars, Inc. for the engineering design of Complete Street Improvements, including bike lanes on Columbia Avenue/Main Street from South Beacon Street to Deep Ellum by Resolution No. 18-1767.

This action will authorize Supplemental Agreement No. 2 to the professional services contract with Huitt-Zollars, Inc. to provide additional design services for Columbia Avenue/Main Street from Beacon Street to Deep Ellum including signal design for eight intersections, pedestrian lighting planned along the project length, traffic control plan, and pedestrian bicycle platforms at bus stops.

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2019
Complete Design	August 2024
Begin Construction	April 2025
Complete Construction	October 2027

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 12, 2018, the City Council authorized a professional engineering services contract with Huitt-Zollars, Inc. for the engineering design for Complete Street Improvements, including bike lanes on Columbia Avenue/Main Street from South Beacon Street to Deep Ellum by Resolution No. 18-1767.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
2023 Certificate of Obligation Fund	\$571,874.00	\$0.00	\$0.00

Engineering Services Contract	\$369,805.90
Supplemental Agreement No. 1	\$ 47,000.00
Supplemental Agreement No. 2 (this action)	<u>\$571,874.00</u>
Total	\$988,679.90

<u>Council District</u>	<u>Amount</u>
2	\$554,717.78
14	<u>\$ 17,156.22</u>
Total	\$571,874.00

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
\$571,874.00	Architecture & Engineering	34.00%
M/WBE Subcontracting %	M/WBE Overall %	M/WBE Overall Participation \$
44.65%	44.65%	\$255,320.00
• This contract exceeds the M/WBE goal.		
• Supplemental Agreement No. 2 - 35.47% Overall MWBE Participation		
• Huitt-Zollars, Inc. - Local; Workforce - 22.00% Local		

OWNER

Huitt-Zollars, Inc.
5430 Lyndon B. Johnson Freeway, Suite 1500

Dallas, TX 75240

John Ho, P.E., Fellow National Society of Professional Engineers

MAP

Attached

[illegible]

COUNCIL DISTRICT 2 AND 14

June 12, 2024

WHEREAS, on December 12, 2018, the City Council authorized a professional engineering design services contract with Huitt-Zollars, Inc. for the engineering design for Complete Street improvements, including bike lanes on Columbia Avenue/Main Street from South Beacon Street to Deep Ellum, in an amount not to exceed \$369,805.90, by Resolution No. 18-1767; and

WHEREAS, on August 16, 2021, Administrative Action No. 21-6015 authorized Supplemental Agreement No. 1 to the professional services contract with Huitt-Zollars, Inc. to provide additional engineering services for the Columbia Avenue/Main Street from South Beacon to Deep Ellum, in amount not to exceed \$47,000.00, increasing the contract amount from \$369,805.90 to \$416,805.90; and

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 2 to the professional engineering services contract with Huitt-Zollars, Inc. to provide additional engineering services for the Columbia Avenue/Main Street from South Beacon to Deep Ellum, in an amount not to exceed \$571,874.00, increasing the contract amount from \$416,805.90 to \$988,679.90.

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. 2 to the professional services contract with Huitt-Zollars, Inc., approved as to form by the City Attorney, to provide additional design services for Columbia Avenue/Main Street from South Beacon to Deep Ellum, in an amount not to exceed \$571,874.00, increasing the contract amount from \$416,805.90 to \$988,679.90.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$571,874.00 to Huitt-Zollars, Inc. in accordance with the terms and conditions of the contract, as follows from the 2023 Certificate of Obligation Fund, Fund 0797, Department PBW, Unit W957, Activity THRF, Object 4111, Program PB17VA12, Encumbrance/Contract No. CX-PBW-2018-00007923, Vendor 090025.

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.



Agenda Information Sheet

File #: 24-1557

Item #: 23.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 2, 5, 7, 9

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional engineering services contract with CivTech Inc. for traffic signal design services for the following four intersections: Ferguson Road at Barnes Bridge Road; Ferguson Road at St. Francis Avenue; North Jim Miller Road at Forney Road; Everglade Road at North Jim Miller; and other related tasks - Not to exceed \$368,601.20 - Financing: General Fund (\$184,300.60) and Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$184,300.60)

BACKGROUND

This action will authorize a professional engineering services contract with CivTech Inc. for the design of traffic signals at the following intersections:

<u>Intersection</u>	<u>Council District</u>
Ferguson Road at St. Francis Avenue	2, 7
North Jim Miller Road at Forney Road	5, 7
Everglade Road at North Jim Miller	7
Ferguson Road at Barnes Bridge Road	9

This design contract will support the reconstruction of dated traffic signal infrastructure at these intersections to improve traffic efficiency and safety.

On September 20, 2023, the City of Dallas released a Request for Qualifications for professional engineering services for the development of traffic signal plans, specifications, and estimates for eight traffic signal groups and received ten proposals from interested firms.

In October 2023, a five-member selection committee consisting of staff from the Department of Transportation, Department of Public Works, and Small Business Center Department reviewed and evaluated the proposals. CivTech Inc. was selected by the review committee to provide professional services for these four intersections.

ESTIMATED SCHEDULE OF PROJECT

Begin Design June 2024
 Complete Design May 2025

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
General Fund	\$184,300.60	\$ 0.00	\$0.00
Street and Transportation (A) Fund (2017 General Obligation Bond Fund)	\$ 0.00	\$184,300.60	\$0.00
Total	\$184,300.60	\$184,300.60	\$0.00

<u>Council District</u>	<u>Amount</u>
2	\$ 46,075.15
5	\$ 46,075.15
7	\$184,300.60
9	\$ 92,150.30
Total	\$368,601.20

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
\$268,601.20	Architecture & Engineering	34.00%
M/WBE Subcontracting %	M/WBE Overall %	M/WBE Overall Participation \$
36.49%	88.55%	\$237,854.00
• This contract exceeds the M/WBE subcontracting goal.		
• CivTech Inc. - Non-local; Workforce - 8.00% Local		

PROCUREMENT INFORMATION

In accordance with the City of Dallas Administrative Directive 4-05 procurement guidelines, CivTech Inc. was selected as the most qualified proposer to provide professional services for this project.

OWNER

CivTech Inc.

Dawn Cartier, President

MAP

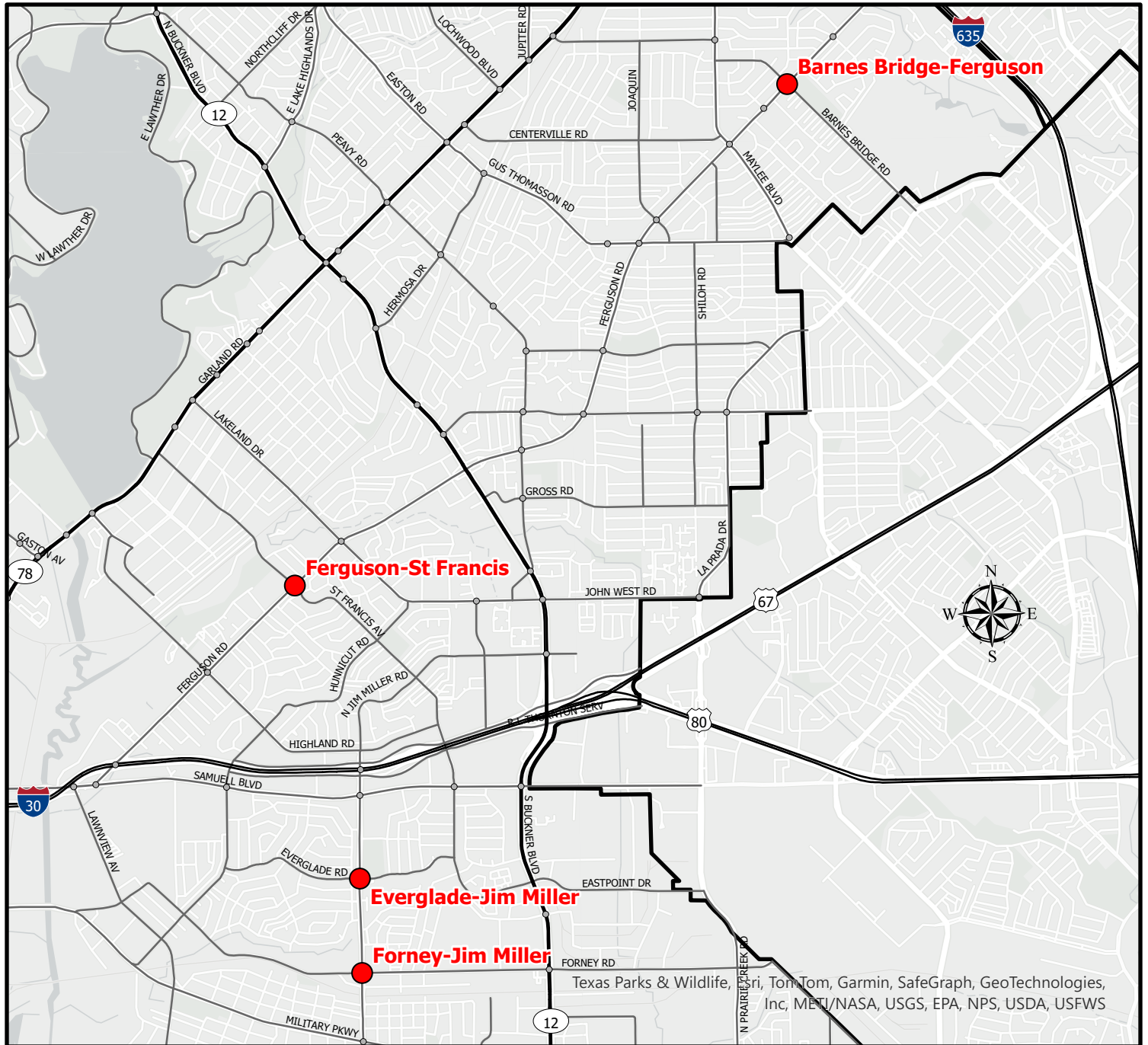
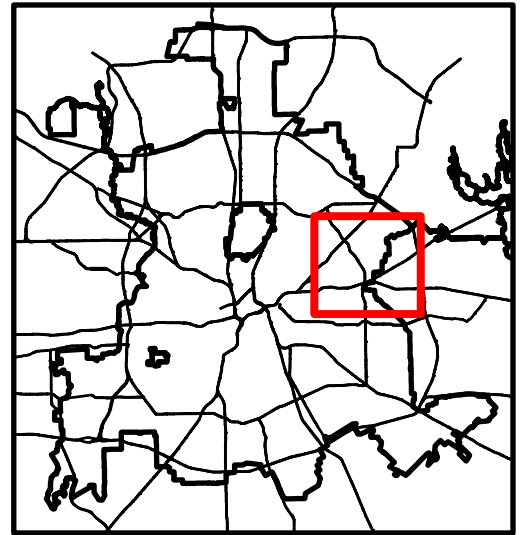
Attached

TRAFFIC SIGNAL GROUP 7

Intersection	Council District
Ferguson Road at St. Francis Avenue	2, 7
North Jim Miller Road at Forney Road	5, 7
Everglade Road at North Jim Miller	7
Ferguson Road at Barnes Bridge Road	9

● Project Location

0 1 2 Miles



June 12, 2024

WHEREAS, on September 20, 2023, the City of Dallas released a Request for Qualifications for professional engineering services for the development of traffic signal plans, specifications, and estimates for eight traffic signal groups and received ten proposals from interested firms; and

WHEREAS, in October 2023, a five-member committee consisting of staff from the Department of Transportation, Department of Public Works, and Small Business Center Department reviewed and evaluated the proposals; and

WHEREAS, in accordance with the City of Dallas Administrative Directive 4-05 procurement guidelines, CivTech Inc. was selected by the review committee as the most qualified proposer to provide professional services for the following four intersections: Ferguson Road at Barnes Bridge Road; Ferguson Road at St. Francis Avenue; North Jim Miller Road at Forney Road; and Everglade Road at North Jim Miller; and

WHEREAS, the City desires to enter into a professional engineering services contract with CivTech Inc. to provide traffic signal design services for the following four intersections: Ferguson Road at Barnes Bridge Road; Ferguson Road at St. Francis Avenue; North Jim Miller Road at Forney Road; and Everglade Road at North Jim Miller, in an amount not to exceed \$368,601.20.

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 professional engineering services contract with CivTech Inc., approved as to form by the City Attorney, for traffic signal design services for the following four intersections: Ferguson Road at Barnes Bridge Road; Ferguson Road at St. Francis Avenue; North Jim Miller Road at Forney Road; Everglade Road at North Jim Miller; and other related tasks, in an amount not to exceed \$368,601.20. If the service was bid or proposed on an as needed basis, unit price basis for the performance of specified tasks, payment to CivTech Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by CivTech Inc. under the contract.

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 2017A, and Series 2017B, and use the proceeds thereof to reimburse the disbursements described herein.

June 12, 2024

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$368,601.20 to CivTech Inc., in accordance with the terms and conditions of the contract, as follows:

Street and Transportation (A) Fund	
Fund 1V22, Department TRN, Unit VA40	
Object 4111, Program TP17VA40	
Encumbrance/Contract No. TRN-2024-00024771	
Vendor VC31243	\$184,300.60

General Fund	
Fund 0001, Department TRN, Unit 5357	
Object 4111, Program TFCCLMG	
Encumbrance/Contract No. TRN-2024-00024771	
Vendor VC31243	<u>\$184,300.60</u>

Total amount not to exceed	\$368,601.20
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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 #: 24-1553

Item #: 24.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 4, 14

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional engineering services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc., for preliminary engineering, environmental assessment, and final engineering/design services for pedestrian improvements to include sidewalks and curb ramps in various locations at and around the Dallas Zoo Dallas Area Rapid Transit (DART) Station/Southern Gateway Public Green and system connections to the Perot Museum/Klyde Warren Park - Not to exceed \$650,005.65 - Financing: Dallas Zoo DART Station at Southern Gateway Public Green Fund (\$360,000.00) and General Fund (\$290,005.65)

BACKGROUND

In 2020, the North Central Texas Council of Governments completed a study which analyzed pedestrian connectivity around 28 DART stations along the system's Blue and Red lines in Dallas, Garland, Richardson, and Plano.

As a result of this study, the Dallas Zoo Pedestrian Routes to Rail Stations Project will provide pedestrian improvements to include sidewalks and curb ramps in various locations at and around the Dallas Zoo DART Station/Southern Gateway Public Green and system connections to the Perot Museum/Klyde Warren Park in the City of Dallas.

On April 27, 2022, the City Council authorized an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) to accept a federal grant for costs related to preliminary engineering; environmental assessment; final engineering/design; plans, specifications, and estimates; and construction of the Dallas Zoo Pedestrian Routes to Rail Stations Project by Resolution No. 22-0644. The City of Dallas is the lead agency implementing the engineering and construction of the Project, and TxDOT will provide the City with \$3,920,000.00 in federal funding to be used for engineering and construction costs.

On April 26, 2023, the City of Dallas issued a Request for Qualifications CIZ23-TRN-3012 - Pedestrian Routes to Rail Stations Engineering Services and received three proposals.

If approved, this action will authorize a professional engineering services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc. to provide preliminary engineering services; environmental assessment; final engineering/design; plans, specifications, and estimates; and construction documents for the Dallas Zoo Pedestrian Routes to Rail Stations Project.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	July 2024
Complete Design	July 2026

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 27, 2022, the City Council authorized an Advance Funding Agreement with TxDOT for a federal Surface Transportation Block Grant (Agreement No. CSJ 0918-47-370, CFDA No. 20.205) in the amount of \$4,000,000.00 as federal share in the total project cost of \$4,186,984.00 (Federal share \$4,000,000.00 and Indirect State participation \$186,984.00) and no City participation (covered by 800,000 Transportation Development Credits) for costs related to preliminary engineering; environmental; final engineering/design; plans, specifications, and estimates; and construction of pedestrian improvements to include sidewalks and curb ramps in various locations at and around the Dallas Zoo DART Station/Southern Gateway Public Green and system connections to the Perot Museum/Klyde Warren Park in the City of Dallas by Resolution No. 22-0644.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Dallas Zoo DART Station at Southern Gateway Public Green Fund	\$ 90,000.00	\$270,000.00	\$0.00
General Fund	\$290,005.65	\$ 0.00	\$0.00
Total	\$380,005.65	\$270,000.00	\$0.00

Council District

Amount

4	\$487,504.24
14	\$162,501.41
Total	\$650,005.65

M/WBE INFORMATION

As a federal grant is used to fund a portion of this project, the Federal Disadvantaged Business Enterprise (DBE) program was incorporated in lieu of the City's Business Inclusion and Development Plan. DBE participation on this contract is as follows:

Contract Amount	Procurement Category	DBE Goal
\$650,005.65	Architecture & Engineering	5.00%
DBE Subcontracting %	DBE Overall %	DBE Overall Participation \$
11.51%	11.51%	\$74,785.00
• This contract exceeds the DBE goal.		
• Criado & Associates, LLC., formerly known as Criado & Associates, Inc. - Local; Workforce - 100.00% Local		

PROCUREMENT INFORMATION

The following three proposals were reviewed and selected in June 2023:

*Indicates most highly qualified proposer

<u>Proposers</u>	<u>Score</u>
*Criado & Associates, LLC., formerly known as Criado & Associates, Inc. 3030 Lyndon B Johnson Freeway, Suite 600 Dallas, TX 75234	89.80
Kimley-Horn and Associates, Inc.	89.60
Arredondo, Zepeda & Brunz, LLC	85.60

OWNER

Criado & Associates, LLC., formerly known as Criado & Associates, Inc.

Cristina Criado, PE, Principal-In-Charge

MAP

Attached

Dallas Zoo Dart Station/Southern Gateway Public Green and system connections to the Perot Museum/Klyde Warren Park

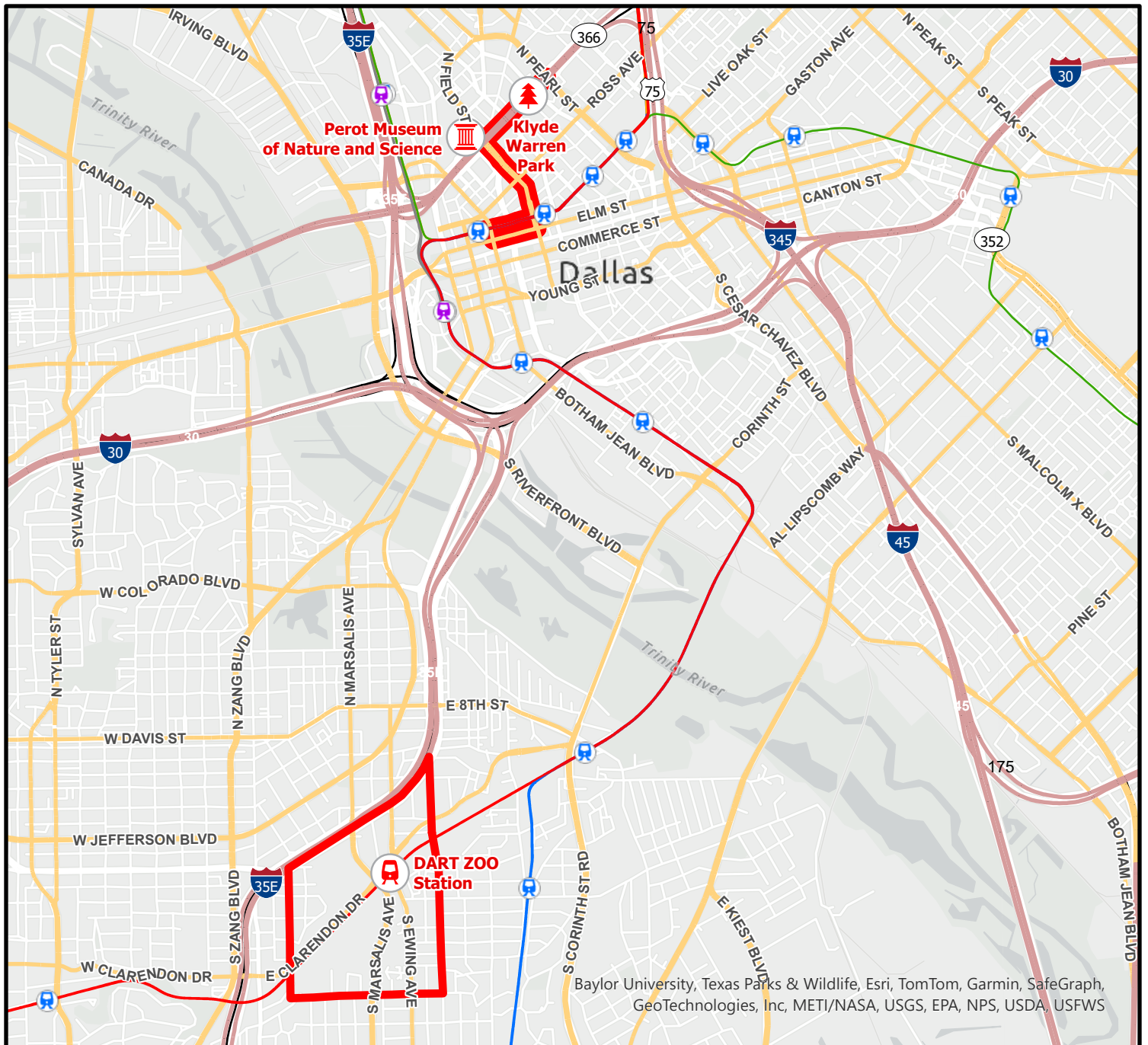
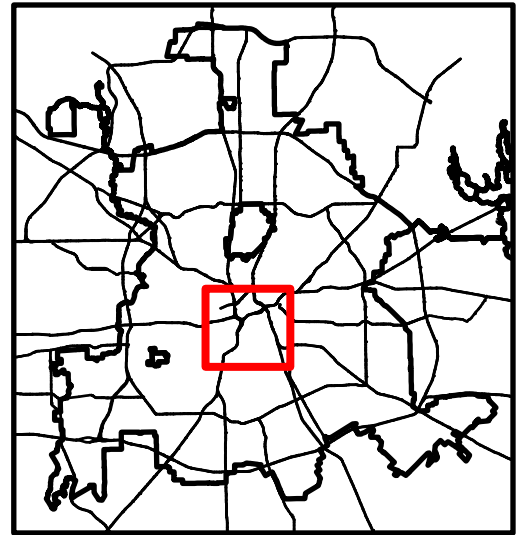


— Project Limits

▭ Dallas

Council District 4, 14

0 0.5 1 1.5 Miles



Baylor University, Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS

June 12, 2024

WHEREAS, in 2020, the North Central Texas Council of Governments completed a study which analyzed pedestrian connectivity around 28 Dallas Area Rapid Transit (DART) stations along the system's Blue and Red lines in Dallas, Garland, Richardson, and Plano; and

WHEREAS, as a result of this study, the Dallas Zoo Pedestrian Routes to Rail Stations Project will provide pedestrian improvements to include sidewalks and curb ramps in various locations at and around the Dallas Zoo DART Station/Southern Gateway Public Green and system connections to the Perot Museum/Klyde Warren Park in the City of Dallas; and

WHEREAS, on April 27, 2022, the City Council authorized an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for a federal Surface Transportation Block Grant (Agreement No. CSJ 0918-47-370, CFDA No. 20.205) in the amount of \$4,000,000.00 as federal share in the total project cost of \$4,186,984.00 (Federal share \$4,000,000.00 and Indirect State participation \$186,984.00) and no City participation (covered by 800,000 Transportation Development Credits) for costs related to preliminary engineering; environmental; final engineering/design; plans, specifications, and estimates; and construction of the Dallas Zoo Pedestrian Routes to Rail Stations Project by Resolution No. 22-0644; and

WHEREAS, the City of Dallas is the lead agency implementing the engineering and construction of the Project, and TxDOT will provide the City with \$3,920,000.00 in federal funding to be used for engineering and construction costs; and

WHEREAS, on April 26, 2023, the City of Dallas issued a Request for Qualifications CIZ23-TRN-3012 – Pedestrian Routes to Rail Stations Engineering Services and received three proposals; and

WHEREAS, the City desires to enter into a professional engineering services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc. to provide preliminary engineering services; environmental assessment; final engineering/design; plans, specifications, and estimates; and construction documents for the Dallas Zoo Pedestrian Routes to Rail Stations Project.

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 professional engineering services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc., approved as to form by the City Attorney, for preliminary engineering, environmental assessment, and final engineering/design services for pedestrian improvements to include sidewalks and curb ramps in various locations at and around the Dallas Zoo DART Station/Southern Gateway Public Green and system connections to the Perot Museum/Klyde Warren Park, in an amount not to exceed \$650,005.65.

June 12, 2024

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$650,005.65 to Criado & Associates, LLC., formerly known as Criado & Associates, Inc., in accordance with the terms and conditions of the contract, as follows:

Dallas Zoo DART Station at Southern Gateway Public Green Fund	
Fund F707, Department TRN, Unit 282C	
Object 4111, Activity INGV, Major Program MJRTRN	
Program TPF70722	
Encumbrance/Contract No. TRN-2023-00022000	
Vendor VS89559	\$360,000.00
General Fund	
Fund 0001, Department TRN, Unit 5357	
Object 4111, Program TFCCLMG	
Encumbrance/Contract No. TRN-2023-00022000	
Vendor VS89559	<u>\$290,005.65</u>
Total amount not to exceed	\$650,005.65

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

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1561

Item #: 25.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 9, 12, 14

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional engineering services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc., for the preliminary design of intersection improvements at Dallas Parkway and Frankford Road and Gaston Avenue and Tucker Street - Not to exceed \$326,039.00 - Financing: General Fund

BACKGROUND

The City desires to enter into a professional engineering services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc., for the preliminary design of intersection improvements at the following locations:

Intersection

Council District

- | | |
|--------------------------------------|-------|
| A) Gaston Avenue and Tucker Street | 9, 14 |
| B) Dallas Parkway and Frankford Road | 12 |

A) Gaston Avenue and Tucker Street

On March 27, 2019, the City Council authorized an Agreement to Contribute Right-of-Way Funds between the City of Dallas and the Texas Department of Transportation (TxDOT) (RCSJ 0009-02-071, CCSJ 0009-02-067) for the purpose of acquiring right-of-way and relocating or adjusting utilities at the intersection of Grand Avenue, Gaston Avenue, and Garland Road.

On February 26, 2020, the City Council authorized a professional service contract with Freese and Nichols, Inc. to provide a corridor study and develop preliminary traffic calming and operational improvement concepts for Gaston Avenue from the Garland Road, Grand Avenue, Gaston Avenue intersection to Washington Avenue. One of the locations that was identified in the study needing operational improvements is the Gaston Avenue/Tucker Street intersection that will be designed by Criado & Associates, LLC. (this action).

Additionally, Gaston Avenue is on the Vision Zero High Injury Network for having a disproportionate number of fatal and severe crashes, and a number of these crashes occur at the Gaston Avenue/Tucker Street intersection. Addressing the safety issues at this intersection is recommended to advance the City's Vision Zero goal.

On December 15, 2020, the Dallas County Commissioners' Court approved funding for the 2019 Major Capital Improvement Program (MCIP), which included \$1,000,000.00 (less County in-house project delivery cost) in funding to improve pedestrian walkability and bicycle connectivity, implement traffic calming measures, and improve accessibility to Baylor, Scott and White from the Gaston/Garland/Grand intersection to Washington Street in the City of Dallas.

This action will authorize a professional services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc., for the preliminary design of intersection improvements at Gaston Avenue and Tucker Street and will inform the scope of work for the MCIP partnership project with Dallas County.

B) Dallas Parkway and Frankford Road

On September 27, 2023, the City Council authorized an Advance Funding Agreement with TxDOT to accept a 2020 Federal Highway Safety Improvement Program (HSIP) Grant in the amount of \$2,392,465.00 to construct traffic signal improvements at six locations, which included the intersection at Dallas Parkway and Frankford Road. The traffic signal improvements will be constructed by TxDOT, who administers the program.

On February 8, 2024, the North Central Texas Council of Governments' Regional Transportation Council (RTC) approved funding to construct pedestrian and intersection improvements, including roadway improvements to the southbound and northbound exit ramps, at Dallas Parkway and Frankford Road. This project will complement the HSIP funded traffic signal improvements at the Dallas Parkway/Frankford Road intersection.

The City of Dallas is the lead agency to administer the engineering and construction of the project approved by the RTC and will complete the delivery of this project in three phases: Phase I Preliminary Engineering Services (this action); Phase II Detailed Design covering plans, specifications, and estimates; and Phase III Construction.

This action will also authorize Criado & Associates, LLC., formerly known as Criado & Associates, Inc., to perform Phase I Preliminary Engineering Services covering the development of schematics and associated preliminary design elements for intersection improvements at Dallas Parkway and Frankford Road.

ESTIMATED SCHEDULE OF PROJECT

Begin Preliminary Design	June 2024 (Phase I) (this action)
Complete Preliminary Design	March 2025 (Phase I) (this action)
Begin Detailed Design	April 2025 (Phase II)
Complete Detailed Design	May 2026 (Phase II)
Begin Construction	September 2026 (Phase III)
Complete Construction	January 2028 (Phase III)

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 27, 2019, the City Council authorized an Agreement to Contribute Right-of-Way Funds between the City of Dallas and TxDOT (RCSJ 0009-02-071, CCSJ 0009-02-067) for the purpose of acquiring right-of-way and relocating or adjusting utilities at the intersection of Grand Avenue, Gaston Avenue, and Garland Road, in the amount of \$106,428.50, by Resolution No. 19-0447.

On February 26, 2020, the City Council authorized a professional service contract with Freese and Nichols, Inc. to provide a corridor study and develop preliminary traffic calming concepts for Gaston Avenue from the Garland Road, Grand Avenue, Gaston Avenue intersection to Washington Avenue and other related tasks, in an amount not to exceed \$257,915.00, by Resolution No. 20-0326.

On September 27, 2023, the City Council authorized an Advance Funding Agreement with TxDOT to accept a 2020 Federal Highway Safety Improvement Program grant (CSJ No. 0918-24-267, etc., CFDA No. 20.205) in the amount of \$2,392,465.00 as Federal participation, \$448,457.32 (\$229,456.32 for direct state costs paid to TxDOT and an estimated \$225,001.00 for design, which is being done by City of Dallas staff) as local participation, and \$123,806.14 as State participation for indirect state costs to construct traffic signal improvements at the following intersections: Frankford Road at Dallas Parkway (CSJ No. 0918-24-267), Harry Hines Boulevard at Walnut Hill Lane (CSJ No. 0918-47-350), Midway Road at Royal Lane (CSJ No. 0918-47-353), Hillcrest Road at Spring Valley Road (CSJ No. 0918-47-355), and Shady Brook Lane at Park Lane (CSJ No. 0918-47-416), by Resolution No. 23-1330.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
General Fund	\$326,039.00	\$0.00	\$0.00

Council District**Amount**

9	\$ 97,906.50 (Portion of Gaston Avenue and Tucker Street)
12	\$130,226.00 (Dallas Parkway and Frankford Road)
14	<u>\$ 97,906.50</u> (Portion of Gaston Avenue and Tucker Street)

Total	\$326,039.00
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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
\$326,039.00	Architecture & Engineering	34.00%
M/WBE Subcontracting %	M/WBE Overall %	M/WBE Overall Participation \$
34.05%	34.05%	\$111,000.00
<ul style="list-style-type: none"> • This contract exceeds the M/WBE subcontracting goal. • Criado & Associates, LLC., formerly known as Criado & Associates, Inc. - Local; Workforce - 37.04% Local 		

PROCUREMENT INFORMATION

On February 22, 2023, the City of Dallas issued a Request for Qualifications CIZ23-AVI-2097 for architectural and engineering consulting services and subsequent Request for Proposals to shortlisted firms seeking professional services for four projects, which included this project. The City received three proposals for the project from interested firms.

The following Request for Proposals were reviewed and selected:

*Indicates most highly qualified proposer

<u>Proposers</u>	<u>Score</u>
*Criado & Associates, LLC., formerly known as Criado & Associates, Inc., 3030 Lyndon B Johnson Freeway, Suite 600 Dallas, TX 75234	80.67
Arredondo, Zepeda & Brunz, LLC	73.33
Freese & Nichols, Inc.	72.33

OWNER

Criado & Associates, LLC., formerly known as Criado & Associates, Inc.

Cristina Criado, PE, Principal-In-Charge

MAP

Attached

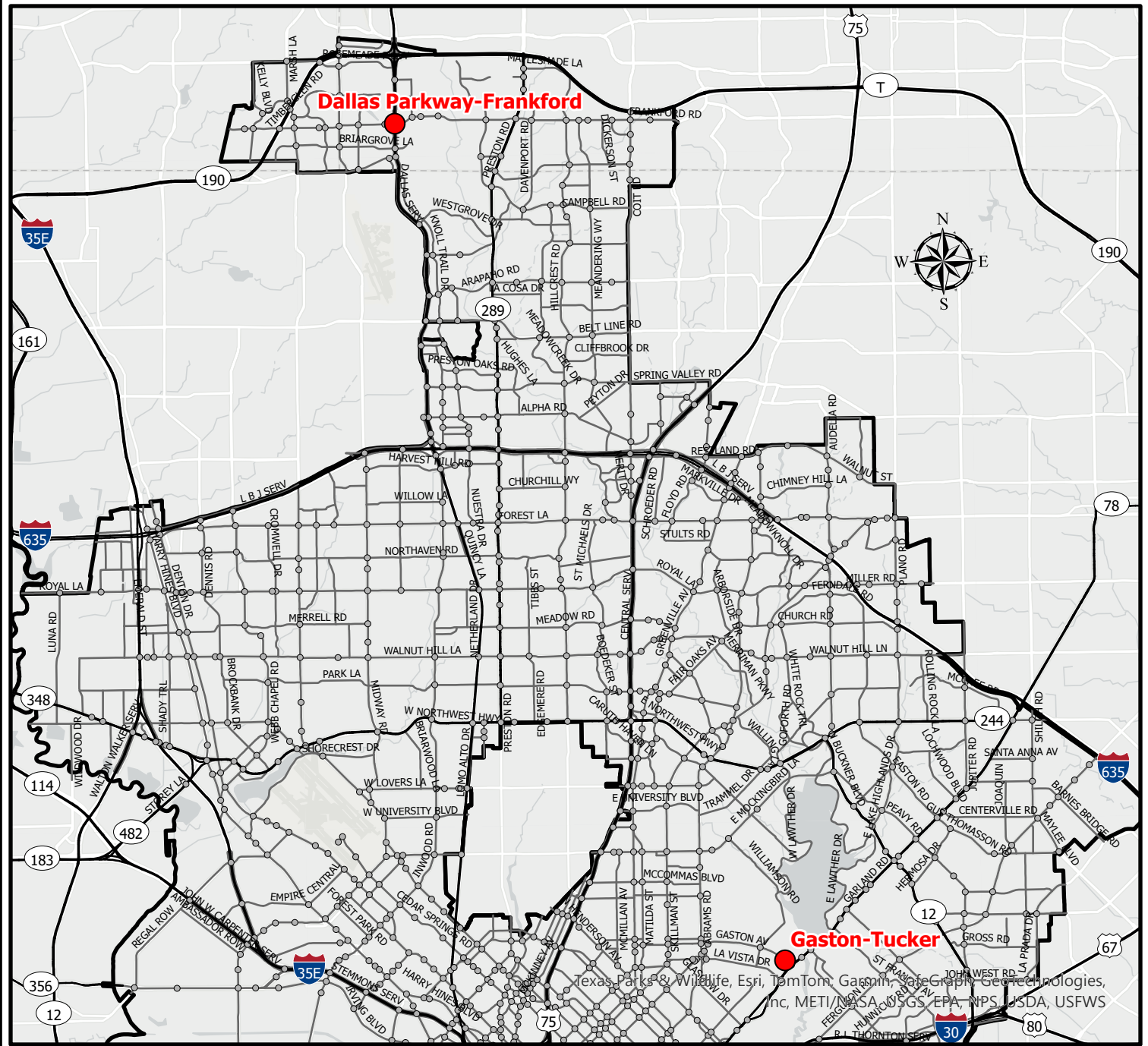
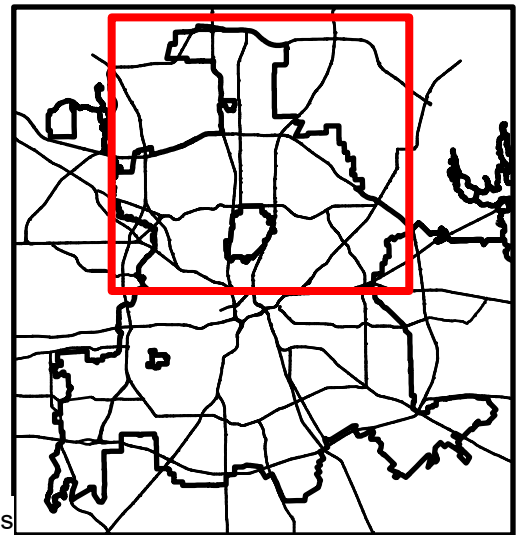
Dallas Parkway and Frankford Road and Gaston Avenue and Tucker Street

Intersection Improvement

Intersection	Council District
Gaston Avenue and Tucker Street	9, 14
Dallas Parkway and Frankford Road	12

● Project Location

0 1 2 3 4 5 6 7 8 Miles



June 12, 2024

WHEREAS, on March 27, 2019, the City Council authorized an Agreement to Contribute Right-of-Way Funds between the City of Dallas and the Texas Department of Transportation (TxDOT) (RCSJ 0009-02-071, CCSJ 0009-02-067) for the purpose of acquiring right-of-way and relocating or adjusting utilities at the intersection of Grand Avenue, Gaston Avenue, and Garland Road, in the amount of \$106,428.50, by Resolution No. 19-0447; and

WHEREAS, on February 26, 2020, the City Council authorized a professional service contract with Freese and Nichols, Inc. to provide a corridor study and develop preliminary traffic calming and operational improvement concepts for Gaston Avenue from the Garland Road, Grand Avenue, Gaston Avenue intersection to Washington Avenue and other related tasks, in an amount not to exceed \$257,915.00, by Resolution No. 20-0326; and

WHEREAS, on December 15, 2020, the Dallas County Commissioners' Court approved funding for the 2019 Major Capital Improvement Program (MCIP), which included \$1,000,000.00 (less County in-house project delivery cost) in funding to improve pedestrian walkability and bicycle connectivity, implement traffic calming measures, and improve accessibility to Baylor, Scott and White from the Gaston/Garland/Grand intersection to Washington Street in the City of Dallas; and

WHEREAS, on September 27, 2023, the City Council authorized an Advance Funding Agreement with TxDOT to accept a 2020 Federal Highway Safety Improvement Program (HSIP) grant in the amount of \$2,392,465.00 to construct traffic signal improvements at six locations, which included the intersection at Dallas Parkway and Frankford Road by Resolution No. 23-1330; and

WHEREAS, on February 8, 2024, the North Central Texas Council of Governments' Regional Transportation Council (RTC) approved funding to construct pedestrian and intersection improvements, including roadway improvements to the southbound and northbound exit ramps, at Dallas Parkway and Frankford Road, which will complement the HSIP funded traffic signal improvements at the Dallas Parkway/Frankford Road intersection; and

WHEREAS, the City of Dallas is the lead agency to administer the engineering and construction of the project approved by the RTC and will complete the delivery of this project in three phases: Phase I Preliminary Engineering Services (this action); Phase II Detailed Design covering plans, specifications, and estimates; and Phase III Construction; and

June 12, 2024

WHEREAS, the City of Dallas issued a Request for Qualifications CIZ23-AVI-2097 for architectural and engineering consulting services and subsequent Request for Proposals to shortlisted firms seeking professional services for four projects, including the preliminary design of intersection improvements at Dallas Parkway and Frankford Road and Gaston Avenue and Tucker Street (“Project”); and

WHEREAS, the City received three proposals for this Project from the following firms:

<u>Proposers</u>	<u>Score</u>
Criado & Associates, LLC., formerly known as Criado & Associates, Inc.	80.67
Arredondo, Zepeda & Brunz, LLC	73.33
Freese & Nichols, Inc.	72.33

WHEREAS, the City desires to enter into a professional engineering services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc, for the preliminary design of intersection improvements at Dallas Parkway and Frankford Road and Gaston Avenue and Tucker Street.

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 professional engineering services contract with Criado & Associates, LLC., formerly known as Criado & Associates, Inc., approved as to form by the City Attorney, for the preliminary design of intersection improvements at Dallas Parkway and Frankford Road and Gaston Avenue and Tucker Street, in an amount not to exceed \$326,039.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$326,039.00 to Criado & Associates, LLC., formerly known as Criado & Associates, Inc., in accordance with the terms and conditions of the contract, as follows:

General Fund	
Fund 0001, Department TRN, Unit 3049	
Object 4111, Program TP304917	
Encumbrance/Contract No. TRN-2024-00024806	
Vendor VS89559	\$163,019.50

June 12, 2024

SECTION 2. (continued)

General Fund	
Fund 0001, Department TRN, Unit 5357	
Object 4111, Program TFCCLMG	
Encumbrance/Contract No. TRN-2024-00024806	
Vendor VS89559	<u>\$163,019.50</u>

Total amount not to exceed	\$326,039.00
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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.



Agenda Information Sheet

File #: 24-1555

Item #: 26.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 2, 7, 14

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional engineering services contract with Freese and Nichols, Inc. for traffic signal design services for the following four intersections selected as part of the 2023 Dallas Area Rapid Transit (DART) Public Transportation Improvement Program: North Fitzhugh Avenue at Gaston Avenue; Malcolm X Boulevard at Pine Street; Malcolm X Boulevard at Al Lipscomb Way; Ross Avenue at Pearl Street; and other related tasks - Not to exceed \$335,000.00 - Financing: DART Transportation Projects Fund

BACKGROUND

This action will authorize a professional engineering services contract with Freese and Nichols, Inc. for the design of traffic signals at four intersections. This contract is for four of the 22 intersections selected as part of the 2023 DART Public Transportation Improvement Program. The DART Public Transportation Improvement Program will provide funding to reconstruct dated traffic signals and improve pedestrian safety at intersections along DART bus routes.

The following signals will be designed with this contract:

<u>Intersection</u>	<u>Council District</u>
North Fitzhugh Avenue at Gaston Avenue	2, 14
Malcolm X Boulevard at Pine Street	7
Malcolm X Boulevard at Al Lipscomb Way	7
Ross Avenue at Pearl Street	14

On September 20, 2023, the City of Dallas released a Request for Qualifications for professional engineering services for the development of traffic signal plans, specifications, and estimates for eight traffic signal groups and received ten proposals from interested firms.

In October 2023, a five-member selection committee consisting of staff from the Department of Transportation, Department of Public Works, and Small Business Center Department reviewed and evaluated the proposals. Freese and Nichols, Inc. was selected by the review committee to provide professional services for these four intersections.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2024
Complete Design	May 2025

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 14, 2023, the City Council authorized an interlocal agreement with DART for the distribution of up to \$80,000,000.00 in funding from DART which consists of the City's portion of (i) excess sales tax funds from DART of \$72,000,000.00 and (ii) additional RTC funds of approximately \$8,000,000.00, all to be used to complete projects eligible for this funding that will benefit DART's Public Transportation System or provide Complementary Transportation Services located in Dallas by Resolution No. 23-0822.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
DART Transportation Projects Fund	\$167,500.00	\$167,500.00	\$0.00

<u>Council District</u>	<u>Amount</u>
2	\$ 41,875.00
7	\$167,500.00
14	<u>\$125,625.00</u>
Total	\$335,000.00

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
\$335,000.00	Architecture & Engineering	34.00%
M/WBE Subcontracting %	M/WBE Overall %	M/WBE Overall Participation \$
42.06%	42.06%	\$140,909.09
• This contract exceeds the M/WBE goal.		
• Freese and Nichols, Inc. - Local; Workforce - 35.48% Local		

PROCUREMENT INFORMATION

In accordance with the City of Dallas Administrative Directive 4-05 procurement guidelines, Freese and Nichols, Inc. was selected as the most qualified proposer to provide professional services for this project.

OWNER

Freese and Nichols, Inc.

John Dewar, Principal

MAP

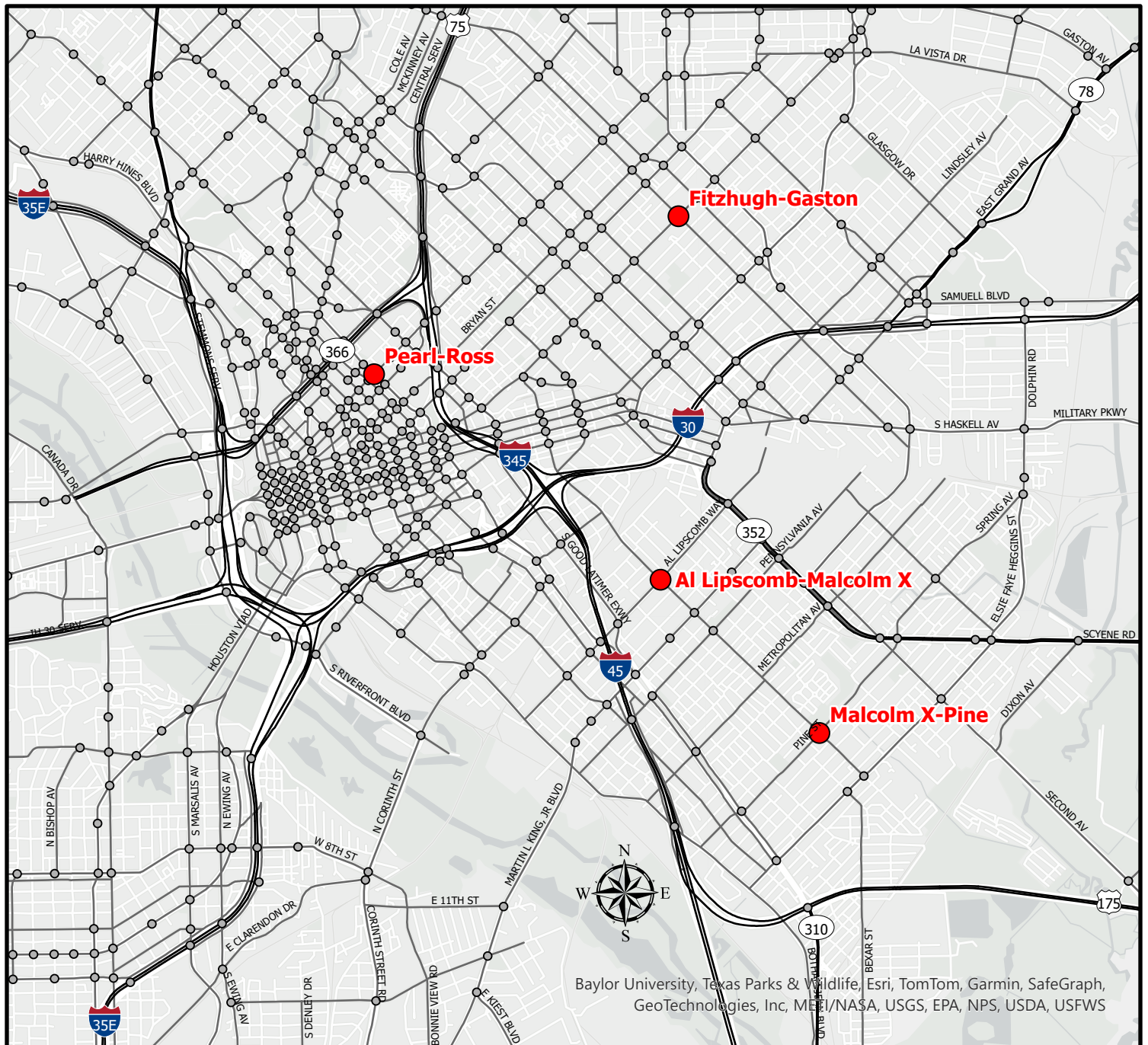
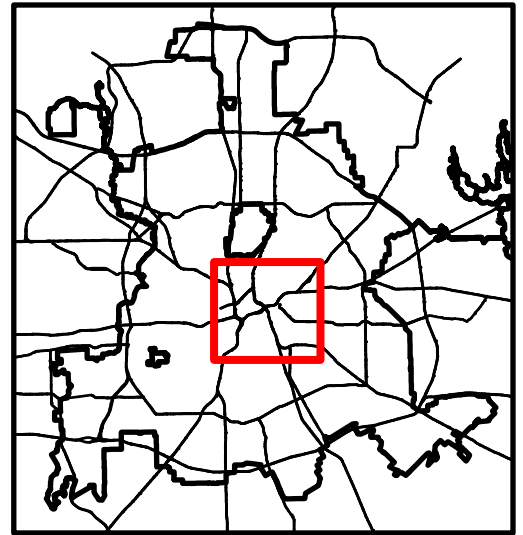
Attached

DART GROUP 3

Intersection	Council District
North Fitzhugh Avenue at Gaston Avenue	2, 14
Malcolm X Boulevard at Pine Street	7
Malcolm X Boulevard at Al Lipscomb Way	7
Ross Avenue at Pearl Street	14

● Project Location

0 1 2 Miles



Baylor University, Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, MERRI/NASA, USGS, EPA, NPS, USDA, USFWS

June 12, 2024

WHEREAS, on June 14, 2023, the City Council authorized an interlocal agreement with Dallas Area Rapid Transit (DART) for the distribution of up to \$80,000,000.00 in funding from DART which consists of the City's portion of (i) excess sales tax funds from DART of \$72,000,000.00 and (ii) additional Regional Transportation Council funds of approximately \$8,000,000.00, all to be used to complete projects eligible for this funding that will benefit DART's Public Transportation System or provide Complementary Transportation Services located in Dallas, by Resolution No. 23-0822; and

WHEREAS, on September 20, 2023, the City of Dallas released a Request for Qualifications for professional engineering services for the development of traffic signal plans, specifications, and estimates for eight traffic signal groups and received ten proposals from interested firms; and

WHEREAS, in October 2023, a five-member committee consisting of staff from the Department of Transportation, Department of Public Works, and Small Business Center Department reviewed and evaluated the proposals; and

WHEREAS, in accordance with the City of Dallas Administrative Directive 4-05 procurement guidelines, Freese and Nichols, Inc. was selected by the review committee as the most qualified proposer to provide professional services for the following four intersections: North Fitzhugh Avenue at Gaston Avenue; Malcolm X Boulevard at Pine Street; Malcolm X Boulevard at Al Lipscomb Way; and Ross Avenue at Pearl Street; and

WHEREAS, the City desires to enter into a professional engineering services contract with Freese and Nichols, Inc. to provide traffic signal design services for the following four intersections: North Fitzhugh Avenue at Gaston Avenue; Malcolm X Boulevard at Pine Street; Malcolm X Boulevard at Al Lipscomb Way; and Ross Avenue at Pearl Street, in an amount not to exceed \$335,000.00.

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 professional engineering services contract with Freese and Nichols, Inc., approved as to form by the City Attorney, for traffic signal design services for the following four intersections selected as part of the 2023 DART Public Transportation Improvement Program: North Fitzhugh Avenue at Gaston Avenue; Malcolm X Boulevard at Pine Street; Malcolm X Boulevard at Al Lipscomb Way; Ross Avenue at Pearl Street; and other related tasks, in an amount not to exceed \$335,000.00. If the service was bid or proposed on an as needed basis, unit price basis for the performance of specified tasks, payment to Freese and Nichols, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Freese and Nichols, Inc. under the contract.

June 12, 2024

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$335,000.00 to Freese and Nichols, Inc. from the DART Transportation Projects Fund, Fund TN20, Department TRN, Unit X029, Object 4111, Program TP23X029, Encumbrance/Contract No. TRN-2024-00024774, Vendor 347200.

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.



Agenda Information Sheet

File #: 24-1554

Item #: 27.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 3, 4

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional engineering services contract with LJA Engineering, Inc. for traffic signal design services for the following four intersections selected as part of the 2023 Dallas Area Rapid Transit (DART) Public Transportation Improvement Program: South Polk Street at Reynoldston Lane; Ann Arbor Avenue at South Marsalis Avenue; East Kiest Boulevard at South Marsalis Avenue; South Marsalis Avenue at East Saner Avenue; and other related tasks - Not to exceed \$310,420.00 - Financing: DART Transportation Projects Fund

BACKGROUND

This action will authorize a professional engineering services contract with LJA Engineering, Inc. for the design of traffic signals at four intersections. This contract is for four of the 22 intersections selected as part of the 2023 DART Public Transportation Improvement Program. The DART Public Transportation Improvement Program will provide funding to reconstruct dated traffic signals and improve pedestrian safety at intersections along DART bus routes.

The following signals will be designed with this contract:

<u>Intersection</u>	<u>Council District</u>
South Polk Street at Reynoldston Lane	3, 4
Ann Arbor Avenue at South Marsalis Avenue	4
East Kiest Boulevard at South Marsalis Avenue	4
South Marsalis Avenue at East Saner Avenue	4

On September 20, 2023, the City of Dallas released a Request for Qualifications for professional engineering services for the development of traffic signal plans, specifications, and estimates for eight traffic signal groups and received ten proposals from interested firms.

In October 2023, a five-member selection committee consisting of staff from the Department of Transportation, Department of Public Works, and Small Business Center Department reviewed and evaluated the proposals. LJA Engineering, Inc. was selected by the review committee to provide professional services for these four intersections.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2024
Complete Design	May 2025

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 14, 2023, the City Council authorized an interlocal agreement with DART for the distribution of up to \$80,000,000.00 in funding from DART which consists of the City's portion of (i) excess sales tax funds from DART of \$72,000,000.00 and (ii) additional Regional Transportation Council funds of approximately \$8,000,000.00, all to be used to complete projects eligible for this funding that will benefit DART's Public Transportation System or provide Complementary Transportation Services located in Dallas by Resolution No. 23-0822.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
DART Transportation Projects Fund	\$155,210.00	\$155,210.00	\$0.00

<u>Council District</u>	<u>Amount</u>
3	\$ 38,802.50
4	<u>\$271,617.50</u>
Total	\$310,420.00

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
\$310,420.00	Architecture & Engineering	34.00%
M/WBE Subcontracting %	M/WBE Overall %	M/WBE Overall Participation \$
36.01%	36.01%	\$111,790.00
• This contract exceeds the M/WBE goal.		
• LJA Engineering, Inc. - Local; Workforce - 7.74% Local		

PROCUREMENT INFORMATION

In accordance with the City of Dallas Administrative Directive 4-05 procurement guidelines, LJA Engineering, Inc. was selected as the most qualified proposer to provide professional services for this project.

OWNER

LJA Engineering, Inc.

James Ross, President

MAP

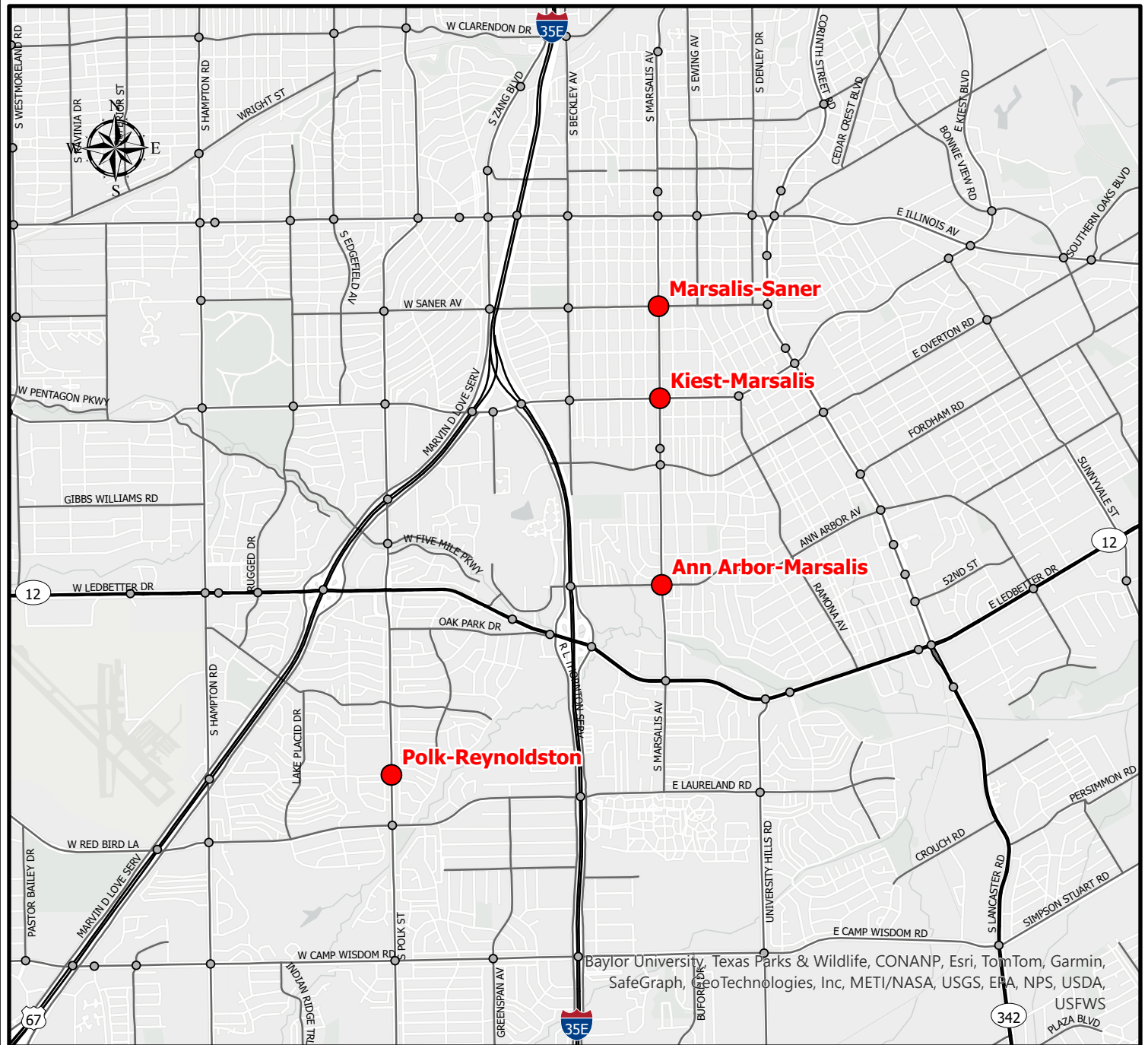
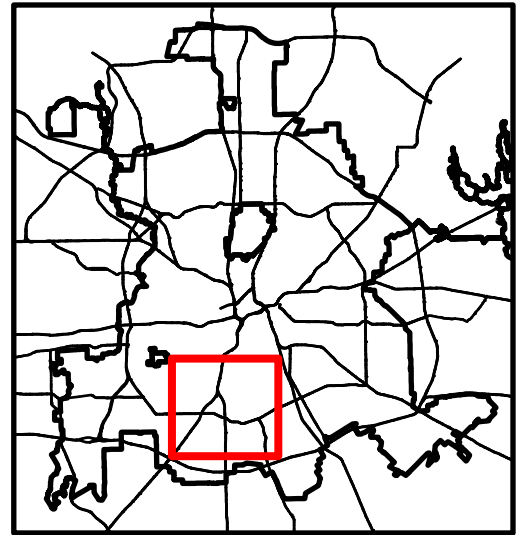
Attached

DART GROUP 2

Intersection	Council District
South Polk Street at Reynoldston Lane	3,4
Ann Arbor Avenue at South Marsalis Avenue	4
East Kiest Boulevard at South Marsalis Avenue	4
South Marsalis Avenue at East Saner Avenue	4

● Project Location

0 1 2 Miles



Baylor University, Texas Parks & Wildlife, CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS

June 12, 2024

WHEREAS, on June 14, 2023, the City Council authorized an interlocal agreement with Dallas Area Rapid Transit (DART) for the distribution of up to \$80,000,000.00 in funding from DART which consists of the City's portion of (i) excess sales tax funds from DART of \$72,000,000.00 and (ii) additional Regional Transportation Council funds of approximately \$8,000,000.00, all to be used to complete projects eligible for this funding that will benefit DART's Public Transportation System or provide Complementary Transportation Services located in Dallas, by Resolution No. 23-0822; and

WHEREAS, on September 20, 2023, the City of Dallas released a Request for Qualifications for professional engineering services for the development of traffic signal plans, specifications, and estimates for eight traffic signal groups and received ten proposals from interested firms; and

WHEREAS, in October 2023, a five-member committee consisting of staff from the Department of Transportation, Department of Public Works, and Small Business Center Department reviewed and evaluated the proposals; and

WHEREAS, in accordance with the City of Dallas Administrative Directive 4-05 procurement guidelines, LJA Engineering, Inc. was selected by the review committee as the most qualified proposer to provide professional services for the following four intersections: South Polk Street at Reynoldston Lane; Ann Arbor Avenue at South Marsalis Avenue; East Kiest Boulevard at South Marsalis Avenue; and South Marsalis Avenue at East Saner Avenue; and

WHEREAS, the City desires to enter into a professional engineering services contract with LJA Engineering, Inc. to provide traffic signal design services for the following four intersections: South Polk Street at Reynoldston Lane; Ann Arbor Avenue at South Marsalis Avenue; East Kiest Boulevard at South Marsalis Avenue; and South Marsalis Avenue at East Saner Avenue, in an amount not to exceed \$310,420.00.

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 professional engineering services contract with LJA Engineering, Inc., approved as to form by the City Attorney, for traffic signal design services for the following four intersections selected as part of the 2023 DART Public Transportation Improvement Program: South Polk Street at Reynoldston Lane; Ann Arbor Avenue at South Marsalis Avenue; East Kiest Boulevard at South Marsalis Avenue; South Marsalis Avenue at East Saner Avenue; and other related tasks, in an amount not to exceed \$310,420.00. If the service was bid or proposed on an as needed basis, unit price basis for the performance of specified tasks, payment to LJA Engineering, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by LJA Engineering, Inc. under the contract.

June 12, 2024

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$310,420.00 to LJA Engineering, Inc. from the DART Transportation Projects Fund, Fund TN20, Department TRN, Unit X029, Object 4111, Program TP23X029, Encumbrance/Contract No. TRN-2024-00024775, Vendor VS91142.

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.



Agenda Information Sheet

File #: 24-1556

Item #: 28.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 2, 9, 14

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional engineering services contract with Urban Engineers Group, Inc. for traffic signal design services for the following four intersections: Lemmon Avenue at North Washington Avenue; Live Oak Street at North Munger Boulevard; Botham Jean Boulevard at Belleview Street; Ferguson Road at Fenwick Drive/Shiloh Road; and other related tasks - Not to exceed \$340,050.00 - Financing: General Fund (\$170,025.00) and Street and Transportation (A) Fund (2017 General Obligation Bond Fund) (\$170,025.00)

BACKGROUND

This action will authorize a professional engineering services contract with Urban Engineers Group, Inc. for the design of traffic signals at the following intersections:

<u>Intersection</u>	<u>Council District</u>
Botham Jean Boulevard at Belleview Street	2
Live Oak Street at North Munger Boulevard	2, 14
Ferguson Road at Fenwick Drive/Shiloh Road	9
Lemmon Avenue at North Washington Avenue	14

This design contract will support the reconstruction of dated traffic signal infrastructure at these intersections to improve traffic efficiency and safety.

On September 20, 2023, the City of Dallas released a Request for Qualifications for professional engineering services for the development of traffic signal plans, specifications, and estimates for eight traffic signal groups and received ten proposals from interested firms.

In October 2023, a five-member selection committee consisting of staff from the Department of Transportation, Department of Public Works, and Small Business Center Department reviewed and evaluated the proposals. Urban Engineers Group, Inc. was selected by the review committee to provide professional services for these four intersections.

ESTIMATED SCHEDULE OF PROJECT

Begin Design June 2024
Complete Design May 2025

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
General Fund	\$170,025.00	\$ 0.00	\$0.00
Street and Transportation (A) Fund (2017 General Obligation Bond Fund)	\$ 0.00	\$170,025.00	\$0.00
Total	\$170,025.00	\$170,025.00	\$0.00

<u>Council District</u>	<u>Amount</u>
2	\$127,518.75
9	\$ 85,012.50
14	\$127,518.75
Total	\$340,050.00

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
\$340,050.00	Architecture & Engineering	34.00%
M/WBE Subcontracting %	M/WBE Overall %	M/WBE Overall Participation \$
34.64%	98.82%	\$336,050.00
• This contract exceeds the M/WBE subcontracting goal.		
• Urban Engineers Group, Inc. - Local; Workforce - 0.00% Local		

PROCUREMENT INFORMATION

In accordance with the City of Dallas Administrative Directive 4-05 procurement guidelines, Urban Engineers Group, Inc. was selected as the most qualified proposer to provide professional services for this project.

OWNER

Urban Engineers Group, Inc.

Faisal Syed, PE, PTOE, Principal

MAP

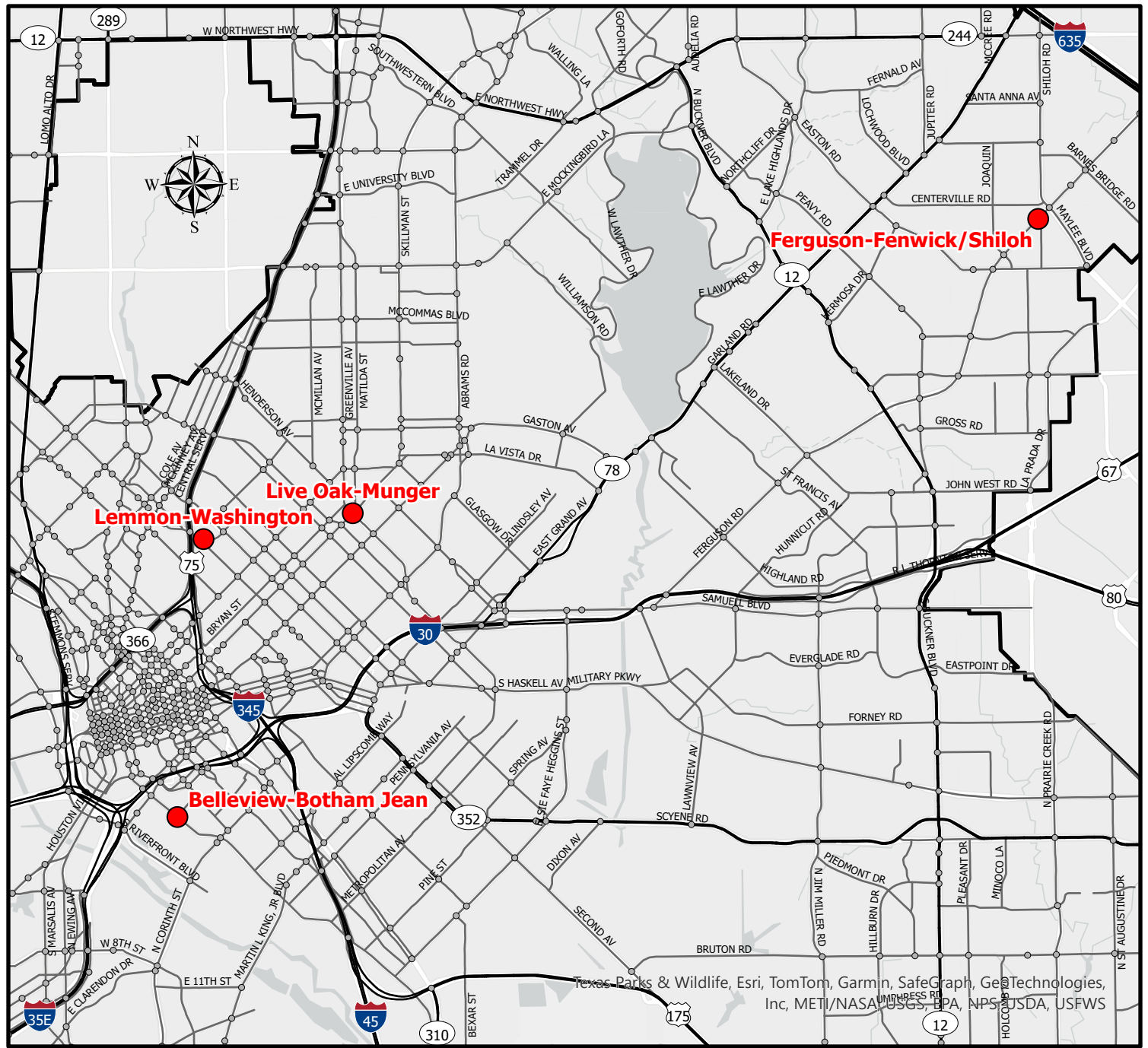
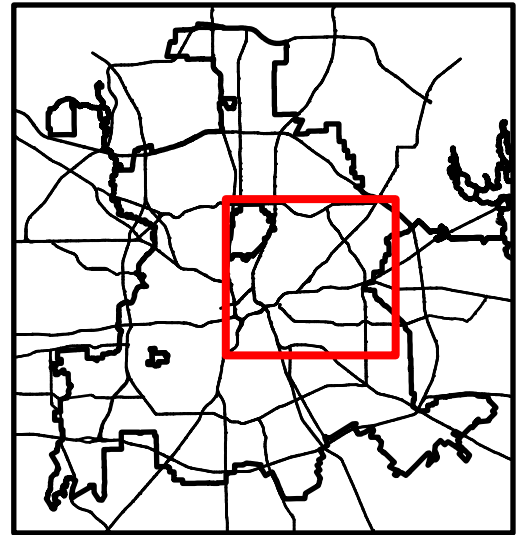
Attached

TRAFFIC SIGNAL GROUP 6

Intersection	Council District
Live Oak Street at North Munger Boulevard	2, 14
Botham Jean Boulevard at Bellevue Street	2
Ferguson Road at Fenwick Drive/Shiloh Road	9
Lemmon Avenue at North Washington Avenue	14

● Project Location

0 1 2 3 4 Miles



June 12, 2024

WHEREAS, on September 20, 2023, the City of Dallas released a Request for Qualifications for professional engineering services for the development of traffic signal plans, specifications, and estimates for eight traffic signal groups and received ten proposals from interested firms; and

WHEREAS, in October 2023, a five-member committee consisting of staff from the Department of Transportation, Department of Public Works, and Small Business Center Department reviewed and evaluated the proposals; and

WHEREAS, in accordance with the City of Dallas Administrative Directive 4-05 procurement guidelines, Urban Engineers Group, Inc. was selected by the review committee as the most qualified proposer to provide professional services for the following four intersections: Lemmon Avenue at North Washington Avenue; Live Oak Street at North Munger Boulevard; Botham Jean Boulevard at Belleview Street; and Ferguson Road at Fenwick Drive/Shiloh Road; and

WHEREAS, the City desires to enter into a professional engineering services contract with Urban Engineers Group, Inc. to provide traffic signal design services for the following four intersections: Lemmon Avenue at North Washington Avenue; Live Oak Street at North Munger Boulevard; Botham Jean Boulevard at Belleview Street; and Ferguson Road at Fenwick Drive/Shiloh Road, in an amount not to exceed \$340,050.00.

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 professional engineering services contract with Urban Engineers Group, Inc., approved as to form by the City Attorney, for traffic signal design services for the following four intersections: Lemmon Avenue at North Washington Avenue; Live Oak Street at North Munger Boulevard; Botham Jean Boulevard at Belleview Street; Ferguson Road at Fenwick Drive/Shiloh Road; and other related tasks, in an amount not to exceed \$340,050.00. If the service was bid or proposed on an as needed basis, unit price basis for the performance of specified tasks, payment to Urban Engineers Group, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Urban Engineers Group, Inc. under the contract.

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 2017A, and Series 2017B, and use the proceeds thereof to reimburse the disbursements described herein.

June 12, 2024

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$340,050.00 to Urban Engineers Group, Inc., in accordance with the terms and conditions of the contract, as follows:

Street and Transportation (A) Fund	
Fund 1V22, Department TRN, Unit VA40	
Object 4111, Program TP17VA40	
Encumbrance/Contract No. TRN-2024-00024773	
Vendor 511462	\$170,025.00

General Fund	
Fund 0001, Department TRN, Unit 5357	
Object 4111, Program TFCCLMG	
Encumbrance/Contract No. TRN-2024-00024773	
Vendor 511462	<u>\$170,025.00</u>

Total amount not to exceed	\$340,050.00
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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 #: 24-1559

Item #: 29.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 2, 5, 14

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize payment to the Texas Department of Transportation for the Advance Funding Agreement (Agreement No. CSJ 0918-47-348, etc., Assistance Listing No. 20.205) for cost overruns related to the construction of four traffic signals and associated off-system intersection improvements at: Gaston Avenue at Haskell Avenue, Peavy Road at Oates Drive, Lake June Road at Pleasant Drive, and McKinney Avenue at Routh Street - Total amount of \$751,825.83 - Financing: Coronavirus State and Local Fiscal Recovery Fund (\$632,990.32) and General Fund (\$118,835.51)

BACKGROUND

The Texas Department of Transportation (TxDOT) administers the Federal Highway Safety Improvement Program, which provides grant funding to reconstruct traffic signals at high-accident intersections in the City of Dallas.

On February 14, 2024, the City Council authorized an Advance Funding Agreement with TxDOT for the design, upgrade, and construction of four traffic signals and associated off-system intersection improvements at: Gaston Avenue at Haskell Avenue, Peavy Road at Oates Drive, Lake June Road at Pleasant Drive, and McKinney Avenue at Routh Street that included a required local match in the amount of \$360,723.64 (\$154,056.96 for direct state costs paid to TxDOT and an estimated \$206,666.68 for design) by Resolution No. 24-0267.

Off-System Intersections:

- Gaston Avenue at Haskell Avenue (CSJ No. 0918-47-348), (CD 2, 14)
- Peavy Road at Oates Drive (CSJ No. 0918-47-351), (CD 2)
- Lake June Road at Pleasant Drive (CSJ No. 0918-47-349), (CD 5)
- McKinney Avenue at Routh Street (CSJ No. 0918-47-424), (CD 14)

Due to sharp increases in material costs since the original construction estimates were prepared, primarily in traffic signal poles and concrete, the lowest bid exceeded estimates by \$751,825.83.

This action will authorize payment to TxDOT for the cost overrun amount as agreed to in the Advance Funding Agreement.

Coronavirus State and Local Fiscal Recovery Funds are eligible within the Qualified Census Tract areas to improve various intersections to promote the safety of all right-of-way users including motorist, cyclists, and pedestrians.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction June 2024
Complete Construction August 2026

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 2021, the City Council authorized the acceptance of grant funds from the U.S. Department of Treasury for the Coronavirus State and Local Fiscal Recovery Fund to provide relief during the ongoing COVID-19 pandemic by Resolution No. 21-1149.

On September 22, 2021, the City Council authorized the final reading and adoption of the appropriation ordinance for the FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets, which included the American Rescue Plan Act funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Funds by Resolution No. 21-1590.

On September 28, 2022, the City Council authorized the final reading and adoption of the appropriation ordinance for the FY 2022-23 City of Dallas Operating, Capital, and Grant & Trust Budgets, which included the American Rescue Plan Act funds from the U.S. Department of Treasury for the Coronavirus State and Local Fiscal Recovery Fund by Resolution No. 22-1480.

On February 14, 2024, the City Council authorized an Advance Funding Agreement for a U.S. Department of Transportation - Federal Highway Administration 2020 Highway Safety Improvement Program grant (CSJ No. 0918-47-348, etc., CFDA No. 20.205) in the amount of \$1,649,419.00 as Federal participation, \$360,723.64 (\$154,056.96 for direct state costs paid to TxDOT and an estimated \$206,666.68 for design) as local participation, and \$87,793.47 as State participation for indirect state costs to construct traffic signal improvements at the following intersections: Gaston Avenue at Haskell Avenue (CSJ No. 0918-47-348), Peavy Road at Oates Drive (CSJ No. 0918-47-351), Lake June Road at Pleasant Drive (CSJ No. 0918-47-349), and McKinney Avenue at Routh Street (CSJ No. 0918-47-424) by Resolution No. 24-0267.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Coronavirus State and Local Fiscal Recovery Fund	\$632,990.32	\$0.00	\$0.00
General Fund	\$118,835.51	\$0.00	\$0.00
Total	\$751,825.83	\$0.00	\$0.00

Council District**Amount**

2	\$328,923.80
5	\$187,956.46
14	<u>\$234,945.57</u>

Total	\$751,825.83
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MAP

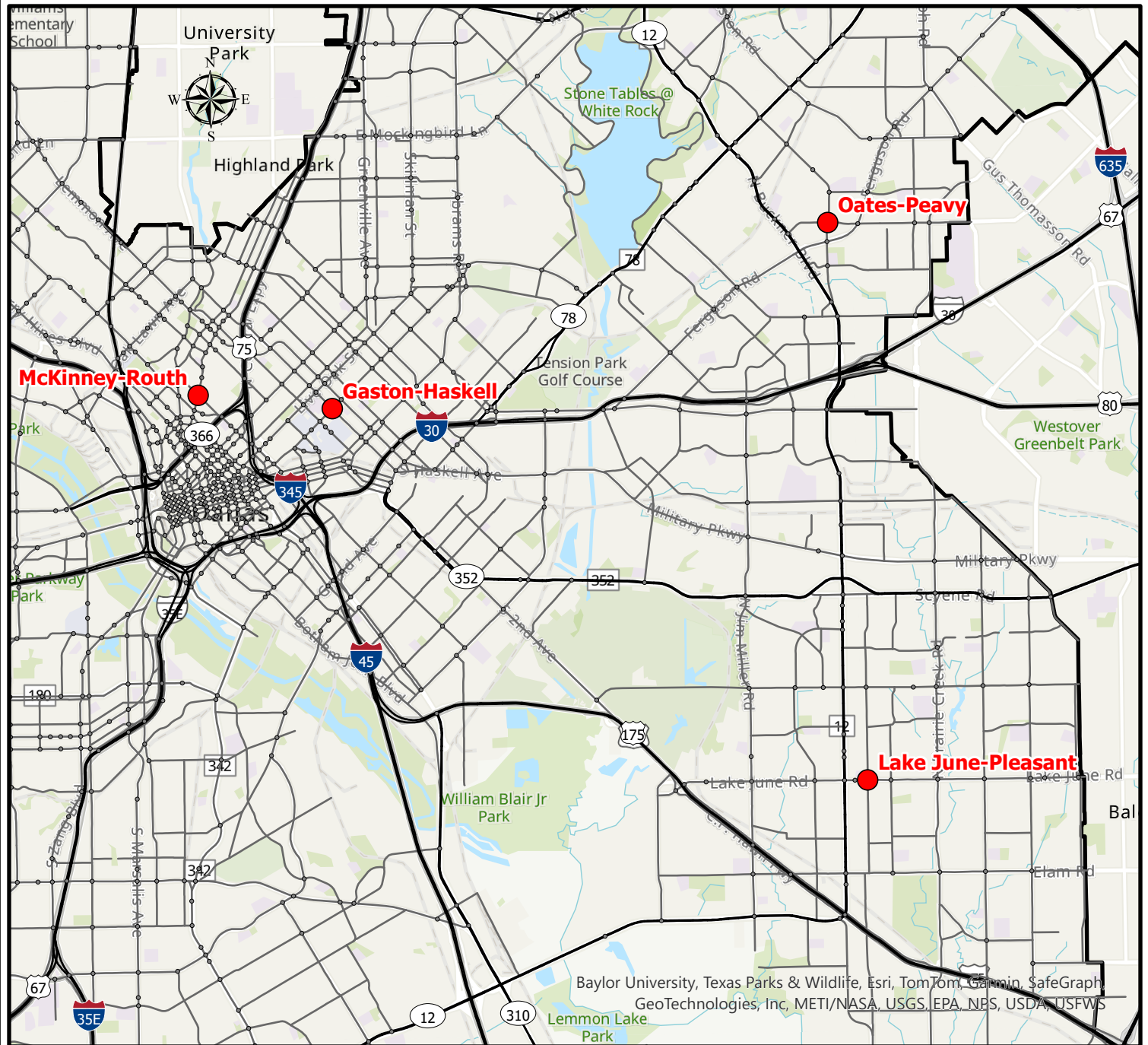
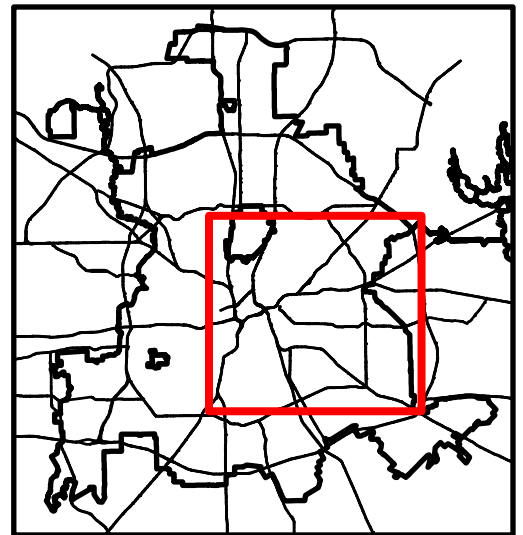
Attached

TXDOT AFA HSIP

Signalized Intersection	Council District	CSJ #
Gaston-Haskell	2,14	CSJ 0918-47-348
Lake June-Pleasant	5	CSJ 0918-47-349
McKinney-Routh	14	CSJ 0918-47-424
Oates-Peavy	2	CSJ 0918-47-351

● Project Location

0 1 2 3 4 Miles



June 12, 2024

WHEREAS, Coronavirus State and Local Fiscal Recovery Funds are eligible within the Qualified Census Tract areas to improve various intersections to promote the safety of all right-of-way users including motorist, cyclists, and pedestrians; and

WHEREAS, on June 23, 2021, the City Council authorized the acceptance of grant funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Fund to provide relief during the ongoing COVID-19 pandemic by Resolution No. 21-1149; and

WHEREAS, on September 22, 2021, the City Council authorized the final reading and adoption of the appropriation ordinance for the FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets, which included the American Rescue Plan Act Funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Funds by Resolution No. 21-1590; and

WHEREAS, on September 28, 2022, the City Council authorized the final reading and adoption of the appropriation ordinance for the FY 2022-23 City of Dallas Operating, Capital, and Grant & Trust Budgets, which included the American Rescue Plan Act funds from the U.S. Department of Treasury for the Coronavirus State and Local Fiscal Recovery Fund by Resolution No. 22-1480; and

WHEREAS, the Texas Department of Transportation (TxDOT) will construct upgrades to four traffic signals and associated off-system intersection improvements at: Gaston Avenue at Haskell Avenue, Peavy Road at Oates Drive, Lake June Road at Pleasant Drive, and McKinney Avenue at Routh Street; and

WHEREAS, the City of Dallas issued a previous local match warrant payment in the amount of \$154,056.96 based on a 10 percent local match of preliminary construction cost estimates and related fees, and the total local match was \$360,723.64 of which \$154,056.96 was for direct state costs paid to TxDOT and an estimated cost burden of \$206,666.68 for design; and

WHEREAS, on February 14, 2024, the City Council authorized an Advance Funding Agreement stating the City of Dallas will be the responsible party for 100 percent of project cost overruns by Resolution No. 24-0267; and

WHEREAS, based on construction bids received by TxDOT in April 2024, the City of Dallas' cost responsibility increased by \$751,825.83.

Now, Therefore,

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

June 12, 2024

SECTION 1. That the City Manager is hereby authorized to issue a payment to TxDOT for the Advance Funding Agreement (Agreement No. CSJ 0918-47-348, etc., Assistance Listing No. 20.205) for cost overruns related to the construction of four traffic signals and associated off-system intersection improvements at the following intersections: Gaston Avenue at Haskell Avenue (CSJ No. 0918-47-348), Peavy Road at Oates Drive (CSJ No. 0918-47-351), Lake June Road at Pleasant Drive (CSJ No. 0918-47-349), and McKinney Avenue at Routh Street (CSJ No. 0918-47-424), in the amount of \$751,825.83, in accordance with the terms in the Advance Funding Agreement with TxDOT authorized by Council Resolution No. 24-0267, on February 14, 2024.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds to TxDOT, in accordance with the terms and conditions of the agreement, as follows:

Coronavirus State and Local Fiscal Recovery Fund Fund FC18, Department TRN, Unit AG31 Object 4820, Activity INGV, Program AG31ARPA Encumbrance/Contract No. TRN-2023-00023926 Vendor 020318	\$ 632,990.32
General Fund Fund 0001, Department TRN, Unit 3049 Object 4820, Program TP304917 Encumbrance/Contract No. TRN-2023-00023926 Vendor 020318	<u>\$118,835.51</u>
Total amount of	\$751,825.83

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.



Agenda Information Sheet

File #: 24-1558

Item #: 30.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize the **(1)** acceptance of a grant from the United States Department of Transportation Federal Highway Administration through the Texas Department of Transportation (TxDOT) for the Surface Transportation Block Grant Program (Agreement No. CSJ 0918-47-484, Assistance Listing No. 20.205) in the amount of \$3,000,000.00 as federal share in the total project cost of \$3,135,240.00 (includes \$2,940,000.00 in Federal reimbursement, \$60,000.00 in Direct State Cost, \$135,240.00 in Indirect State Cost, and the City of Dallas' portion covered by the use of 600,000 regional Transportation Development Credits in lieu of a local cash match) for engineering costs to reconstruct the intersection at Harry Hines Boulevard and Mockingbird Lane in the City of Dallas; **(2)** receipt and deposit of funds in the amount of \$2,940,000.00 in the FY24 TxDOT Surface Transportation Block Grant Program Fund; **(3)** establishment of appropriations in the amount of \$2,940,000.00 in the FY24 TxDOT Surface Transportation Block Grant Program Fund; and **(4)** execution of the Advance Funding Agreement with TxDOT and all terms, conditions, and documents required by the grant agreement - Total amount of \$2,940,000.00 - Financing: Texas Department of Transportation Grant Funds

BACKGROUND

The North Central Texas Council of Governments (NCTCOG), in coordination with local partners including the City of Dallas, has been developing a master transportation plan for the Harry Hines corridor from Loop 12/Northwest Highway to north of Spur 366 (Woodall Rodgers Freeway). This study will serve as a guide for future improvements of the roadway to improve connectivity, accessibility, and safety along the corridor.

As a result of this study, on October 12, 2023, the NCTCOG's Regional Transportation Council authorized federal funding for engineering costs to reconstruct the intersection at Harry Hines Boulevard and Mockingbird Lane.

The Texas Transportation Commission passed Minute Order No. 116522, authorizing the State to undertake and complete a highway improvement or other transportation project generally described as engineering to reconstruct an interchange, which included this project.

The City of Dallas desires to enter into an Advance Funding Agreement (AFA) with TxDOT to accept federal funding through the Surface Transportation Block Grant (STBG) Program for engineering costs to reconstruct the intersection at Harry Hines Boulevard and Mockingbird Lane in the City of Dallas ("Project").

The City is the lead agency to administer the environmental assessment and engineering of the Project pursuant to the terms of the AFA.

The Project is funded 100 percent with federal sources, and the use of 600,000 regional Transportation Development Credits ("TDCs") will serve as the City's participation in lieu of a local cash match.

TDCs are a financial accounting tool approved by the Federal Highway Administration permitting the use of federal funding without the requirement of a cash match. These credits are non-cash credits allocated to States as a representative value to account for toll road and tolled managed lanes that benefit the federal system.

This action will authorize an AFA with TxDOT for environmental assessment and engineering of the Project utilizing a combination of federal funding and TDCs.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	July 2024
Complete Design	July 2025

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Texas Department of Transportation Grant Funds	\$500,000.00	\$2,440,000.00	\$0.00

Federal Participation (STBG)	\$2,940,000.00
Federal Participation (Direct State Cost)	\$ 60,000.00
Indirect State Participation	<u>\$ 135,240.00</u>
Total Project Cost	\$3,135,240.00

MAP

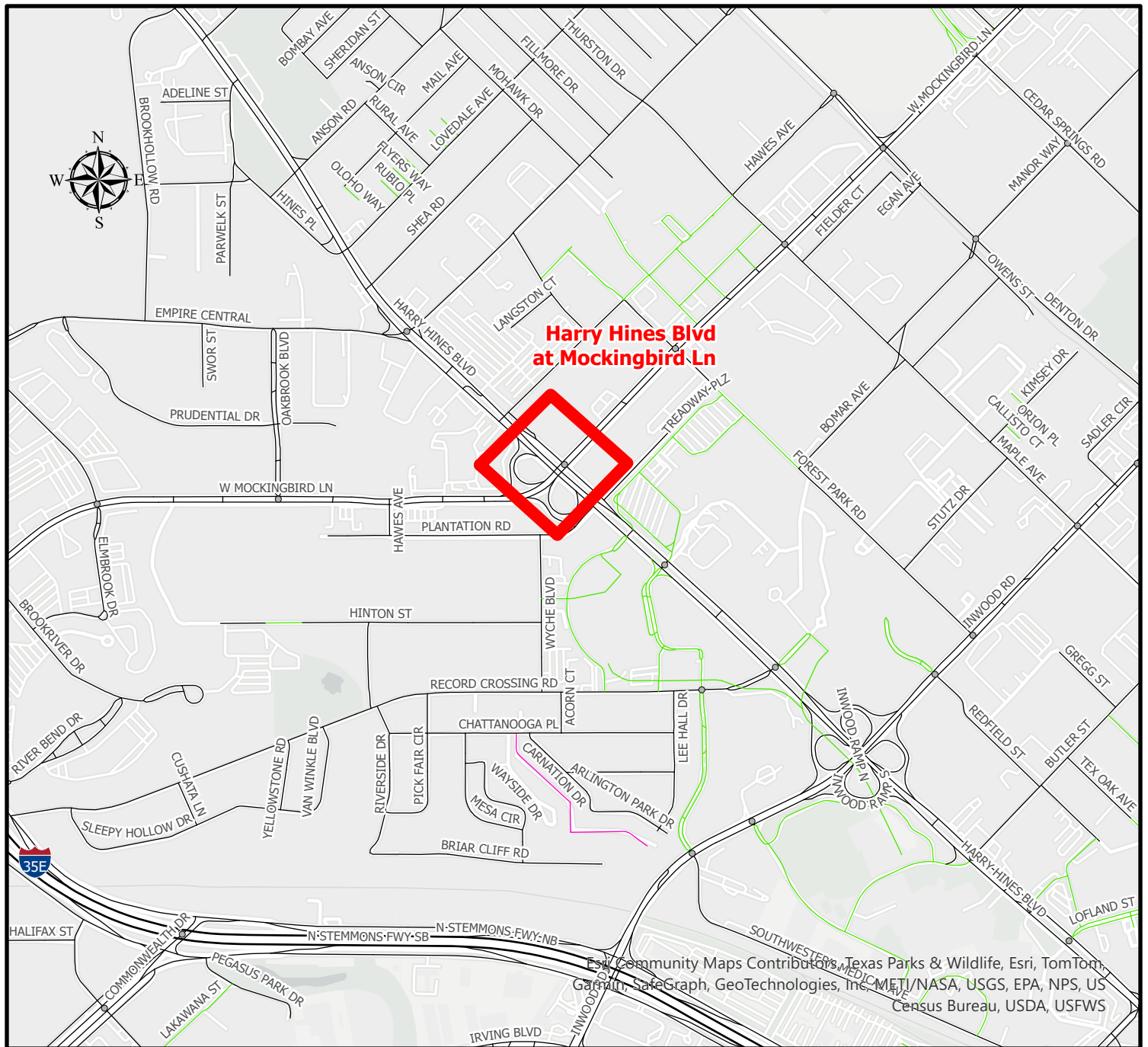
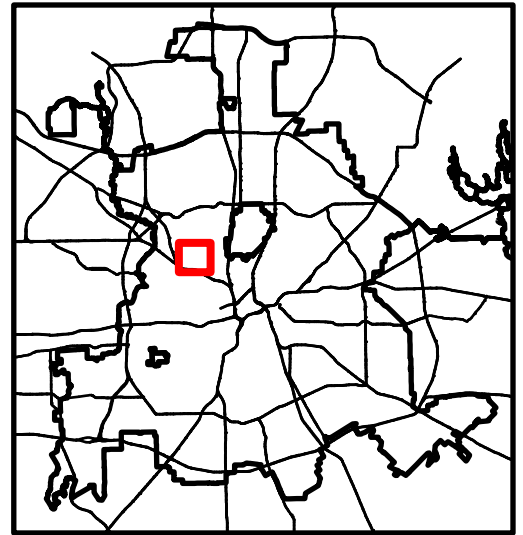
Attached

Harry Hines Boulevard and Mockingbird Lane CSJ 0918-47-484

- █ Project Location
- Future Street (Platted)
- Private Street
- Public Street

Council District 2

0 0.5 1 Miles



Esri, Community Maps Contributors, Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

June 12, 2024

WHEREAS, the North Central Texas Council of Governments (NCTCOG), in coordination with local partners including the City of Dallas, has been developing a master transportation plan for the Harry Hines corridor from Loop 12/Northwest Highway to north of Spur 366 (Woodall Rodgers Freeway); and

WHEREAS, the purpose of the study is to serve as a guide for future improvements of the roadway to improve connectivity, accessibility, and safety along the corridor; and

WHEREAS, as a result of this study, on October 12, 2023, the NCTCOG's Regional Transportation Council authorized federal funding for engineering costs to reconstruct the intersection at Harry Hines Boulevard and Mockingbird Lane; and

WHEREAS, the Texas Transportation Commission passed Minute Order No. 116522, authorizing the State to undertake and complete a highway improvement or other transportation project generally described as engineering to reconstruct an interchange, which included this project; and

WHEREAS, the City of Dallas and Texas Department of Transportation (TxDOT) have entered into a Master Agreement which states the general terms and conditions for the development of transportation projects through Advance Funding Agreements (AFA); and

WHEREAS, the City of Dallas desires to enter into an AFA with TxDOT to accept federal funding through the Surface Transportation Block Grant Program for engineering costs to reconstruct the intersection at Harry Hines Boulevard and Mockingbird Lane in the City of Dallas ("Project"); and

WHEREAS, the total estimated project cost is \$3,135,240.00 which includes \$2,940,000.00 in Federal reimbursement, \$60,000.00 in Direct State Costs, \$135,240.00 in Indirect State Costs, and the City of Dallas' portion covered by the use of 600,000 regional Transportation Development Credits ("TDCs") in lieu of a local cash match; and

WHEREAS, TDCs are non-cash credits approved by the Federal Highway Administration that allow for the use of federal funding without the requirement of a cash match; and

WHEREAS, the City is the lead agency to administer the environmental assessment and engineering of the project pursuant to the terms of the AFA; and

WHEREAS, the City is responsible for project cost overruns in excess of Federal and State funding participation as required by terms of the AFA; and

WHEREAS, TxDOT requires that a City resolution or ordinance be made part of the AFA.

June 12, 2024

Now, Therefore,

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

SECTION 1. That the City Manager, or the City Manager's designee, is hereby authorized to accept a grant from the United States Department of Transportation Federal Highway Administration through the Texas Department of Transportation (TxDOT) for the Surface Transportation Block Grant Program (Agreement No. CSJ 0918-47-484, Assistance Listing No. 20.205) in the amount of \$3,000,000.00 as federal share in the total project cost of \$3,135,240.00 (includes \$2,940,000.00 in Federal reimbursement, \$60,000.00 in Direct State Cost, \$135,240.00 in Indirect State Cost, and the City of Dallas' portion covered by the use of 600,000 regional Transportation Development Credits in lieu of a local cash match) for engineering costs to reconstruct the intersection at Harry Hines Boulevard and Mockingbird Lane in the City of Dallas; provide actual cost overruns from the General Fund; and execute an Advance Funding Agreement with TxDOT, and all terms, conditions, and documents required by the agreement, approved as to form by the City Attorney, or the City Attorney's authorized designee.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit funds in the amount of \$2,940,000.00 in the FY24 TxDOT Surface Transportation Block Grant Program Fund, Fund F765, Department TRN, Unit 679E, Revenue Code 6506.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in the amount of \$2,940,000.00 in the FY24 TxDOT Surface Transportation Block Grant Program Fund, Fund F765, Department TRN, Unit 679E, Object 4111.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in the amount of \$2,940,000.00 from the FY24 TxDOT Surface Transportation Block Grant Program Fund, Fund F765, Department TRN, Unit 679E, Object 4111, Activity INGV, Program TPF76524, Encumbrance/Contract No. TRN-2024-00024789.

SECTION 5. That the City Manager is hereby authorized to reimburse the granting agency for any funds paid under the agreement that are not expended in accordance with the requirements of the agreement.

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.



Agenda Information Sheet

File #: 24-1772

Item #: 31.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: June 12, 2024
COUNCIL DISTRICT(S): 2
DEPARTMENT: Office of Economic Development
EXECUTIVE: Robin Bentley

SUBJECT

Authorize a Chapter 380 Economic Development Grant Agreement and all other necessary documents with Low Ervay, LLC and/or its affiliates ("Developer") in an amount not to exceed \$1,854,995.00 payable from the Economic Development (3) Fund (2012 General Obligation Bond Funds) in consideration of the Power & Light Mixed-Income Redevelopment Project ("Project") on property to be addressed as 2220 S. Ervay Street, Dallas, Texas 75215 and to assist with the extraordinary cost of required off-site wastewater infrastructure improvements for the Project - Not to exceed \$1,854,995.00 - Financing: 2012 General Obligation Bond Funds

BACKGROUND

In September 2023, the City Council authorized the Dallas Public Facility Corporation ("PFC") to provide a 60-year tax exemption (initial term) for The Cedars Project. The Cedars Project includes two separate mixed-income multi-family developments: (1) Marcus at Cedars, a 4-story multi-family building with 76 mixed-income units; and (2) Power & Light at Cedars, a 5-story multi-family building with 310 mixed-income units. The Cedars Project will provide a total of 380 units, of which a minimum of 40% of the units shall be set aside and leased solely to those households earning a maximum of 80% of the Area Median Income (AMI) and a minimum of 10% of the units shall be set aside and leased solely to those households earning a maximum of 60% of AMI.

In the months following the City Council's approval of the PFC tax exemption for The Cedars Project, the Developer was informed that the existing off-site wastewater infrastructure in Ervay Street could not support the Power & Light portion of The Cedars Project. The existing wastewater infrastructure is between 70 and 100+ years old and only has the capacity to support The Marcus at Cedars portion of The Cedars Project. Consequently, the Developer must now design and construct an off-site wastewater improvement (approximately 3,000 linear feet located in Ervay Street generally from Kelly Avenue to Gano Street) that will provide the capacity necessary to support the Power & Light Mixed-Income Redevelopment Project as well as future development activity within the 60-acre sewershed. The unanticipated off-site wastewater infrastructure cost rendered the Power & Light Mixed-Income Redevelopment Project financially infeasible even with the PFC tax exemption.

As a result, Developer applied to the City's Office of Economic Development (OED) for an additional City incentive to close the Project's financing gap created by the off-site wastewater infrastructure requirement.

After evaluating the Developer's development incentive application and consulting with OED's independent outside underwriter, OED staff proposes an economic development grant agreement ("Grant") in a total amount not to exceed \$1,854,995.00 to facilitate the Power & Light Redevelopment Project and to assist with the extraordinary cost of the required off-site wastewater infrastructure improvements. The Grant shall be sourced from tax-exempt bond proceeds from the City's 2012 General Obligation Bond Program (Proposition 3-Economic Development/Housing) and shall be payable from one or more bond funds in accordance with the City's policies. The Grant amount paid to Developer will be limited to the design cost and hard construction cost of the off-site wastewater improvement actually incurred by Developer, less the actual participation by Dallas Water Utilities in the qualifying hard construction cost of the off-site wastewater infrastructure improvement pursuant to and in accordance with Chapter 49 of Dallas City Code. The Grant shall be payable in one lump-sum upon completion and acceptance of the Project, including acceptance of the off-site wastewater infrastructure improvements by the City. In addition to being necessary for the Developer to complete the new ground-up development of a 5-story, 310-unit mixed-income multi-family building, Developer's delivery of the off-site wastewater infrastructure improvements (approximately 3,000 linear feet of new wastewater line ranging from 10" to 21" in size) will also result in a substantial increase in wastewater capacity to support redevelopment on the other 56 acres (317 parcels) of the sewershed. The public benefit to the other 56 acres of the sewershed shall be the City's consideration for the proposed Grant.

The total estimated cost of the Power & Light Redevelopment Project increased from \$80,573,278.00 to \$83,573,278.00 as a result of the unanticipated requirement to include off-site wastewater infrastructure improvements in the Project's scope.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	December 2025
Complete Construction	December 2028

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 27, 2023, the Dallas Public Facility Corporation Board of Directors approved the negotiation and execution of a term sheet with Savoy Equity Partners, LLC.

On September 13, 2023, the City Council authorized the Dallas Public Facility Corporation to (1) acquire, develop, and own The Cedars, a mixed-income, multifamily development to be located at 2000 and 2220 South Ervay Street (Project); and (2) enter into a seventy-five-year lease agreement with Savoy Equity Partners, LLC or its affiliate for the development of the Project by Resolution No. 23-1221.

[Information about this item was provided to t](#)The Economic Development Committee ~~will be briefed by memorandum regarding this matter~~ on June 3, 2024.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Economic & S. Area of City Transit-Oriented Development Fund (2012 General Obligation Bond Fund)	\$0.00	\$0.00	\$ 6,902.00
Economic Development and Housing Development Program Fund (2012 General Obligation Bond Fund)	\$0.00	\$0.00	\$1,848,093.00
Total	\$0.00	\$0.00	\$1,854,995.00

OWNER

Low Ervay, LLC (dba Savoy Equity Partners)

Barrett Linburg, Manager

MAP

Attached

June 12, 2024

WHEREAS, the City of Dallas ("City") recognizes the importance of its role in local economic development and the public purposes of fostering economic growth; and

WHEREAS, investment decisions made by business owners, developers, and property owners are often significantly influenced by a municipality's ability to provide economic development incentives; and

WHEREAS, on November 6, 2012, Dallas voters approved a \$642 million general obligation bond program, of which \$55 million was included in Proposition No. 3 for the purpose of providing funds for the following public purpose, to-wit: promoting economic development in the Southern area of the city and promoting economic development in other areas of the city in connection with transit-oriented development, through planning, designing, constructing, improving, extending and expanding public street, utility, and other infrastructure facilities, including the acquisition of land thereof, and through funding the city's programs for economic development including the acquisition of improved and unimproved properties, the demolition of existing structures, making loans and grants of bond proceeds and otherwise providing assistance for private commercial, industrial, retail, residential and mixed-use development; and

WHEREAS, on May 26, 2021, the City Council adopted an Economic Development Policy 2022-2032 ("Policy") by Resolution No. 21-0927, as amended; and

WHEREAS, on January 25, 2023, the City Council adopted a revised Policy to clarify action items for City staff, align the action items with ongoing plans, programs, policies, and other initiatives at the City, designate lead City departments to implement the action items, and consolidate and prioritize such action items by Resolution No. 23-0220; and

WHEREAS, on January 25, 2023, in furtherance of the new Policy goals, the City Council also authorized a new Economic Development Incentive Policy ("Incentive Policy") effective for the period January 1, 2023 through December 31, 2024, by Resolution No. 23-0220, as amended; and

WHEREAS, on June 27, 2023, the Dallas Public Facility Corporation ("PFC") Board of Directors approved the negotiation and execution of a term sheet with Savoy Equity Partners, LLC for The Cedars, a mixed-income, multi-family development to be located at 2000 and 2220 South Ervay Street; and

WHEREAS, on September 13, 2023, the City Council authorized the Dallas PFC to (1) acquire, develop, and own The Cedars, a mixed-income, multi-family development to be located at 2000 and 2220 South Ervay Street; and (2) enter into a seventy-five-year lease agreement with Savoy Equity Partners, LLC or its affiliate for the development of the project by Resolution No. 23-1221 ; and

June 12, 2024

WHEREAS, The Cedars Project includes two separate mixed-income multi-family developments: (1) Marcus at Cedars, a 4-story multi-family building with 76 mixed-income units at 2000 South Ervay Street; and (2) Power & Light at Cedars, a 5-story multi-family building with 310 mixed-income units; and

WHEREAS, in the months following the City Council's approval of the Dallas PFC tax exemption for The Cedars Project, Savoy Equity Partners, LLC was informed by the City that the existing off-site wastewater infrastructure in Ervay Street could not support the Power & Light portion of The Cedars Project; and

WHEREAS, the scope of the Project & Light Redevelopment Project was changed to include the requirement of Savoy Equity Partners, LLC to design and construct an off-site wastewater infrastructure improvement (approximately 3,000 linear feet located in Ervay Street generally from Kelly Avenue to Gano Street) that will provide the capacity necessary to support the Project as well as future development activity within the 56-acres sewershed (see **Exhibit A**); and

WHEREAS, inclusion of the unanticipated off-site wastewater infrastructure cost rendered the Power & Light Redevelopment Project financially infeasible, even with the Dallas PFC tax exemption. As a result, Developer, applied to the City's Office of Economic Development ("OED") for an additional City incentive to close the Project's financing gap created by the off-site wastewater infrastructure requirement; and

WHEREAS, on May 13, 2024, a Letter of Intent ("LOI") for the proposed economic development grant agreement, as described herein, was executed by and between Low Ervay, LLC and/or its affiliate ("Developer") and the City's Director of the Office of Economic Development ("Director") securing the commitment of (1) new ground-up construction of a 5-story, 310-unit mixed-income multi-family building with the following affordability: (a) 40% of the units reserved for households earning less than 80% Area Median Income ("AMI"); (b) 10% of the units reserved for households earning less than 60% AMI; and (c) 50% of the units at market rate. (2) approximately 415 on-site parking spaces (approximately 390 structured parking spaces and 25 on-site surface parking spaces); (3) rehabilitation of the historic Power & Light building at 1723 Kelly Avenue into a residential amenity center; and (4) removal and replacement of an undersized wastewater infrastructure line located in Ervay Street generally from Kelly Avenue to Gano Street (the "Project"); and

WHEREAS, Savoy Equity Partners, LLC, is an affiliate of Low Ervay, LLC; and

WHEREAS, the City finds that the Project will not occur without this offer of an economic development incentive from the City; and

June 12, 2024

WHEREAS, the City finds that the Project will significantly advance the public purpose of economic development by: (1) assisting with the creation of new mixed-income residential units within a Target Area identified by the Incentive Policy; and (2) constructing a new and much larger wastewater infrastructure line that will substantially increase the wastewater capacity in Ervay Street and support the future redevelopment of approximately 56 additional acres in the sewershed; and

WHEREAS, on June 3, 2024, the Economic Development Committee of City Council was briefed regarding this Project; and

WHEREAS, the City desires to enter into a Chapter 380 economic development grant agreement with Low Ervay, LLC and/or its affiliates in an amount not to exceed \$1,854,995.00 payable from 2012 General Obligation Bond Fund in consideration of the Power & Light Redevelopment Project on property to be addressed as 2220 S. Ervay Street, Dallas, Texas 75215 and to assist with the extraordinary cost of required off-site wastewater infrastructure improvements for the Project.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized, upon approval as to form by the City Attorney, to execute a Chapter 380 economic development grant agreement ("Grant Agreement") and all other necessary documents with Low Ervay, LLC and/or an affiliate thereof ("Developer") in an amount not to exceed \$1,854,995.00 in consideration of the Power & Light Redevelopment Project to be situated on approximately 3.77 acres that will be addressed as 2220 S. Ervay Street.

SECTION 2. That the findings of facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,854,995.00 to Low Ervay, LLC and/or its affiliates (Vendor No. VC32183) from the Economic Development (3) Fund (2012 General Obligation Bond Funds) as listed and described below:

Economic & S. Area of City Transit-Oriented Development Fund Fund 2U52, Department ECO, Unit X114, Activity ECNR Object 4560, Program POWERLIGHT Encumbrance/Contract No. CX ECO-2024-00025106	\$ 6,902.00
Economic Development and Housing Development Program Fund Fund 3U52, Department ECO, Unit X114, Activity ECNR Object 4560, Program POWERLIGHT Encumbrance/Contract No. CX ECO-2024-00025106	\$1,798,303.00

June 12, 2024

SECTION 3. (continued)

Economic Development and Housing Development Program Fund	
Fund 4U52, Department ECO, Unit X114, Activity ECNR	
Object 4560, Program POWERLIGHT	
Encumbrance/Contract No. CX ECO-2024-00025106	\$ <u>49,790.00</u>
Total amount not to exceed	\$1,854,995.00

SECTION 4. That the Grant Agreement shall include the following specific terms and conditions:

- A. Deadline for Project Financing and Execution of Grant Agreement. Developer shall close construction financing for the Project prior to or contemporaneously with the City's execution of the Grant Agreement. Developer shall provide sufficient and satisfactory evidence, in the Director's sole discretion, of binding commitments of all capital sources necessary to deliver the Project. Developer shall execute the Grant Agreement by December 31, 2025.
- B. Dallas PFC Final Approval. Developer shall receive final approval of The Cedars project (inclusive of the Power & Light Mixed-Income Redevelopment Project) by the Dallas PFC Board prior to the City's execution of the Grant Agreement.
- C. Property Transfer (Dallas PFC). Developer shall transfer the property that will be developed as part of The Cedars project (inclusive of the Power & Light Project parcel) to the Dallas PFC and execute the Regulatory Agreement and Declaration of Restrictive Covenants ("Regulatory Agreement") and ground lease with the Dallas PFC prior to the City's execution of the Grant Agreement. Developer shall record the executed Regulatory Agreement and Memorandum of Ground Lease as required by the PFC in the Official Real Property Records of Dallas County and submit a copy of the filed and stamped document to OED staff prior to the City's execution of the Grant Agreement.
- D. Required Project Components. The Project shall include the following required project components ("Required Project Components"):
 - i. substantial rehabilitation of the entire existing Power & Light Building to house a minimum of 2,000 square feet of tenant amenity space;
 - ii. new ground-up construction of a 5-story residential building with a minimum size of 275,000 gross square feet (inclusive of the parking garage) and a minimum of 400 on-site parking spaces;

SECTION 4. (continued)

- iii. on-site improvements (e.g. grading; utilities; paving; drainage; lighting; landscaping; signage; etc.) necessary to complete the components in Section 4.D(i) and Section 4.D(ii); and
 - iv. off-site infrastructure improvements necessary to complete the components in Section 4.D(i), Section 4.D(ii) and Section 4.D(iii), including required removal and replacement of an existing undersized off-site wastewater line located in Ervay Street, generally from Kelly Avenue to Gano Street with approximately 3,000 linear feet of new wastewater line ranging from 10" to 21" in size.
- E. Building Permit Deadline. Developer shall obtain a building permit from the City by December 31, 2025. A foundation permit may constitute satisfaction of this requirement. A demolition permit or grading permit does not constitute satisfaction of this requirement.
- F. Substantial Completion Deadline. Developer shall cause the construction of the Required Project Components described in Section 4.D to be substantially completed by December 31, 2028 as evidenced by certificate(s) of occupancy, letter(s) of acceptance, certificate(s) of substantial completion, and/or similar documentation issued by the City ("Substantial Completion").
- G. Required Minimum Private Investment by Developer. Developer shall invest (or cause to be invested) and provide documentation evidencing a minimum of \$69,000,000.00 in acquisition costs and real property improvements, including the design, engineering and construction of on-site and off-site improvements and building improvements, including furniture, fixture and equipment costs associated with the Project by December 31, 2028. See **Exhibit B** for private investment expenditures eligible to be counted toward the minimum private investment requirement. Construction management costs may be included in the private investment calculation if the construction management services are performed by an independent and unaffiliated third-party. Construction management costs must be evidenced by invoices with detailed descriptions of services performed. Developer fees, legal fees, marketing fees, financing fees, leasing commissions, carrying costs, reserves, operating deficits through stabilization and other similar costs shall not be included in the private investment calculation. With the exception of acquisition costs, professional fees, environmental assessments, and other eligible due diligence costs, no expenditures made by Developer prior to execution of the LOI for the Project may be included in the private investment calculation.

SECTION 4. (continued)

- H. Affordability (as specifically required by the Grant Agreement). The Project shall include a minimum of 300 residential units, of which a minimum of 40% of the units shall be set aside and leased solely to those households

earning a maximum of 80% of the AMI and a minimum of 10% of the units shall be set aside and leased solely to those households earning a maximum of 60% of AMI for a minimum of 15 years ("Grant Agreement Affordability Period") (although anticipated to be set aside for up to 75 years pursuant to the PFC's Regulatory Agreement and Declaration of Restrictive Covenant).

The units subject to affordability requirements pursuant to the Grant Agreement shall be identical in finish-out and materials as market rate units, shall not be segregated or concentrated in any one floor or area of the Project, and shall be dispersed throughout all of the residential portions of the Project. Prior to the execution of the Grant Agreement, the affordability provisions specifically required by the Grant Agreement and captured in the Regulatory Agreement shall be impressed upon the Property and recorded in the Official Real Property Records of Dallas County.

After the Project's Substantial Completion, as defined in Section 4.F and throughout the Grant Agreement Affordability Period, Developer shall monitor and submit annual reports to the Director of the Office of Economic Development ("Director") on the status of its compliance with the requirements of the Grant Agreement Affordability Period. Developer shall submit written certification and documentation of compliance on the form attached as **Exhibit C** or may submit Dallas PFC compliance documents in lieu of **Exhibit C**. As part of the Dallas PFC's ownership of the Project, the City's Housing & Neighborhood Revitalization Department shall be responsible for monitoring the Project's compliance with the affordability requirements described in Section 4.H throughout the Grant Agreement Affordability Period.

Developer further agrees to complete an Affirmative Fair Housing Marketing Plan ("AFHMP"), attached hereto as **Exhibit D** and submit the plan to the Fair Housing division within the City's Office of Equity and Inclusion for approval. Developer shall submit a copy of the approved AFHMP to the Director within 30 days of approval and market the residential units in the Project pursuant to the approved AFHMP.

SECTION 4. (continued)

- I. Vouchers. In accordance with Section 20-4.1(b) of the Dallas City Code (the “Code”), Developer shall make best efforts to lease up to 10% of the Project’s residential units to voucher holders during the Grant Agreement Affordability Period from the date of Project’s Substantial Completion. Developer shall register with a minimum of one local provider of housing vouchers at least 12 months prior to Project’s Substantial Completion. “Best efforts” is defined as “compliance with Section 20A-4.1(a), compliance with the development agreement, and submission of the evidence of compliance to the Director.” As applicable, Ordinance 32195 shall be enforced. **Exhibit E** shall be completed and submitted by Developer for review and verification by Director. Should Ordinance 32195 and Chapter 20A of the Code be further amended prior to Project Completion, Developer shall abide by such amended terms. Pursuant to Section 20A-4.1(a) of the Code, Developer shall not discriminate against holders of any housing vouchers, and Developer shall comply with Section 20A-28 of the Code regarding tenant selection. This requirement shall also be impressed upon the Property by deed restriction.
- J. M/WBE Inclusion in Construction of Project. Developer shall make a good faith effort to comply with a goal of 40% participation by certified Minority/Women-owned Business Enterprises (“M/WBE”) for all hard construction expenditures (i.e. public and private improvements) for the Project and meet all process and reporting requirements of the City’s Business Inclusion and Development (“BID”) program. See the BID reporting requirements and forms attached as **Exhibit F**. Compliance shall be coordinated with the City’s Small Business Center.
- K. Property Management. The proposed management group for the Project shall be submitted at least three months prior to Project’s Substantial Completion for review by Director to consider acceptance based on the management entity’s comparable experience managing other multi-family residential properties with income-restricted units, such approval not to be unreasonably withheld.
- L. Public Access to Infrastructure Not Owned by City/Acceptance of Public Infrastructure Improvements. If applicable, prior to the City’s payment of any portion of the Grant and at no cost to the City, Developer shall provide public access easements, or other instruments reasonably acceptable to the Director if any street and utility infrastructure improvements associated with the Project remain in non-City ownership but require public access. If applicable, Developer shall obtain final acceptance of any public infrastructure improvements associated with the construction of the Project, as evidenced by a letter of acceptance or similar documentation issued by the City by June 30, 2029.

SECTION 4. (continued)

- M. Operating and Maintenance Agreement. If applicable, and prior to Project's Substantial Completion, Developer shall execute an Operating and Maintenance Agreement (defined below) for any Non-Standard Public Improvements (defined below) associated with the Project ("Operating and Maintenance Agreement"), and if necessary, obtain a license from City for the purpose of maintaining any improvements in the public right-of-way. "Non-Standard Public Improvements" shall be defined as those public infrastructure improvements which exceed the City's standard design requirements, as determined by the City, including specially designed street/pedestrian lighting, brick pavers, bollards, public art, fountains, landscaping, and irrigation. If Developer fails to maintain such Non-Standard Public Improvements after notice from the City, the City may, at its sole option, perform such maintenance and invoice Developer for the costs, which costs Developer shall pay within 30 days of notice. Developer shall submit documentation evidencing that an executed Notice of Operating and Maintenance Agreement specifying the existence of an executed Operating and Maintenance Agreement for the Non-Standard Public Improvements was recorded with the Dallas County Clerk's Office. The term for the Operating and Maintenance Agreement shall be 20 years. The terms and conditions of the Operating and Maintenance Agreement are binding upon the successors and assigns of all parties hereto and may be assignable, subject to Director approval (not to be unreasonably withheld, conditioned, or delayed), in whole or in part, to a new owner of all or a portion of the Project.
- N. Quarterly Reporting. Until the Project has passed final building inspection and all required paperwork documenting Substantial Completion pursuant to Section 4.F has been submitted to the OED, Developer shall submit to the Director quarterly status reports for ongoing work on the Project, in the form to be attached to the Agreement. Such status reports shall be due within 30 calendar days following the end of each calendar quarter.
- O. Deadline Extension. At Developer's written request, the Director may authorize one extension of the Project's material deadlines by up to 12 months for just cause.

Force Majeure. In the event the Project has been delayed because of Force Majeure, Developer shall have additional time to complete the Project, as may be required in the event of Force Majeure, defined herein, so long as Developer is diligently and faithfully pursuing completion of the Project, as reasonably determined by the Director. Extension of Project deadlines because of Force Majeure shall not require the City Council approval. "Force Majeure" shall mean any contingency or cause beyond the reasonable control of the Developer, as reasonably determined by the Director including, without limitation, acts of nature or the public enemy, war, riot, civil commotion, insurrection, state, federal

SECTION 4. (continued)

municipal government (including, without limitation, timely issuance of permits need to complete the development of the Project), or de facto governmental action (unless caused by acts or omissions of Developer), fires, explosions, floods, pandemics, epidemics, or viral outbreaks other than the COVID-19 pandemic, shortages in labor or materials, and strikes. In the event of Force Majeure, Developer shall be excused from doing or performing the same during such period of delay, so that the completion dates applicable to such performance shall be extended for a period equal to the period of time Developer was delayed.

- P. Assignment. Until Developer achieves Substantial Completion of the Project, an assignment of the rights and/or the obligations under the Grant Agreement in whole or in part shall only be allowed to an affiliate of Developer with the prior written approval of the Director, not to be unreasonably withheld.

After Developer achieves Substantial Completion of the Project, Developer may assign its rights and/or obligations under the Grant Agreement to any entity with the prior written approval of the Director, not to be unreasonably withheld.

- Q. Cross Default. The Grant Agreement shall include a cross-default clause with the Dallas PFC Regulatory Agreement, meaning that a default under one agreement shall constitute a default under both agreements.

- R. Liquidated Damages. Developer and City agree that, in the event Developer fails to comply with any of the terms or provisions of the Grant Agreement or the Dallas PFC Regulatory Agreement for the term of the Grant Agreement Affordability Period, the City's damages would be uncertain and difficult (if not impossible) to accurately estimate. Accordingly, Developer and City agree that, in the event of an uncured default resulting in termination of the Grant Agreement (including a termination as a result of a cross-default under the Dallas PFC Regulatory Agreement), Developer shall pay the City an amount equal to the Grant amount as liquidated damages, so long as the Grant has been previously paid to the Developer. The liquidated damages payment shall be due and owing to the City by cashier's check no later than 30 days after the date of the City's notice of termination, and payment of liquidated damages shall be enforceable by specific performance. If the City is required to take legal action to enforce such payment, Developer shall be responsible for all costs incurred by the City including court costs and legal fees.

June 12, 2024

SECTION 5. That the Grant amount paid to Developer shall be limited to the design cost, permit costs, and hard construction costs of the off-site wastewater infrastructure improvements actually incurred by Developer, less the actual participation by Dallas Water Utilities in the qualifying hard construction cost of the off-site wastewater infrastructure improvement pursuant to and in accordance with Chapter 49 of Dallas City Code.

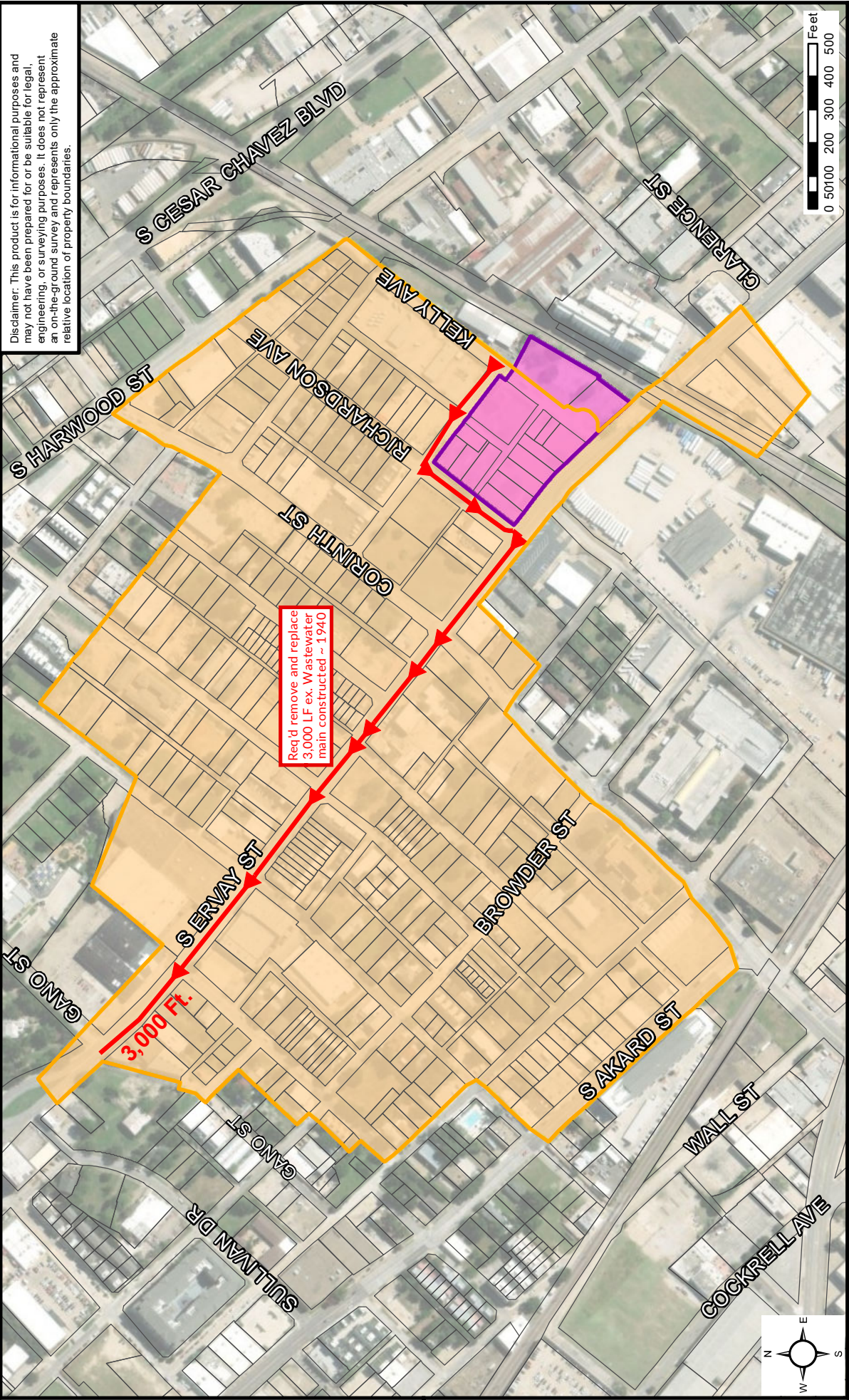
SECTION 6. That the Grant shall be payable in one lump-sum upon completion and acceptance of the Project, including acceptance by the City of the off-site wastewater infrastructure improvement.

SECTION 7. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation until such time as the Developer/Provider agreement is duly approved by all parties and executed.

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.

Exhibit A

Power & Light Mixed-Income Redevelopment Project



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Legend

-  Off-Site Sewer Line Replacement (~3,000 LF)
-  Sewer Shed (Parcels that benefit from off-site improvement)
-  Tax Parcels
-  Power & Light Mixed-Income Redevelopment Project

**Economic Development**
City of Dallas

Area Redevelopment Division
(214) 670-1685
www.dallascodev.org

Created 04.08.2024 - Power_Light_Project.RK

Source: City of Dallas, 2024.

Exhibit B
Eligible Private Investment Expenditures

Investment Expenditures		%	Eligible Investment Expenditures (Minimum Private Investment Requirement)
Acquisition	\$ 9,039,165	11%	Acquisition \$ 9,039,165
Hard Costs			Hard Costs
Site Work	\$1,940,000	2%	Site Work \$1,940,000
Building	\$55,198,401	66%	Building \$55,198,401
Sanitary Off-Site	\$3,000,000	4%	Sanitary Off-Site \$3,000,000
Contingency	\$2,434,330	3%	Contingency \$2,434,330
Total Hard Costs	\$ 62,572,731	75%	Total Hard Costs \$62,572,731
Soft Costs			Soft Costs
A&E	\$1,692,596	2%	A&E \$1,692,596
Legal	\$375,777	0.45%	-
Insurance	\$660,000	1%	-
Marketing/Start-up	\$686,998	1%	-
Interest Deficit	\$2,493,916	3%	-
City Fees	\$285,000	0.34%	City Fees \$285,000
Finance Expense	\$4,729,403	6%	-
Site Testing	\$150,000	0%	Site Testing \$150,000
FF&E	\$605,000	1%	FF&E \$605,000
Contingency	\$282,692	0.34%	Contingency \$282,692
Total Soft Costs	\$ 11,961,382	14%	Total Soft Costs \$3,015,288
Total	\$ 83,573,278	100%	Total \$74,627,184

Eligible investment expenditures describe the expenditures that may count towards the Minimum Private Investment requirement of the Grant Agreement. The Minimum Private Investment is required as a performance measure related to compliance with Grant Agreement conditions for the Project.

Developer shall invest (or cause to be invested) and provide documentation evidencing a minimum of \$69,000,000 in acquisition costs and real property improvements, including the design, engineering and construction of on-site and off-site improvements and building improvements, including furniture, fixture and equipment costs associated with the Project by December 31, 2027

Construction management costs may be included in the Minimum Private Investment calculation if the construction management services are performed by an independent and unaffiliated third-party. Construction management costs must be evidenced by invoices with detailed descriptions of services performed.

Developer fees, legal fees, marketing fees, financing fees, leasing commissions, carrying costs, reserves, operating deficits through stabilization and other similar costs shall not be included in the Minimum Private Investment calculation. With the exception of professional fees, environmental assessments, and other eligible due diligence costs, no expenditures made by Developer prior to execution of this LOI may be included in the Minimum Private Investment calculation.

Exhibit C
Mixed-Income Housing Certification Letter
Letter Head

[Date]

To Whom It May Concern:

This mixed income housing certification letter is for the timeframe of [INSERT MONTH TIMEFRAME HERE]. [INSERT NAME OF RESIDENTIAL PROJECT/COMPLEX] consists of [TOTAL NUMBER OF RESIDENTIAL UNITS], with [TOTAL NUMBER OF AFFORDABLE UNITS PROVIDED] to be leased as units meeting maximum affordable rent and income levels set annually, based on HUD's calculations for Area Median Family Income (AMFI), utility expenses, and Market Rent for the Dallas Area. Maximum rents are set each year at 30% of 80% of AMFI, including a utility allowance.

As of [INSERT DATE OF LETTER], [INSERT NAME OF RESIDENTIAL PROJECT/COMPLEX] has [INSERT NUMBER OF UNITS] occupied apartments and [INSERT NUMBER OF UNITS] vacant apartments. [NUMBER OF AFFORDABLE UNITS PROVIDED] have been provided and of those, [NUMBER OF OCCUPIED AFFORDABLE UNITS] are occupied with qualifying "moderate income" households.

Documentation verifying occupied affordable units is attached.

Submitted by:

Apartment Manager:

Insert Name
Insert Management Company Name

Developer:

Insert Name, Title
Insert Entity Name

Exhibit C
Mixed-Income Housing Certification Letter

Name of Project/Complex: _____
Address of Project/Complex: _____
Reporting Timeframe: _____
Date: _____

	Unit #	# of Bedrooms	# of Occupants*	Rent	Income
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

*Person(s) on the lease of the unit.

Exhibit D

**CITY OF DALLAS
AFFIRMATIVE FAIR HOUSING MARKETING PLAN**



**COMPLETE FORM AND SUBMIT TO:
FAIR HOUSING OFFICE
CITY HALL • 1500 MARILLA ST., RM 1BN • DALLAS, TEXAS 75201
Ph. (214) 670-3247 • Fax (214) 670-0665**

1. INTRODUCTION

The Affirmative Fair Housing Marketing Program requires that each City Assisted Housing Provider carry out an affirmative program to attract prospective buyers or tenants of all minority and non-minority groups to the housing that the applicant is providing. These groups include Whites (Non-Hispanic) and members of minority groups: African-American, Hispanics and others in the Dallas, Texas area who may be subject to housing discrimination on the basis of race, color, religion, sex, national origin, handicap or familial status.

2. APPLICATION AND PROJECT IDENTIFICATION

A. APPLICANTS:	B. PROJECT OR APPLICATION NUMBER
NAME:	NUMBER OF UNITS AVAILABLE:
ADDRESS (include city, state and zip code):	NUMBER OF UNITS LEASED OR SOLD: PRICE OR RENTAL RANGE OF UNITS:
TELEPHONE NUMBER:	FROM \$_____ TO: \$_____
C. PROJECT NAME:	D. FOR MULTIFAMILY HOUSING ONLY: <input type="checkbox"/> ELDERLY <input type="checkbox"/> NON-ELDERLY
PROJECT ADDRESS:	E. APPROXIMATE STARTING DATE: ADVERTISING: _____ OCCUPANCY: _____
CENSUS TRACT: _____	F. NAME OF MANAGING AGENT:
	ADDRESS (include city, state and zip code):

3. TYPE OF AFFIRMATIVE MARKETING PLAN

☐ Project Plan ☐ Annual Plan (For single family scattered site units)
NOTE: a separate Annual Plan must be developed for each type of census tract in which the house is to be built.
☐ Minority Area ☐ White (non-minority area) ☐ Mixed Area (with _____% minority residents)

4. DIRECTION OF MARKETING ACTIVITY

Indicate below which group(s) in the housing market area are least likely to apply for the housing because of its location and other factors without special outreach efforts.

☐ White ☐ African-American ☐ Hispanic ☐ Other

5. MARKETING PROGRAM

A. COMMERCIAL MEDIA

Check the media to be used to advertise the availability of the housing.

☐ Newspaper(s)/Publication(s) ☐ Radio ☐ TV ☐ Billboard(s) ☐ Other (Specify)_____

NAME OF NEWSPAPER RADIO OR TV STATION (1)	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE (2)	SIZE/DURATION OF ADVERTISING (3)
---	---	--

Exhibit D

B. BROCHURES, SIGNS AND HUD'S FAIR HOUSING POSTER

(1) Will brochures, leaflets or handouts be used to advertise? ☐ Yes ☐ No If yes, attach a copy or submit when available. (2) For project site sign; indicate sign size _____ x _____; Logotype size _____ x _____. Attach a photograph or project sign or submit when available. (3) HUD's Fair Housing Poster must be conspicuously displayed wherever sales/rentals and showings take place. Fair Housing Posters will be displayed in the ☐ Sales/Rental Office(s); ☐ Real Estate Office(s); ☐ Model Units; ☐ Other _____

C. COMMUNITY CONTACTS

To further inform the group(s) least likely to apply about the availability of the housing, the applicant agrees to establish and maintain contact with the groups/organization listed below that are located in the housing market area or SMSA. If more space is need attach an additional sheet. Notify FHO of any changes in this list. Attach a copy of correspondence to be mailed to these group/organizations. (Provide all requested information)

NAME OF GROUP/ ORGANIZATION (1)	RACIAL/ETHNIC IDENTIFICATION (2)	APPROXIMATE DATE OF CONTACT PROPOSED CONTACT (3)	PERSON CONTACTED OR TO BE CONTACTED (4)

ADDRESS AND TELEPHONE NUMBER (5)	METHOD OF CONTACTS (6)	INDICATE THE SPECIFIC FUNCTION GROUP/ORGANIZATION WILL UNDERTAKE IN IMPLEMENTING THE MARKETING PROGRAM (7)

6. FUTURE MARKETING ACTIVITIES (Rental Units Only)

Check the block(s) that best describe future marketing activities to fill vacancies as they occur after the project has been initially occupied.

☐ Newspapers/Publications
 ☐ Radio
 ☐ TV
☐ Brochures/Leaflets/Handouts
 ☐ Site Signs
 ☐ Others (Specify)

Exhibit D

D. OCCUPANCY GOALS

<p>Race/Ethnic Origin:</p> <table style="width: 100%;"> <tr> <td style="width: 60%;">GOALS</td> <td style="width: 40%;"></td> </tr> <tr> <td>African-American</td> <td style="text-align: right;">____%</td> </tr> <tr> <td>Hispanic</td> <td style="text-align: right;">____%</td> </tr> <tr> <td>White</td> <td style="text-align: right;">____%</td> </tr> <tr> <td>Other</td> <td style="text-align: right;">____%</td> </tr> </table>	GOALS		African-American	____%	Hispanic	____%	White	____%	Other	____%	<p>Race/Ethnic Origin:</p> <table style="width: 100%;"> <tr> <td style="width: 60%;">CURRENT STATUS</td> <td style="width: 40%;"></td> </tr> <tr> <td>African-American</td> <td style="text-align: right;">____%</td> </tr> <tr> <td>Hispanic</td> <td style="text-align: right;">____%</td> </tr> <tr> <td>White</td> <td style="text-align: right;">____%</td> </tr> <tr> <td>Other</td> <td style="text-align: right;">____%</td> </tr> </table>	CURRENT STATUS		African-American	____%	Hispanic	____%	White	____%	Other	____%
GOALS																					
African-American	____%																				
Hispanic	____%																				
White	____%																				
Other	____%																				
CURRENT STATUS																					
African-American	____%																				
Hispanic	____%																				
White	____%																				
Other	____%																				

7. EXPERIENCE AND STAFF INSTRUCTIONS (Attach description on separate sheet)

- A. Indicate any experience in marketing housing to the group(s) identified as least likely to apply ☐ Yes ☐ No
- B. Indicate training to be provided to staff on federal, state and local fair housing laws and regulations, as well as this AFHM Plan. Attach a copy of the instructions to staff regarding fair housing.

8. ADDITIONAL CONSIDERATIONS:

9. By signing this form, the applicant agrees, after appropriate consultation with FHO, to change any part of the plan covering a multifamily protest to assure continued compliance with the City of Dallas Affirmative Fair Housing Marketing Program.

FOR FHO'S USE ONLY		SIGNATURE OF PERSON SUBMITTING PLAN
APPROVAL BY:	DISAPPROVAL BY:	
SIGNATURE:	SIGNATURE:	NAME (Type or print):
NAME (Type or print):	NAME (Type or print):	TITLE:
TITLE:	TITLE:	COMPANY:
DATE:	DATE:	DATE:

Exhibit E

Verification Documents for Voucher Requirement

Verification Related to Chapter 20A “Fair Housing and Mixed Income Housing” of the City Code (Ordinance 32195) for Office of Economic Development (OED) Incentive Projects containing Residential Units

Provision 1:

Owner, the entity or person who owns the development or property during the rental affordability period, including the owners’ employees, agents or contracts (i.e. property management company), shall register as a vendor with local providers of housing vouchers.

- Compliance shall mean that verification of a minimum of one local provider registration is completed at least 12 months prior to project completion, as defined in the agreement, and such registration is maintained throughout the affordability period
 - Verification may include a screenshot or copy of written documentation of registration, including the property name and vendor number as provided by the local provider agency and, if applicable, an inspection report from the local provider agency
 - How:
 - 1) For Dallas Housing Authority (DHA) vendor registration, see exhibit attachment entitled “DHA Requested for New Vendor Account Set-Up” (note that registration with other local providers of housing vouchers is valid), and
 - 2) If the provider inspects the development per Section 20A-31(e)(6)(C), an inspection report shall be made available to the Office of Economic Development (OED)
- ☐ Registration submitted, maintained and accepted by City of Dallas OED or Housing Department at least 12 months prior to project completion, not to be unreasonably withheld, and submittal of inspection report, if applicable

Provision 2:

Multifamily housing accommodation must make best efforts to lease up to 10 percent of the project’s dwelling units to holders of housing vouchers for a minimum of 15 years from the date of the initial issuance of the housing accommodation’s certificate of occupancy.

- Compliance shall mean the following:
 - Housing voucher holders shall be prioritized for lease and occupancy of reserved units and selection of tenants from a written waiting list shall be selected in such order, insofar as is practicable; note that reserved units may “float” meaning that comparable units can switch from affordable to market and vice versa over the affordable set-aside period.
 - Ten percent of the dwelling units shall be prioritized for voucher holders; however, if a reserved unit is available and no waiting list exists at such time, such unit or units may be leased to a household meeting the affordability requirements of the project (80% of AMFI or as otherwise required by OED’s incentive and associated development agreement) after 10 working days of seeking a voucher holder. During such time that

Exhibit E
Verification Documents for Voucher Requirement

lease is made to non-voucher holder, Owner shall continue best efforts to lease and occupy comparable units to voucher holders but at no time is the Owner required to set-aside more than the required affordable units, including those for voucher holders.

- Verification shall include the following:
 - 1) Identification of voucher holders on each OED Mixed Income Housing Certification Letter,
 - 2) Notice provided to one or more local providers of housing vouchers that project has available units if 10 percent of the units are not leased and occupied by voucher holder and such notice shall be made each quarter that units are available (when 10 percent of the units are not occupied by voucher holders) and
 - 3) Documented waiting list
 - How:
 - 1) The OED Mixed Income Housing Certification Letter, as required by OED's incentive and associated development agreement and accompanying exhibit, shall identify units that are leased and occupied by voucher holders (the voucher provider agency would be appreciated but not required information),
 - 2) Copy or receipt of notice to a minimum of one local provider of housing vouchers if less than 10% voucher holder occupancy during reporting period, and
 - 3) The applicant waiting list shall be made available, if requested, during on-site inspections by City staff and any voucher holders shall be identified on such list
- ☐ OED Mixed Income Housing Certification Letter identifies units leased to voucher holders and, if less than 10 percent of the project's units are occupied by voucher holders, proof that notice has been made to a minimum of one provider of vouchers; waiting list has been provided during on-site inspection, if applicable

Provision 3:

Owner shall create written policies and retain written records

- Compliance shall mean that Owner creates written policies and retains written records related to reasonable accommodations, affirmative marketing, applicant screening criteria, tenant selection criteria, policies for opening and closing the waiting list, waiting list preferences (if any), procedures for rejecting ineligible tenants, occupancy standards, non-renewal and termination notices, and unit transfers (including but not limited to "floating" units).
 - Verification shall include availability of written policies and written records upon request during on-site inspections by City staff
 - How: Create policies and provide to Property Manager(s); keep written records related to the policies for the affordability period
- ☐ Written policies have been created and provided to Property Manager(s) and such policies and access to written records has been provided to City staff during on-site inspections, if applicable.



Housing Solutions for North Texas

REQUEST FOR NEW VENDOR ACCOUNT SET-UP

3939 N. Hampton Rd., Dallas, TX 75212 | Phone: 214.951.8300 | Fax: 214.951.8800 | www.dhantx.com

The following forms/documents must be completed and/or submitted in order to process your request for a new vendor account:

1. Vendor Number Verification form (included in this packet)
2. W-9 for each person listed on the Warranty Deed. the W-9,
enter your information digitally, then print and sign to submit.
3. Copy of Social Security Card(s) (Owner(s)) or SS-4 letter for EIN users
4. Valid Government Issued ID (Owner(s))
5. Warranty Deed, filed and recorded or Owner verification from County Appraisal website
6. Direct Deposit form (included in this packet) with voided check OR a letter from the bank with the account holder(s) name, account number, routing number, and type of account.
 - *To submit the Direct Deposit form digitally, you may take a digital photo of your voided check then upload and attach to this form. Please see digital photo guidelines on [page 4](#).*
7. Management Agreement (if applicable)

Please be advised that ALL items list above must be submitted before processing begins. Packets that are submitted with missing and/or incomplete documents will not be accepted or processed.

This form can be printed by clicking the button or digitally signed and emailed to DHA automatically by clicking the SUBMIT button. Click on each signature field to sign digitally before submitting.

If you have questions, please feel free to contact us.

Exhibit E
Verification Documents for Voucher Requirement



Housing Solutions for North Texas

3939 N. Hampton Rd., Dallas, TX 75212 | Phone: 214.951.8300 | Fax: 214.951.8800 | www.dhantx.com

VENDOR NUMBER VERIFICATION

This form should be completed by new and existing Owners/Agents

Assisted Unit Address: _____

Apartment Name (if applicable): _____

Total Number of Units in Complex: _____

Owner Name: _____ Telephone: _____

Contact Name: _____ Fax #: _____

Physical Address: _____ Owner Vendor #: _____

City: _____ State: _____ Zip: _____

Email: _____ Tax ID/Soc. Sec. #: _____

Agent Name: _____ Telephone #: _____

Contact Name: _____ Fax #: _____

Physical Address: _____ Agent Vendor#: _____

City: _____ State: _____ Zip: _____

Email: _____ Tax ID/Soc. Sec. #: _____

Agent Agreement Attached: Yes No

- | | | |
|--|-------|-------|
| 1. Make all Housing Assistance Payments (HAP) payable to: | Owner | Agent |
| 2. Do you have other properties on the Housing Choice Voucher program for which you are currently receiving monies from the DHA? | Yes | No |
| 3. Are you a new participating landlord on the Housing Choice Voucher program? | Yes | No |
| 4. If no, and you are not currently receiving HAP, has your bank account information changed? | Yes | No |

Bank Name: _____

Routing Number: _____ **Account Number:** _____

NOTE: If you have a new account, you must also complete a Direct Deposit Form and attach a copy of a voided check OR a letter from the bank with the account holder(s) name, account number, routing number, and type of account.

- | | | |
|---|-----|----|
| 5. Are all of your properties participating in the Housing Choice Voucher Program associated with the above Tax ID or Social Security Number? | Yes | No |
|---|-----|----|



DHA is a Fair Housing and Equal Opportunity Agency.
Individuals with disabilities may contact the 504/ADA Coordinator at 214-951-8348,
7-1-1 for Relay Texas assistance, or 504ADA@dhantx.com

Revised DHA-NVF (05.18)

Exhibit E
Verification Documents for Voucher Requirement



Housing Solutions for North Texas

3939 N. Hampton Rd., Dallas, TX 75212 | Phone: 214.951.8300 | Fax: 214.951.8800 | www.dhantx.com

The IRS W-9 form must be completed for both the owner and the agent (listed on Page 2) for this property along with proof of your Tax ID/Social Security number. Housing Assistance Payments cannot be processed until these documents are received. Proof of ownership must also be provided.

Download the official IRS W-9 form by clicking the button to the right ➡

Complete the form online, then save and print to sign and submit to DHA. The digital W-9 form may require Acrobat Reader, download the FREE desktop/mobile application by [clicking here](#).

OWNER, BY DESIGNATING AN AGENT, AGREES AND ACKNOWLEDGES THAT OWNER'S AGENT SHALL BE DEEMED AS PAYEE UNDER THE HAP CONTRACT AND THE SOLE POINT OF CONTACT FOR DHA CONCERNING SUCH PAYMENTS AND ANY AND ALL OTHER RELATED AGREEMENTS. OWNER'S AGENT SHALL REMAIN PAYEE AND THE SOLE POINT OF CONTACT UNTIL OWNER PROVIDES WRITTEN NOTICE OF A CHANGE OF CONTACT INFORMATION. ANY TAX INFORMATION CONCERNING HAP MONIES PAID TO AGENT ON BEHALF OF OWNER (IRS FORM 1099, ETC.), SHALL BE SENT DIRECTLY TO AGENT. OWNER AGREES HEREIN TO HOLD DHA, ITS EMPLOYEES, OFFICERS AND REPRESENTATIVES HARMLESS FROM LIABILITY CONCERNING ANY INFORMATION PROVIDED TO OWNER'S AGENT.

Owner Signature: _____ Date: _____

Agent Signature: _____ Date: _____



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Individuals with disabilities may contact the 504/ADA Coordinator at 214-951-8348,
7-1-1 for Relay Texas assistance, or 504ADA@dhantx.com

Revised DHA-NVF (05.18)

Exhibit E
Verification Documents for Voucher Requirement



Housing Solutions for North Texas

3939 N. Hampton Rd., Dallas, TX 75212 | Phone: 214.951.8300 | Fax: 214.951.8800 | www.dhantx.com

DIRECT DEPOSIT SIGN-UP AND CHANGE FORM FOR VENDORS

DHA constantly looks for ways to better serve our landlords. In an effort to ensure timely monthly payments, DHA will make regular rent payments to landlords by direct deposit. DHA will only mail checks under special circumstances.

Direct deposits will be sent to your bank. To find out when funds from your deposit will be available to you, please call your bank representative.

To sign-up for direct deposit: (30 to 60 days prior notice required)

1. Please fill out the form completely and attach a “voided” check (from the account that will receive the direct deposit) OR a letter from the bank with the account holder(s) name, account number, routing number, and type of account. Make a copy for your records, then return the completed form along with the voided check to DHA with your Request for Tenancy Approval (RFTA) packet or change of ownership information.
2. You may also upload a photo of your voided check by taking a digital photo with your mobile device or digital camera. Click the upload image box on the following page, browse the check image and click OK to attach the image. Please be sure the check image, your account and routing numbers are clear and visible in the image.
3. There is a 30 to 60 day processing period before actual dollars can be transmitted into a new or changed account.

To make changes for direct deposit: (30 to 60 days prior notice required)

1. Follow the instructions above.
2. Payments will continue to be deposited into the old account until the new account has been set up and tested (approximately 30 to 60 days).

If you have any questions regarding completing this form, email your questions to LL-hotline@dhantx.com. Please mail completed forms to 3939 N. Hampton Road, Dallas, Texas 75212, Attention: Voucher Program. If you are completing this form with a new RFTA packet, please attach this form along with the required documents to the packet.

Check the correct choice:	Owner	Agent
Vendor Type:	New Sign-Up	Change
Name:	_____	Telephone #: _____
Contact Name:	_____	Fax #: _____
Address:	_____	Vendor #: _____
City:	_____	State: _____ Zip: _____
Email:	_____	Tax ID/Soc. Sec. #: _____

Continued on next page ➡



DHA is a Fair Housing and Equal Opportunity Agency.
Individuals with disabilities may contact the 504/ADA Coordinator at 214-951-8348,
7-1-1 for Relay Texas assistance, or 504ADA@dhantx.com

Revised DHA-NVF (05.18)

Exhibit E
Verification Documents for Voucher Requirement



Housing Solutions for North Texas

3939 N. Hampton Rd., Dallas, TX 75212 | Phone: 214.951.8300 | Fax: 214.951.8800 | www.dhantx.com

DIRECT DEPOSIT SIGN-UP AND CHANGE FORM FOR VENDORS cont'd

Account Type: Checking Savings

Bank Name: _____ Routing#: _____

Account#: _____

INSTRUCTIONS:

- Write void on the check from the account that will receive the direct deposit.
- Use the camera on your mobile device or a digital camera to take a photo of the check.
- Ensure the check photo fills the camera window image space.
- Be sure the check, routing number and account number are clearly visible.
- Click on box below, browse for the voided check photo, select it and click OK.
- The photo will automatically size to fit the box below.
- If the photo does not appear clearly, retake the photo and click the box below again to re-upload the new photo.

I, _____ do declare that I am authorizing DHA to deposit my Housing Assistance Payments to the above bank account and initiate, if necessary, debit entries in case of an error.

Vendor Signature: _____ Date: _____



DHA is a Fair Housing and Equal Opportunity Agency.
Individuals with disabilities may contact the 504/ADA Coordinator at 214-951-8348,
7-1-1 for Relay Texas assistance, or 504ADA@dhantx.com

Revised DHA-NVF (05.18)

Exhibit E
Verification Documents for Voucher Requirement



Housing Solutions for North Texas

3939 N. Hampton Rd., Dallas, TX 75212 | Phone: 214.951.8300 | Fax: 214.951.8800 | www.dhantx.com

PROPERTY ADDRESS:

Please note that (NAME OF OWNER OR OWNER'S AGENT): _____ shall indemnify and hold harmless DHA from any and all claims which may arise from DHA's reliance on this letter and on the (DOCUMENT TYPE, *i.e.*, TRUSTEE'S DEED *ETC.*: _____) from (NAME OF PREVIOUS OWNER: _____) conveying title to the Property to (NAME OF CURRENT OWNER: _____), and (NAME OF TRUSTEE, IF ANY: _____) dated as of _____ and recorded as Document Number/Volume, Page Number _____ in the Real Property Records of Dallas County, Texas, a copy of which is attached hereto.

By signing below, I represent that I am authorized to execute this letter and that I have sought and received legal representation concerning the obligations and indemnities provided herein.

PRINT NAME

SIGN NAME

State of _____

County of _____

This instrument was acknowledged before me on this _____ day of _____, 20____ by _____ . Given under my hand and seal of office this _____ day of _____, 20____ .

Notary Public Name/Seal

Email completed application to: Shirley.Sanders@dhantx.com, or click button ➡



Exhibit F

CITY OF DALLAS

Small Business Center - Business Inclusion and Development Contractor's Affidavit - Schedule of Work and Actual Payment (BID-FRM-213)

Project Name: _____ Bid/Contract #: _____

Instructions:

Column 1: List type of work to be performed by Prime and 1st tier subcontractors.

Column 2: City of Dallas Vendor Number for Prime and Subcontractors/Suppliers (if none, register online: www.bids.dallascityhall.org). ALL Prime and Subcontractors/Suppliers must be registered with the City of Dallas.

Column 3: List name of firm; M/WBE Certification Number (if applicable).

Column 4: List firm(s); contact name; address; telephone number.

Column 5: List ethnicity of firm(s) owner as B=Asian American; H=Hispanic; I=Asian Indian; N=Native American; P=Asian Pacific; W=Woman; NON=other than M/WBE.

Column 6: Indicate firm's location as L=local (within Dallas county limits);

N=Non-local (Outside Dallas county limits).

Column 7: Indicate dollar amount of value of work for the Prime contractor, subcontractors, and suppliers.

Column 8: Indicate percentage of total contract amount.

Column 9: Indicate total payments to date.

Column 10: Indicate payments during current pay period.

Type of Work [1]	City of Dallas Vendor Number [2]	Name of Firm & M/WBE Certification (if Applicable) [3]	Contact Name Address, City, State, Zip & Tel. Number [4]	Type of Firm L or N [5]	Value of Work (\$) [7]	Percent (%) [8]	Payments to Date (\$) [9]	Payment this Period (\$) [10]
Notes:						#VALUE!		
						#DIV/0!		
Notes:								
						#DIV/0!		
Notes:								
						#DIV/0!		
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Exhibit F

Type of Work	City of Dallas Vendor Number	Name of Firm & M/WBE Certification (if Applicable)	Contact Name Address, City, State, Zip & Tel. Number	Type of Firm	L or N	Value of Work (\$)	Percent (%)	Payments to Date (\$)	Payment this Period (\$)
							#DIV/0!		
Notes:									
							#DIV/0!		
Notes:									
							#DIV/0!		
Notes:									
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Notes:									
							#DIV/0!		
Notes:									
							#DIV/0!		
Notes:									
							#DIV/0!		
Notes:									
						Total Bid Amount: \$	-	\$	-

[Note: Totals and Percentages will automatically calculate.]

The undersigned intends to enter into a formal agreement with the subcontractors listed, conditioned upon being awarded the City of Dallas contract. If any changes are made to this list, the Prime contractor must submit to the City for approval a revised schedule with documented explanations for the changes and the Change of M/WBE Subcontractor Form. Failure to comply with this provision could result in termination of the contract, sanctions against the Prime contractor, and/or ineligibility for future City contracts.

Officer's Signature: _____ Title: _____

Printed Name: _____ Date: _____

Company Name: _____



Exhibit F
CITY OF DALLAS
Small Business Center – Business Inclusion and Development
Subcontractor Intent Form (BID-FRM-214)

(Note: Please use the Tab button, mouse or arrows to move from one section to the next. Please DO NOT use the "Enter" key.)

TO: City of Dallas DATE: _____
Small Business Center - Business Inclusion and Development

Project Name: _____ Bid # _____

_____ will provide the following

_____ MWBE Subcontractor on the project

good(s)/service(s): _____

to _____
_____ Prime Contractor on the project

MWBE subcontractor is currently certified by the following agency: _____

M/WBE Certification Number: # _____

Certification must be kept current / valid for the entire duration of this contract. Failure to comply with this provision could be subject to removal from contract.

For the purpose of M/WBE subcontracting participation, the City of Dallas does not include amounts paid to the prime by the sub-contractor.

Total Contract Amount for prime	\$ _____	_____ NCTRCA
		_____ DFWMSDC
MWBE/DBE Sub Participation Amount	\$ _____	_____ % _____ WBCSW

The undersigned intends to enter into a formal agreement with the subcontractor listed, conditioned upon being awarded the City of Dallas contract. The undersigned understands that, for the purpose of M/WBE subcontracting participation, any amounts paid to the prime from the sub contractor should not be included in the above listed participation amount. Finally, the prime contractor must submit a Change of M/WBE subcontractor/supplier form to the Business Inclusion and Development division for approval prior to any changes in the team make-up. Failure to comply with these provisions could result in termination of the contract, sanctions against the prime contractor, and/or ineligibility for future City contracts.

Officer's Signature (Prime Contractor)

Officer's Signature (MWBE/DBE Subcontractor)

Printed Name (Prime Contractor)

Printed Name (MWBE/DBE Subcontractor)

Title (Prime Contractor)

Title (MWBE/DBE Subcontractor)

Date

Date

Please select or list all Chambers or Advocacy groups you are a member of:

	Prime	Sub		Prime	Sub
Greater Dallas Asian American Chamber of Commerce	<input type="checkbox"/>	<input type="checkbox"/>	Asian Contractors Association	<input type="checkbox"/>	<input type="checkbox"/>
Greater Dallas Black Chamber of Commerce	<input type="checkbox"/>	<input type="checkbox"/>	Regional Black Contractors Association	<input type="checkbox"/>	<input type="checkbox"/>
Greater Dallas Hispanic Chamber of Commerce	<input type="checkbox"/>	<input type="checkbox"/>	Regional Hispanic Contractors Association	<input type="checkbox"/>	<input type="checkbox"/>
U.S. Pan Asian American Chamber of Commerce	<input type="checkbox"/>	<input type="checkbox"/>			

Other _____



Exhibit F

CITY OF DALLAS
Small Business Center – Business Inclusion and Development
Business Inclusion and Development Documentation Form (BID-FRM-215)

(Note: Please use the Tab button, mouse or arrows to move from one section to the next. Please DO NOT use the "Enter" key.)

Project Name

Bid #:

Firm Name and Address:

1. Did you meet with a staff member of the Small Business Center -- Business Inclusion and Development (BID)?

Please make a selection:

Name of staff member:

2. Did you utilize a current M/WBE directory provided by BID staff for this project?

Please make a selection:

Date of Listing:

3. Did you provide plans and specifications, bids or proposals to potential M/WBEs or information regarding the location of plans and specifications, bids, or proposals for this project?

Please make a selection:

4. If M/WBE bids and proposals were received and rejected, you must attach documentation of the received bid and the reason for rejection. (i.e. letters, memos, telephone calls, meetings, etc.)

5. Complete the attached Documentation Form(s) to further explain good faith efforts to obtain M/WBE participation on this project. If there is written documentation of efforts with the M/WBEs who responded affirmatively to the bidder's written notice please attach documentation (i.e. quotes, or e-mails).

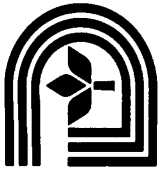


Exhibit F

CITY OF DALLAS Small Business Center – Business Inclusion and Development Business Inclusion and Development Documentation Form (BID-FRM-215)

(Note: Please use the Tab button, arrows or mouse to move from one section to the next. Please DO NOT use the "Enter" key.)

Project Name #:

Bid #:

Firm Name and M/WBE Certification Number	Person Contacted and Date	Telephone Number and Email Address	Type of Work	Method of Communication (Telephone/Email)	Response
		- -			
		- -			
		- -			
		- -			
		- -			
		- -			
		- -			

Please use the form(s) below if additional space is needed. Intentional misrepresentation could result in criminal prosecution.

Officer's Signature:

Title:

Date:

Printed Name:

Date:



Exhibit F

CITY OF DALLAS
Small Business Center – Business Inclusion and Development
Business Inclusion and Development Documentation Form (BID-FRM-215)

(Note: Please use the Tab button, arrows or mouse to move from one section to the next. Please *DO NOT* use the “Enter” key.)

Project Name & Bid/Contract #: _____ #:

Firm Name and M/WBE Certification Number	Person Contacted and Date	Telephone Number and Email Address	Type of Work	Method of Communication (Telephone/Email)	Response
		- -			
		- -			
		- -			
		- -			
		- -			
		- -			
		- -			

Please use the form below if additional space is needed. Intentional misrepresentation could result in criminal prosecution.

Officer’s Signature: _____ Title: _____ Date: _____

Printed Name: _____ Date: _____



Exhibit F

CITY OF DALLAS Small Business Center – Business Inclusion and Development Ethnic Workforce Composition Report (BID-FRM-627)

(Note: Please use the Tab button, mouse or arrows to move from one section to the next. *Please DO NOT use the "Enter" key.*)

Company name:

Address:

Bid #:

Telephone
Number:

- - Ext.

Email Address:

Please complete the following sections based on the ethnic composition of the (location) entity in the address line above.

Employee Classification	Total No. Employees		White		Black		Hispanic		Other	
	Male	Female	M	F	M	F	M	F	M	F
Administrative/ Managerial										
Professional										
Technical										
Office/Clerical										
Skilled										
Semiskilled										
Unskilled										
Seasonal										
Totals:										
# of employees living in Dallas:										
Total % of employees living in Dallas										

Officer's Signature

Title

Typed or Printed Name

Date



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1770

Item #: 32.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Government Affairs

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

A resolution adopting the City's Federal Legislative Program for the 119th Session of the United States Congress – Financing: No cost consideration to the City

BACKGROUND

The City of Dallas adopts a federal legislative program every two years at the beginning of the Congressional session. The agenda includes statements regarding the City's legislative goals and a comprehensive list of legislative initiatives on which the City of Dallas will be focused during the session.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Ad Hoc Committee on Legislative Affairs was briefed on the "2025 Legislative Priorities Submitted To Date" on December 11, 2023.

The Ad Hoc Committee on Legislative Affairs was briefed on the "Consideration of 2025 Federal Legislative Priorities" on May 7, 2024.

The City Council will be briefed on the "Briefing on the Proposed Legislative Priorities for the 119th Congress" on June 5, 2024.

FISCAL INFORMATION

No cost consideration to the City.

June 12, 2024

~~**WHEREAS,** the 119th Session of the United States Congress convenes in January 2025; and~~

~~**WHEREAS,** the 119th Congress will consider many issues that affect local governments; and~~

~~**WHEREAS,** the City of Dallas wishes to express its desires and concerns regarding federal issues by adopting a legislative program; and~~

~~**WHEREAS,** the City of Dallas has developed recommendations for the federal legislative agenda; and~~

~~**WHEREAS,** the Ad Hoc Committee on Legislative Affairs was briefed on this matter on December 11, 2023; and~~

~~**WHEREAS,** the Ad Hoc Committee on Legislative Affairs was briefed on this matter on May 7, 2024; and~~

~~**WHEREAS,** the Dallas City Council was briefed on this matter on June 5, 2024.~~

~~**Now, Therefore,**~~

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

~~**SECTION 1.** That the City of Dallas' Federal Legislative Program for the 119th Session of the United States Congress is hereby adopted.~~

~~**SECTION 2.** That the City Manager is directed to communicate the items included in the Federal Legislative Program and the impact on Dallas residents to members of the United States Congress.~~

~~**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.~~



Agenda Information Sheet

File #: 24-1768

Item #: 33.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Government Affairs

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize two permanent easements at Dallas Fort Worth International Airport to Oncor Electric Delivery Company, LLC: (1) easements for +/- 5.530 acres to be used to expand an existing switchyard that is not on Airport property and (2) for +/- 3.738 acres to build an additional substation at the intersection of Mid-Cities Boulevard and SH360 as set forth in the DFW Airport Board Resolution - Financing: No cost consideration to the City

BACKGROUND

Oncor - Skyview Expansion: In order to increase load capacity and strengthen the grid, Oncor has asked for 5.530 acres of land to be used to expand an existing switchyard that is not on Airport property. The 5.530 acres is currently leased to American Airlines as part of their 268.177 acre headquarters. Oncor will pay a total of \$1,711,752.00 for the easement and amendment. DFW Airport will receive \$1,505,544.00 for the easement and American Airlines will receive \$206,207 as a refund for prepaid, future rent for the headquarters campus.

Oncor - Mid-Cities Substation: In order to increase load capacity and strengthen the resiliency of the Airport's grid, Oncor needs to build an additional substation at the intersection of Mid-Cities Boulevard and SH360. The new substation requires 3.738 acres. When completed, the new substation will be paired with the existing substation located just west of Valley View Lane, and together these substations will provide additional capacity to support the energy loads for existing and future developments between South Airfield Drive and SH183. In addition, these two substations will allow Oncor to transfer load off the existing SW and SE substations so that they can support the Airport's Central Terminal Area expansion projects. Upon execution of the easement, Oncor will pay \$2,320,000.00 to DFW Airport for the easement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Transportation and Infrastructure Committee on May 20, 2024.

FISCAL INFORMATION

No cost consideration to the City.

May 15, 2024

To the Honorable Members of the Transportation and Infrastructure Committee of the Dallas City Council:

The Dallas Fort Worth International Airport Board is requesting that the Owner Cities of Dallas and Fort Worth grant Oncor Electric Delivery Company LLC ("Oncor") an easement on DFW property for additional facilities.

Oncor has two existing substations (SW and SE) adjacent to International Parkway just north of South Airfield Drive, as well as a third substation just west of Valley View Lane. As DFW Airport continues to expand the Central Terminal Area (CTA), additional capacity is needed. This new substation, coupled with the Valley View substation, will allow Oncor to transfer load off the SW and SE substations so they can support CTA expansion projects such as the eCUP, Terminal C renovation, piers at both Terminal A and C, and Terminal F. These substations will provide additional capacity to support the energy loads for existing and future developments between South Airfield Drive and SH183, an area that includes Southgate, Passport Park (East and West), and the Rental Car Center (including EV chargers). The area required is +/- 3.738 acres of undeveloped land along the Mid-Cities Boulevard corridor.

In order to increase the load capacity for the Airport, Oncor's planning department and the Electric Reliability Council of Texas ("ERCOT") have recognized the need for this project. The additional substation will provide added capacity and load balancing flexibility to serve and provide energy redundancy to the Airport.

The proposed easement area was appraised by a certified third-party appraiser. Based on the appraisal, Oncor will pay a total of \$2,320,000 for the permanent easement. The Airport will not incur any operational or maintenance responsibility as a result of this action.

This item was briefed and approved by the Dallas Fort Worth International Airport Board at the May 2, 2024 meeting. The DFW Airport Board of Directors recommends that the City Councils of Dallas and Fort Worth approve this item.

Should you have any questions on this item, please contact Sue Kunze at 972-973-4653.

June 12, 2024

WHEREAS, Dallas Fort Worth International Airport (“DFW Airport”) serves the aviation needs of its Owner Cities of Dallas and Fort Worth; and

WHEREAS, Oncor Electric Delivery Company , LLC (“Oncor”) has requested a permanent easements on approximately +/- 5.530 acres of land to be used to expand an existing switchyard that is not on Airport property.

WHEREAS, Oncor Electric Delivery Company , LLC (“Oncor”) has requested a permanent easements on approximately +/- 3.738 acres to build an additional substation at the intersection of Mid-Cities Boulevard and SH360.

WHEREAS, the DFW Airport Board presents the two easements to the City Council of the City of Dallas for its approval in accordance with the Contract and Agreement between the cities of Dallas and Fort Worth, dated April 15, 1968, as amended, which established the Board as the operating Board of Directors for DFW Airport.

Now, Therefore,

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

SECTION 1. That the City Manager or designee is hereby authorized to execute and granting Oncor Electric Delivery Company, approved as to form by the City Attorney, for a permanent easement +/- 5.530 acres of land to be used to expand an existing switchyard that is not on Airport property and for +/- 3.738 acres to build an additional substation at the intersection of Mid-Cities Boulevard and SH360.

SECTION 2. That the approvals and authorization contained in this resolution are further conditioned upon similar approvals by the City Council of the City of Fort Worth.

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



Agenda Information Sheet

File #: 24-1615

Item #: 34.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of the City Auditor

EXECUTIVE: Mark S. Swann

SUBJECT

Authorize a budget estimate of the needs and requirements of the Office of the City Auditor for Fiscal Year 2024-25 in the amount of \$3,199,840.00 net of vacancy savings of \$150,767.00 (subject to final citywide funding adjustments for decisions that will be made on a citywide basis for items such as staff merit increases, benefits, insurance, Department of Information and Technology Services chargebacks, and other items that may affect all City departmental budgets) - Not to exceed \$3,199,840.00 - Financing: General Fund (subject to appropriations)

BACKGROUND

The Dallas City Charter, Chapter IX, establishes the Office of the City Auditor as an independent audit function with the primary responsibility of serving at the direction of the City Council.

Proposition 5 (Approved on 11-4-2014) amended the Dallas City Charter X1, Sec. 2 to require the City Auditor to furnish a budget estimate of the needs and requirements of the Office of the City Auditor for the coming year directly to the City Council to be approved by the City Council, and then consolidated with the City Manager's annual budget estimate. (Amendment of 11-8-2005, Proposition Number 13, Amendment of 11-4-2014, Proposition Number 5)

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Government Performance and Financial Management Committee on May 21, 2024.

FISCAL INFORMATION

Fund	FY 2025	FY 2026	Future Years
General Fund	\$3,199,840.00	\$0.00	\$0.00

June 12, 2024

WHEREAS, on May 21, 2024, the Government Performance and Financial Management Committee unanimously voted to recommend approval by the full City Council the Office of the City Auditor budget estimate of \$3,199,840.00 net of vacancy savings of \$150,767.00 (subject to final citywide adjustments, for inclusion in the City Manager's annual budget estimate for Fiscal Year 2024-25).

Now, Therefore,

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

SECTION 1. That the Office of the City Auditor budget estimate of \$3,199,840.00 net of vacancy savings of \$150,767.00 (subject to final citywide adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Department of Information and Technology Services chargebacks, and other items that may affect all City departmental budgets be included in the City Manager's annual budget estimate for Fiscal Year 2024-25).

SECTION 2. 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.

Office of the City Auditor

Fiscal Year 2024-2025
Recommended Budget

May 21, 2024

Mark S. Swann, City Auditor

Government Performance & Financial Management Committee



Office of the City Auditor Purpose



The Office of the City Auditor:

- Elevates public trust in government by providing independent, objective assurance and advisory services.
- Conduct audits and attestations of City departments, offices, agencies, and processes.
- Perform advisory services upon request from City Council or City Administration.
- Administers outsourced audits of sales/use tax compliance contracts, and utility franchise fees.



Fiscal Year 2024-2025 Recommended Budget



Expenditure	FY 2023-24 Budget	FY 2024-25 Recommended Budget	Increase/ <Decrease>
Personnel Services	\$2,498,644	\$2,467,790	\$<30,854>
Professional Services	430,230	390,000	<40,230>
Internal Services Chargeback	215,153	229,724	14,571
Supplies, Professional Development	122,111	112,326	<9,785>
Total Expenditures	\$3,266,138	\$3,199,840*	\$<66,298>
Included Vacancy Savings	\$980	\$150,767	

* - Net of \$150,769 vacancy savings.



Recommended Budget – Notable Items



\$2,467,790

Personnel

19.5 FTEs

Impact: 15-17 Audit Engagements

\$390,000

Professional Services – External
auditing/consulting services to augment staff
skills.

Impact: 3-4 Audit Engagements



FY 2024-2025 Recommended Budget - Positions



Reclassify Two Existing Positions to:

1 - Deputy City Auditor Position

1 – Auditor Manager

- Succession planning, ensuring retention and stability with experience auditors.
- Allow staff career growth and development.
- Deputy City Auditor will assist with collaborating closely with other departments while audits are ongoing to foster better communication/increase department trust.



Budget History



For Year Ending September 30	Total Budget	Vacancy Savings	Co- Sourcing	Percent Co-Sourcing	Actual Expenditures	Percent Budget Executed	FTEs
2019	\$3,352,314	\$0	\$18,953	1%	\$2,889,941	86%	26
2020	3,398,486	87,904	220,730	6%	2,583,516	76%	24
2021	3,123,860	0	360,267	12%	2,842,318	91%	21
2022	3,048,254	126,218	416,432	14%	2,790,059	92%	21
2023	3,163,255	62,232	430,232	14%	2,784,059	88%	20.5
2024	3,266,138	980	430,230	13%	3,167,511*	97%*	19.5
Recommendation 2025	3,199,840	150,769	390,000	12%	TBD	TBD	19.5

* - FY2024 Forecast

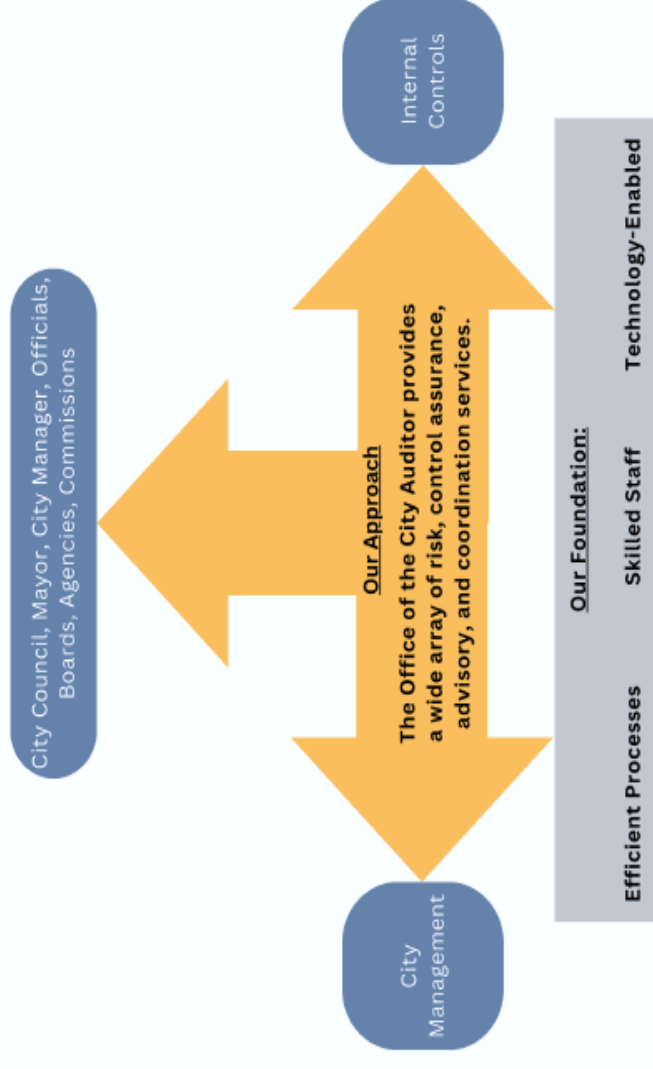


Recommended Budget – City Charter

The Office of the City Auditor budget approval established by the City Charter as amended in Chapter XI, Section 2

“The city auditor shall furnish a detailed budget estimate of the needs and requirements of the Office of the City Auditor for the coming year directly to the city council, to be approved by the city council, and then consolidated with the city manager’s annual budget estimate.”

ACCOUNTABILITY AND THE REPORTING PROCESS



Next Steps



- Government Performance and Financial Management Committee motion to recommend that City Council approve the Office of the City Auditor Fiscal Year 2024-2025 Recommended Budget of \$3,199,840 net of \$150,767 vacancy savings, with two existing positions reclassified to (1) Deputy City Auditor and (1) Auditor Manager along with City-wide adjustments for:
 - Compensation Adjustments – Cost of Living, Merit, Bonuses
 - Pension costs
 - Healthcare costs
 - Worker’s Compensation rates
 - Property, casualty, and public liability insurance
 - Department of Information and Technology Services’ chargebacks
- Scheduled for City Council Approval on the June 12, 2024, Agenda Meeting



Recommended Budget

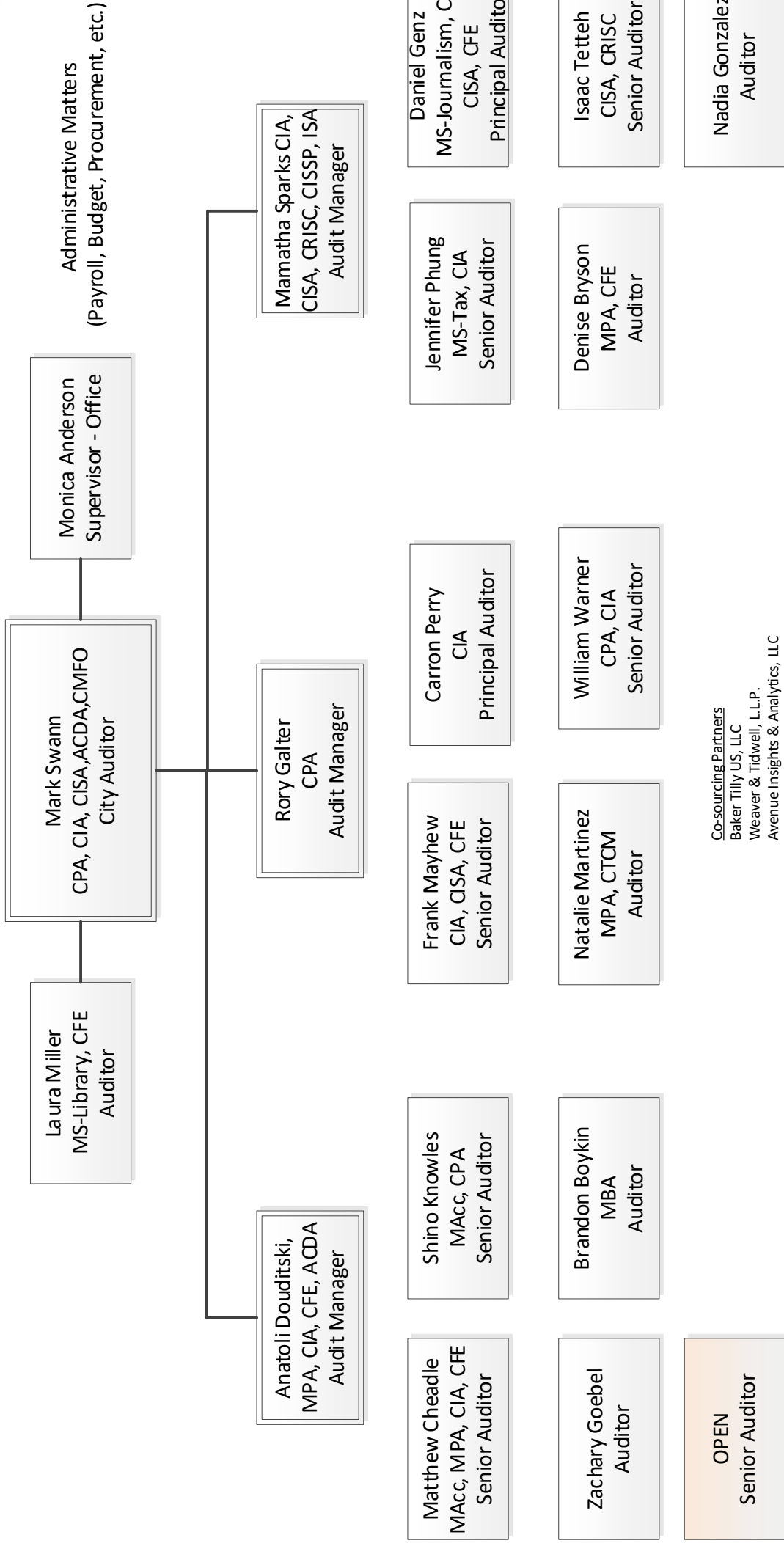


Appendix



2023 Population Rank	Agency	Expenditures - Total		Expenses - Total		Population Estimate 2024	Audit Resources FY2023 or FY2024				
		Governmental Activities	Business-Type Activities	Governmental & Business Type	FTE		Budget	Per Audit FTE	Per Population	Percent Expenses	
4	Houston	TX	\$ 3,229,091,000	\$ 1,907,360,000	\$ 5,136,451,000	2,305,889	9.5	\$1,594,000	\$167,789	\$ 0.69	0.031%
5	Phoenix	AZ	3,168,589,000	1,484,112,000	4,652,701,000	1,676,481	25.4	3,682,271	144,971	\$ 2.20	0.079%
7	San Antonio	TX	2,620,969,000	364,276,000	2,985,245,000	1,506,593	23.0	3,434,785	149,338	\$ 2.28	0.115%
8	San Diego	CA	2,385,203,000	1,255,670,000	3,640,873,000	1,375,452	24.0	5,104,700	212,696	\$ 3.71	0.140%
9	Dallas	TX	2,127,790,000	1,243,003,000	3,370,793,000	1,295,447	19.5	3,266,138	167,494	\$ 2.52	0.097%
10	Jacksonville	FL	1,990,343,000	207,791,000	2,198,134,000	990,931	19.0	3,118,097	164,110	\$ 3.15	0.142%
11	Fort Worth	TX	1,411,823,000	612,238,000	2,024,061,000	989,842	18.0	2,337,683	130,161	\$ 2.36	0.115%
12	Austin	TX	2,212,221,000	3,406,557,000	5,618,778,000	983,126	29.0	4,976,557	171,605	\$ 5.06	0.089%
13	San Jose	CA	2,200,528,000	910,914,000	3,111,442,000	932,636	14.0	2,922,493	208,750	\$ 3.13	0.094%
14	Charlotte	NC	1,019,221,000	1,135,264,000	2,154,485,000	920,325	11.0	1,673,182	152,107	\$ 1.82	0.078%
16	Indianapolis	IN	1,046,612,000	86,222,000	1,132,834,000	874,089	10.0	1,892,021	189,202	\$ 2.16	0.167%
17	Seattle	WA	2,568,779,000	1,973,162,000	4,541,941,000	757,992	10.0	2,329,573	232,957	\$ 3.07	0.051%
20	Oklahoma City	OK	968,489,000	82,767,000	1,051,256,000	706,576	8.0	1,516,654	189,582	\$ 2.15	0.144%
21	Nashville	TN	3,091,379,671	362,709,041	3,454,088,712	677,519	12.0	2,008,800	167,400	\$ 2.96	0.058%
31	Baltimore	MD	2,210,501,000	543,075,000	2,753,576,000	556,723	45.0	5,966,967	132,599	\$ 10.72	0.217%
	Average/Mean		2,150,102,578	1,038,341,336	3,188,443,914	1,103,308	18.5	3,054,928	172,051	\$ 3.20	0.108%
	Median		2,210,501,000	910,914,000	3,111,442,000	983,126	18.0	2,922,493	167,494	\$ 2.52	0.097%
9	Dallas (Recommended)	TX	2,127,790,000	1,243,003,000	3,370,793,000	1,295,447	19.5	3,199,840	164,094	\$ 2.47	0.095%
18	San Francisco	CA	7,608,122,000	5,820,215,000	13,428,337,000	746,481	80	25,800,649	322,508	\$ 34.56	0.192%
19	Denver	CO	2,453,236,000	1,250,530,000	3,703,766,000	708,948	99	14,728,918	148,777	\$ 20.78	0.398%

Office of the City Auditor's Organization



Co-sourcing Partners
Baker Tilly US, LLC
Weaver & Tidwell, L.L.P.
Avenue Insights & Analytics, LLC



Performance Measures



Measure	Target	FY2023 Actual	FY2024 Actual as of April 30, 2024
Number of audit delivered	19	14	12
Percentage of management acceptance of audit recommendations	> 90%	83%	92%
Staff achieve professional certification (CIA, CPA, CISA, or CFE)	80%	74%	71%
Percentage of available hours on direct projects	82%	77%	82%

Performance Measures from 2022 Association of Local Government Auditors Benchmarking Report



Office of the City Auditor's Six Percent Reduction



Expenditure	FY 2024-25 Recommended Budget	FY 2024-25 6% Reduction Scenario	Increase/ <Decrease>
Personnel Services	\$2,467,790	\$2,466,290	<\$1,500>
Professional Services	390,000	230,347	<159,653>
Internal Services Chargeback	229,724	229,724	-0-
Supplies, Professional Development	112,326	107,547	<4,779>
Total Expenditures	\$3,199,840	\$3,033,908	<\$165,932>



Office of the City Auditor

Fiscal Year 2024-2025
Recommended Budget

May 21, 2024

Mark S. Swann, City Auditor

Government Performance & Financial Management Committee





Agenda Information Sheet

File #: 24-1712

Item #: 35.

STRATEGIC PRIORITY: Quality of Life, Arts & Culture
AGENDA DATE: June 12, 2024
COUNCIL DISTRICT(S): 6
DEPARTMENT: Park & Recreation Department
EXECUTIVE: John D. Jenkins

SUBJECT

Authorize an Interlocal Agreement with Dallas County for designing, constructing, and maintaining a portion of the Cypress Waters Trail which contributes to a comprehensive trail system in the City of Dallas, Dallas County, and the over 1,800 mile, ten-county Regional Veloweb - Financing: No cost consideration to the City

BACKGROUND

This action will approve an Interlocal Agreement (ILA) between Dallas County (County) and the City of Dallas. The City of Dallas and the County are partnering to develop the 3.5-mile portion of Cypress Waters Trail on the northern side of North Lake in northwest Dallas. The ILA consists of design, construction and maintenance of a hike and bike trail. The project may be executed in several phases depending upon the final design and bid results.

The City and the County executed an ILA on March 20, 2018 and Amendment No. 1 on July 11, 2021 for the design and construction of the Cypress Waters Trail (the Project). The original ILA terminated on March 19, 2023, on its own terms, i.e. funds had not been obligated for construction within five years of execution of the ILA.

This ILA is under the same terms as the original ILA and Amendment No. 1, namely:

- 1) County is project lead with responsibilities to design and construct the trail and provide *Field Notes* to the City for acquisition of trail easements. County to provide funding in the amount of \$6,834,068.00;
- 2) City is responsible for acquisitions. City to provide \$159,833.00 for surveying services for the preparation of *Field Notes* by the County's surveyor. City is responsible for trail operation and maintenance for a minimum of twenty-five years after completion of construction of the Project.

The \$159,833.00 of funds were authorized and obligated by Amendment No. 1, Resolution No. 22-0990-this action does not obligate additional funds by the City.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 19, 2017, the Park and Recreation Board authorized an Interlocal Agreement with Dallas County for designing, constructing, and maintaining a portion of the Cypress Waters Trail located at South Belt Line Road heading east to South North Lake Road.

On December 13, 2017, the City Council authorized an Interlocal Agreement with Dallas County for designing, constructing, and maintaining a portion of the Cypress Waters Trail located at South Belt Line Road heading east to South North Lake Road by Resolution No. 17-1888.

On June 2, 2022, the Park and Recreation Board authorized Amendment No. 1 to the Interlocal Agreement with Dallas County for funding survey work for trail easement descriptions for the Cypress Waters Trail located at South Belt Line Road heading east to South North Lake Road.

On June 22, 2022, the City Council authorized Amendment No. 1 to the Interlocal Agreement with Dallas County for funding survey work for trail easement descriptions for the Cypress Waters Trail located at South Belt Line Road heading east to South North Lake Road Road by Resolution No. 22-0990.

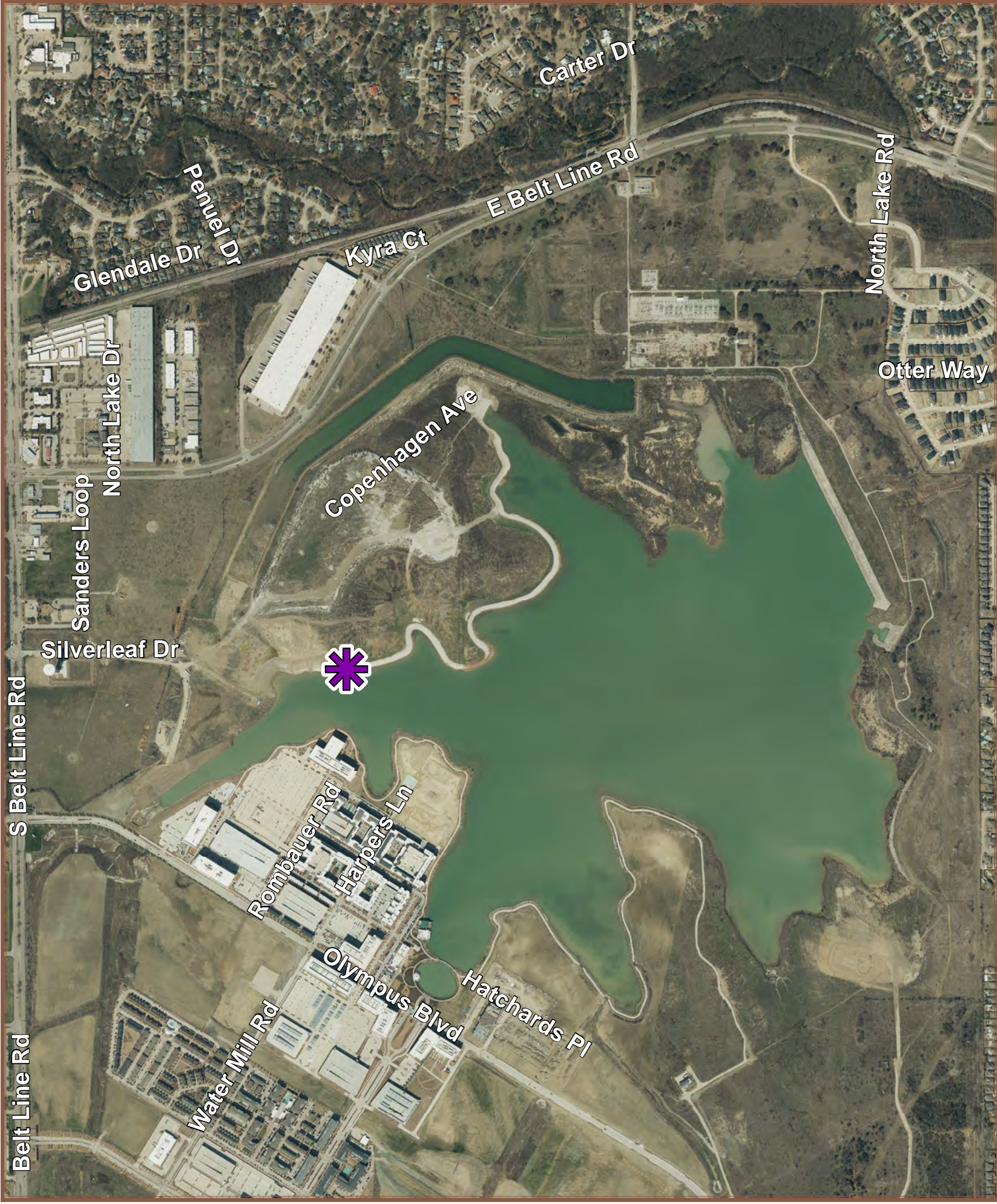
On May 16, 2024, the Park and Recreation Board authorized an Interlocal Agreement with Dallas County for designing, constructing, and maintaining a portion of the Cypress Waters Trail which contributes to a comprehensive trail system in the City of Dallas.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



June 12, 2024

WHEREAS, the Chapter 791 of the Texas Government Code and Texas Transportation Code Article 251 provides authorization for local governments to contract with each other for the performance of governmental functions and services, and joint funding of transportation projects; and

WHEREAS, the City of Dallas and Dallas County are partnering on the development of Cypress Waters Trail (the Project) located at South Belt Line Road heading east to South North Lake Road as shown on **Exhibit A**, and Dallas County has almost completed design of the trail project; and

WHEREAS, the City of Dallas and Dallas County executed an Interlocal Agreement (ILA) on March 20, 2018 and Amendment No. 1 on July 11, 2021 for the design and construction of the Cypress Waters Trail (the Project) and the ILA has terminated on its own terms and the City and Dallas County desire to enter into a new ILA under similar terms as the original and amendment; and

WHEREAS, by the terms of the ILA and Amendment No. 1 Dallas County obligated a total of \$6,834,068.00 for the Project and the City obligated \$159,833.00; and

WHEREAS, the Project does not require additional funds by either the City or the County; and

WHEREAS, upon completion of construction and acceptance of the project by the Director of Park and Recreation, the City of Dallas shall take ownership and be responsible for operating and maintaining the project as a public recreational facility for no less than twenty-five years after consummation of the Agreement by both parties; and

Now, Therefore,

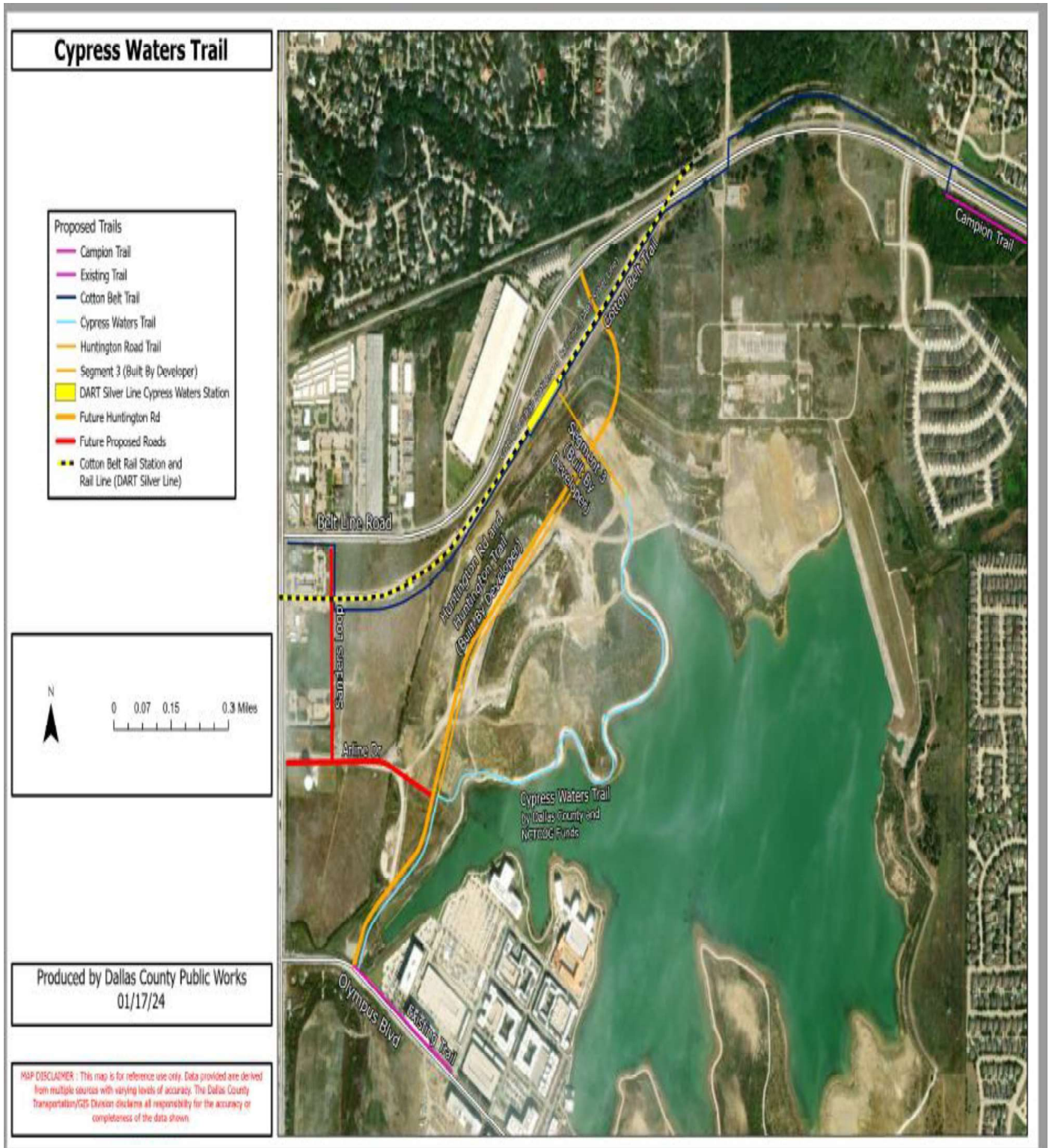
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a Interlocal Agreement with Dallas County, approved as to form by the City Attorney, for designing, constructing, and maintaining a portion of the Cypress Waters Trail which contributes to a comprehensive trail system in the City of Dallas, Dallas County and the over 1, 800 mile, ten-county Regional Veloweb..

SECTION 2. That this contract is designated as Contract No. PKR-2024-00024684.

SECTION 3. 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





Agenda Information Sheet

File #: 24-1757

Item #: 36.

STRATEGIC PRIORITY: Public Safety
AGENDA DATE: June 12, 2024
COUNCIL DISTRICT(S): All
DEPARTMENT: Police Department
EXECUTIVE: Jon Fortune

SUBJECT

Authorize a Memorandum of Understanding with the United States Capitol Police (USCP) to provide reimbursement for support and enhancements provided by the Dallas Police Department and Dallas Fire Rescue for Congressional events and/or USCP protective operations occurring in the jurisdiction of the City of Dallas - Not to exceed \$150,000.00 - Financing: General Fund

BACKGROUND

The USCP is a federal law enforcement agency under the Legislative Branch of Government whose mission is to protect Congress - its Members, employees, visitors, and facilities - so it can fulfill its constitutional and legislative responsibilities in a safe, secure, and open environment. The USCP Protective Services Bureau (PSB) has the statutory requirement pursuant to 2 U.S.C. §1966 to protect the Members of Congress when security considerations so require. In order to fulfill this responsibility, PSB requires augmentation of its capabilities in the form of law enforcement support within the jurisdiction of the City of Dallas.

This agreement establishes the framework for the City of Dallas to receive reimbursement for the provision of various services, equipment, and resources at the request of the USCP. These services encompass a wide spectrum, including protective missions during Congressional events and other USCP protective operations within Dallas city limits. Notably, it enables reimbursement for overtime expenses incurred by Dallas Police Department and Dallas Fire Rescue personnel.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Public Safety Committee will be briefed by memorandum regarding this matter on June 10, 2024.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
General Fund	\$150,000.00	\$0.00	\$0.00

June 12, 2024

WHEREAS, the City of Dallas desires to enter into a Memorandum of Understanding with the United States Capital Police (USCP) to receive reimbursement for support and enhancements provided by the Dallas Police Department and Dallas Fire Rescue for Congressional events and/or USCP protective operations occurring in the jurisdiction of the City of Dallas; and

WHEREAS, it is in the best interest of the City to enter into this Memorandum of Understanding.

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 Memorandum of Understanding with the United States Capitol Police, approved as to form by the City Attorney, to provide reimbursement for law enforcement services, support, and enhancements from the Dallas Police Department and Dallas Fire Rescue, in an amount not to exceed \$150,000.00.

SECTION 2. That this contract is designated as Contract No. DPD-2023-00023211.

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.



Agenda Information Sheet

File #: 24-943

Item #: 37.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 3, 11, 12

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction services contract for the installation of erosion control improvements at four locations (list attached to the Agenda Information Sheet) - TREG Erosion Control Specialists, LLC, lowest responsible bidder of three - Not to exceed \$4,297,770.00 - Financing: 2024 Certificate of Obligation Fund (\$2,055,851.00), Storm Drainage Management Capital Construction Fund (\$1,201,646.96), and Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund) (\$1,040,272.04)

BACKGROUND

Dallas Water Utilities (DWU) has identified four locations experiencing severe erosion where creek banks need to be stabilized to protect existing structures and critical infrastructure. One location at Anderson Bonner Park has been identified by both DWU and Parks to be in need of erosion control improvements. Engineering solutions have been developed and construction plans and specifications were prepared and advertised for construction bids to address the severe erosion at each location.

This action will authorize a construction contract to implement engineering solutions to mitigate critical erosion at these locations. The project improvements consist of the installation of gabion walls and gabion mattresses for erosion control at the following locations: 17610, 17612 & 17614 Squaw Valley Drive, 3604 & 3610 Kiestcrest Drive, Anderson Bonner Park - Location #1, and Anderson Bonner Park - Location #2. Proposed work at Anderson Bonner Park will protect existing storm drainage outfalls and fortify the existing creek bank to protect park property from further erosion. The construction of the proposed gabion walls and mattresses will address critical erosion concerns at these locations, protecting residential structures, infrastructure, and park property.

The following chart illustrates TREG Erosion Control Specialists, 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	0	1	2	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 August 2024
 Complete Construction February 2026

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
2024 Certificate of Obligation Fund	\$2,055,851.00	\$0.00	\$0.00
Storm Drainage Management Capital Construction Fund	\$1,201,646.96	\$0.00	\$0.00
Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)	\$1,040,272.04	\$0.00	\$0.00
Total	\$4,297,770.00	\$0.00	\$0.00

<u>Council District</u>	<u>Amount</u>
3	\$ 1,276,451.00
11	\$ 2,241,919.00
12	\$ 779,400.00
Total	\$ 4,297,770.00

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
\$4,297,770.00	Construction	32.00%
M/WBE Subcontracting %	M/WBE Overall %	M/WBE Overall Participation \$
8.79%	100.00%	\$4,297,770.00
• This contract does not meet the M/WBE goal		
• TREG Erosion Control Specialist, LLC - Non-local; Workforce - 33.3% Local		

PROCUREMENT INFORMATION

The following three bids with quotes were received and opened on February 2, 2024:

*Denotes successful bidder

Bidders

Bid Amount

*TREG Erosion Control Specialists, LLC P.O. Box 101567 Fort Worth, Texas 76185	\$4,297,770.00
Stoic Civil Construction, Inc.	\$4,505,073.50
Austin Filter Systems, Inc.	\$4,924,775.00

OWNER

TREG Erosion Control Specialists, LLC

Tiffany Rawls, Owner/President

MAPS

Attached

Segment List
Erosion Control Improvements at Various Locations - Phase 5
Contract No.# 23-393

District 3

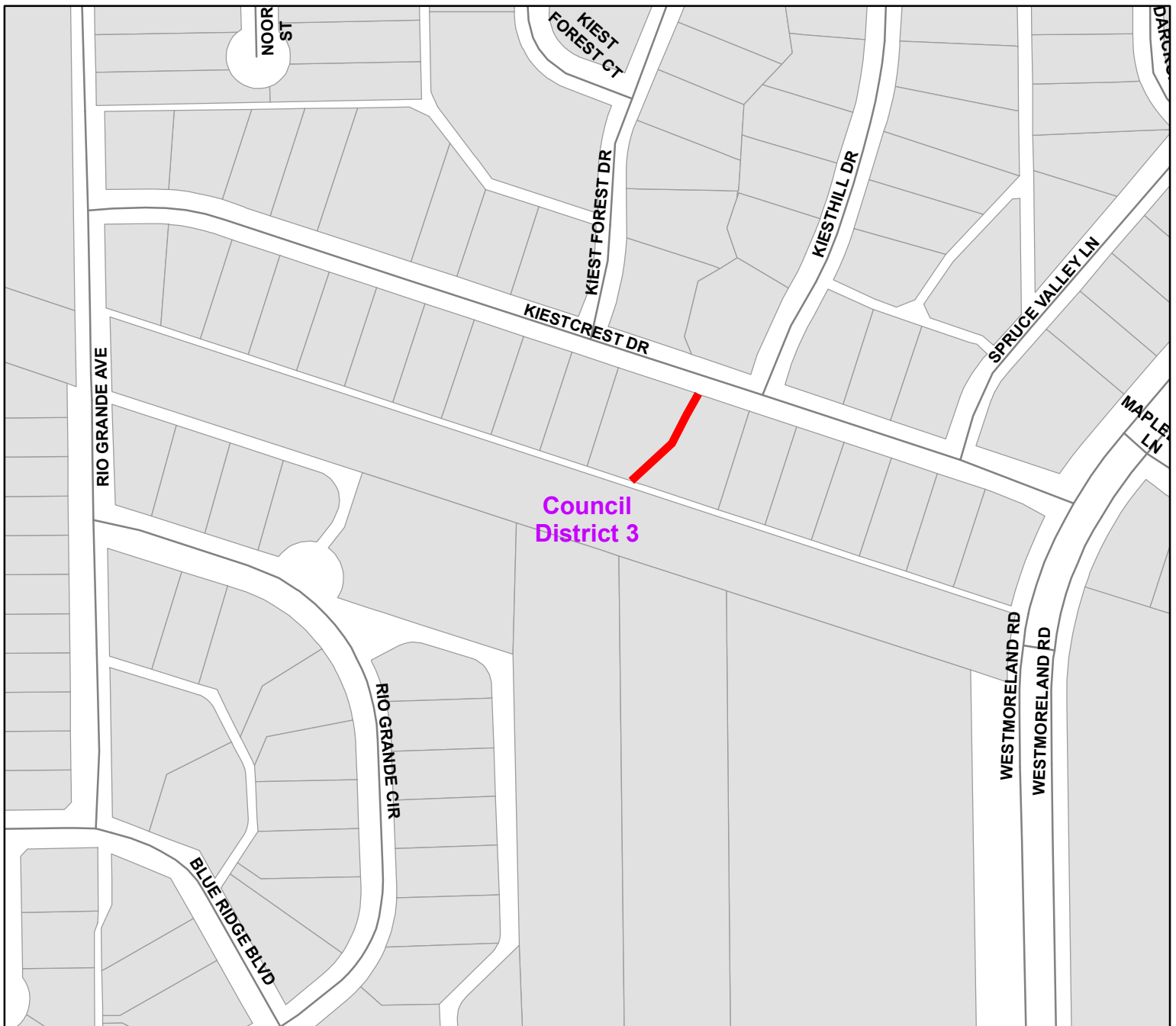
3604, 3610 Kiest Crest Drive

District 11

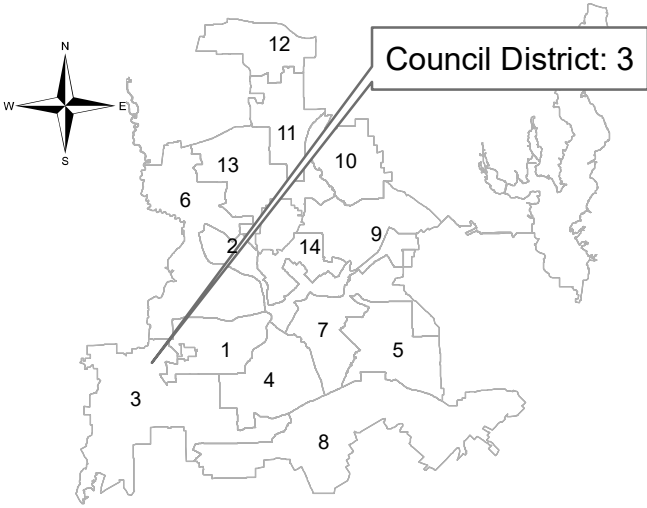
Anderson Bonner Park - Location #1 (DWU)
Anderson Bonner Park - Location #2 (PARD & DWU)

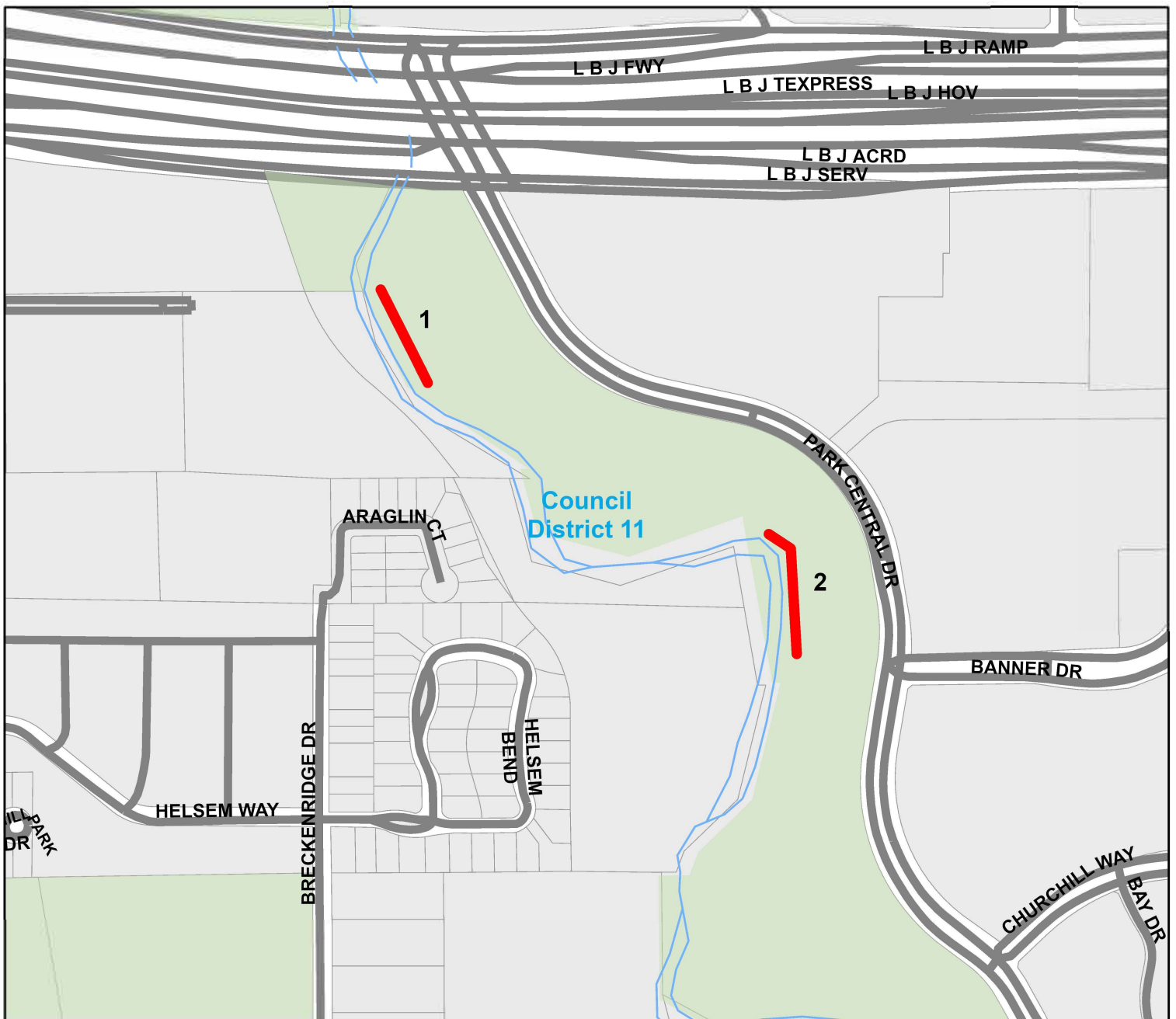
District 12

17610 – 17614 Squaw Valley

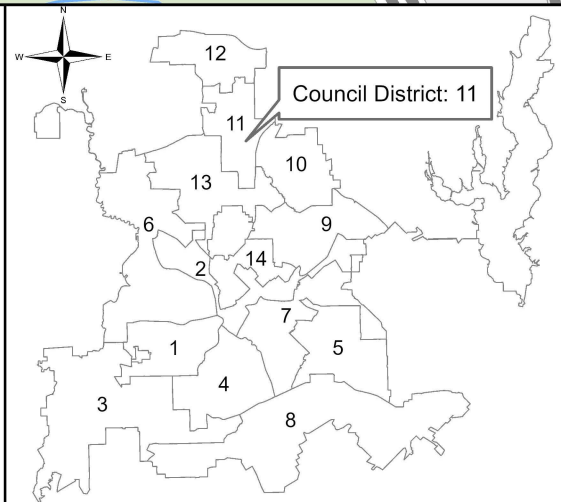


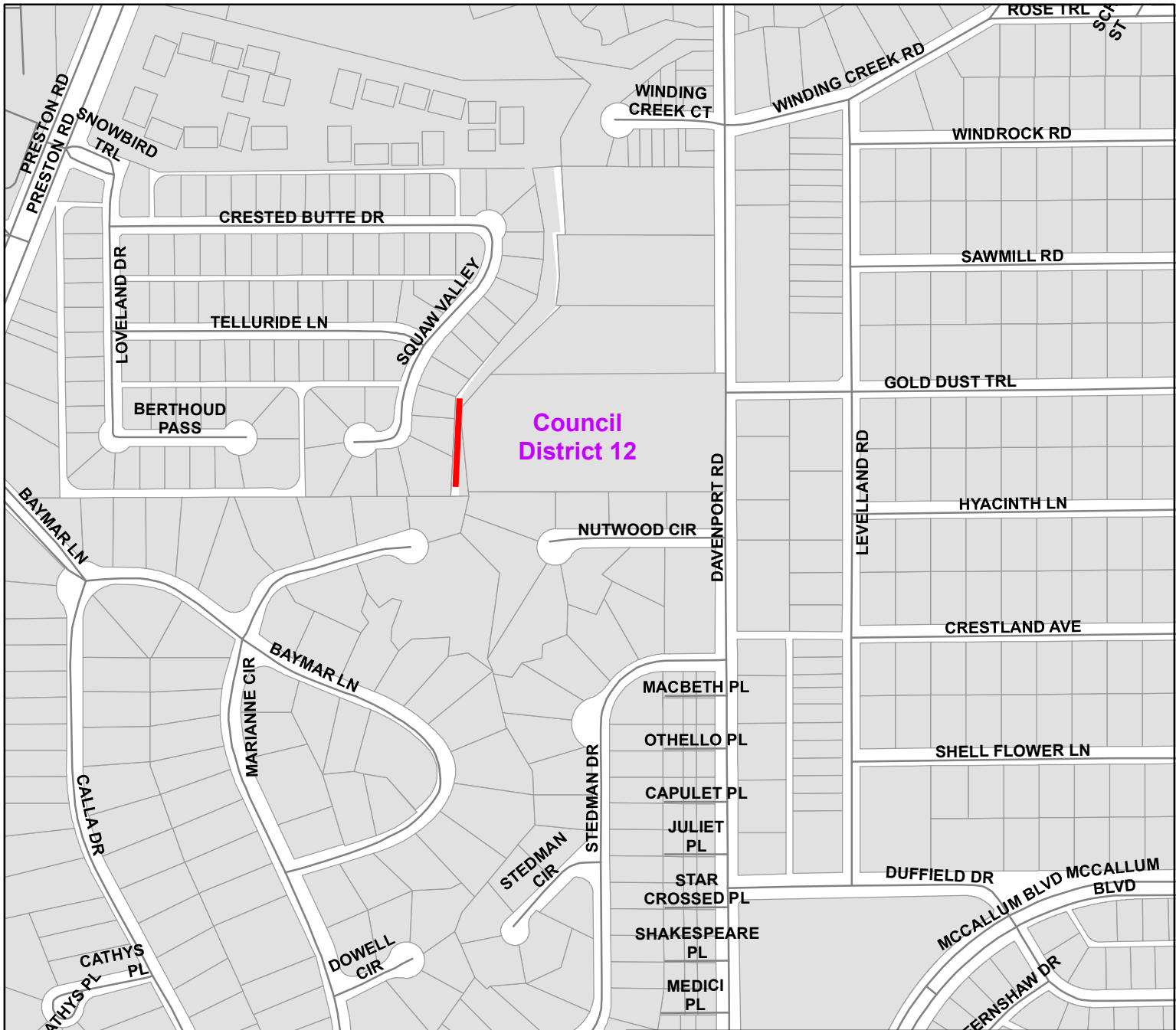
3604, 3610 Kiest Crest Drive



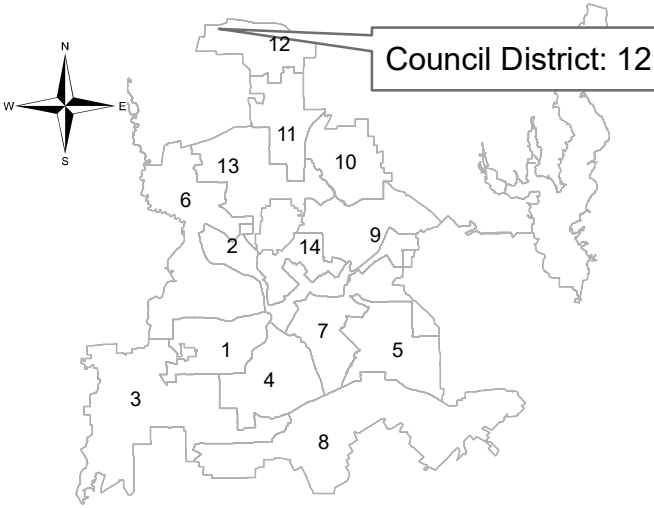


1. Anderson Bonner Park (DWU)
2. Anderson Bonner Park (PARD & DWU)





17610 - 17614 Squaw Valley



June 12, 2024

WHEREAS, on February 2, 2024, three bids were received for the installation of erosion control improvements at four locations, Contract No. 23-393, listed as follows:

<u>Bidders</u>	<u>Bid Amount</u>
TREG Erosion Control Specialists, LLC	\$4,297,770.00
Stoic Civil Construction, Inc.	\$4,505,073.50
Austin Filter Systems, Inc.	\$4,924,775.00

WHEREAS, the bid submitted by TREG Erosion Control Specialists, LLC, P.O. Box 101567, Fort Worth, Texas 76185, in the amount of \$4,297,770.00, 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 TREG Erosion Control Specialists, LLC, in the amount of \$4,297,770.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 23-393, be accepted.

SECTION 2. That in order to reimburse and finance the authorized disbursements described herein from General Obligation bonds, the City intends to issue one or more commercial paper notes as part of its General Obligation Commercial Paper Notes Series 2017A, and Series 2017B, and use the proceeds thereof to reimburse the disbursements described herein.

SECTION 3. That the City Manager is hereby authorized to execute a construction services contract with TREG Erosion Control Specialists, LLC, approved as to form by the City Attorney, for the installation of erosion control improvements at four locations, in an amount not to exceed \$4,297,770.00.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$4,297,770.00 to TREG Erosion Control Specialists, LLC in accordance with the terms and conditions of the contract, as follows:

2024 Certificate of Obligation Fund	
Fund 0798, Department SDM, Unit W919, Activity SD01	
Object 4599, Program SD22W919	
Encumbrance/Contract No. SDM-2024-00024383	
Vendor VC21399	\$ 779,400.00

June 12, 2024

SECTION 4. (continued)

2024 Certificate of Obligation Fund
Fund 0798, Department SDM, Unit W414, Activity SD01
Object 4599, Program SD22W414
Encumbrance/Contract No. SDM-2024-00024383
Vendor VC21399 \$1,276,451.00

Storm Drainage Management Capital Construction Fund
Fund 0063, Department SDM, Unit X104, Activity SD01
Object 4599, Program SD23X104
Encumbrance/Contract No. SDM-2024-00024383
Vendor VC21399 \$ 536,555.00

Storm Drainage Management Capital Construction Fund
Fund 0063, Department SDM, Unit X105, Activity SD01
Object 4599, Program SD23X105
Encumbrance/Contract No. SDM-2024-00024383
Vendor VC21399 \$ 665,091.96

Park and Recreation Facilities (B) Fund
Fund 1V00, Department PKR, Unit VK45, Activity ERCT
Object 4599, Program PK17VK45
Encumbrance/Contract No. SDM-2024-00024383
Vendor VC21399 \$1,040,272.04

Total amount not to exceed \$4,297,770.00

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.



Agenda Information Sheet

File #: 24-1763

Item #: 38.

STRATEGIC PRIORITY: Transportation & Infrastructure

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 10

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize an increase in the construction services contract with SYB Construction Co., Inc., for the emergency replacement of a 60-inch diameter sanitary sewer pipeline behind 11400 Central Expressway - Not to exceed \$676,310.00, from \$21,003,141.50 to \$21,679,451.50 - Financing: Wastewater Construction Fund

BACKGROUND

Dallas Water Utilities (DWU) owns and operates a 60-inch diameter concrete sewer pipeline near the Cottonwood Trail behind 11400 Central Expressway. The existing pipeline was built in 1972 and has structurally failed, forming a sink hole at this location. There are two 48-inch diameter sanitary sewer pipelines discharging into this interceptor.

DWU investigated the 60-inch interceptor from manhole to manhole and found the pipe to be in very poor condition. The inspection report revealed that the top part of the pipeline has deteriorated (visible rebar and missing concrete pieces) and the bottom part was not visible due to high flows. The depth of the pipeline is 23 feet, and the peak flow is 55 million gallons per day. A 9-foot segment of pipe is missing where the sinkhole has surfaced and approximately 400 feet of the wastewater pipeline needs emergency replacement.

Due to the poor condition of the pipeline, its depth, the high volume of wastewater flow, and the adverse site conditions, the resources of a private construction company will be necessary. DWU received quotes from contractors with experience in completing similar repairs. SYB Construction Co., Inc. provided the best quote to complete the work and submitted a final cost proposal of \$676,310.00 on May 16, 2024. The estimate was reviewed by DWU and found to be a reasonable cost for the significance and difficulty of the work to be performed. Given the failure of the existing pipeline and threat of a more extensive structural failure that would impact the Cottonwood Trail and cause a Sanitary Sewer Overflow, DWU recommends immediately moving forward with the work utilizing the services of SYB Construction Co., Inc.

This action will authorized Changer Oder No. 1 to the construction services contract with SYB Construction Co., Inc. for emergency replacement of a 60-inch diameter sanitary sewer pipeline behind 11400 Central Expressway, in an amount not to exceed \$676,310.00, increasing the contract amount from \$21,003,141.50 to \$21,679,451.50.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	June 2024
Complete Construction	August 2024

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 9, 2022, the City Council authorized a construction services contract for the installation and rehabilitation of water and wastewater mains, the replacement of water transmission valves, and the extension of water and wastewater mains to unserved areas at 45 locations by Resolution No. 22-1699.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Wastewater Construction Fund	\$676,310.00	\$0.00	\$0.00

Construction	\$21,003,141.50
Change Order No. 1 (this action)	\$ 676,310.00

Total Project Cost	\$21,679,451.50
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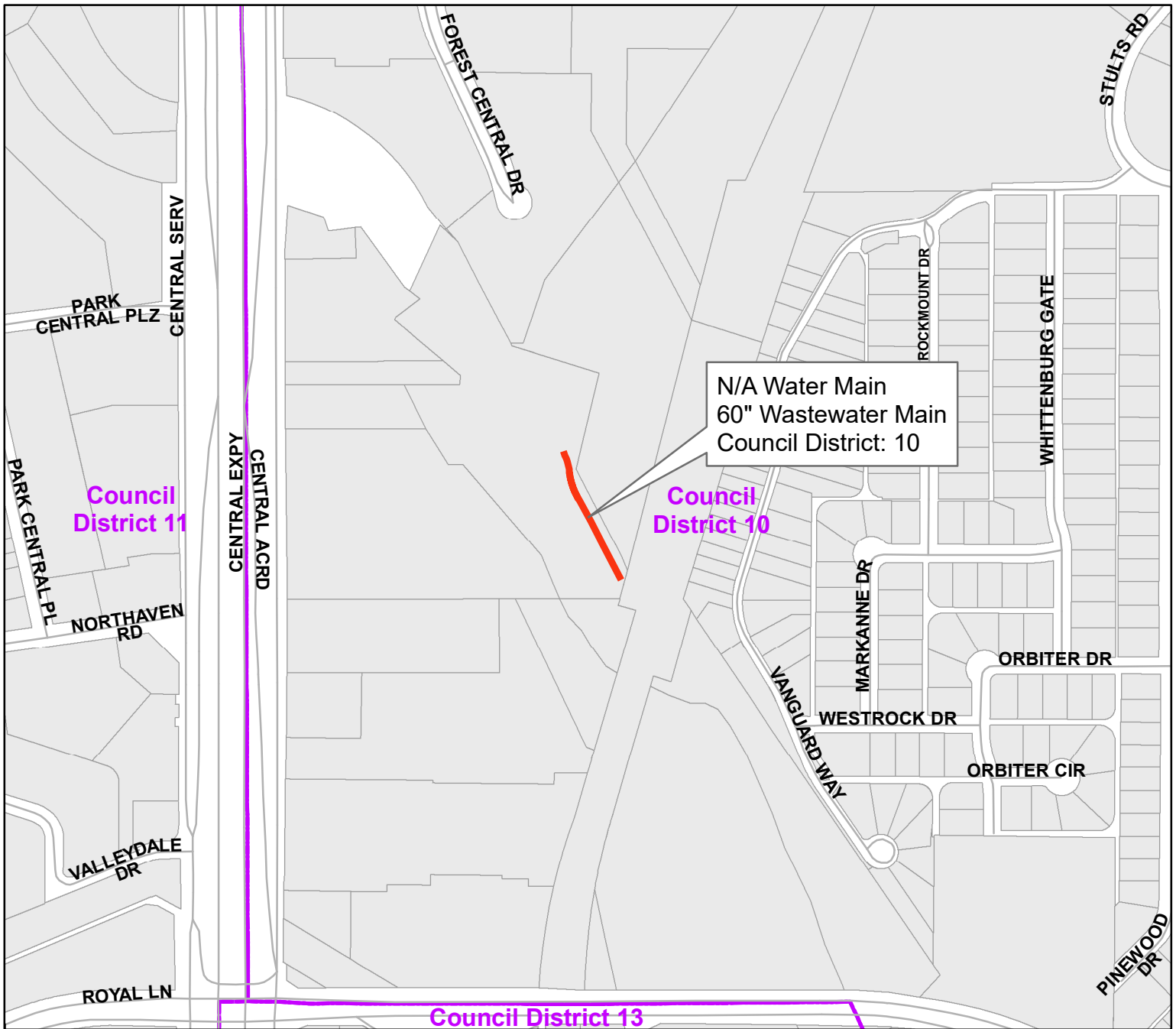
OWNER

SYB Construction Co., Inc.

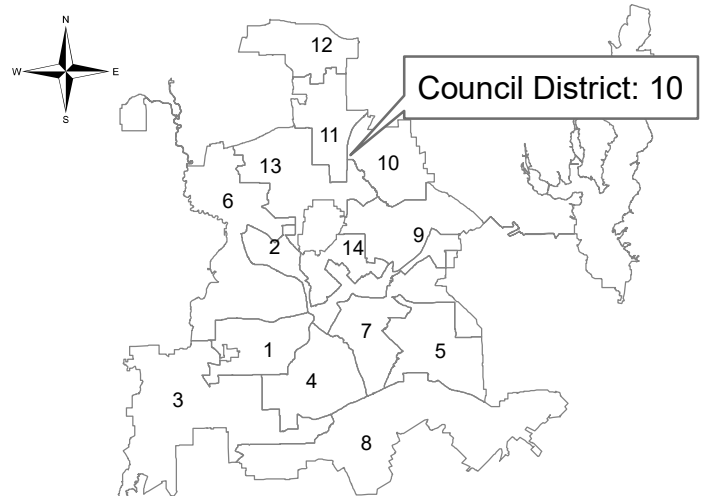
Brian Wood, Vice President

MAP

Attached



Easement west of Vanguard Way



Dallas Water Utilities
Contract No. 22-151/152
Change Order #1

Emergency Repair of 60" Wastewater Main

June 12, 2024

WHEREAS, on November 9, 2022, the City Council authorized a construction services contract for the installation and rehabilitation of water and wastewater mains, the replacement of water transmission valves, and the extension of water and wastewater mains to unserved areas at 45 locations, by Resolution No. 22-1699; and

WHEREAS, additional work is required for the emergency replacement of a 60-inch diameter sanitary sewer pipeline behind 11400 Central Expressway; and

WHEREAS, SYB Construction Co. Inc., 421 Compton Avenue, Irving, Texas 75061, has submitted an acceptable proposal for this additional work; and

WHEREAS, Dallas Water Utilities recommends that Contract No. 22-151/152 be increased by \$676,310.00, from \$21,003,141.50 to \$21,679,451.50.

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 SYB Construction Co. Inc. (Change Order No. 1) is authorized for additional work associated with the emergency replacement of a 60-inch diameter sanitary sewer pipeline behind 11400 Central Expressway, in an amount not to exceed \$676,310.00, increasing the contract amount from \$21,003,141.50 to \$21,679,451.50.

SECTION 2. That the proposed Change Order No. 1 with SYB Construction Co., Inc., be accepted, and that Contract No. 22-151/152 be revised accordingly.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$676,310.00 to SYB Construction Co., Inc. from the Wastewater Construction Fund, Fund 0103, Department DWU, Unit CS40, Object 4560, Program 722152, Encumbrance/Contract No. CX-DWU-2022-00020334, Vendor 507202.

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
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1672

Item #: 39.

AGENDA DATE: June 12, 2024

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)



Agenda Information Sheet

File #: 24-1824

Item #: 40.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary's Office

EXECUTIVE: Bilierae Johnson

SUBJECT

Election of Officers to the City Council for: **(1)** Mayor Pro Tem; and **(2)** Deputy Mayor Pro Tem, to each serve a one-year term, beginning Monday, June 17, 2024, and expiring on the day the new city council takes office in June 2025 - Financing: No cost consideration to the City

BACKGROUND

On June 14, 2023, the City Council determined that the process for electing the Mayor Pro Tem and Deputy Mayor Pro Tem, which were codified in the City Council Rules of Procedure to provide uniformity, transparency, and clarity. The City Council required a ballot procedure for nomination and election of Mayor Pro Tem and Deputy Mayor Pro Tem and approved that the Mayor Pro Tem and Deputy Mayor Pro Tem would be elected for one-year terms.

On the day the City Council takes office, the City Council shall elect a Mayor Pro Tem and a Deputy Mayor Pro Tem to serve one-year terms that expire on the first Monday following the first voting agenda meeting in June. Before the end of the initial one-year terms, the City Council shall elect a Mayor Pro Tem and a Deputy Mayor Pro Tem to serve one-year terms that expire on the day a new city council takes office. If the position of Mayor Pro Tem or Deputy Mayor Pro Tem becomes vacant, the City Council shall elect a Mayor Pro Tem or Deputy Mayor Pro Tem to serve for the remainder of the one-year term.

This action provides for the election for a Mayor Pro Tem and Deputy Mayor Pro Tem to serve beginning Monday, June 17, 2024, and expiring on the day the new City Council takes office in June 2025.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.



Agenda Information Sheet

File #: 24-1651

Item #: 41.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Budget and Management Services

EXECUTIVE: Jack Ireland

SUBJECT

Authorize **(1)** final adoption of the FY 2024-25 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$30,949,109 for the following programs and estimated amounts: **(a)** Community Development Block Grant (CDBG) in the amount of \$13,023,068; **(b)** HOME Investment Partnerships Program (HOME) in the amount of \$5,078,453; **(c)** Emergency Solutions Grant in the amount of \$1,213,719; **(d)** Housing Opportunities for Persons with AIDS in the amount of \$9,864,583; **(e)** estimated CDBG and HOME Program Income in the amount of \$700,000; and **(f)** FY 2023-24 Reprogramming Funds in the amount of \$1,069,286; and **(2)** the new Five-Year Consolidated Plan, covering the period of FY 2024-25 through FY 2028-29 - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

The City of Dallas receives four formula grants each year from the U.S. Department of Housing and Urban Development (HUD). Four grants make up the Consolidated Plan, and consist of: CDBG, HOME, Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The purpose of CDBG is to develop viable urban communities by providing decent housing and a suitable living environment, and expanding economic opportunities. HOME funds are used to develop, support, produce, and expand the supply of decent and affordable housing. ESG Funds help to prevent homelessness and assist individuals and families who are already homeless. HOPWA Funds provide housing and supportive services to persons living with human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS) and their family members.

In order to continue receiving the four grants from HUD, the City must have a Consolidated Plan. The Consolidated Plan covers a five-year planning period. It is a comprehensive analysis and strategic plan that identifies community needs, prioritizes those needs, and details how they will be addressed. Requirements for development and submission of the Consolidated Plan are found at 24 CFR, Part 91.

The current Consolidated Plan expires at the end of the current fiscal year (September 30, 2024). The new Five-Year Consolidated Plan will cover the period of October 1, 2024 through September 30, 2029.

Development of the new Five-Year Consolidated Plan launched in November 2023, with input from the Community Development Commission (CDC), a citizen advisory board appointed by the City Council. During January 2024, the CDC, along with City staff, conducted a total of eight public meetings. These meetings provided the public with opportunities to identify community needs, and comment and provide input on the approach for developing the new Five-Year Consolidated Plan and potential uses of HUD Grant Funds.

Public meetings were held as follows:

January 4, 2024 - City Hall & On-Line Virtual Meeting
January 8, 2024 - In-Person Meeting at Tommie C. Allen Recreation Center
January 9, 2024 - On-Line Virtual Meeting
January 10, 2024 - Ryan White Planning Council (In-Person & On-Line Virtual Meeting)
January 11, 2024 - On-Line Virtual Meeting (day)
January 11, 2024 - On-Line Virtual Meeting (evening)
January 18, 2024 - Telephone Town Hall Meeting
January 23, 2024 - Continuum of Care General Assembly On-Line Virtual Meeting

For budget development purposes, pending notification from HUD of the City's actual formula grant allocations, the City Manager's Proposed FY 2024-25 HUD Consolidated Plan Budget assumed level funding for all four grants. In order to meet statutory deadline requirements, development of the City's FY 2024-25 Consolidated Plan Budget and new Five-Year Consolidated Plan had to begin using preliminary estimates and could not wait for notification of actual grant amounts.

On February 28, 2024, the City Council authorized initial support of the approach for development of the new Five-Year Consolidated Plan, covering the period of FY 2024-25 through FY 2028-29 for the four HUD grant funds: CDBG, HOME, ESG, and HOPWA, by Resolution No. 24-0317.

The FY 2024-25 HUD Consolidated Plan Budget also includes CDBG Reprogramming Funds in the amount of \$1,069,286 to be budgeted as a "source of funds" as part of the FY 2024-25 CDBG Budget. The City Council authorized this amount: (a) on January 24, 2024 by Resolution No. 24-0164, to include \$569,286 in prior year unspent CDBG Funds; and (b) on February 28, 2024 by Resolution No. 24-0316, to include \$500,000 in funds available due to rescission of the CDBG Public Facility Improvements Project contract awarded to City Square Arts Opportunity Center, LLC, for public facility improvements to the Forest Theater.

On March 7, 2024, the CDC was briefed on the City Manager's Proposed FY 2024-25 HUD Consolidated Plan Budget and new Five-Year Consolidated Plan. The CDC held meetings to review the proposed budget.

On April 4, 2024, the CDC approved the City Manager's proposed budget with the following amendment: revise the description of the new Drivers of Poverty Program to include childcare.

On April 17, 2024, the City Council was briefed on the City Manager's Proposed FY 2024-25 HUD Consolidated Plan Budget and the new Five-Year Consolidated Plan. During the April 17 briefing, Council members were invited to submit amendments to the City Manager's Proposed FY 2024-25 HUD Consolidated Plan Budget.

On May 1, 2024, the City Council was briefed on the FY 2024-25 HUD Consolidated Plan Budget: City Council Discussion and Amendments. City Council Member Ridley proposed an amendment to reallocate funds from the new Drivers of Poverty Program to Community Courts. The amendment did not pass on straw vote.

On May 7, 2024, HUD posted the FY 2024 grant allocations for CDBG, HOME, ESG, and HOPWA grants on their website. The City Manager has proposed increases or decreases as necessary to balance the budget with available resources, including capped categories.

On May 8, 2024, the City Council authorized preliminary adoption of the Proposed FY 2024 25 HUD Consolidated Plan Budget, including CDBG Reprogramming Funds, new Five-Year Consolidated Plan, and a public hearing, by Resolution No. 24-0655. These budgets will have been made available for public review and comment from May 12, 2024 through June 11, 2024.

On May 17, 2024, the City Council was briefed by memorandum on the actual HUD grant allocations for the FY 2024-25 Consolidated Plan Budget. A copy of this memorandum was provided to the CDC on or about May 17, 2024.

On May 22, 2024, the City Council conducted a public hearing on the Proposed FY 2024-25 HUD Consolidated Plan Budget, which was held under advisement until June 12, 2024, with the public hearing open, and which satisfies the requirements set forth in HUD regulations and the City's Citizen Participation Plan.

A summary of the Proposed FY 2024-25 HUD Consolidated Plan Budget and new Five-Year Consolidated Plan was published in the Dallas Morning News on or about May 12, 2024 (with estimated awards) and May 26, 2024 (with final awards), to provide an opportunity to submit written comments through June 11, 2024.

This action authorizes final adoption of the FY 2024-25 HUD Consolidated Plan Budget, including CDBG Reprogramming Funds, and new Five-Year Consolidated Plan.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The City Council was briefed on the requirements for submitting a HUD Consolidated Plan for FY 2024-25 through FY 2028-29 on October 18, 2023.

The CDC was briefed and provided input on the process for development of the HUD Five-Year Consolidated Plan on November 2, 2023.

[The City Council was briefed by memorandum regarding this matter on December 8, 2023.](#)

[The Government Performance and Financial Management Committee was briefed by memorandum regarding this matter on January 19, 2024.](#)

On January 24, 2024, the City Council authorized (1) an extension through September 30, 2024 for CDBG Funds in CDBG funded projects that have not met the City's twelve-month obligation or twenty-four-month expenditure requirement; (2) preliminary adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 2) to the FY 2023-24 Action Plan to use unspent CDBG CARES Act Relief Funds for the Emergency Rental Assistance Program; (3) establish a new fund to separate CDBG-DR Funds previously received to comply with HUD rules; and (4) a public hearing to be held on February 28, 2024, to receive comments on the proposed use of funds for Reprogramming Budget No. 1 (Substantial Amendment No. 2) to the FY 2023-24 Action Plan, by Resolution No. 24-0164.

The City Council was briefed on the "HUD 5-Year Consolidated Plan for FY 2024-25 through FY 2028-29" on January 31, 2024.

[The Government Performance and Financial Management Committee was briefed by memorandum regarding this matter February 26, 2024.](#)

On February 28, 2024, the City Council authorized (1) rescinding the Community Development Block Grant Contract - Public Facility Improvements Project contract awarded to City Square Arts Opportunity Center, LLC, previously approved on January 21, 2021, by Resolution No. 21-0246, to complete public facility improvements to the Forest Theater located at 1918 Martin Luther King Jr. Boulevard; and (2) the funds to be reprogrammed for other eligible uses during the development of the FY 2024-25 Community Development Block Grant by Resolution No. 24-0316.

On February 28, 2024, the City Council authorized initial support of the approach for development of the new 5-Year Consolidated Plan, covering the period of FY 2024-25 through FY 2028-29 for the four HUD grant funds: CDBG, HOME, ESG, and HOPWA, as prescribed by federal regulations by Resolution No. 24-0317.

The CDC was briefed on the City Manager's Proposed FY 2024-25 HUD Consolidated Plan Budget and new Five-Year Consolidated Plan, followed by CDC Committees held meetings to review the proposed budget on March 7, 2024.

On April 4, 2024, the CDC approved the City Manager's proposed budget and new Five-Year Consolidated Plan with the following amendment: revise the description of the new Drivers of Poverty Program to include childcare.

The City Council was briefed on the "City Manager's Proposed FY 2024-25 HUD Consolidated Plan Budget and the new Five-Year Consolidated Plan" on April 17, 2024.

The City Council was briefed on "City Council Discussion and Amendments to the FY 2024-25 HUD Consolidated Plan Budget and new Five-Year Consolidated Plan" on May 1, 2024.

On May 8, 2024, the City Council authorized preliminary adoption of the Proposed FY 2024-25 HUD Consolidated Plan Budget, new Five-Year Consolidated Plan, and a public hearing to receive comments on the proposed use of funds by Resolution No. 24-0655.

[The City Council was briefed by memorandum on the actual HUD grant allocations for the FY 2024-25 Consolidated Plan Budget on May 17, 2024.](#)

On May 22, 2024, the City Council conducted a public hearing on the Proposed FY 2024-25 HUD Consolidated Plan Budget, which was held under advisement until June 12, 2024, with the public hearing open.

FISCAL INFORMATION

This action has no cost consideration to the City.

Fund	FY 2025	FY 2026	Future Years
Community Development Block Grant Funds	\$13,023,068.00	\$0.00	\$0.00
HOME Investment Partnerships Program Grant Funds	\$ 5,078,453.00	\$0.00	\$0.00
Emergency Solutions Grant Funds	\$ 1,213,719.00	\$0.00	\$0.00
Housing Opportunities for Persons with AIDS Grant Funds	\$ 9,864,583.00	\$0.00	\$0.00
Program Income (estimate)	\$ 700,000.00	\$0.00	\$0.00
FY 2023-24 Reprogrammed Funds	\$ 1,069,286.00	\$0.00	\$0.00
Total	\$30,949,109.00	\$0.00	\$0.00

Proposed FY 2024-25 HUD Consolidated Plan Budget

CDBG:	\$13,023,068	FY 2024-25 Entitlement
	\$ 200,000	Program Income (estimate)
	<u>\$ 1,069,286</u>	FY 2023-24 Reprogrammed Funds
	\$14,292,354	
HOME:	\$ 5,078,453	FY 2024-25 Entitlement
	<u>\$ 500,000</u>	Program Income (estimate)
	\$ 5,578,453	
ESG:	\$ 1,213,719	FY 2024-25 Entitlement
HOPWA:	<u>\$ 9,864,583</u>	FY 2024-25 Entitlement
	\$30,949,109	Total FY 2024-25 HUD Consolidated Plan Budget

June 12, 2024

WHEREAS, the Consolidated Plan is a comprehensive analysis and strategic plan that identifies community needs, prioritizes those needs, details how needs will be addressed and covers a five-year planning period; and

WHEREAS, the City must have a Consolidated Plan in order to continue receiving four formula grants each year from the U.S. Department of Housing and Urban Development (HUD), including Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA); and

WHEREAS, the current Consolidated Plan expires at the end of the current fiscal year (September 30, 2024), and the new Five-Year Consolidated Plan will cover the period of October 1, 2024 through September 30, 2029; and

WHEREAS, the City Council was briefed on the new Five-Year Consolidated Plan on October 18, 2023, December 8, 2023 by memorandum, and January 31, 2024; and

WHEREAS, development of the new Five-Year Consolidated Plan launched in November 2023, with input from the Community Development Commission (CDC); and

WHEREAS, during January 2024, the CDC and City staff conducted eight public meetings that provided the public with opportunities to participate in identifying needs and to comment and provide input on the approach for developing the new Five-Year Consolidated Plan and potential uses of HUD grant funds; and

WHEREAS, in order to meet statutory deadline requirements, development of the City's FY 2024-25 Consolidated Plan Budget began using preliminary estimates, pending notification from HUD of actual formula grant allocations; and

WHEREAS, on February 28, 2024, the City Council authorized initial support of the approach for development of the new Five-Year Consolidated Plan, covering the period of FY 2024-25 through FY 2028-29 for the four HUD grant funds: CDBG, HOME, ESG, and HOPWA, by Resolution No. 24-0317; and

WHEREAS, the FY 2024-25 HUD Consolidated Plan Budget also includes CDBG Reprogramming Funds in the amount of \$1,069,286 to be budgeted as a "source of funds" as part of the FY 2024-25 CDBG Budget, as authorized by the City Council: (a) on January 24, 2024 by Resolution No. 24-0164, to include \$569,286 in prior year unspent CDBG funds; and (b) on February 28, 2024 by Resolution No. 24-0316, to include \$500,000 in funds available due to rescission of the Community Development Block Grant Public Facility Improvements Project contract awarded to City Square Arts Opportunity Center, LLC, for public facility improvements to the Forest Theater; and

June 12, 2024

WHEREAS, on March 7, 2024, the CDC was briefed on the “City Manager's Proposed FY 2024-25 HUD Consolidated Plan Budget”, which is included within the new Five-Year Consolidated Plan, and CDC Committees held meetings to review the proposed budget; and

WHEREAS, on April 4, 2024, the CDC approved the City Manager’s Proposed FY 2024-25 HUD Consolidated Plan Budget and new Five-Year Consolidated Plan with the following amendment: revise the description of the new Drivers of Poverty to include childcare; and

WHEREAS, on April 17, 2024, the City Council was briefed on the “City Manager’s Proposed FY 2024-25 HUD Consolidated Plan Budget and new Five-Year Consolidated Plan”; and

WHEREAS, on May 1, 2024, the City Council was briefed on “City Council Discussion and Amendments to the FY 2024-25 HUD Consolidated Plan Budget and new Five-Year Consolidated Plan”; and

WHEREAS, on May 7, 2024, HUD posted the FY 2024 grant allocations for CDBG, HOME, ESG, and HOPWA grants on their website, and the City Manager has proposed increases or decreases as necessary to balance the budget with available resources, including capped categories; and

WHEREAS, on May 8, 2024, the City Council authorized preliminary adoption of the Proposed FY 2024-25 HUD Consolidated Plan Budget and a public hearing, by Resolution No. 24-0655; and

WHEREAS, on May 17, 2024, the City Council was briefed by memorandum on the actual HUD grant allocations for the FY 2024-25 Consolidated Plan Budget, with a copy provided to the CDC on or about May 17, 2024; and

WHEREAS, on May 22, 2024, the City Council conducted a public hearing on the Proposed FY 2024-25 HUD Consolidated Plan Budget and new Five-Year Plan, which was held under advisement until June 12, 2024, with the public hearing open, and which satisfies the requirements set forth in HUD regulations and the City’s Citizen Participation Plan; and

WHEREAS, a summary of the Proposed FY 2024-25 HUD Consolidated Plan Budget new Five-Year Consolidated Plan was published in the Dallas Morning News on or about May 12, 2024 (with estimated awards) and May 26, 2024 (with final awards), to provide a reasonable opportunity for residents, public agencies, and other interested parties to examine its content and to submit written comments through June 11, 2024.

June 12, 2024

Now, Therefore,

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

SECTION 1. That final adoption of the FY 2024-25 HUD Consolidated Plan Budget, including FY 2023-24 CDBG Reprogramming Funds, per the attached Schedule A, and new Five-Year Consolidated Plan, is approved.

SECTION 2. That the City Manager is authorized to apply for, accept, and take actions to implement the CDBG Grant (Grant No. B-24-MC-48-0009 and Assistance Listing No. 14.218) (CDBG - \$14,292,354, which includes \$13,023,068 in grant funds, \$200,000 in program income, and \$1,069,286 in FY 2023-24 Reprogrammed Funds), the HOME Grant (Grant No. M-24-MC-48-0203 and Assistance Listing No. 14.239) (HOME - \$5,578,453, which includes \$5,078,453 in grant funds and \$500,000 in program income), the ESG Grant (Grant No. E-24-MC-48-0009 and Assistance Listing No. 14.231) (ESG - \$1,213,719), and the HOPWA Grant (Grant No. TXH24-F001 and Assistance Listing No. 14.241) (HOPWA - \$9,864,583), in the total amount of \$30,949,109, and is authorized to execute the contracts and grant agreements with HUD and all documents related to the execution of the grants, each approved as to form by the City Attorney.

SECTION 3. That the City Manager is authorized to establish FY 2024-25 appropriations as follows:

- Community Development Block Grant Program in Fund CD24 up to the amount of \$14,292,354, consisting of the entitlement grant of \$13,023,068, estimated program income of \$200,000 to be returned to the City as set forth in the attached Schedule B, and FY 2023-24 Reprogramming Funds in the amount of \$1,069,286 effective October 1, 2024.
- HOME Investment Partnerships Program in Fund HM24 up to the amount of \$5,578,453, consisting of the entitlement grant of \$5,078,453 and estimated program income of \$500,000 to be returned to the City as set forth in the attached Schedule B, effective October 1, 2024.
- Emergency Solutions Grant in Fund ES24 up to the amount of \$1,213,719 as set forth in the attached Schedule B, effective October 1, 2024.
- Housing Opportunities for Persons with AIDS in Fund HW24 up to the amount of \$9,864,583 as set forth in the attached Schedule B, effective October 1, 2024.

SECTION 4. That the Chief Financial Officer is authorized to receive funds up to the amounts set forth in the attached Schedule C.

June 12, 2024

SECTION 5. That the Chief Financial Officer is authorized to disburse funds up to the amounts set forth in the attached Schedule C.

SECTION 6. That the City Manager is authorized to release funds in the amount of \$1,069,286 as shown in the attached Schedule D from their originally budgeted purposes, schedule them for reprogramming in accordance with required rules and procedures, and establish FY 2023-24 Reprogramming appropriations in Fund 23RP in the amount of \$1,069,286, as set forth in the attached Schedule D, effective October 1, 2024.

SECTION 7. That the City Manager is authorized to take all actions necessary to account for and report the use of HUD Grant Funds, including but not limited to creating additional funds/units, and transferring appropriations, expenses and/or cash between funds/units, projects, and individual object codes and/or categories in accordance with HUD regulations and the City's Citizen Participation Plan.

SECTION 8. That the City Manager is authorized to reimburse to HUD any expenditures identified as ineligible.

SECTION 9. That the City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 10. That the City Manager shall keep the appropriate City Council Committee informed of all final HUD audit reports not later than 30 days after the receipt of the reports.

SECTION 11. That the City Manager is authorized to provide additional information, adjust, and take other actions relating to these grants and grant budgets, including but not limited to, designating and reporting on sources of funds for ESG and HOME matching contributions, as may be necessary in order to satisfy HUD requirements.

SECTION 12. That the City Manager is authorized to execute all documents and agreements necessary to implement rental assistance programs funded hereunder including rental assistance payment agreements with landlords participating in the programs, approved as to form by the City Attorney.

SECTION 13. That the CDBG Grant from HUD (Grant No. B-24-MC-48-0009 and Assistance Listing No. 14.218) is designated as Contract No. BMS-2024-00021923.

SECTION 14. That the HOME Grant from HUD (Grant No. M-24-MC-48-0203 and Assistance Listing No. 14.239) is designated as Contract No. BMS-2024-00021924.

June 12, 2024

SECTION 15. That the ESG Grant from HUD (Grant No. E-24-MC-48-0009 and Assistance Listing No. 14.231) is designated as Contract No. BMS-2024-00021925.

SECTION 16. That the HOPWA Grant from HUD (Grant No. TXH24-F001 and Assistance Listing No. 14.241) is designated as Contract No. BMS-2024-00021926.

SECTION 17. 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

FY 2024-25 HUD CONSOLIDATED PLAN BUDGET

	Project Name	Amount
<u>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)</u>		
<u>CDBG - Public Services</u>		
1	PKR Out-of-School Time Program	\$ 738,301
2	Early Childhood and Out-of-School Time Services Program	650,000
	Youth Programs Sub-Total	1,388,301
3	Drivers of Poverty Program	618,565
	Other Public Services Sub-Total	618,565
	Total CDBG - Public Services	2,006,866
<u>CDBG - Housing Activities</u>		
4	Dallas Homebuyer Assistance Program	400,000
	Homeownership Opportunities Sub-Total	400,000
5	Home Improvement and Preservation Program (HIPP)	4,302,888
6	Residential Development Acquisition Loan Program	2,638,224
	Homeowner Repair Sub-Total	6,941,112
	Total CDBG - Housing Activities	7,341,112
<u>CDBG - Public Improvements</u>		
7	Public Facilities and Improvements	2,339,762
	Total CDBG - Public Improvement	2,339,762
<u>CDBG - Fair Housing and Planning & Program Oversight</u>		
8	Fair Housing Division	530,112
9	Citizen Participation CDC Support HUD Oversight	812,480
10	Community Care Management Support	153,200
11	Housing Management Support	707,618
12	HUD Environmental Review	401,204
	Total CDBG - Fair Housing and Planning & Program Oversight	2,604,614
	TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT	14,292,354
<u>HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)</u>		
13	CHDO Development Loan Program	765,000
14	HOME Project Cost	450,000

SCHEDULE A

FY 2024-25 HUD CONSOLIDATED PLAN BUDGET

	Project Name	Amount
15	HOME Program Administration	507,000
16	Dallas Homebuyer Assistance Program	400,000
17	Housing Development Loan Program	3,456,453
	Homeownership Opportunities Sub-Total	5,578,453
TOTAL HOME INVESTMENT PARTNERSHIP PROGRAM		5,578,453

EMERGENCY SOLUTIONS GRANT (ESG)

18	Emergency Shelter	563,318
19	Street Outreach	164,913
	Essential Services/Operations Sub-Total	728,231
20	Homelessness Prevention	246,086
	Homeless Prevention Sub-Total	246,086
21	Rapid Re-Housing	148,373
	Rapid Re-Housing Sub-Total	148,373
22	ESG Administration	91,029
	Program Administration Sub-Total	91,029
TOTAL EMERGENCY SOLUTIONS GRANT		1,213,719

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

23	Emergency/Tenant Based Rental Assistance	6,170,681
24	Facility Based Housing	2,682,450
25	Housing Placement & Other Support Services	163,395
26	Housing Information Services/Resource Identification	160,500
	Other Public Services Sub-Total	9,177,026
27	Program Administration/City of Dallas	295,937
28	Program Administration/Project Sponsors	391,620
	Program Administration Sub-Total	687,557
TOTAL HOUSING OPPORTUNITIES FOR PERSONS W/ AIDS		9,864,583

GRAND TOTAL HUD CONSOLIDATED PLAN BUDGET		\$30,949,109
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SCHEDULE B
FY 2024-25 HUD CONSOLIDATED PLAN BUDGET
APPROPRIATIONS AND ORGANIZATIONAL HIERARCHY

FUND	DEPT.		FY 2024-25 ADOPTED BUDGET	UNIT 1	UNIT 2
CD24		<u>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)</u>	<u>\$ 13,223,068</u>		
		<u>Housing & Neighborhood Revitalization</u>	<u>6,979,444</u>	CDHO	
1	HOU	Dallas Homebuyer Assistance Program	400,000		801K
2	HOU	Home Improvement and Preservation Program (HIPP)	3,094,038		802K
3	HOU	Support for Home Improvement and Preservation Program (HIPP)	1,208,850		803K
4	HOU	Residential Development Acquisition Loan Program	1,568,938		804K
5	HOU	Housing Management Support	707,618		805K
		<u>Management Services/Fair Housing</u>	<u>530,112</u>	CDMG	
6	MGT	Fair Housing Division	530,112		806K
		<u>Management Services/Office of Community Care</u>	<u>1,421,765</u>	CDMG	
7	MGT	Drivers of Poverty Program	618,565		807K
8	MGT	Early Childhood and Out-of-School Time Services Program	650,000		808K
9	MGT	Community Care Management Support	153,200		809K
		<u>Budget & Management Services</u>	<u>3,553,446</u>	CDBM	
10	BMS	Public Facilities and Improvements	2,339,762		810K
11	BMS	Citizen Participation/CDC Support/HUD Oversight	812,480		811K
12	BMS	HUD Environmental Review	401,204		812K
		<u>Park and Recreation</u>	<u>738,301</u>	CDPK	
13	PKR	Out-of-School Time Program - School Sites	606,370		813K
14	PKR	Out-of-School Time Program - Community Sites	131,931		814K
HM24		<u>HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)</u>	<u>5,578,453</u>	HMHO	
		<u>Housing & Neighborhood Revitalization</u>			
15	HOU	CHDO Development Loan Program	765,000		815K
16	HOU	HOME Project Cost	450,000		816K
17	HOU	HOME Program Administration	507,000		817K
18	HOU	Dallas Homebuyer Assistance Program	400,000		818K
19	HOU	Housing Development Loan Program	2,956,453		819K
20	HOU	Housing Development Loan Program - PI	500,000		820K
ES24		<u>EMERGENCY SOLUTIONS GRANT (ESG)</u>	<u>1,213,719</u>		
		<u>Management Services/Office of Homeless Solutions</u>	<u>944,633</u>	ESMG	
21	MGT	Emergency Shelter	563,318		821K
22	MGT	Street Outreach	164,913		822K
23	MGT	Rapid Re-Housing	148,373		823K
24	MGT	ESG Administration	68,029		824K
		<u>Management Services/Office of Community Care</u>	<u>246,086</u>	ESMG	
25	MGT	Homelessness Prevention	246,086		825K
		<u>Budget & Management Services</u>	<u>23,000</u>	ESBM	

SCHEDULE B
FY 2024-25 HUD CONSOLIDATED PLAN BUDGET
APPROPRIATIONS AND ORGANIZATIONAL HIERARCHY

FUND	DEPT.		FY 2024-25 ADOPTED BUDGET	UNIT 1	UNIT 2
26	BMS	ESG Administration	23,000		826K
HW24		<u>HOUSING OPPORTUNITIES FOR PERSONS W/AIDS (HOPWA)</u>	<u>9,864,583</u>		
		<u>Management Services/Office of Community Care</u>	<u>9,725,420</u>	HWMG	
27	MGT	Emergency/Tenant Based Rental Assistance	6,170,681		827K
28	MGT	Facility Based Housing	2,682,450		828K
29	MGT	Housing Placement & Other Support Services	163,395		829K
30	MGT	Housing Information Services/Resource Identification	160,500		830K
31	MGT	Program Administration/City of Dallas	156,774		831K
32	MGT	Program Administration/Project Sponsors	391,620		832K
		<u>Budget & Management Services</u>	<u>139,163</u>	HWBM	
33	BMS	Program Administration/City of Dallas	139,163		833K
23RP		<u>FY2023-24 CDBG Reprogramming</u>	<u>1,069,286</u>	CDHO	
34	HOU	Residential Development Acquisition Loan Program	1,069,286		834K
CONSOLIDATED PLAN TOTAL			<u>\$ 30,949,109</u>		

SCHEDULE C
FY 2024-25 HUD CONSOLIDATED PLAN BUDGET
SOURCE OF FUNDS

SOURCE OF FUNDS	Amount
Community Development Block Grant (CDBG)	\$ 13,023,068
Program Income - Housing Activities (estimated)	200,000
FY 2023-24 CDBG Reprogrammed Funds	1,069,286
Home Investment Partnerships Program (HOME)	5,078,453
Program Income (estimated)	500,000
Emergency Solutions Grant (ESG)	1,213,719
Housing Opportunities for Persons With AIDS (HOPWA)	<u>9,864,583</u>
GRAND TOTAL HUD GRANT FUNDS	\$ 30,949,109

SCHEDULE D
SOURCE OF FUNDS FOR FY 2023-24 REPROGRAMMING

FY18-19 Funds Reprogrammed	71,604
Total FY 2018-19	71,604
FY19-20 Funds Reprogrammed	36,185
Total FY 2019-20	36,185
FY 20-21 Funds Reprogrammed	10,006
CDBG Public Facility Improvements Project (City Square)	500,000
Total FY 2020-21	510,006
FY21-22 Funds Reprogrammed	186
Total FY 2021-22	186
South Dallas/Fair Park Community Court	79,206
Citizen Participation/CDC Support/HUD Oversight	169,178
Out-of-School Time Services	185,401
Out-of-School Time Program - School Sites-Community Site	17,520
Total FY 2022-23	451,305
TOTAL CDBG REPROGRAMMING	\$1,069,286



Agenda Information Sheet

File #: 24-1825

Item #: 42.

STRATEGIC PRIORITY: Quality of Life, Arts & Culture
AGENDA DATE: June 12, 2024
COUNCIL DISTRICT(S): All
DEPARTMENT: Department of Convention and Event Services
EXECUTIVE: Robin Bentley

SUBJECT

Authorize a three-year service contract with two one-year renewal options for permitting software licenses and services for the Convention and Event Services Department's Office of Special Events with Event Approvals, Inc. - Not to exceed \$142,500.00 - Financing: Convention and Event Services Fund (subject to annual appropriations) (This item was deferred on May 22, 2024)

BACKGROUND

Understanding that the City Manager goals for FY 20-21 included the acquisition of a permitting platform to improve customer service and efficiencies, Conventions and Event Services Department of Special Events (CES-OSE) completed a six-month comprehensive review of software options to streamline the needs of special event permit applicants while maintaining an auditable and fiscally responsive process that aligns with Special Event Ordinance - Chapter 42A. As a result of the review, staff recommended procurement of Event Approvals, Inc., a permitting platform specifically designed to meet the needs of local and regional governments and agencies which hold responsibility for special event processes.

In the Fall of 2021, CES-OSE staff submitted a Special Need Consideration Memo to the City Manager for signature requesting approval to engage a licensing contract for Event Approvals, Inc. for an annual licensing cost of \$49,500, which fell below the Administrative Action threshold. The memo was approved and a contract for \$49,500 for December 2021 was developed.

In the summer of 2022, Event Approvals, Inc. went live to the public with the launch of the Commercial Promoter Registration program followed by Special Event Permit applications. Trainings were provided to clients and internal and external stakeholders. Event Approvals, Inc. has been live to customers and clients for over two years with over six types of applications launched including: special event permits, commercial promoter registrations, streetlight pole banner permits, commercial filming permits, neighborhood market permits, and Fair Park Parking Licenses.

The Event Approvals, Inc. platform, has increased the transparency and efficiency of the permitting review process. CES-OSE has issued approximately 1,000 permits since the city launched the platform. There was no interruption of permitting services during the 2023 cyber-attack.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 22, 2024, this item was deferred by Councilmember Jesse Moreno.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Convention and Event Services Fund	\$47,500.00	\$47,500.00	\$47,500.00

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
\$142,500.00	Other Services	23.00%
M/WBE Subcontracting %	M/WBE Overall %	M/WBE Overall Participation \$
0.00%	0.00%	\$0.00
• This item does not meet the M/WBE subcontracting goal.		
• Event Approvals, Inc - Non-Local; Workforce - 0.00% Local		

OWNER**Event Approvals, Inc**

Suite 600, 777 Hornby Street
Vancouver, BC,
Canada V6Z1S4

Karen Ng, Director of Customer Success

June 12, 2024

WHEREAS, the City desires to implement a special event permitting platform in an effort to process permit applications through its Office of Special Events (OSE); and

WHEREAS, it was determined that Event Approvals, Inc can best provide the required service; and

WHEREAS, on August 4, 2021, Administrative Action No. 21-6680 authorized a service agreement to provide permitting software to the Office of Special Events with Event Approvals, Inc, in an amount not to exceed \$49,500.00; and

WHEREAS, on February 10, 2022, Administrative Action No. 22-5324 authorized Supplemental Agreement No. 1 was authorized for a web-based permit management system, software use and hosting agreement with Event Approvals, Inc to include a payment structure to the agreement, with zero costs, having no effect on the contract amount; and

WHEREAS, on September 28, 2022, Administrative Action No. 22-6688 authorized Supplemental Agreement No. 2 was authorized to extend the agreement for a web-based permit management system, software use and hosting agreement with Event Approvals, Inc by six months, with zero costs, having no effect on the contract amount; and

WHEREAS, on March 30, 2023, Administrative Action No. 23-5617 authorized Supplemental Agreement No. 3 was authorized to extend the agreement for a web-based permit management system, software use and hosting agreement with Event Approvals, Inc by six months, with zero costs, having no effect on the contract amount; and

WHEREAS, on September 27, 2023, Administrative Action No. 23-6286 authorized Supplemental Agreement No. 4 was authorized for a web-based permit management system, software use and hosting agreement with Event Approvals, Inc to extend the agreement three months in an amount not to exceed \$11,250.00; and

WHEREAS, on January 9, 2024, Supplemental Agreement No. 5 was authorized for a web-based permit management system, software use and hosting agreement with Event Approvals, Inc to extend the agreement 91 days. No cost consideration, by Administrative Action No. 24-5120.

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 Event Approvals, Inc, approved as to form by the City Attorney, for permitting software licenses and services for the Convention and Event Services Department's Office of Special Events for a term of three years, with two one-year renewal options, in an amount not to exceed \$142,500.00.

June 12, 2024

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount of \$142,500.00 (subject to annual appropriations) to Event Approvals, Inc from Fund 0080, Department CCT, Unit 7815, Object 3099, Service Contract No. CCT-2024-00024892, Vendor VC23482.

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.



Agenda Information Sheet

File #: 24-1826

Item #: 43.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: June 12, 2024
COUNCIL DISTRICT(S): 11
DEPARTMENT: Department of Housing & Neighborhood Revitalization
EXECUTIVE: Robin Bentley

SUBJECT

Authorize **(1)** the approval of the City Council of the City of Dallas, to act as the applicable elected representative, as defined by Section 147(f)(2)(E) of the Internal Revenue Code of 1986, as amended (Code), of the issuance of multifamily residential mortgage revenue bonds (Bonds) issued by the City of Dallas Housing Finance Corporation (DHFC or Issuer) in one or more series of tax-exempt bonds in an amount not to exceed \$31,000,000.00; proceeds of the Bonds will be loaned April Housing, or its affiliate, 13695 Goldmark Drive (TX) Owner, LP (collectively referred to as Borrower) to finance a portion of the cost of the renovation of units for an affordable multifamily complex to be known as Waterford at Goldmark and located at 13695 Goldmark Drive, Dallas, Texas, 75240 (Development); and **(2)** the approval of the application of the Texas Housing Finance Corporations Act, Chapter 394, Local Government Code (Act), to the property on which the Development will be constructed and the use of proceeds of the bonds issued by the DHFC pursuant to the Act to finance and construct the Development; a public hearing with respect to the Bonds and the Development was held on April 18, 2024 after reasonable public notice was published in a newspaper of general circulation in the City of Dallas all in compliance with Section 147(f) of the Code - Financing: No cost consideration to the City (This item was deferred on May 22, 2024)

BACKGROUND

April Housing, or its affiliate, 13695 Goldmark Drive (TX) Owner, LP (collectively referred to as Borrower) proposes the DHFC or its affiliate (DHFC) acquire and renovate the property at 13695 Goldmark Drive and subsequently enter into a long-term lease for the Development. The Development will consist of 220 renovated units. The 220 units are comprised of 112 one-bedroom and 108 two-bedroom units. The units will include energy efficient appliances, washer/dryer hookups, covered entries/patios, and other features required by the Texas Department of Housing and Community Affairs (TDHCA).

Waterford at Goldmark is a 1997 built, 220-unit, affordable housing property located in Dallas, Texas. Community amenities include a business center, clubhouse, fitness center, salon, theater room, swimming pool, elevator service, gated access, on-site laundry facility, barbecue, and picnic area.

Residents have public transportation access to downtown, utilizing the stop of the Dallas Area Rapid Transit bus which is walking distance from the Property.

The proposed renovation budget is \$8,880,000.00 (approximately \$40,000.00/unit) in hard costs (exclusive of general contractor requirements, contractor's profit, and overhead). Renovations will include the following:

- woods and plastic repairs (includes kitchen cabinets, countertops, etc.),
- drywall/floor/ceiling/paint, and
- plumbing/heating, ventilation, and air conditioning repair/replacement.

Major items include:

- replacement of new roof shingles and underlayment,
- installation of Luxury Vinyl Plank flooring,
- interior and exterior paint,
- mechanical system upgrades,
- low-flow toilets/showerheads, and
- air conditioner condenser and heat pump system replacement.

Planned rehab includes light tenant-relocation during rehab. During the renovations, there will be upgrades to eight units to be fully Americans with Disabilities Act (ADA) compliant. The scope of work for these units includes the reconfiguration of new kitchen cabinetry to allow for proper clearances, a renovated and enlarged bathroom to allow for proper clearances, new paint and flooring and new interior doors. The tenants in the units will need to be relocated for four weeks. In addition to the ADA upgrades, 142 units will have full unit renovations. The households in these units will need to be out of their apartments for one week to accommodate construction. At all units, residents, and their belongings, will need to be fully relocated while renovations are being completed in their units. Renovations may include new plumbing fixtures, light fixtures, cabinets & countertops, flooring, paint, roofing, appliances, and site amenities. The Applicant has budgeted \$880,000.00 for tenant relocations (\$4,000.00/unit).

On October 10, 2023, the DHFC authorized an inducement in an amount not to exceed \$31,000,000.00. On October 19, 2023, the Borrower submitted an application for the allocation of \$31,000,000.00 in private activity bonds to the Texas Bond Review Board. The DHFC is awaiting the bond reservation.

Since the Development is located within the City of Dallas, Section 147 (f) of the Internal Revenue Code requires that in order for the bonds to be tax exempt, the City Council, the applicable elected representative of the City of Dallas, must approve the issuance of the bonds by the Issuer following a public hearing. The City of Dallas is not asked to issue bonds. The bonds shall not be a debt, liability, or an obligation of the City nor shall any of the City's assets be pledged for payment of the bonds. The City's name will not appear on the bonds. The approval being requested is only for the purpose of complying with federal law and with regard to tax exempt debt.

The Tax Equity and Fiscal Responsibility Act (“TEFRA”) hearing notice was published in the *Dallas Morning News* on April 10, 2024. On April 18, 2024, the public hearing was held with no outside participants in attendance, and thus, no comments made. Under applicable federal income tax law, the TEFRA approval may only be valid for a one-year term. It is anticipated that the tax-exempt bonds to fund a portion of the costs for the Development will close on or about July 2024.

The Texas Housing Finance Corporations Act, Chapter 394 of the Texas Local Government Code requires that the City of Dallas approve the issuance of bonds by the DHFC and their use to finance the construction and development of affordable housing.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 10, 2023, the DHFC authorized an inducement in an amount not to exceed \$31,000,000.00.

On February 14, 2024, the City Council held a public hearing and following, adopted a Resolution of No Objection related to the Development and Borrower’s 4% Non-Competitive Low Income Housing Tax Credits application to TDHCA by Resolution No. 24-0288.

[The Housing and Homelessness Solutions Committee was briefed by memorandum regarding this matter on May 17, 2024.](#)

On May 22, 2024, this item was deferred by Councilmember Jaynie Schultz.

FISCAL INFORMATION

No cost consideration to the City.

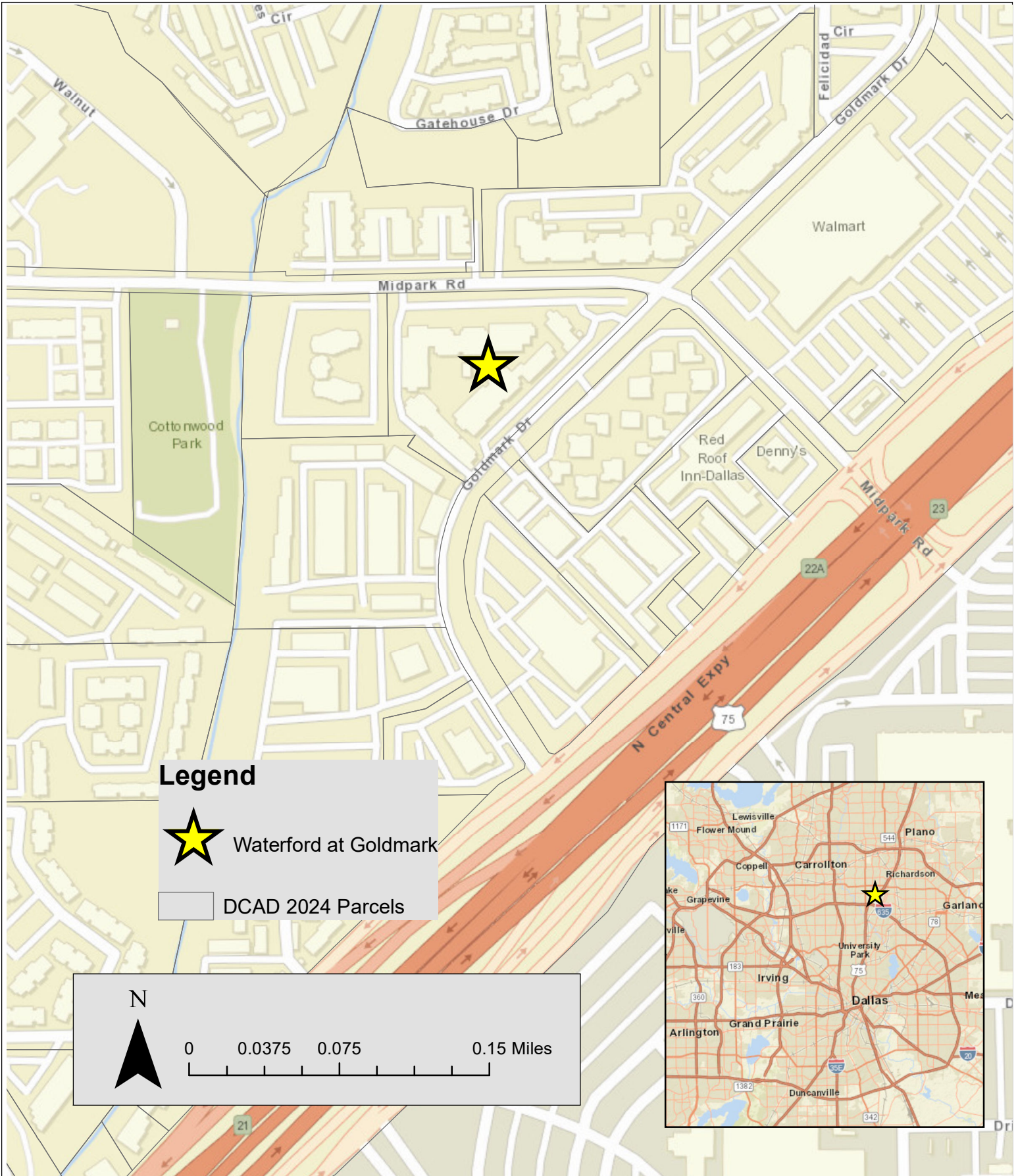
MAP

Attached

Waterford at Goldmark

13695 Goldmark Drive

Dallas, Texas



June 12, 2024

WHEREAS, the City of Dallas Housing Finance Corporation (DHFC or Issuer) intends to issue its Multifamily Housing Mortgage Revenue Bonds (Waterford at Goldmark) Series 2024 in an amount not to exceed \$31,000,000.00 (Bonds); proceeds of the Bonds will be loaned to April Housing, or its affiliate, 13695 Goldmark Drive (TX) Owner, LP (collectively referred to as Borrower) to finance a portion of the cost for the renovation of units for an affordable multifamily complex to be known as Waterford at Goldmark and located at or near 13695 Goldmark Drive, Dallas, Texas, 75240 (Development); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (Code), requires that any issue of tax-exempt multifamily housing revenue bonds be approved, after a public hearing following reasonable public notice, by an elected representative of the governmental unit on behalf of which such bonds are issued and having jurisdiction of the area in which the multifamily project is located; and

WHEREAS, the DHFC is a public instrumentality of the City of Dallas organized under the Texas Housing Finance Corporations Act, Chapter 394 of the Texas Local Government Code (Act); and

WHEREAS, the Act requires the City of Dallas to approve the use of bond proceeds issued by the DHFC to finance the construction and development of affordable housing; and

WHEREAS, on April 10, 2024, DHFC published reasonable public notice of the Tax, Equity and Fiscal Responsibility Act (TEFRA) public hearing with respect to the Bonds and the Development in the *Dallas Morning News*, a newspaper of general circulation within the City of Dallas, and on April 18, 2024, the DHFC held the TEFRA public hearing with no outside participants in attendance and thus no comments made; and

WHEREAS, on October 19, 2023, DHFC submitted an application for the allocation of \$31,000,000.00 in private activity bonds to the Texas Bond Review Board. The DHFC is awaiting the bond reservation.

Now, Therefore,

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

SECTION 1. That, for purposes of Section 147(f) of the Code, the City Council of the City of Dallas (Governing Body), acting as the applicable elected representative, as defined by Section 147(f)(2)(E) of the Code, does hereby approve the issuance of the Bonds by DHFC in an amount not to exceed \$31,000,000.00 the proceeds of which will be loaned to Borrower to finance a portion of the cost for the development of an approximately 220 unit affordable multifamily complex to be known as Waterford at Goldmark located at or near 13695 Goldmark Drive, Dallas, Texas, 75240.

June 12, 2024

SECTION 2. That the approval of the City of Dallas is also for the purpose of satisfying the conditions and requirements of Section 147(f) of the Code and is not to be construed as an undertaking by the City of Dallas. The Bonds shall not constitute a liability, an indebtedness, or obligation of the City of Dallas nor shall any of the assets of the City of Dallas be pledged to the payment of the Bonds. The Bonds shall specifically provide that the Bonds are not a debt of the City of Dallas, Dallas County or the State of Texas and that the City of Dallas, Dallas County and State of Texas are not liable with respect to the Bonds.

SECTION 3. That notice of the TEFRA public hearing with respect to the Bonds and the Development was published in the *Dallas Morning News* on April 10, 2024, and on April 18, 2024, the public hearing was held with no outside participants in attendance, and thus no comments made.

SECTION 4. That to the extent applicable, the City Council of the City of Dallas hereby approves the application of the Act to the property on which the Development will be acquired and renovated and grants its approval for the use of proceeds of bonds issued by the DHFC pursuant to the Act to finance construction of the Development.

SECTION 5. That it is FURTHER RESOLVED that for and on behalf of the Governing Body, the Mayor or the City Manager are hereby authorized, empowered and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

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.



Agenda Information Sheet

File #: 24-1978

Item #: 44.

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): 2, 7, 14

DEPARTMENT: Mayor and City Council Office

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

A resolution stating that the City Council does not support construction of any aboveground rail lines through the Downtown, Uptown, and Victory Park areas of Dallas, except for streetcar expansion projects currently under consideration and that the City Council will reconsider the Dallas to Fort Worth high speed rail alignment upon completion of the economic impact study - Financing: No cost consideration to the City

BACKGROUND

In 2016, the Regional Transportation Council passed a resolution supporting a one-seat ride connecting Fort Worth to Houston through Dallas. Based on that resolution, North Central Texas Council of Governments staff has been studying an alignment for high-speed rail between Dallas and Fort Worth that would connect with the proposed Dallas to Houston high speed rail station currently planned to be located in the Cedars neighborhood south of Downtown and would ensure a one-seat ride from Houston to Fort Worth.

On March 6, 2024 the Dallas City Council was briefed on a variety of downtown transportation projects including the Dallas to Houston high speed rail project and the proposed alignment for a Dallas to Fort Worth connection.

At the March briefing, City Council voiced strong support for the Dallas to Houston high-speed rail project, but they also expressed significant concerns about portions of the Dallas to Fort Worth potential alternative alignment(s), specifically the segment in downtown Dallas, its potential impact on construction of the new Kay Bailey Hutchison Convention Center and potential adverse impacts to development opportunities on land near the alignment. As such, the City Council directed staff to complete an economic impact analysis of the Dallas to Fort Worth high speed rail project and the proposed alignment(s).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 10, 2024, the City Council held a public hearing and, at the close of the public hearing, adopted a historic and cultural preservation plan to broaden the role of the city's historical and cultural preservation efforts beyond the historic preservation program within the Department of Planning and Urban Design on by Resolution No. 24-0559.

The City Council was briefed on major downtown transportation initiatives including the Eddie Bernice Johnson Union Station, high-speed rail, and expansion of the streetcar system on March 6, 2024.

FISCAL INFORMATION

No cost consideration to the City.

RECEIVED

2024 JUN -7 PM 12:02

CITY SECRETARY
DALLAS, TEXAS



CITY OF DALLAS

Memorandum

DATE June 7, 2024
TO Kimberly Bizzor Tolbert, City Manager (I)
SUBJECT **Request for Placement of Agenda Item**

Dear Ms. Tolbert:

On Friday, June 7, 2024, I received the attached formal request from Mayor Pro Tem Tennell Atkins, Chair of the Economic Development Committee, to place a resolution on the upcoming voting agenda.

Therefore, pursuant to Section 6.1 of the Dallas City Council Rules of Procedure, please post the attached resolution as a voting item on the Wednesday, June 12, 2024, City Council Agenda.

Should you have any questions, please contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Johnson'.

Eric L. Johnson
Mayor

c: Billerae Johnson, City Secretary
Tammy Palomino, City Attorney
Mark Swann, City Auditor

RECEIVED

2024 JUN -7 AM 11:12

CITY SECRETARY
DALLAS, TEXAS



City of Dallas

Memorandum

DATE June 7, 2024

TO The Honorable Mayor Eric Johnson

FROM Tennell Atkins, Mayor Pro Tem, Chair of the Economic Development Committee

SUBJECT **Request for Placement of Voting Agenda Item**

As chair of the Economic Development Committee I am writing to formally request the inclusion of an important resolution on the June 12, 2024, city council voting agenda. This resolution addresses a critical matter that directly impacts our city's economic growth and tax base.

Please do not hesitate to reach out if you have any questions.

TENNEL ATKINS
Mayor Pro Tem

c: Honorable Council Members
Kimberly Bizer Tolbert, City Manager (I)
Tammy L. Palomino, City Attorney
Mark S. Swann, City Auditor
Biliera Johnson, City Secretary

COUNCIL CHAMBER

 [DATE]

WHEREAS, in February 2021, the city began development of a master plan for expansion of the Kay Bailey Hutchison Convention Center;

WHEREAS, on November 8, 2022, Dallas voters approved a new two percent hotel occupancy tax to fund expansion of the Kay Bailey Hutchison Convention Center and improvement of certain facilities within Fair Park;

WHEREAS, planned improvements at Fair Park following the November 8, 2022 election include renovations to Cotton Bowl Stadium and Fair Park Music Hall;

WHEREAS, the city is currently examining expansion of the city's streetcar system including a connection to the M-Line Trolley and future connections to Fair Park, the Dallas Zoo, Deep Ellum, Trinity Groves, and Lower Greenville;

WHEREAS, on April 10, 2024, City Council adopted a historic and cultural preservation plan to broaden the role of the city's historical and cultural preservation efforts beyond the historic preservation program within the Department of Planning and Urban Design;

WHEREAS, on March 6, 2024, City Council was briefed on major downtown transportation initiatives including the Eddie Bernice Johnson Union Station, high-speed rail, and expansion of the streetcar system; and

WHEREAS, City Council requested an economic impact study on the impacts of the Dallas to Fort Worth high speed rail alignment following the March 6, 2024 briefing.

Now, Therefore,

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

SECTION 1. That, at this time, except for streetcar expansion projects currently under consideration, City Council does not support construction of any aboveground rail lines through the Downtown, Uptown, and Victory Park areas of Dallas.

SECTION 2. That many large projects are underway in the city and, except for streetcar expansion projects currently under consideration, City Council is prioritizing redevelopment of the Kay Bailey Hutchison Convention Center and the needs of Fair Park and other historically significant parks and residential neighborhoods ahead of any construction of new aboveground rail lines through the Downtown, Uptown, and Victory Park areas of Dallas.

SECTION 3. That City Council commits to revisit the Dallas to Fort Worth high speed rail discussion after it receives the economic impact study requested by City Council at the March 6, 2024 City Council briefing.

SECTION 4. 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.

June 12, 2024

WHEREAS, in February 2021, the city began development of a master plan for expansion of the Kay Bailey Hutchison Convention Center; and

WHEREAS, on November 8, 2022, Dallas votes approved a new two percent hotel occupancy tax to fund expansion of the Kay Bailey Hutchison Convention Center and improvement of certain facilities within Fair Park; and

WHEREAS, planned improvements at Fair Park following the November 8, 2022 election include renovations to Cotton Bowl Stadium and Fair Park Music Hall; and

WHEREAS, the city is currently examining expansion of the city's streetcar system including a connection to the M-Line Trolley and future connections to Fair Park, the Dallas Zoo, Deep Ellum, Trinity Groves, and Lower Greenville; and

WHEREAS, on April 10, 2024, City Council adopted the historic and cultural preservation plan to broaden the role of the city's historical and cultural preservation efforts beyond the historic preservation program within the Department of Planning and Urban Design; and

WHEREAS, on March 6, 2024, City Council was briefed on major downtown transportation initiatives including the Eddie Bernice Johnson Union Station, high-speed rail, and expansion of the streetcar system; and

WHEREAS, City Council requested an economic impact study on the impacts of the Dallas to Fort Worth high speed rail alignment following the March 6, 2024 briefing.

Now, Therefore,

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

SECTION 1. That, at this time, except for streetcar expansion projects currently under consideration, City Council does not support construction of any aboveground rail lines through the Downtown, Uptown, and Victory Park areas of Dallas.

SECTION 2. That many large projects are underway in the city and, except the streetcar expansion projects currently under consideration, City Council is prioritizing redevelopment of the Kay Bailey Hutchison Convention Center and the needs of Fair Park and other historically significant parks and residential neighborhoods ahead of any construction of new aboveground rail lines through the Downtown, Uptown, and Victory Park areas of Dallas.

SECTION 3. That City Council commits to revisit the Dallas to Fort Worth high speed rail discussion after it receives the economic impact study requested by City Council at the March 6, 2024 City Council meeting.

June 12, 2024

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 #: 24-1776

Item #: 45.

STRATEGIC PRIORITY: Housing & Homelessness Solutions

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Equity and Inclusion

EXECUTIVE: M. Elizabeth Cedillo-Pereira

SUBJECT

Authorize the adoption of the Senate Bill 4 Resolution, which **(1)** condemns Senate Bill 4 for its potential negative impact on public safety; and **(2)** emphasizes the importance of maintaining cooperation and trust between city officials, law enforcement, and the community - Financing: This action has no cost consideration to the City (see Fiscal Information)

BACKGROUND

On December 18, 2023, Texas Senate Bill 4 (SB 4) was signed into law and was scheduled to go into effect on March 5, 2024. SB 4 authorizes local law enforcement agencies to arrest individuals they suspect of unlawfully entering the United States (U.S.) and grants Texas state and local magistrates the power to deport individuals from the country. However, the U.S. Supreme Court has long held that immigration enforcement is the responsibility of the federal government.

The City of Dallas is concerned that SB 4 will strain local resources, negatively impact vulnerable communities, and disrupt the trust and cooperation between law enforcement and the community. Moreover, compliance with the bill could divert police resources from critical local duties, exacerbating the shortage of uniformed officers and harming community engagement. The resolution aims to condemn SB 4, emphasizing the need for solutions that prioritize public safety and respect Dallas's diverse communities.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Quality of Life, Arts & Culture Committee voted approval for the Senate Bill 4 Resolution was voted for approval to be recommended for Council's consideration and adoption on May 20, 2024.

FISCAL INFORMATION

This action has no cost consideration to the City. There will be no fiscal implications for the passage of the Senate Bill 4 Resolution.

June 12, 2024

WHEREAS, on December 18, 2023, Senate Bill (SB) 4 was signed into law by the Texas Legislature, and was scheduled to go into effect on March 5, 2024; and

WHEREAS, SB 4 authorizes local law enforcement agencies to arrest people they suspect crossed into the United States (U.S) unlawfully and creates a system whereby Texas state and local magistrates have the power to remove individuals from the U.S.; and

WHEREAS, the U.S. Supreme Court has long held that enforcement of immigration law is the purview of the federal government; and

WHEREAS, the City of Dallas values public safety and quality of life for all residents and visitors, and nearly one quarter of Dallas residents is from a country other than the U.S.; and

WHEREAS, the City of Dallas embraces and welcomes individuals from diverse backgrounds, and the City of Dallas has concerns regarding SB 4, including the strain on local resources and the impact on vulnerable communities; and

WHEREAS, the City of Dallas serves residents on a daily basis to deliver public services, and requesting or investigating immigration status during those interactions is a federal matter outside the city's jurisdiction; and

WHEREAS, the vibrancy and cultural diversity of Dallas are enriched by its immigrant communities, with immigrants present in 39.9 percent of households; and

WHEREAS, immigrants play a key role in advancing Dallas's economy, comprising 28.9 percent of the local workforce and representing 38.9 percent of business owners in the city; and

WHEREAS, immigrants in Dallas pay federal, state, and local taxes, including property, sales, and excise taxes levied by state and local governments, including \$1.6 billion that went to federal taxes and \$900.6 million that went to state and local taxes in 2022; and

WHEREAS, the City of Dallas has a shortage of uniformed police officers and compliance with SB 4 would strain police resources and negatively impact relationships with our communities.

Now, Therefore,

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

SECTION 1. That the City of Dallas condemns Senate Bill 4 in its current form due to its potential negative impact on public safety and community relations.

June 12, 2024

SECTION 2. That the City of Dallas emphasizes the importance of maintaining cooperation and trust between city officials, law enforcement, and the community.

SECTION 3. That the City of Dallas urges the state legislature to consider the concerns raised by the city and work collaboratively to find solutions that prioritize public safety and respect the diverse communities within the city of Dallas.

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
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1732

Item #: Z1.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: June 12, 2024
COUNCIL DISTRICT(S): 5
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Robin Bentley

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned Subarea 1 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay, on the west line of South Buckner Boulevard, between North Scyene Road and Blossom Lane

Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions

Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions

Z223-256(LC)

FILE NUMBER: Z223-256(LC) **DATE FILED:** May 2, 2023

LOCATION: West line of South Buckner Boulevard, between North Scyene Road and Blossom Lane

COUNCIL DISTRICT: 5

SIZE OF REQUEST: Approx. 41,382 SQ. FT. **CENSUS TRACT:** 48113009101

REPRESENTATIVE: Santos Martinez

APPLICANT: La Campina, Inc.

OWNER: Buckner Partnership LP

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned Subarea 1 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service.

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The area of request is currently developed as a restaurant. In addition to this use, the applicant proposes the sale of alcoholic beverages, which requires a specific use permit in the D-1 Liquor Control Overlay.
- The restaurant operates between 8:00 a.m. and 9:00 p.m., Sunday through Thursday, and between 8:00 a.m. and 10:00 p.m., Friday through Saturday.

Zoning History:

There has been one zoning case in the area in the past five years.

- **Z234-125:** On January 24, 2024, City Council approved Specific Use Permit No. 2513 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service for a two-year period on property zoned Subarea 1 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
South Buckner Blvd	Principal Arterial	107 feet
Bearden Lane	Local Street	-

Traffic:

The Transportation Development Services Division of the Transportation 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, outlining several goals and policies which 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:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Land Use:

	Zoning	Land Use
Site	PD No. 366 Subarea 1, D-1	Retail, office
North	PD No. 366 Subarea 1, D-1	Retail, office
East	PD No. 366 Subarea 1, D-1	Retail, office
South	PD No. 366 Subarea 1A, D-1, with SUP No. 1941	Retail, office
West	CR Community Retail District, D-1	Undeveloped

Land Use Compatibility:

The property is developed as a portion of a larger property that is developed with a shopping center. The request site is a multi-tenant building, and one suite is occupied with a restaurant use. This Specific Use Permit request is to allow for the restaurant to sell alcohol in a D-1 Liquor Control Overlay. The underlying zoning is PDD No. 366 Subarea 1.

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 regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff supports the request because the use is not foreseen to be detrimental to surrounding properties. Staff finds the proposed time limit of five years with eligibility for

automatic renewal for additional five-year periods inappropriate for this site and recommends a two-year period with no autorenewal as it reflects and is consistent with other similar recent SUP requests in the immediate surrounding area.

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 a restaurant without drive-in or drive-through service is one space per 100 square feet of floor area. The 2,500-square-foot restaurant space will require a minimum of 25 parking spaces. Per the proposed site plan, the site provides 25 parking spaces.

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 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). The area of request is not currently within an MVA cluster. To the West are “E” MVA clusters. To the Southwest are both “E” and “F” MVA clusters. To the South, Southeast and East are “F” MVA clusters.

List of Officers

La Campina, Inc.

Iris I. Chicas, Director

The Buckner Partnership, L.P.

Ashcroft Development Corporation

Edwin Freedman, President

Karen K. Freedman, Vice President

CPC Action
May 2, 2024

Motion: It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service for a two-year period, subject to a site plan and staff's recommended conditions on property zoned Subarea 1 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay, on the west line of South Buckner Boulevard, between North Scyene Road and Blossom Lane.

Maker: Shidid
Second: Rubin
Result: Carried: 15 to 0

For: 15 - Chernock, Hampton, Herbert, Forsyth, Shidid, Carpenter*, Wheeler-Reagan, Blair, Sleeper, Housewright*, Eppler, Haqq, Hall, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices:	Area: 200	Mailed: 3
Replies:	For: 0	Against: 0

Speakers: For: None

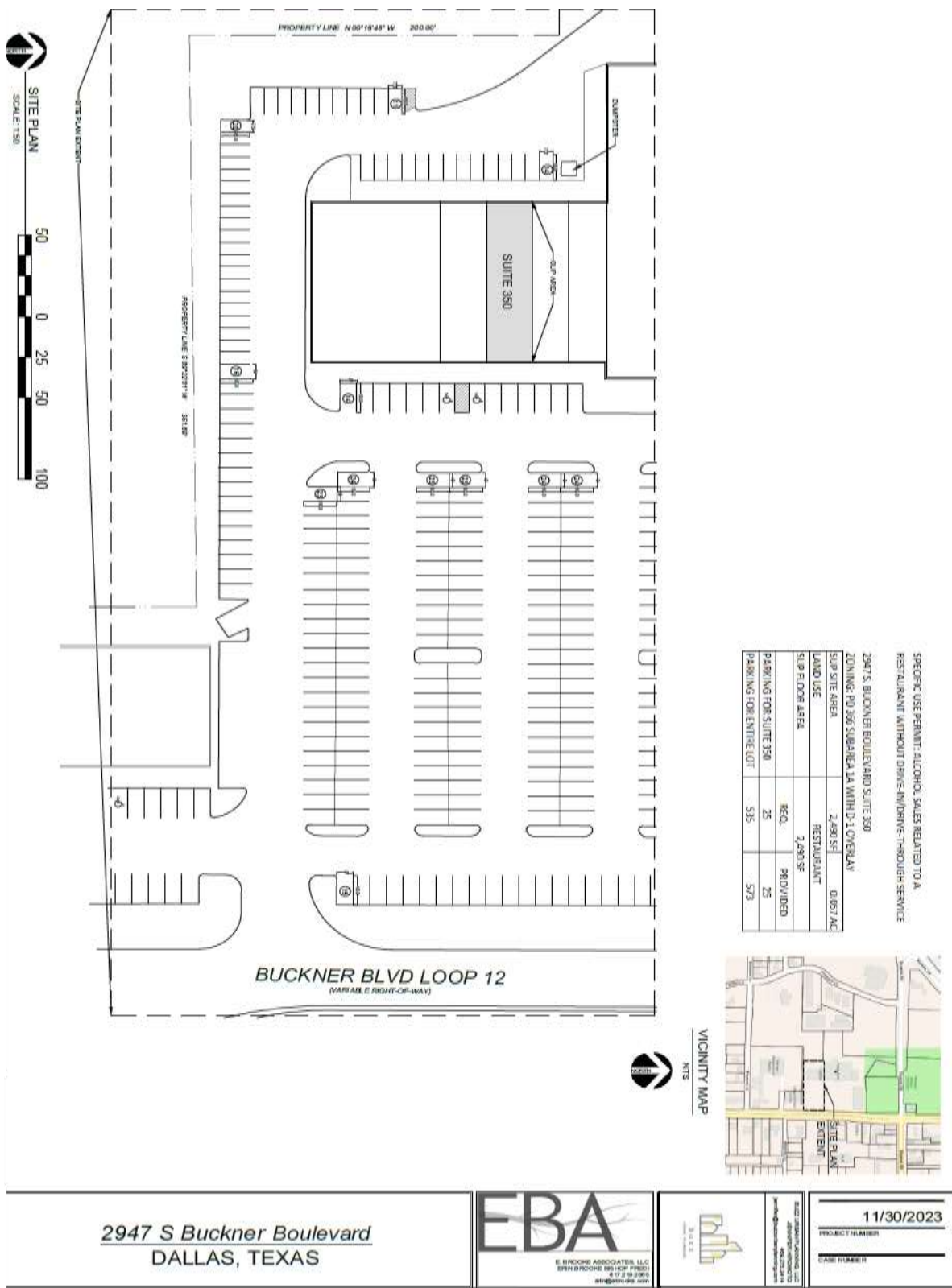
For (Did not speak): Santos Martinez, 2489 Camino Plata Loop NE, Rio Rancho, NM, 87144

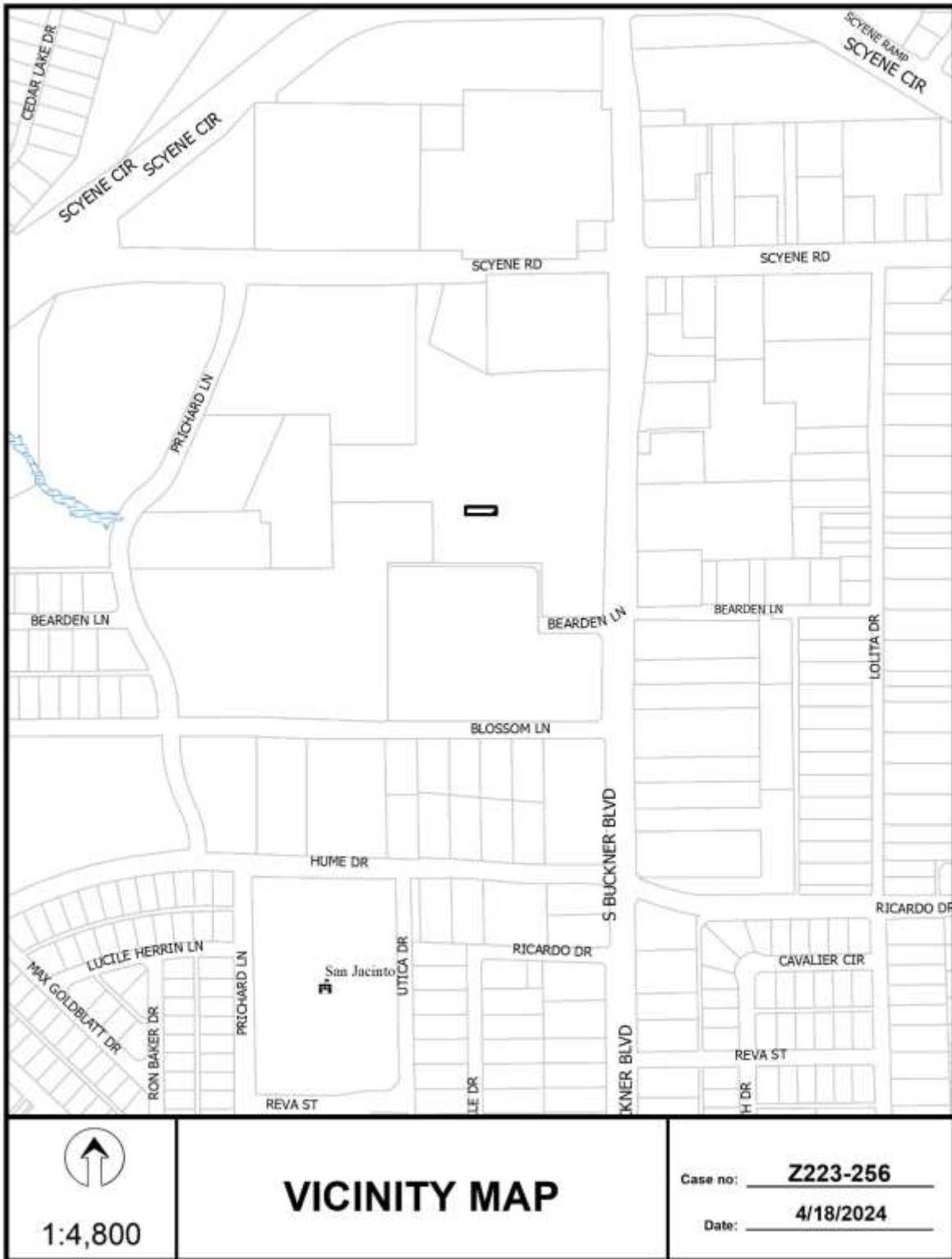
Against: None

CPC RECOMMENDED SUP CONDITIONS

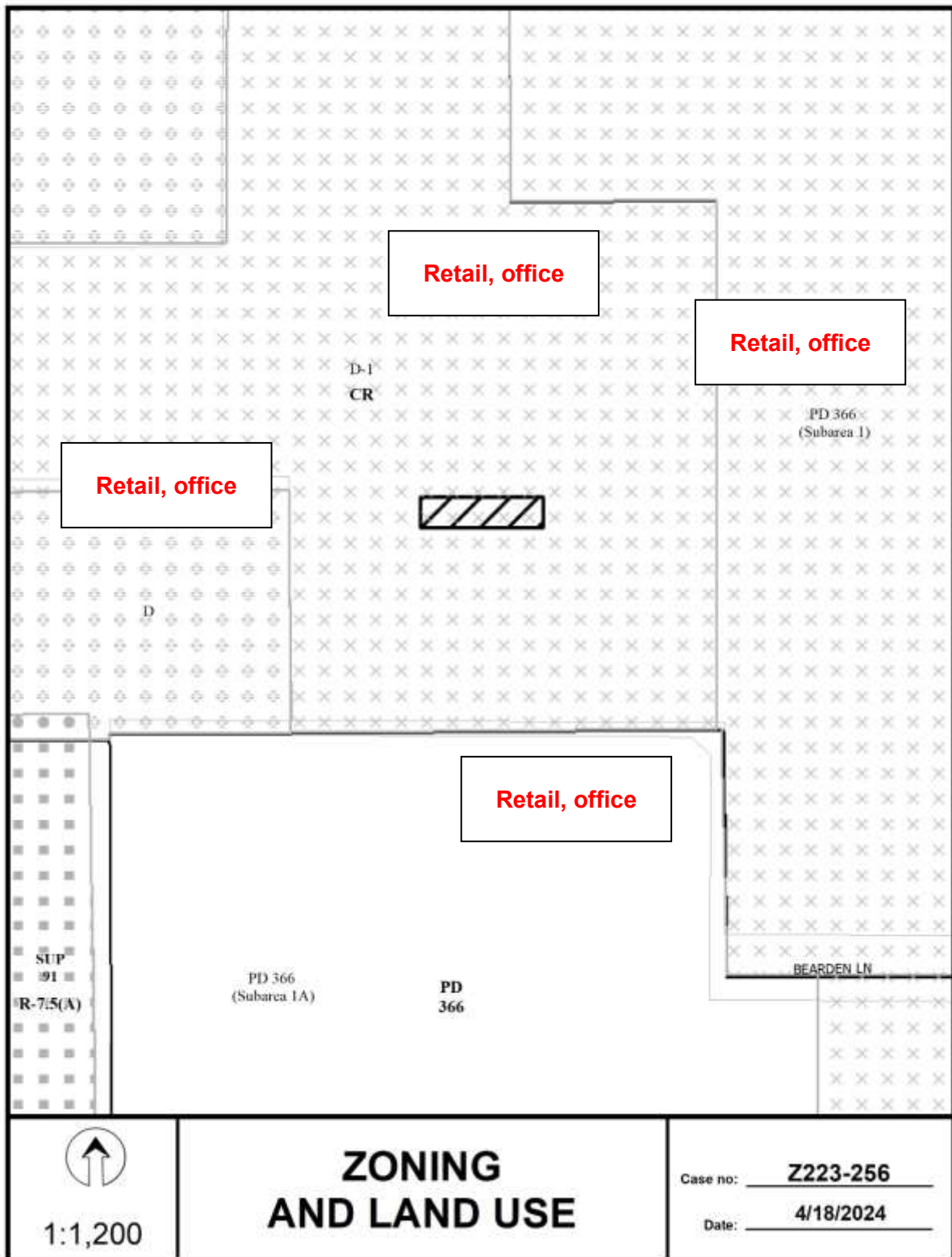
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ... (two-years from the passage of this ordinance).
4. HOURS OF OPERATION: The restaurant without drive-in or drive-through service may only operate between 8:00 a.m. and 9:00 p.m., Sunday through Thursday, and between 8:00 a.m. and 10:00 p.m., Friday through Saturday.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: 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.

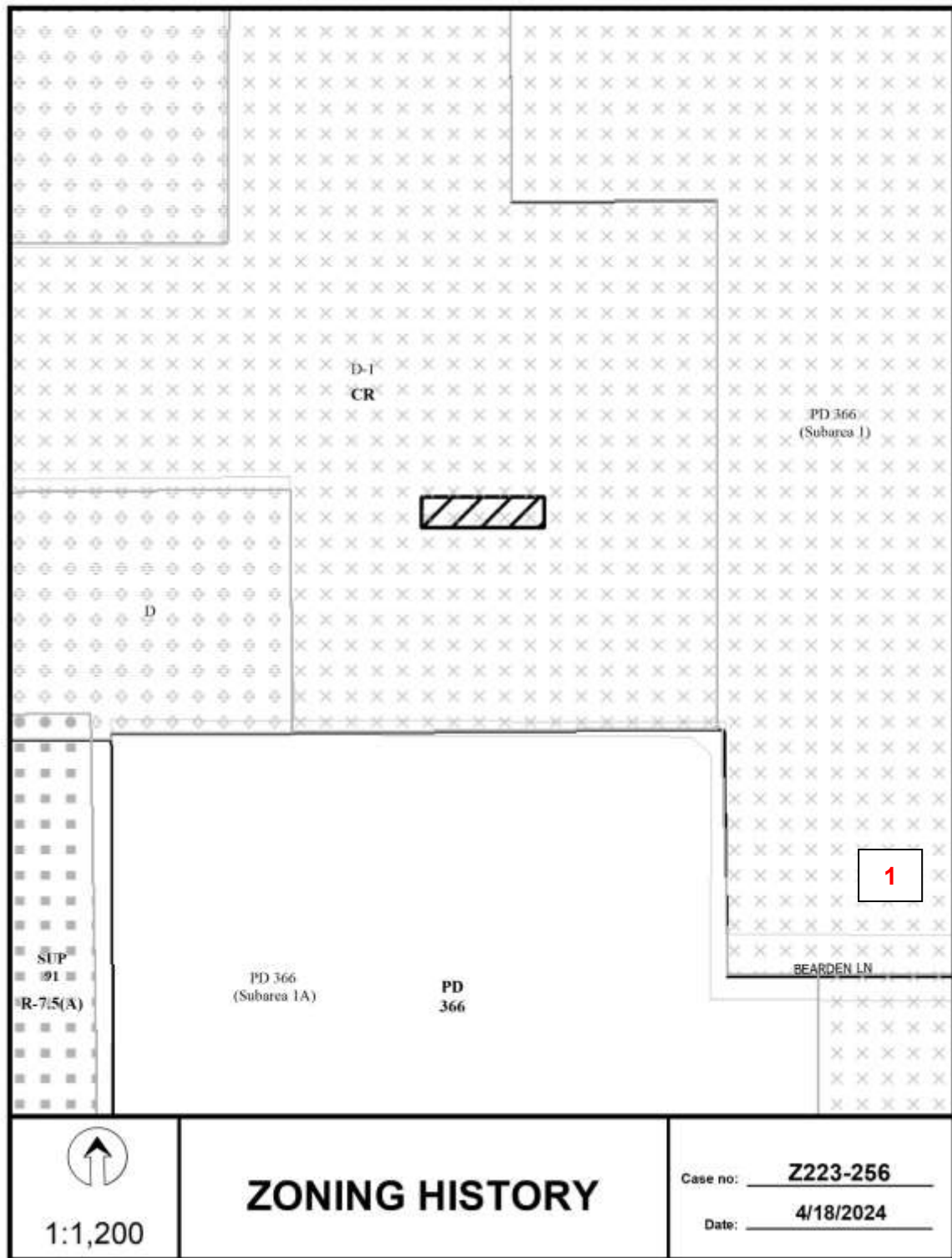
CPC RECOMMENDED SITE PLAN

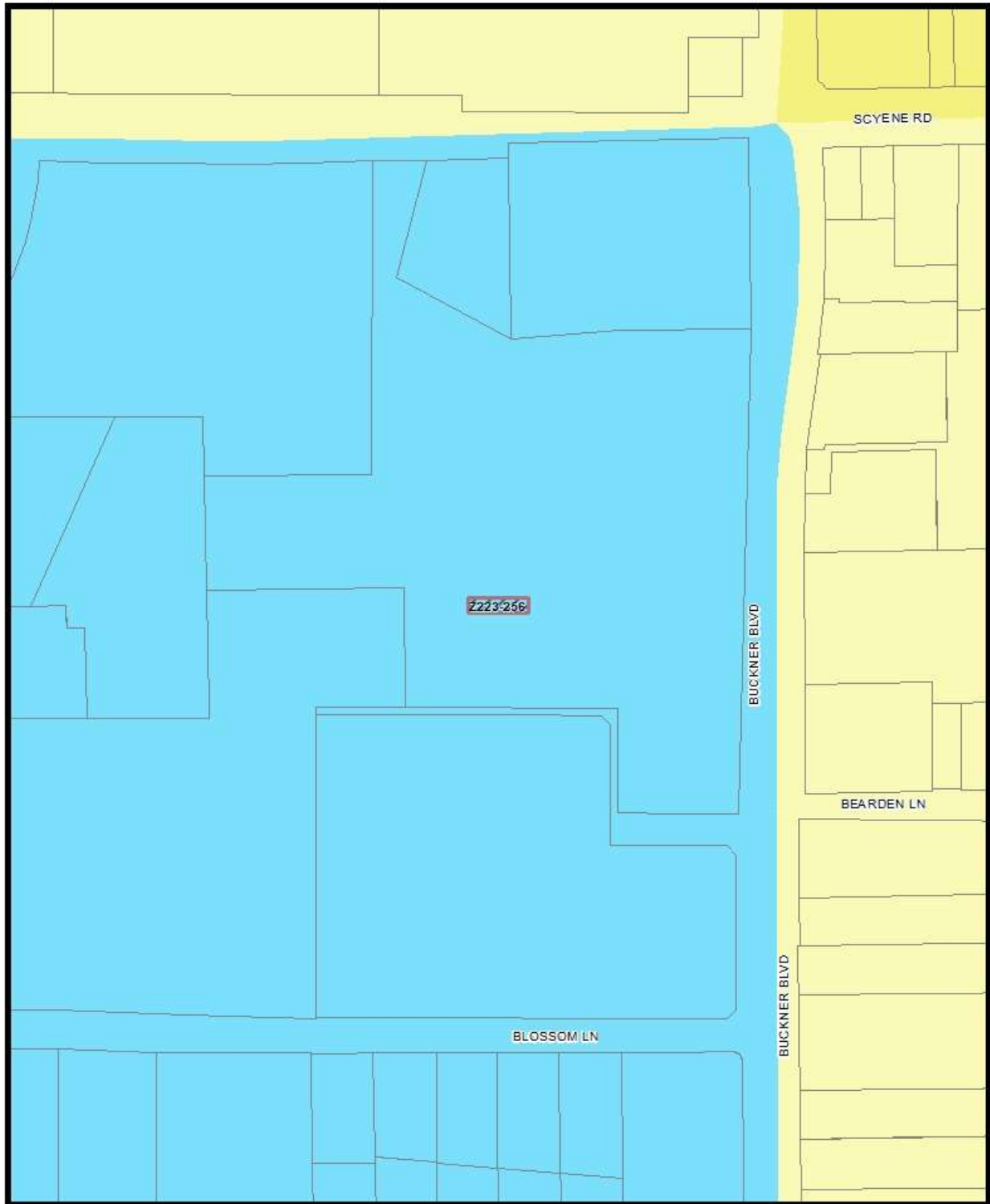












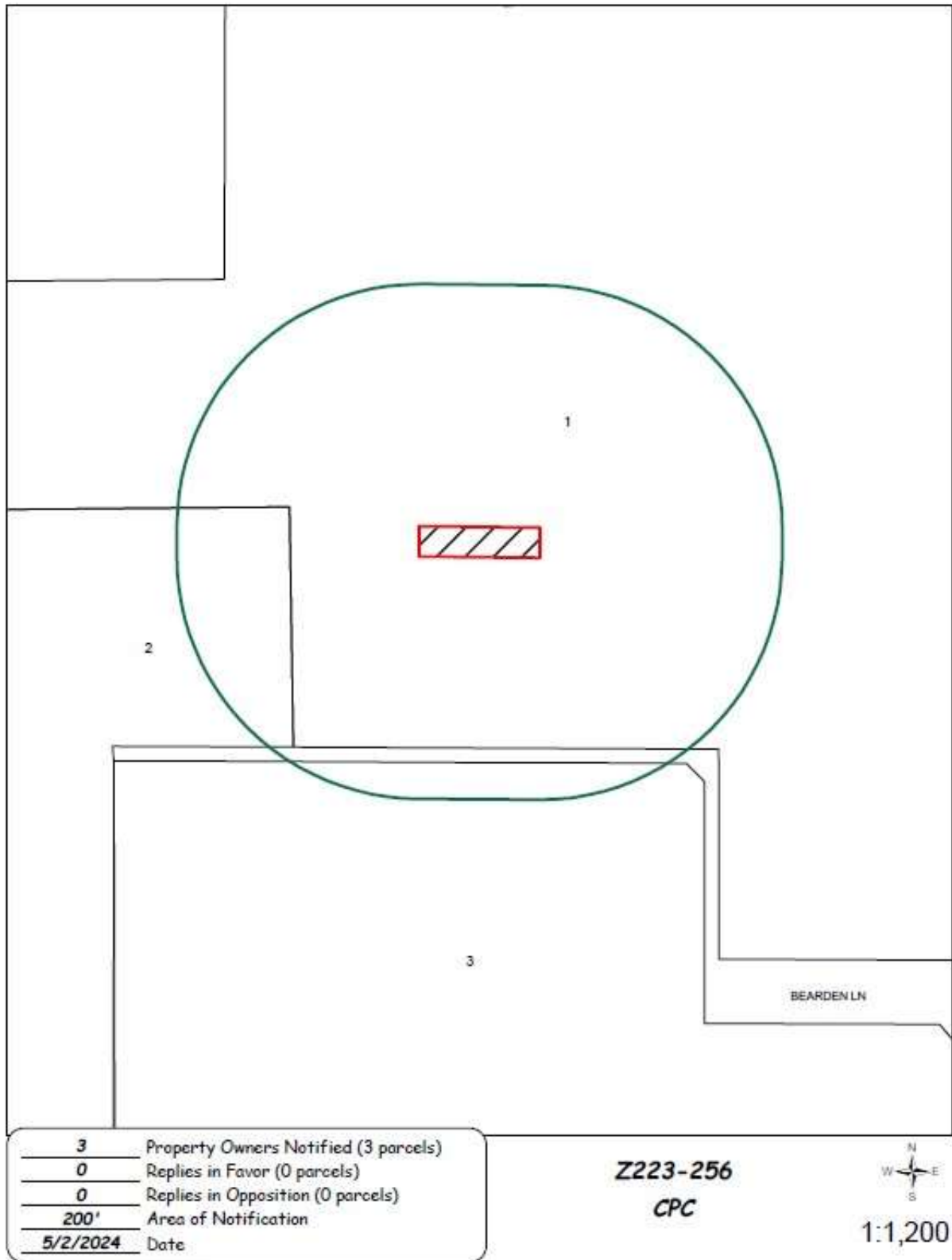
Market Value Analysis



1:2,400

Market Value Analysis

Printed Date: 4/18/2024



Z223-256(LC)

05/01/2024

Reply List of Property Owners

Z223-256

3 Property Owners Notified

0 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8000	SCYENE RD	BUCKNER PARTNERSHIP LP
2	2818	PRICHARD LN	MINISTERIOS TIEMPO DE DIOS INC
3	2827	S BUCKNER BLVD	WAL MART REAL ESTATE BUSINESS TRUST



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1733

Item #: Z2.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: June 12, 2024
COUNCIL DISTRICT(S): 9
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Robin Bentley

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an inside commercial amusement on property zoned Planned Development District No. 7 with a D Liquor Control Overlay and a D-1 Liquor Control Overlay, on the north line of Centerville Road, between Garland Road and Jupiter Road

Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Z234-118(LC)

FILE NUMBER: Z234-118(LC) **DATE FILED:** October 4, 2023

LOCATION: North line of Centerville Road, between Garland Road and Jupiter Road

COUNCIL DISTRICT: 9

SIZE OF REQUEST: 3.183 acres **CENSUS TRACT:** 48113012802

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

OWNER: Dominus Properties, Inc.

APPLICANT: Sky Park Adventure, LLC

REQUEST: An application for a Specific Use Permit for an inside commercial amusement on property zoned Planned Development District No. 7 with a D Liquor Control Overlay and a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow an indoor commercial amusement.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The area of request is currently zoned an Planned Development District No. 7 with a D Liquor Control Overlay and a D-1 Liquor Control Overlay with a vacant structure previously used as a general merchandise store and an existing parking lot (approximately 3.183 acres total in size).
- The property is geographically located in east Dallas, approximately 3 miles from the Dallas Arboretum and Botanical Garden.
- This is lot has frontage on Centerville Road.
- The purpose of the request is to allow an indoor commercial amusement use within the existence structure.
- To accomplish this, the applicant is requesting a specific use permit.

Zoning History:

There has been one zoning cases in the area in the last five years.

1. Z212-190: On November 9, 2022, City Council approved an application for a Planned Development District for MF-2(A) Multifamily District uses and office, general merchandise or food store 3,500 square feet or less, and personal service uses on property zoned an R-7.5(A) Single Family District on the northwest line of Garland Road, northeast of Easton Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Centerville Road	C - Community Collector	40' pavement, 60' ROW

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system. Staff will continue review of engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006 and 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 PRIORITIES

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.

Policy 2.1.2 Ensure that Area Plans include an economic development component to address the economic factors of the areas in the context of the city as a whole.

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

Policy 2.5.2 Ensure that existing and future residential areas are appropriately linked in order to enhance economic development and urban design benefits.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

ENVIRONMENT ELEMENT

GOAL 6.3 IMPROVE ENERGY EFFICIENCY AND AIR QUALITY

Policy 6.3.1 Promote green building practices.

GOAL 6.5 PROVIDE ACCESS TO PARKS, OPEN SPACES AND RECREATIONAL OPPORTUNITIES

NEIGHBORHOOD PLUS

POLICY 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation, and safety.

The Garland Road Vision Study:

The Garland Road Vision Study was created for the enhancement of both operational function and aesthetic character along the Garland Road corridor. This project is a community - led area planning initiative, following the neighborhood planning framework defined in the "forwardDallas!" Comprehensive Plan. As one of the initiatives approved by City Council as the model for future growth of the City of Dallas. The vision study was initiated and funded through a sustainable development grant from the North Central Texas Council of Governments (NCTCOG) Regional Transportation Council (RTC), and local matching funds raised by the GRV Advisory Committee.

The request complies with, but not limited to, the three components of the Consensus Vision for the Garland Road Vision Study:

- The Future Land Development Vision, which focuses on new development opportunities, redevelopment opportunities, and opportunities to enhance the existing uses that will remain.
- The Future Circulation Vision, which focuses on a series of overriding recommendations related to pedestrian, bicycle, automobile and transit modes.
- Beautification, looks at opportunities for enhancing the Garland Road Corridor through the use of urban design elements including landscaping, special paving, street furnishings and public art.

Components one and three apply to this case from the lens that this case is focusing on providing redevelopment using existing buildings and infrastructure. Additionally, through this case component three will be applied as the beautification and urban design elements, such as landscaping, will be highlighted and implemented.

Land Use:

	Zoning	Land Use
Site	PD No. 7	Commercial retail
North	PD No. 7	Commercial retail
South	R-7.5(A)	Single family
East	PD No. 7	Commercial retail
West	R-7.5(A)	Single Family

Land Use Compatibility:

The area of request is currently developed with an existing vacant building previously used as a general merchandise store and an existing parking lot (approx. 3.183 acres total in size), zoned PD No. 7 Planned Development district, on the north line of Centerville Road, between Garland Road and Jupiter Road.

To the north of the property are commercial retail and multifamily uses. To the south are single family uses. To the east of the site are commercial retail uses. Lastly, to the west of the property are single family uses. With this area being a healthy mix of commercial retail and residential uses, staff finds the applicant's requested SUP to allow indoor amusement to be appropriate and compatible with the surrounding area. Staff supports the applicant's request, provided the applicant meets and upholds the proposed SUP conditions that honor the surrounding existing residential uses.

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 regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff supports the request because the use is not foreseen to be detrimental to surrounding properties and applicant does not propose any changes or alterations to the existing structure or grounds. Staff recommends an initial approval period of five years with eligibility for automatic renewal.

Landscaping:

Landscaping must 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 an indoor amusement use under an SUP is one space per 100 square feet of floor area. Therefore, the applicant is required to provide at minimum 380 parking spaces. The proposed site plan is showing 153 spaces are being provided. The applicant has stated the remainder of the requirement will be fulfilled through agreement with the adjacent property, which must be demonstrated at permitting.

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 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). The area of request is currently in an “C” MVA area. To the north of the site are “C” and “E” MVA areas. To the east is the “H” MVA area, to the south are “C”, “E” and “F” MVA areas and west of the site are both “C” and “F” MVA areas.

List of Owners / Officers

Dominus Properties, Inc.

Jeffrey Gatlin
Hailey Gatlin
1330 Centerville Road
Garland, Texas 75218

Sky Park Adventure, LLC

Kelby Mullins
Diana Mullins
Kyle Bickham
Hailey Bickham

CPC Action
May 2, 2024

Motion: It was moved to recommend **approval** of a Specific Use Permit for an inside commercial amusement for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions, on property zoned Planned Development District No. 7 with a D Liquor Control Overlay and a D-1 Liquor Control Overlay, on the north line of Centerville Road, between Garland Road and Jupiter Road.

Maker: Wheeler-Reagan
Second: Rubin
Result: Carried: 15 to 0

For: 15 - Chernock, Hampton, Herbert, Forsyth, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Eppler, Haqq, Hall, Kingston,
Rubin

Against: 0
Absent: 0
Vacancy: 0

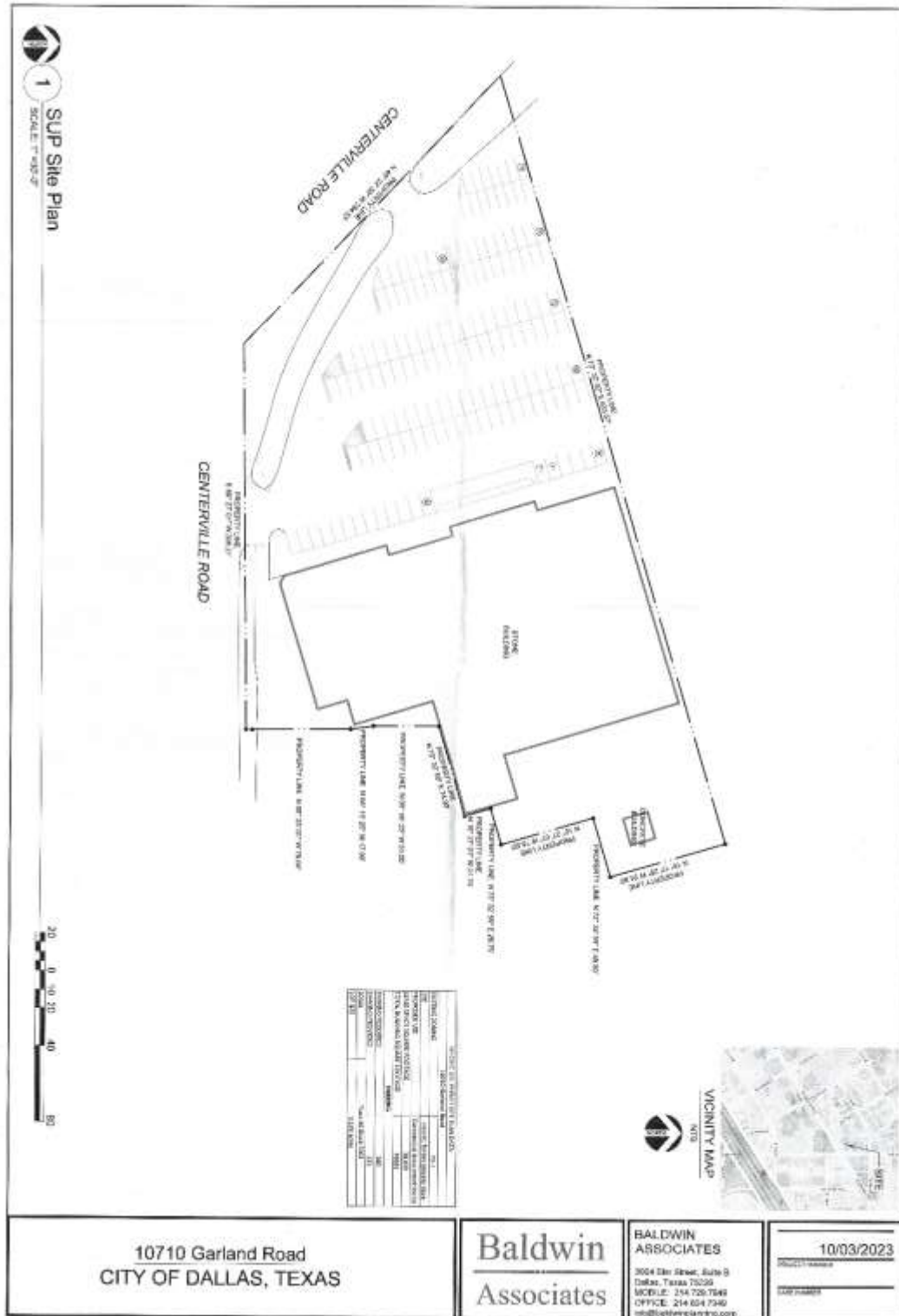
Notices:	Area: 300	Mailed: 38
Replies:	For: 6	Against: 1

Speakers: None

CPC RECOMMENDED CONDITIONS

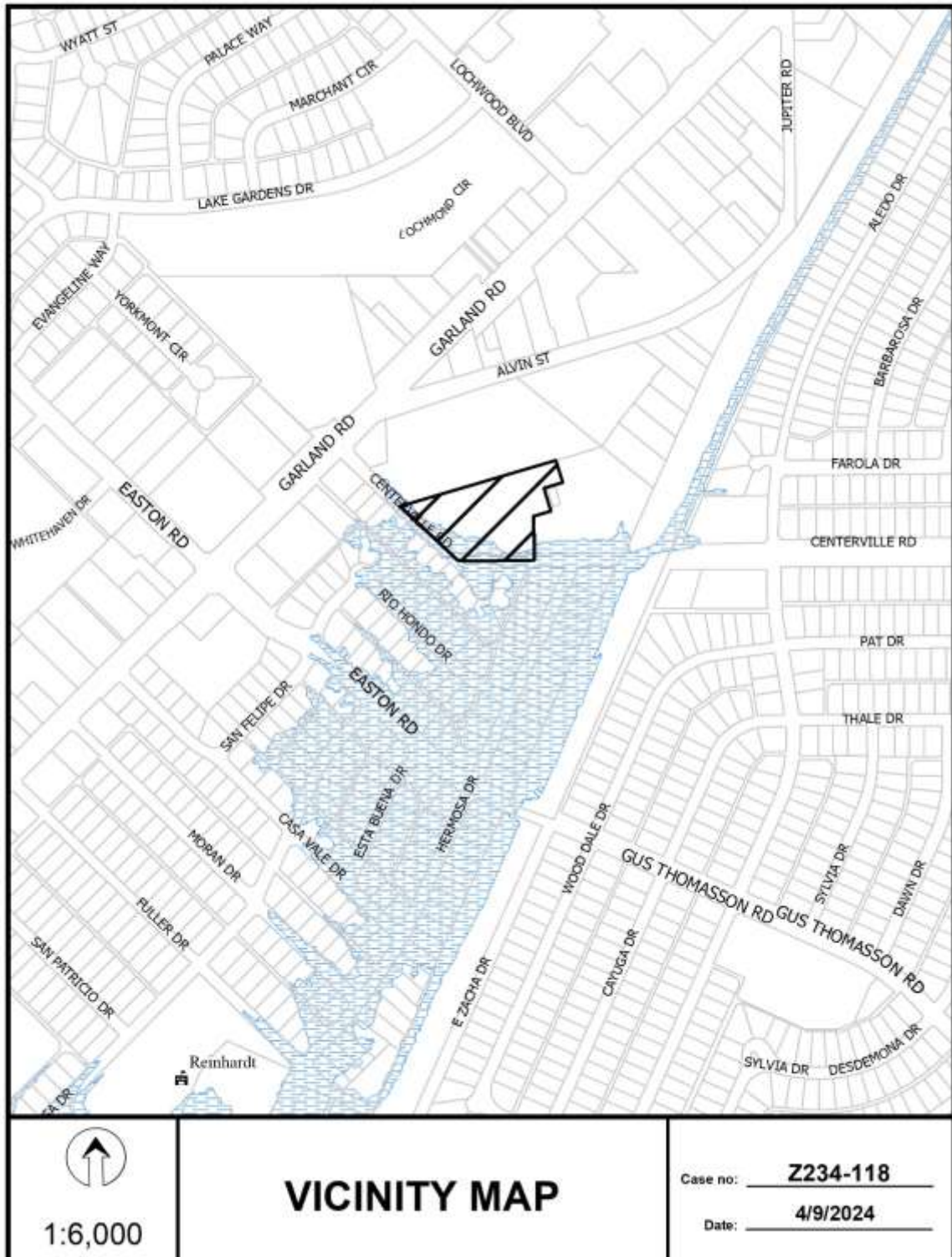
1. USE: The only use authorized by this specific use permit is commercial amusement inside.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on FIVE YEARS but is eligible for automatic renewal for additional FIVE-year 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.)
4. FLOOR AREA: The maximum floor area for commercial amusement inside use is 38,000 square feet.
5. HOURS OF OPERATION: The commercial amusement inside use may only operate between the hours of 9:00 AM to 9:00 PM Sunday through Thursday and 9:00 AM to 11:00 PM on Friday and Saturday.
6. OUTSIDE SPEAKERS: Outside speakers are prohibited.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: 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.

CPC RECOMMENDED SITE PLAN

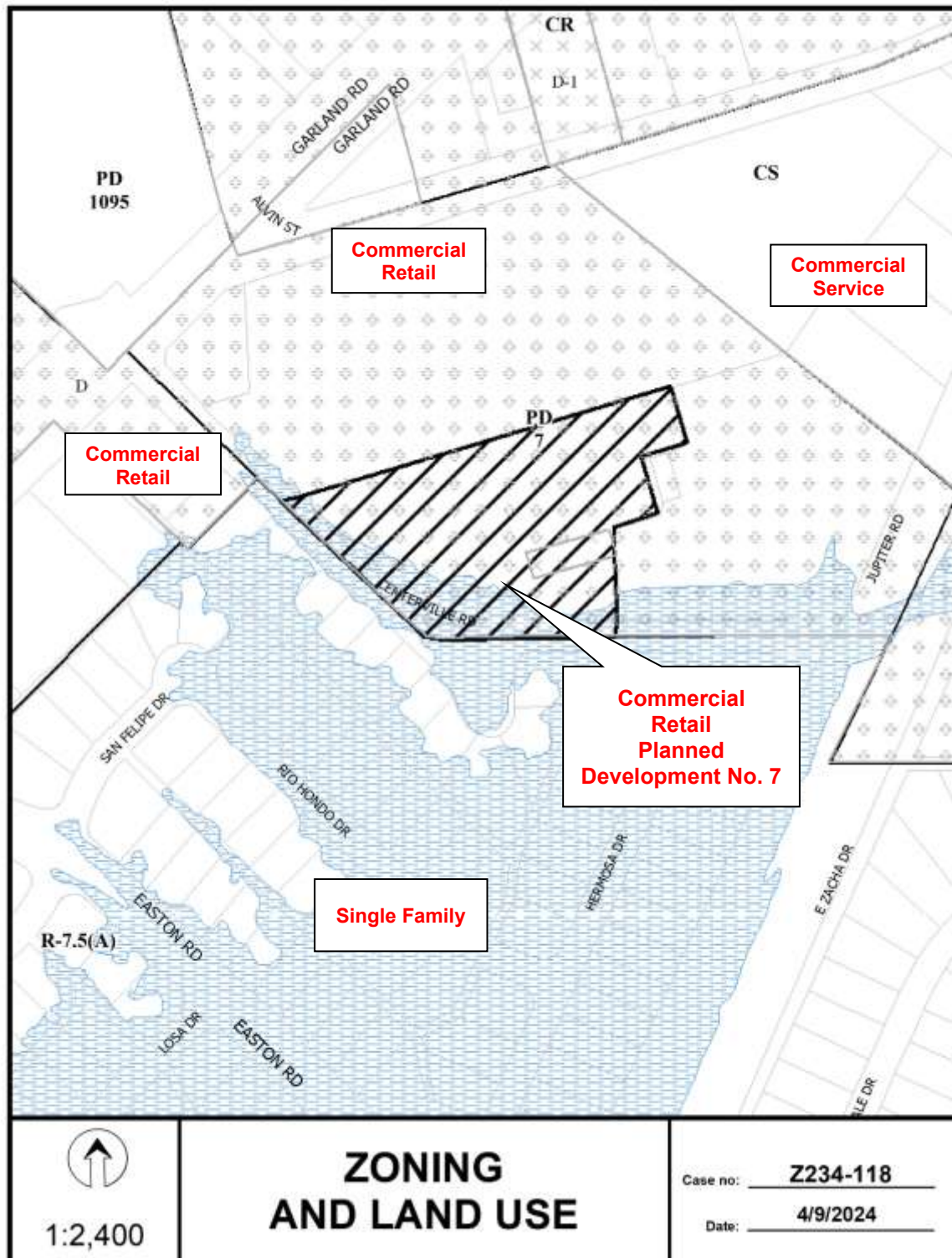


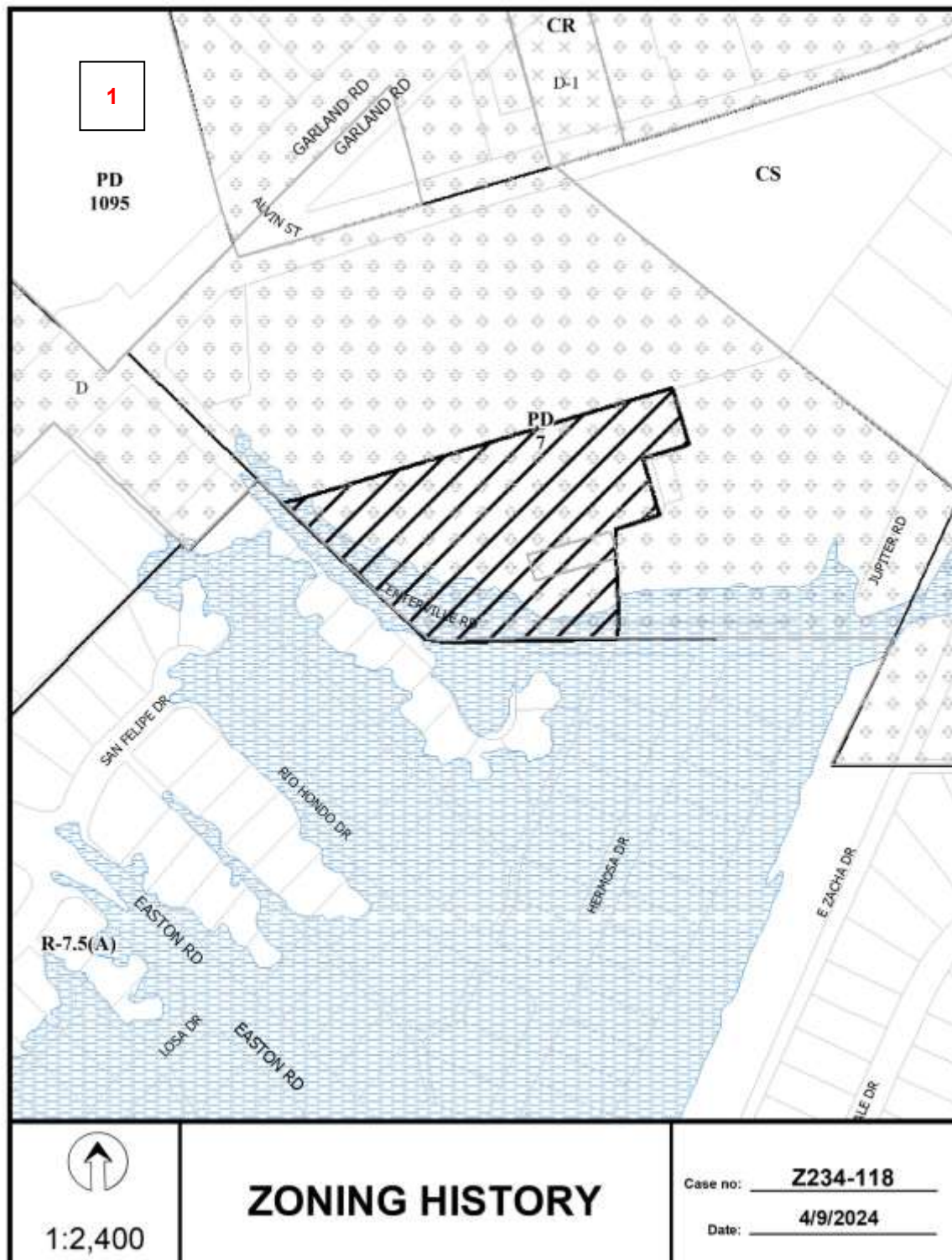
PROPOSED SITE PLAN (ENLARGED)

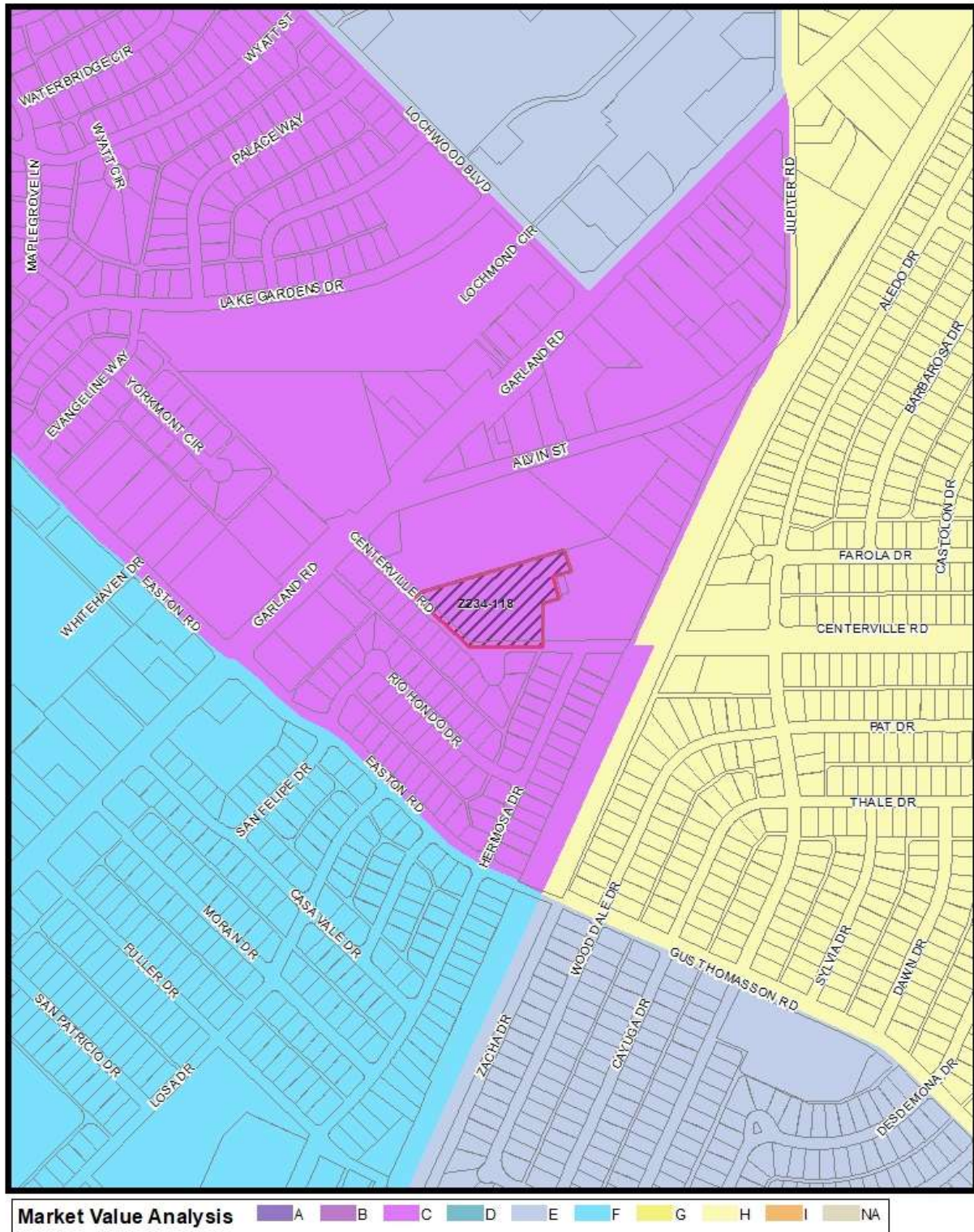


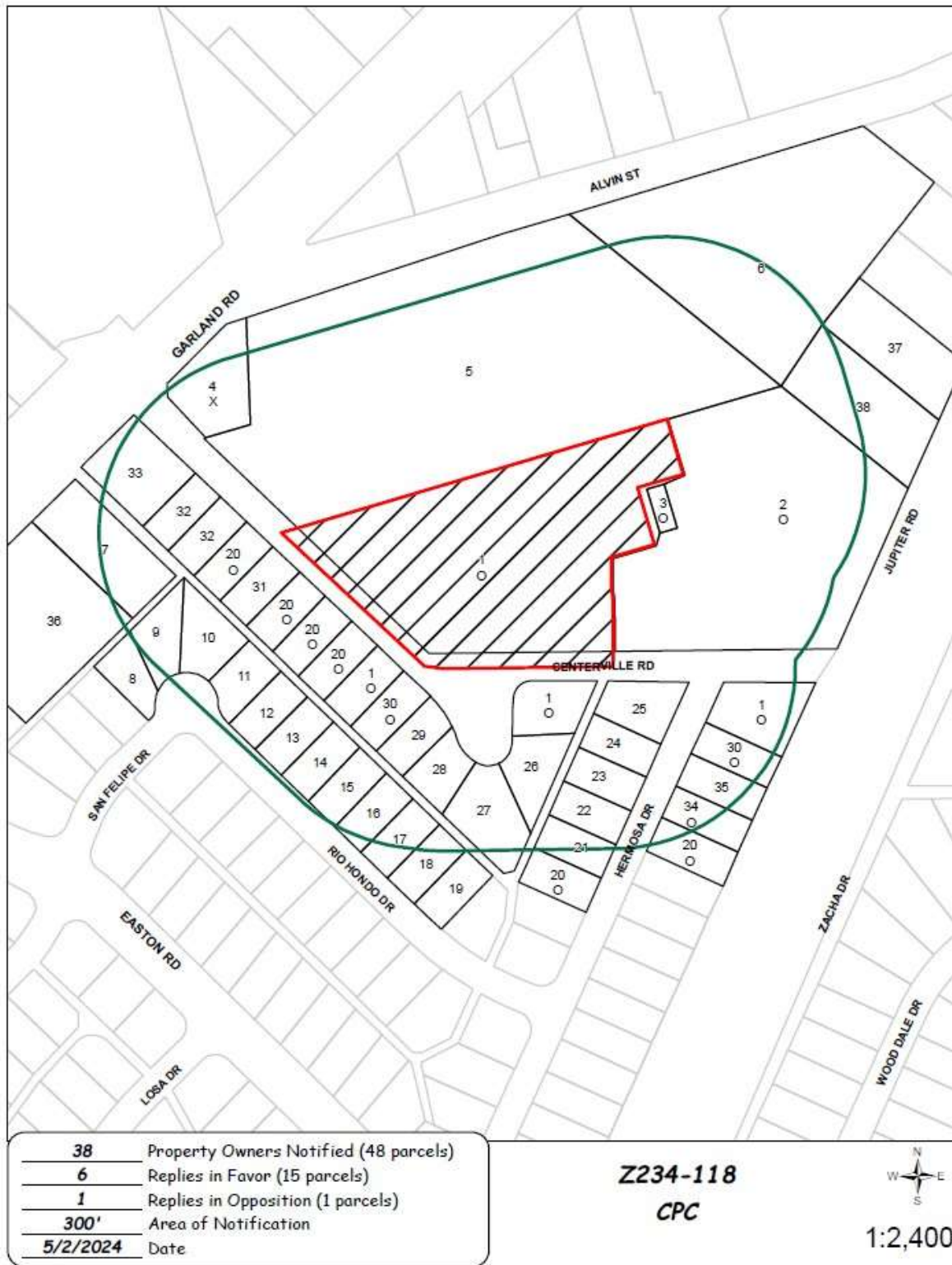












05/01/2024

Reply List of Property Owners***Z234-118******38 Property Owners Notified 6 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	10710 GARLAND RD	DOMINUS PROPERTIES INC
O	2	1330 E CENTERVILLE RD	GEMCO PROPERTY CORP
O	3	10710 GARLAND RD	GEMCO PROPERTY CORPORATION
X	4	10704 GARLAND RD	CASA ROCK PARTNERS LTD
	5	10740 GARLAND RD	EXTRA SPACE PROPERTIES
	6	11038 ALVIN ST	STORAGE EQUITIES INC
	7	10622 GARLAND RD	Taxpayer at
	8	10523 SAN FELIPE DR	MARTINEZ JESUS R
	9	10529 SAN FELIPE DR	WOOD RICHARD
	10	1302 RIO HONDO DR	IRVIN MARIA O &
	11	1306 RIO HONDO DR	PRIESING BETTY BRYAN
	12	1310 RIO HONDO DR	ALLEN WILLIAM C
	13	1316 RIO HONDO DR	Taxpayer at
	14	1320 RIO HONDO DR	ZELADA JAELE & WILLIAM
	15	1324 RIO HONDO DR	ROSSMAN ROBERT
	16	1402 RIO HONDO DR	ERWIN REBECCA A
	17	1406 RIO HONDO DR	POVIONES MANUEL
	18	1410 RIO HONDO DR	HUDSON JOHN
	19	1416 RIO HONDO DR	MSS 1 PROPERTIES LLC
O	20	10815 HERMOSA DR	DOMINUS PPTIES INC
	21	10819 HERMOSA DR	AVILA JAZMINE BELEN
	22	10825 HERMOSA DR	MARTINEZ JORGE A
	23	10829 HERMOSA DR	HURT RICHARD J
	24	10835 HERMOSA DR	DISCH KELSEY LYNN &
	25	10843 HERMOSA DR	CRAVATT LYNDEL
	26	1277 CENTERVILLE RD	JONES JEWELL MAE ESTATE OF

Z234-118(LC)

05/01/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1271 CENTERVILLE RD	CARTER LINDA F
	28	1267 CENTERVILLE RD	MOYA MARIANO A &
	29	1257 CENTERVILLE RD	SORRELLS DAVID
O	30	1253 CENTERVILLE RD	DOMINUS PPTIES
	31	1227 CENTERVILLE RD	GARCIA OFELIA FRANCISCA
	32	1219 CENTERVILLE RD	CHILANGOLANDIA SABOR UNICO INC
	33	10636 GARLAND RD	Taxpayer at
O	34	10830 HERMOSA DR	DOMINUS PROPERTIES INC
	35	10834 HERMOSA DR	BALDERAS AURELIO
	36	10520 GARLAND RD	Taxpayer at
	37	10855 JUPITER RD	TX PRESTIGE AUTO CO
	38	10845 JUPITER RD	A & T BUILDERS INC



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1734

Item #: Z3.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: June 12, 2024
COUNCIL DISTRICT(S): 2
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Robin Bentley

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 2111 for a body piercing studio and a tattoo studio on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the northwest corner of Main Street and Exposition Avenue

Recommendation of Staff: Approval for a five-year period, subject to amended conditions.

Recommendation of CPC: Approval for a five-year period, subject to amended conditions.

Z234-153(LC)

FILE NUMBER: Z234-153(LC) **DATE FILED:** January 10, 2024

LOCATION: Northwest corner of Main Street and Exposition Avenue

COUNCIL DISTRICT: 2

SIZE OF REQUEST: 5,227 square feet **CENSUS TRACT:** 48113020401

REPRESENTATIVE: Audra Buckley, Permitted Development

OWNER: Jernigan Realty Partners LP

APPLICANT: Artistic Encounter Tattoo

REQUEST: An application for an amendment to Specific Use Permit No. 2111 for a body piercing studio and a tattoo studio on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District.

SUMMARY: The purpose of the request is to continue to allow a body piercing studio and a tattoo studio.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to amended conditions.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to amended conditions.

BACKGROUND INFORMATION:

- The area of request currently a body piercing studio and a tattoo studio (approx. 5,227 square feet in total size), zoned under PD No. 269.
- Geographically located in Deep Ellum section of Dallas, approx. 0.5 miles from downtown.
- This lot has frontage on both Main Street and Exposition Avenue.
- No changes to the uses or site plan are being proposed.
- SUP No. 2111 was approved by City Council on October 22, 2014, for a two-year period.
- On August 10, 2016, the City Council approved the renewal of SUP No. 2111 for a three-year period, expiring August 10, 2019.
- On May 22, 2019, the City Council approved the renewal of SUP No. 2111 for a five-year period. Current SUP expires May 22, 2024.
- Applicant is requesting a specific use permit renewal for another five-year period.
- This specific use permit would expire five years from the passage of ordinance.

Zoning History:

There has been one zoning case in the area in the last five years.

- **Z234-102:** On March 27, 2024, City Council approved an amendment to Specific Use Permit No. 2068 for a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the east corner of Main Street and Exposition Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Exposition Avenue	Principal Arterial (PA)	80 feet
Main Street	Local Street	-

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system. Staff will continue review of engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006 and 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 PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

ECONOMIC ELEMENT

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

The 360 Plan:

The *360 Plan* was adopted by the City Council in December 2017 as a guide to future actions concerning land use and development regulations, transportation, economic development and capital improvement expenditures in the area generally bounded by a two-and-a-half-mile radius centered on the intersection of Main Street and Akard Street. This plan outlines three transformative strategies suggested by City Council with an

overall goal that focuses on a complete and connected city center for future growth and development throughout the city.

The request complies with, but not limited to, the following transformative strategies and their respective goals of the 360 Plan:

I. BUILD COMPLETE NEIGHBORHOODS

Family-Friendly Housing
Diversity in Price Point
Diversity in Product Type

II. ADVANCE URBAN MOBILITY

The 360 Plan Urban Mobility Principles
Pedestrian District Connector

III. PROMOTE GREAT PLACEMAKING

Activate The Public Realm

Land Use:

	Zoning	Land Use
Site	Tract A, PD No. 269 with SUP No. 2111	Body piercing studio, tattoo studio
North	MU-3	Mixed Use
South	PD No. 269 with H/68	Commercial retail
East	Tract A, PD No. 749, SUP No. 1595	Commercial retail
West	PD No. 269	Commercial retail

Land Use Compatibility:

The area of request is currently developed with an existing body piercing studio and a tattoo studio (approx. 5,227 square feet in total size), zoned under PD No. 269 on the northwest corner of Main Street and Exposition Avenue.

To the north, south, east, and west of the property are commercial retail uses. With this area being surrounded by commercial uses and the area of request matching the uses in the immediate area, staff finds the applicant's requested SUP renewal to allow the

continued body piercing studio and tattoo studio uses compatible with the surrounding area. Staff supports the applicant's request.

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 regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff supports the request because the use is not foreseen to be detrimental to surrounding properties. Staff recommends an additional approval period of five years with no eligibility for automatic renewal.

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in Article X, as amended.

Parking:

The parking regulations in PD No. 269 establish that no off-street parking spaces are required for the first 5,000 square feet of floor area in a retail-related use or professional, personal service, and custom crafts use that has a separate certificate of occupancy if the use is located in an original building.

An original building being defined as a building constructed on or before June 27, 1984 the floor area of which has not, since June 27, 1984, been increased by more than: 1) 150 percent if the increase is 5,000 or less; or 2) 100 percent if the increase is more than 5,000 square feet.

The existing body piercing studio and tattoo studio uses meet this since the uses are defined within the professional, personal service, and custom craft uses category in PD No. 269. Therefore, no off-street parking is required for the existing piercing and tattoo

studio uses. However, four off-street parking spaces are being provided on the northern portion of the site, as depicted on the existing site 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 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). The area of request is currently in a “C” MVA area. There is an “F” MVA area to the north.

List of Officers

Jernigan Realty Partners, L.P:
Arvel Jernigan, Principal

General Partner: A Jernigan Investments, Inc.
Arvel Jernigan, President

CPC Action
May 2, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2111 for a body piercing studio and a tattoo studio for a five-year period, subject to amended conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the northwest corner of Main Street and Exposition Avenue.

Maker: Wheeler-Reagan

Second: Rubin

Result: Carried: 15 to 0

For: 15 - Chernock, Hampton, Herbert, Forsyth, Shidid,
Carpenter, Wheeler-Reagan, Blair, Sleeper,
Housewright, Eppler, Haqq, Hall, Kingston,
Rubin

Against: 0

Absent: 0

Vacancy: 0

Notices: Area: 200

Mailed: 18

Replies: For: 2

Against: 4

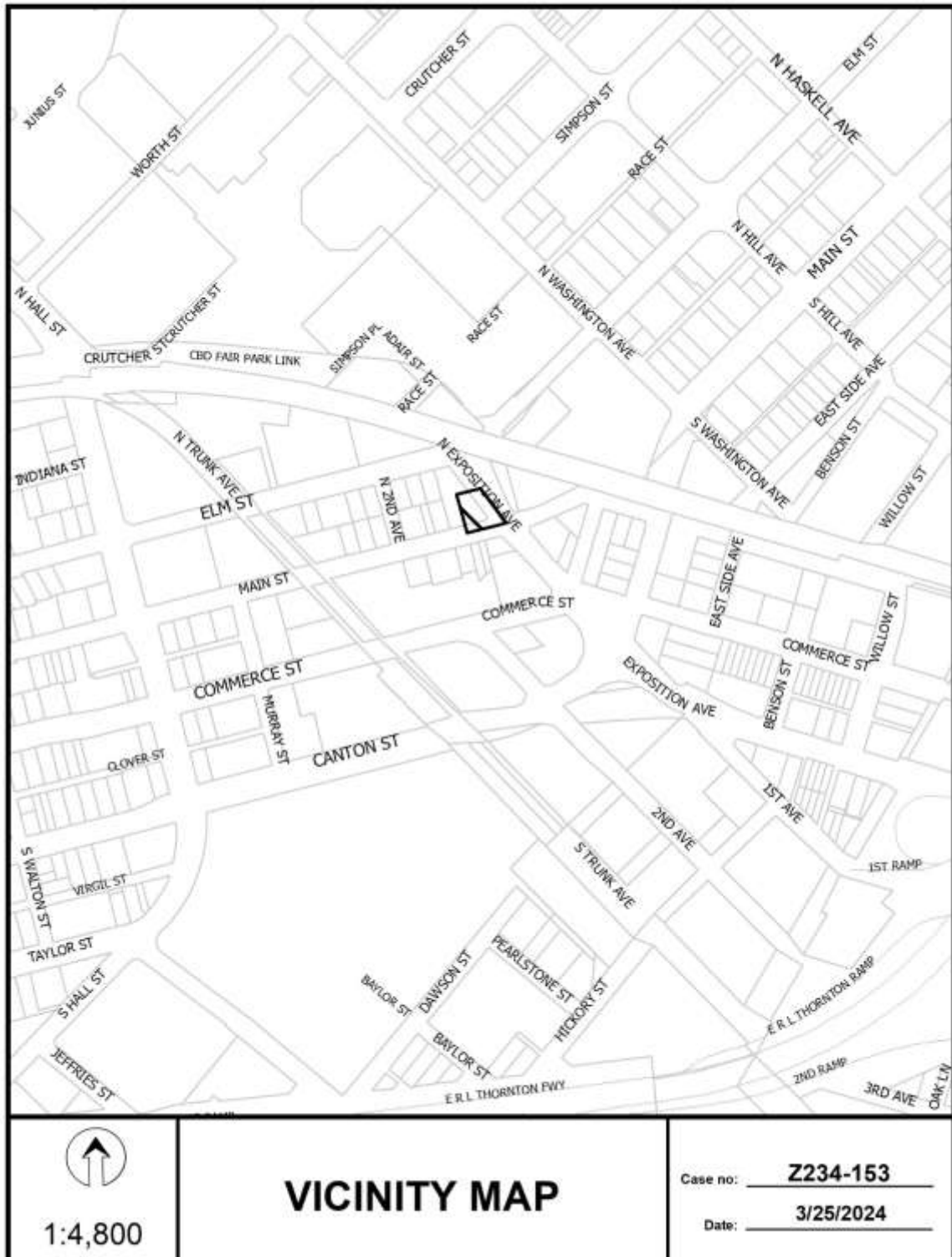
Speakers: None

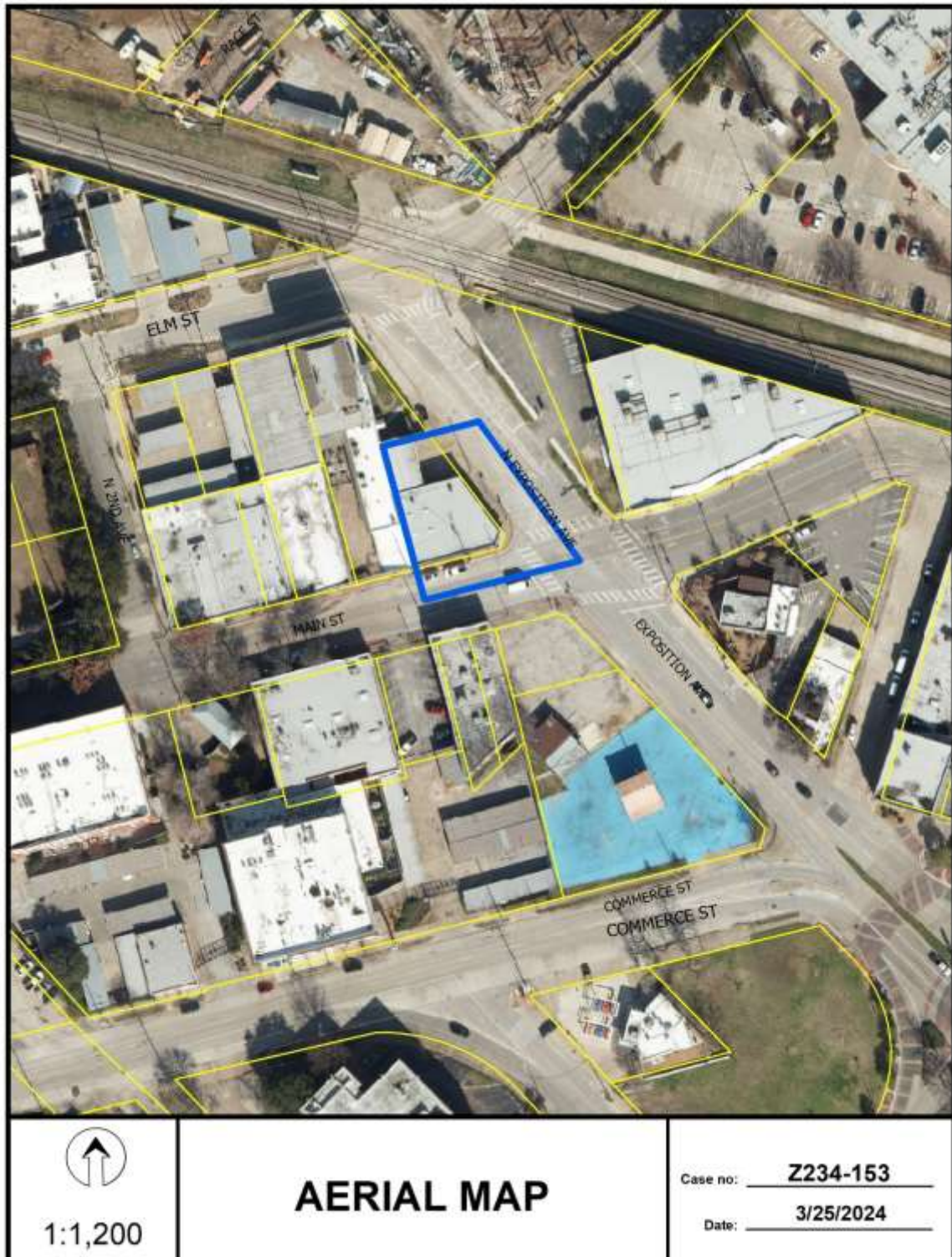
CPC RECOMMENDED CONDITIONS

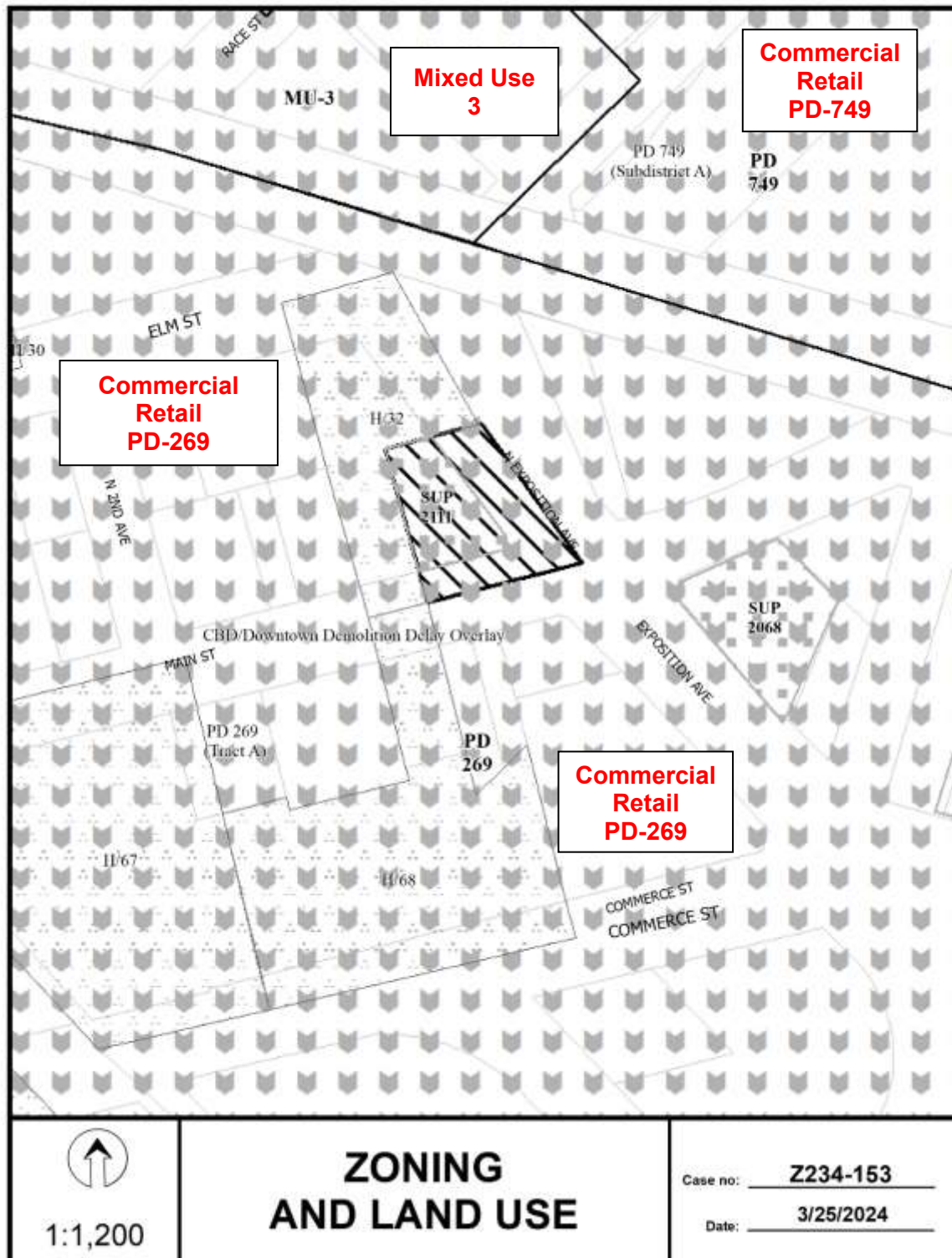
1. USE: The only uses authorized by this specific use permit are a body piercing studio and a tattoo studio.
2. SITE PLAN: Use and development of the property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit is approved for ~~May 22, 2024~~ (five years from the passage of this ordinance).
4. FLOOR AREA: The maximum floor area is 4,200 square feet in the location shown on the attached site plan.
5. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: 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.

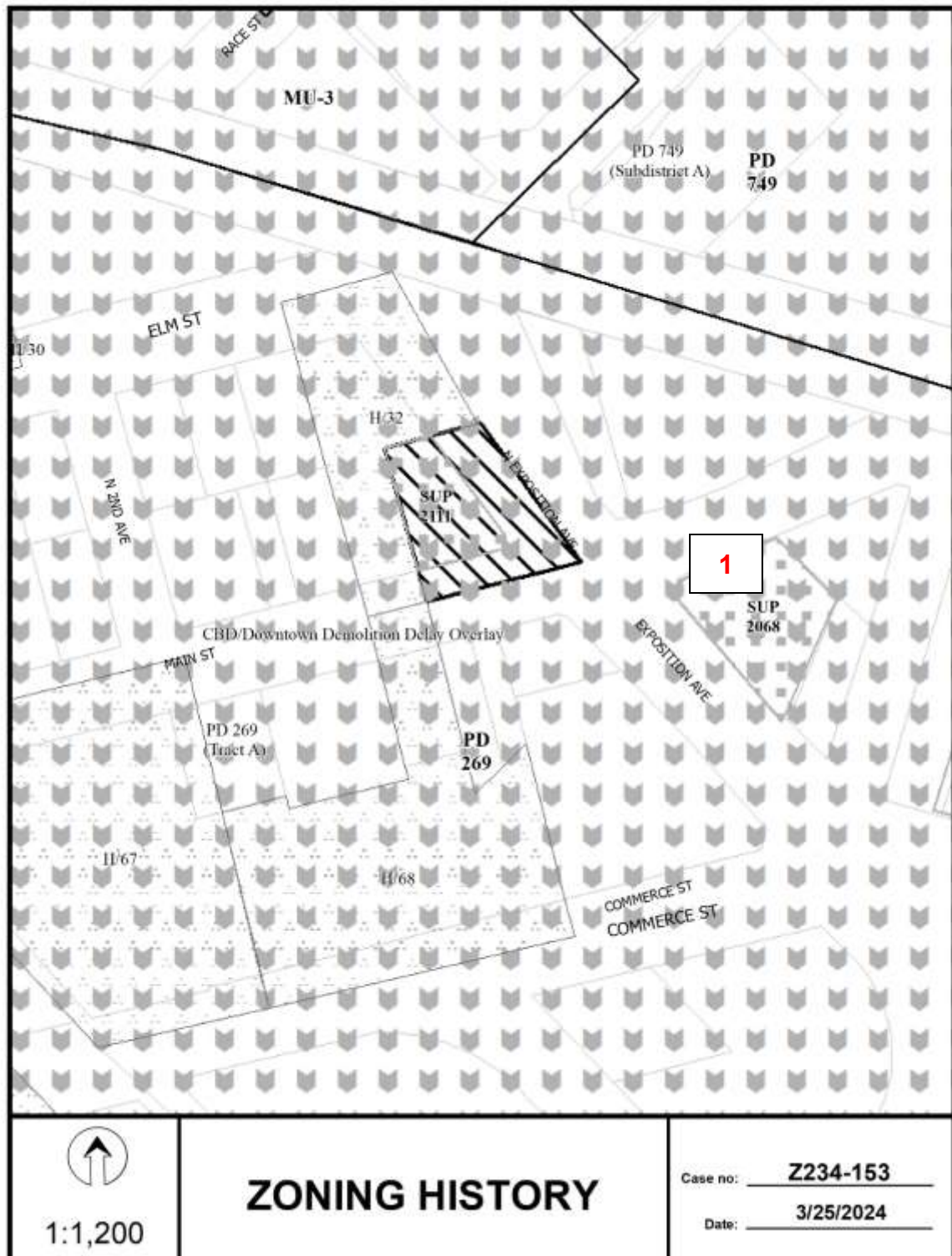


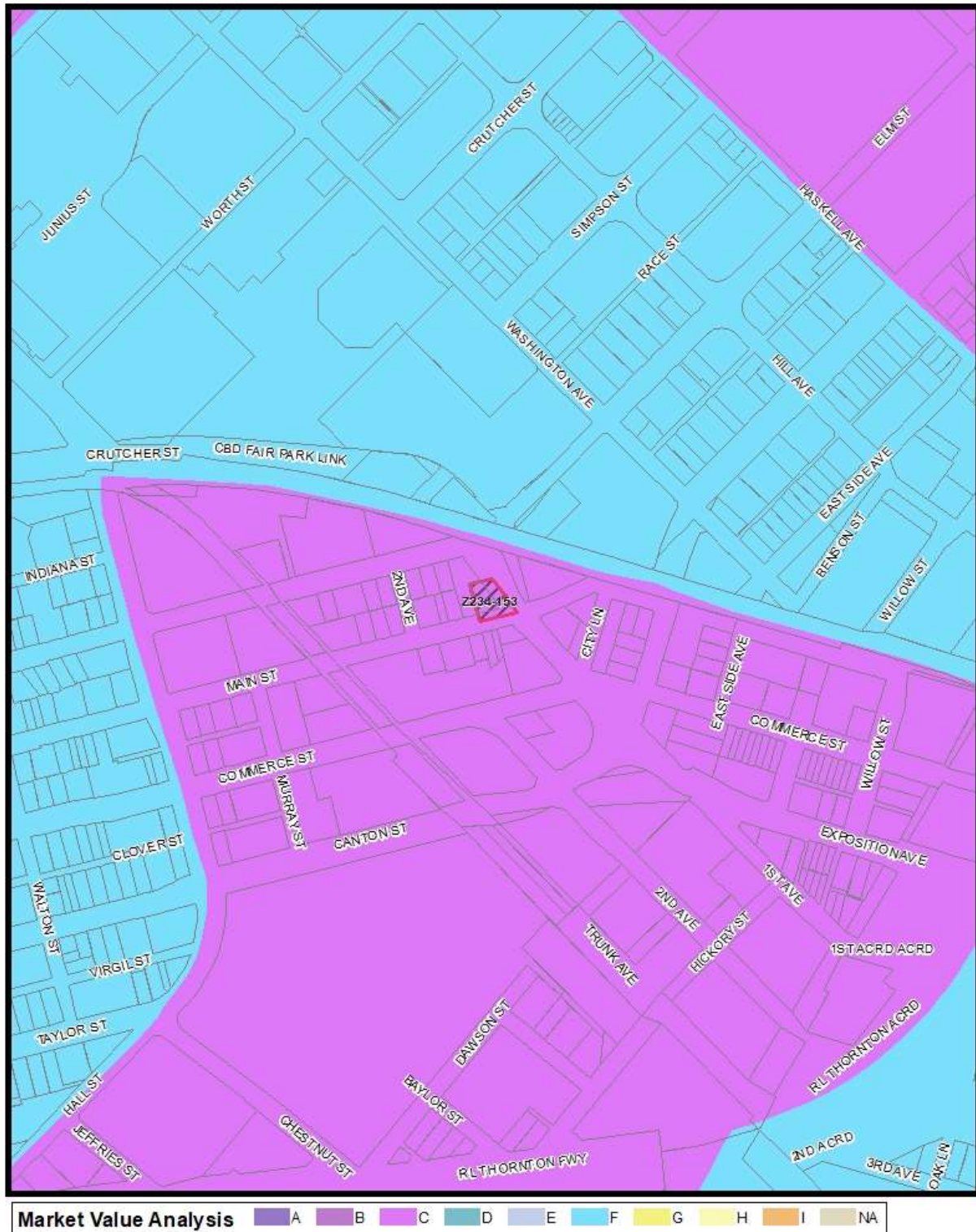
Approved
City Plan Commission
September 18, 2014







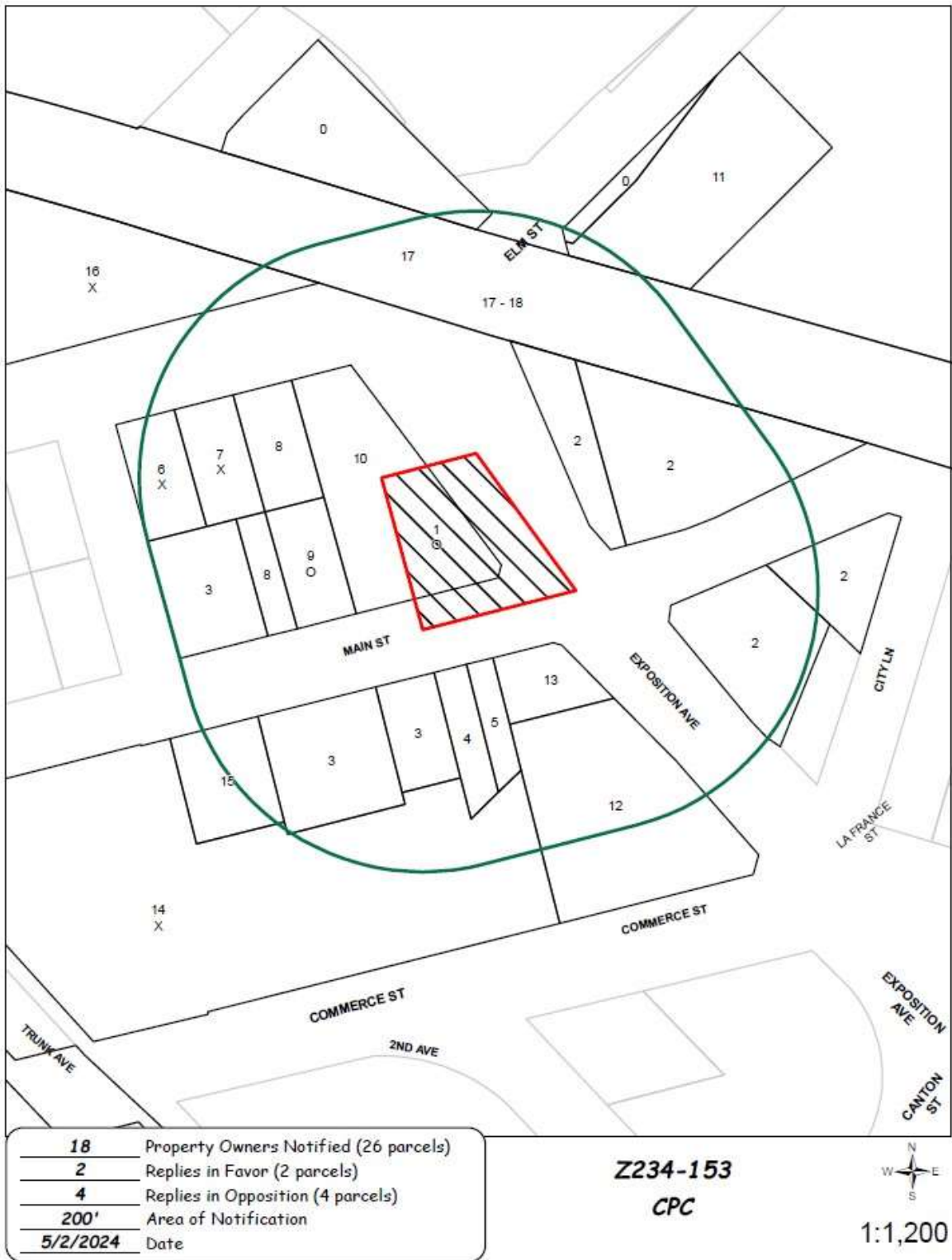




1:4,800

Market Value Analysis

Printed Date: 3/25/2024



05/01/2024

Reply List of Property Owners***Z234-153******18 Property Owners Notified 2 Property Owners in Favor 4 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	3417 MAIN ST	JERNIGAN REALTY PTNRS LP
	2	3600 MAIN ST	COLDBEER IN DEEP ELLUM LP
	3	3404 MAIN ST	JERNIGAN REALTY PTNR LP
	4	3416 MAIN ST	CHOW JUNE C &
	5	3418 MAIN ST	WITHERSPOON DAVID
X	6	3400 ELM ST	WESTDALE PPTIES AMERICA 1
X	7	3404 ELM ST	WESTDALE PPTIES AMERICA I
	8	3407 MAIN ST AL	JERNIGAN INVESTMENTS INC
O	9	3409 MAIN ST AL	JERNIGAN INVESTMENTS INC
	10	3414 ELM ST	SONS OF HERMANN
	11	3700 ELM ST	BAYLOR HEALTHCARE SYSTEM
	12	3435 COMMERCE ST	SUNSET APARTMENTS LP
	13	3435 COMMERCE ST	RETAIL PARKING LLC
X	14	3300 MAIN ST	WESTDALE DEEP ELLUM LOFTS LTD
	15	3400 MAIN ST	WESTDALE DEEP ELLUM LOFTS
X	16	3333 ELM ST	WESTDALE PROPERTIES
	17	555 2ND AVE	DART
	18	555 2ND AVE	DART



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1790

Item #: Z4.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: June 12, 2024
COUNCIL DISTRICT(S): 1
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Robin Bentley

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 2453 for supportive housing on property zoned Subdistrict 3C within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District, on the south line of Fort Worth Avenue, south of Interstate 30

Recommendation of Staff: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval for a five-year period, subject to a site plan and conditions
Z234-185(WK)

FILE NUMBER: Z234-185(WK) **DATE FILED:** March 1, 2024

LOCATION: South line of Fort Worth Avenue, south of Interstate 30

COUNCIL DISTRICT: 1

SIZE OF REQUEST: Approx. 0.81 acres **CENSUS TRACT:** 48113004400

REPRESENTATIVE: Kirksey Architects

OWNER/APPLICANT: City of Dallas

REQUEST: An application for an amendment to Specific Use Permit No. 2453 for supportive housing on property zoned Subdistrict 3C within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District.

SUMMARY: The purpose of the request is to continue to allow a supportive housing use.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- SUP No. 2453 was approved by council on April 13, 2022 for a three-year period; and is set to expire on April 13, 2025.
- The site is developed with building that is currently vacant and is under renovations. The building used to be a hotel or motel use with approximately 73 rooms. The applicant is converting this building to a supportive housing use.
- According to PD No. 714, supportive housing means three or more dwelling units located on a lot where supportive services are provided onsite for residents. Supportive services include, but are not limited to, counseling services, health services, workforce training, and job placement assistance.

Zoning History:

There have been two zoning cases in the area in the last five years.

1. **Z212-114:** On April 13, 2022, City Council approved an application for 1) a new Planned Development Subdistrict for specific residential and nonresidential uses; and 2) a Specific Use Permit for a supportive housing use on property zoned Subdistrict 3A within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District, on the south line of Fort Worth Avenue, south of Interstate 30. [Subject site]
2. **Z201-321:** On March 8, 2023, City Council approved an amendment PD 714, Subdistrict 3A to create a new PD subdistrict titled SD 3D to modify the development standards and allow the development of retail and personal service uses on the site.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Fort Worth Avenue	Principal Arterial	100 feet Bike Plan

Traffic:

The Transportation Development Services Division of the Transportation 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, outlining several goals and policies which 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 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout 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

GOAL 2.2 Expand workforce training programs.

GOAL 2.3 Expand health, childcare, and transportation programs for low income areas.

GOAL 2.5 Facilitate integration of homeless population back into the workforce and society.

Land Use:

	Zoning	Land Use
Site	Subdistrict 3C within Planned Development District No. 714	Hotel or motel

North	Subdistrict 3A within Planned Development District No. 714 partially with deed restrictions [Z956-163], CR Community Retail District	Office, restaurant without drive-in or drive-through service, mini-warehouse
East	Subdistrict 3A within Planned Development District No. 714	Vacant
South	MF-2(A) Multifamily District	Multifamily
West	Subdistrict 3A within Planned Development District No. 714	General merchandise or food store greater than 3,500 square feet

Land Use Compatibility:

The area of request is currently developed with a building that was formerly occupied by a hotel or motel use. The site is currently under renovations and intended to become a supportive housing center. North of the request area across Fort Worth Avenue are office, restaurant without drive-in or drive-through service, and mini-warehouse uses. Surrounding the property on the southern side of Fort Worth Avenue is multifamily and a general merchandise or food store greater than 3,500 square feet. East of the area of request is a vacant structure. Staff assesses the applicant's requested land use as compatible with surrounding uses in the area.

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 regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

In addition to providing supportive housing, the applicant is intending to also add counseling services, health services, workforce training, and job placement assistance. These supportive services are limited to the people residing at the facility. Supportive

housing uses are allowed with an SUP in Subdistrict 3C of PD No. 714, the applicant proposes to continue using the site for this purpose. With the SUP conditions, the applicant proposes a time limit of five years with eligibility for automatic renewal for additional five-year periods.

Staff supports the request because it will provide local social services for people in need. Staff also supports the applicant's requested SUP time limit of five years with eligibility for automatic renewal. This time limit will allow the continued operation under the same site plan as is currently approved, with continual review upon autorenewals.

Landscaping:

The applicant does not propose to modify the existing landscaping conditions of PD No. 714. Because the applicant is proposing an interior remodel only, these landscaping requirements would not be triggered. Any future modifications to landscaping will be provided in accordance with the landscaping requirements of PD No. 714.

Parking:

The site is required to include a minimum of 0.5 spaces per dwelling unit for the supportive housing use. This condition is intended to accommodate the number of spaces that exist on the site today. As shown on the existing SUP site plan, the site provides a total of 22 parking spaces and an additional of 20 parking spaces that are non-conforming.

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 and the areas surrounding are within a "C" MVA cluster.

CPC Action
May 16, 2024

Motion: It was moved to recommend **approval** of an amendment to Specific Use Permit No. 2453 for supportive housing for a five-year period, subject to a site plan and conditions on property zoned Subdistrict 3C within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District, on the south line of Fort Worth Avenue, south of Interstate 30.

Maker: Chernock
Second: Housewright
Result: Carried: 10 to 0

For: 10 - Chernock, Herbert, Forsyth, Shidid, Carpenter,
Wheeler-Reagan, Housewright, Hall, Kingston,
Rubin

Against: 0
Absent: 5 - Hampton, Blair, Sleeper, Eppler, Haqq
Vacancy: 0

Notices:	Area: 200	Mailed: 9
Replies:	For: 0	Against: 0

Speakers: For: Alice Zaccarello, 2243 Lawndale Dr., Dallas, TX, 75211
Mary Alice Ayers, 2018 Mayflower Dr., Dallas, TX, 75208
Renata Wells, 2111 Barberry Dr., Dallas, TX, 75211
Carole Somersclark, 1131 N. Plymouth Rd., Dallas, TX, 75208
Charles O'Connell, 634 Kessler Reserve Ct., Dallas, TX, 75208
For (Did not speak): Jennifer Snow, Address not provided.
Against: Patricia Melly, 957 Kessler Parkway, Dallas, TX, 75208

PROPOSED CONDITIONS

1. USE: The only use authorized by this specific use permit is supportive housing.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC recommendation:


- | |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on April 13, 2025 , (five years from the passage of this ordinance), |
|---|

Staff recommendation:

- | |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on April 13, 2025 , (five years from the passage of this ordinance), but is eligible for automatic renewal of additional five-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.) |
|---|

4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: 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.

EXISTING SITE PLAN (NO CHANGES)
(clarification added in the table)



MIRAMAR
1950 Fort Worth Ave
Dallas, TX 75208

Architect
bcWORKSHOP
1414 Bellevue St., Suite 150,
Dallas TX 75215
T 214 252 2800

Developer
CitySquare
511 N. Akard, Suite 301
Dallas, TX 75201

Property Owner
City of Dallas
1503 Marilla Street
Dallas, TX 75201

PRELIMINARY
NOT FOR CONSTRUCTION
FOR FIRM PURPOSES
FOR REVIEW ONLY

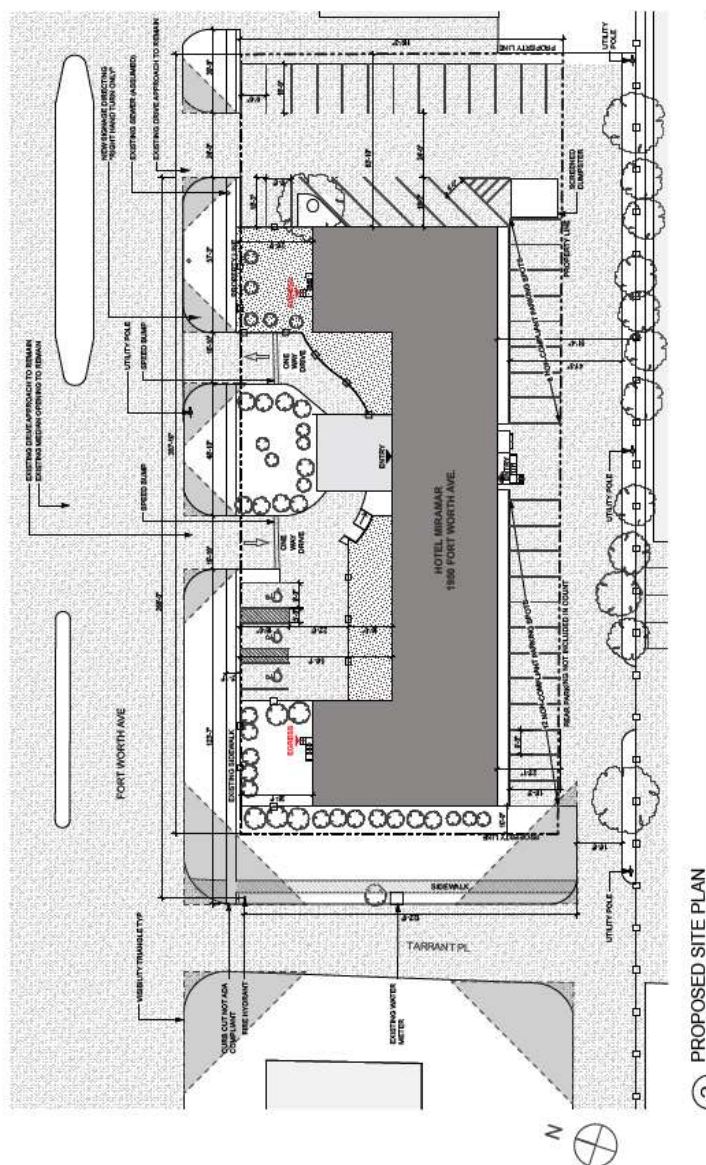
ISSUE REVISION:

ISSUE FOR ZONING	10/13/2020
S.D.	10/23/2020
ISSUE FOR ZONING REV. 1	11/08/2020

DRAWN BY: [bc]

bcWORKSHOP
PROPOSED SITE PLAN -
WITHOUT FIRE LANS
AS103

Good & Beautiful Interior Architects

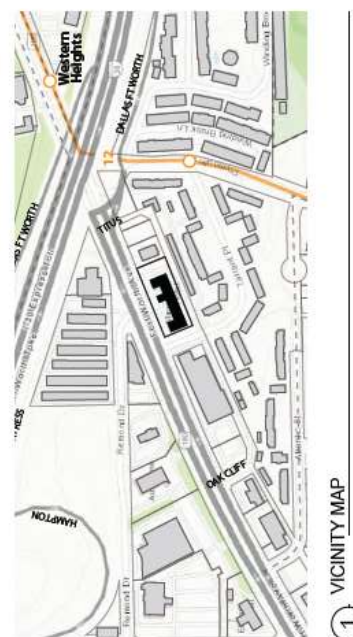


PROPOSED USES + PARKING REQUIREMENTS				
RESIDENTIAL	40 UNITS	0.5 PARKING SPACE PER DWELLING UNIT	20 SPACES	
OFFICE	2,160 SF	SHARED SPACES WITH RESIDENTIAL UNITS	NO ADDITIONAL SPACES REQUIRED	
STORAGE	1,560 SF	N/A	NO ADDITIONAL SPACES REQUIRED	
		TOTAL REQUIRED	20 SPACES	
		TOTAL PROVIDED	22 SPACES	

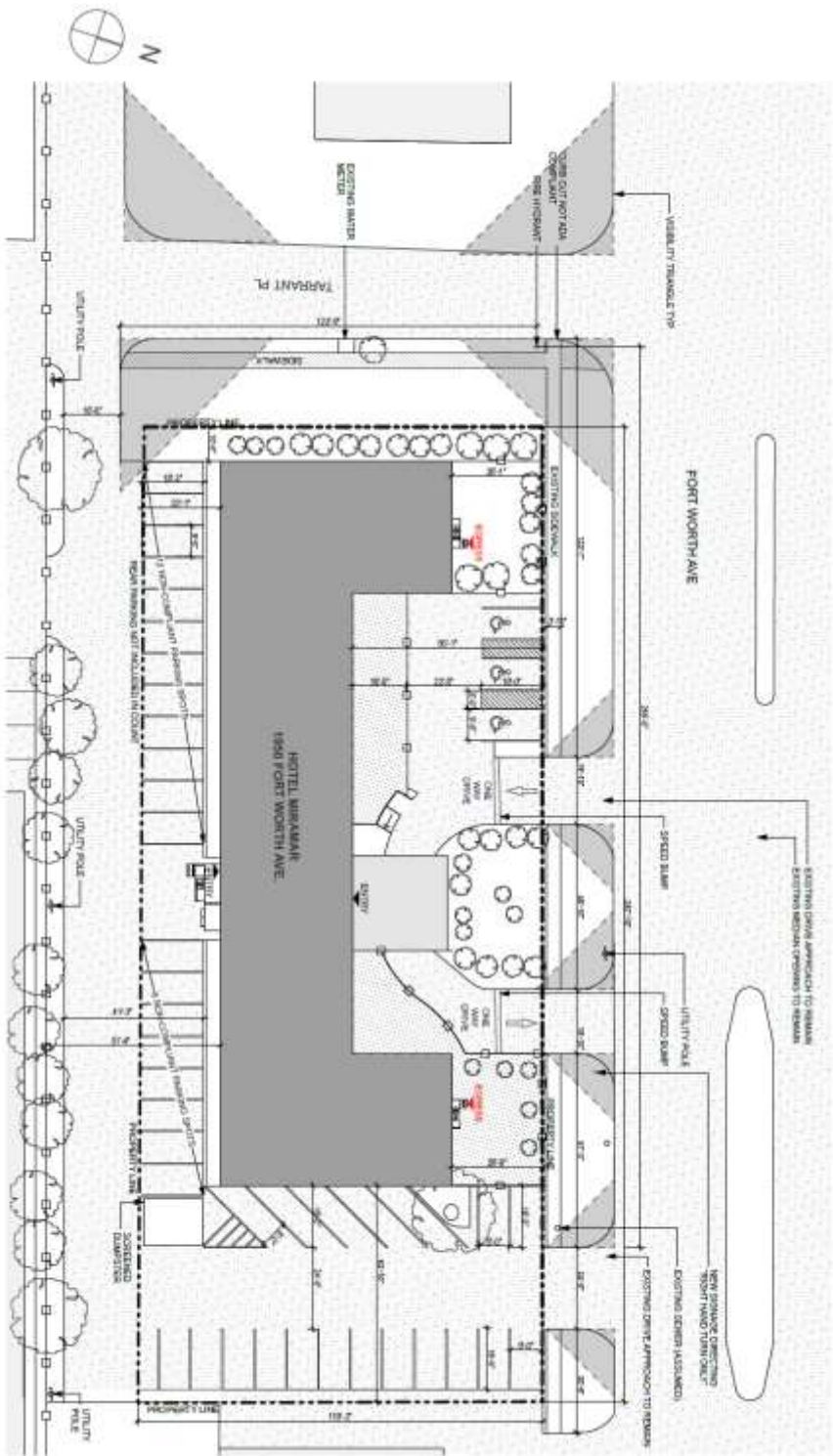
TABLE FOR INFORMATION PURPOSES ONLY. REGARDING PARKING RATIOS, NOT INTENDED TO LIMIT THE NUMBER OF UNITS OR OTHER SUPPORTING USES

CITY PLAN COMMISSION
5.16.2024

Z2234-185(WK)

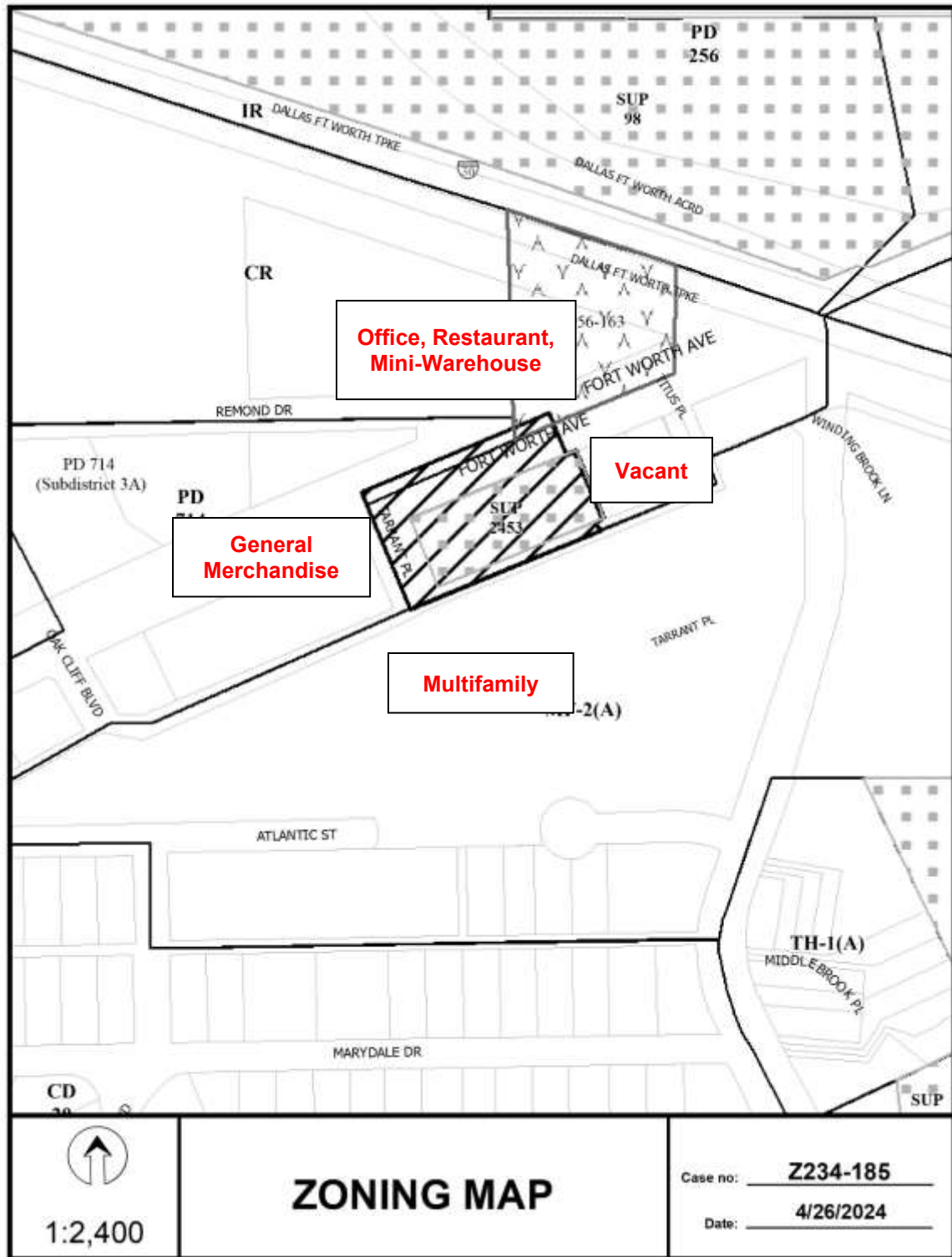


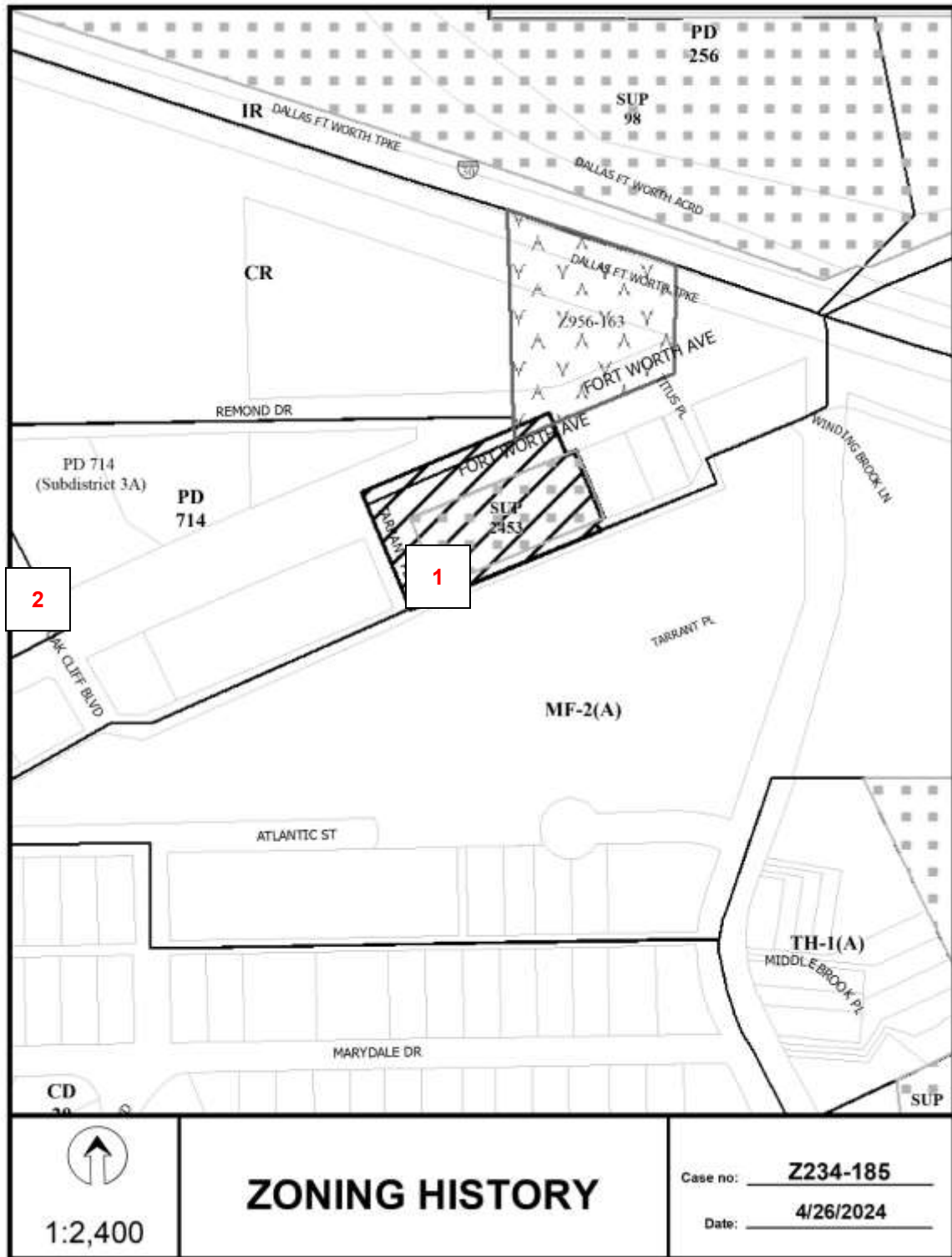
EXISTINGSITE PLAN (NO CHANGES) (ENLARGED)

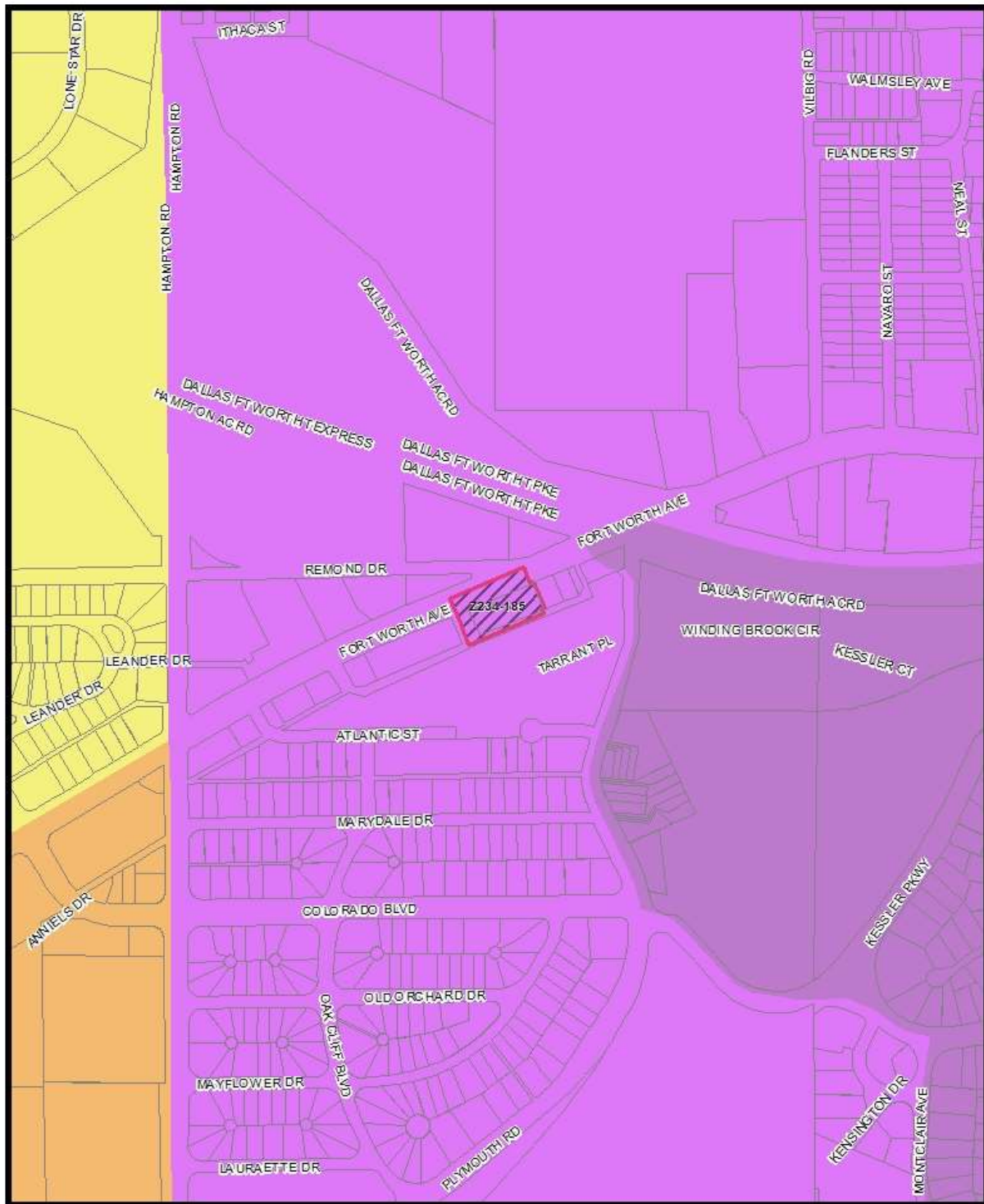












Market Value Analysis

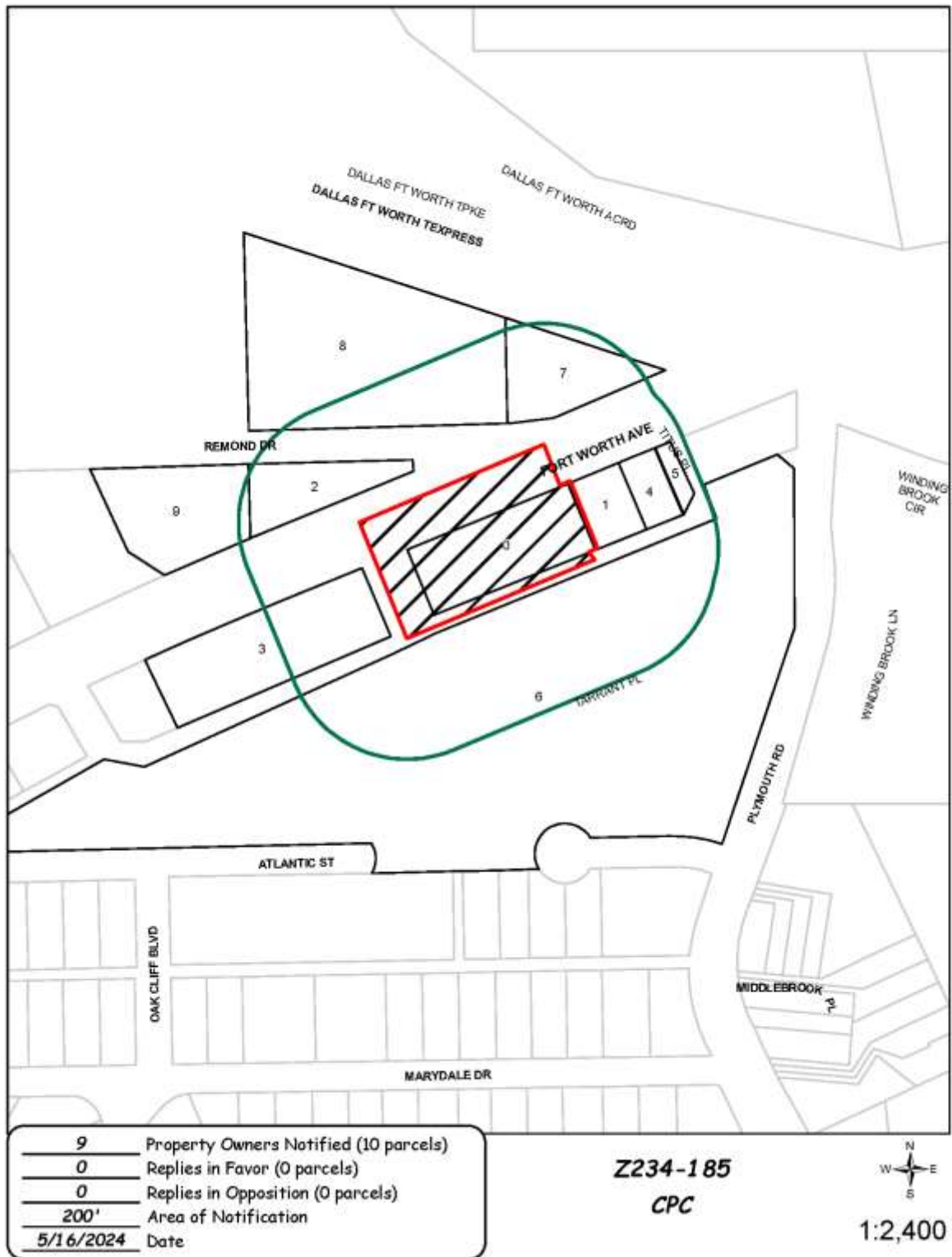
A B C D E F G H I NA



1:6,000

Market Value Analysis

Printed Date: 4/26/2024



05/15/2024

Reply List of Property Owners

Z234-185

9 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1922 FORT WORTH AVE	FAVORS SHARON &
	2	1965 FORT WORTH AVE	JURAPU LLC
	3	1982 FORT WORTH AVE	A & C CENTER LLC
	4	1918 FORT WORTH AVE	Taxpayer at
	5	1914 FORT WORTH AVE	VASILIKOS LLC
	6	1902 TARRANT PL	156 VM LP
	7	1925 FORT WORTH AVE	RODRIGUEZ ALMA
	8	1935 REMOND DR	STORAGE PORTFOLIO I LLC
	9	1981 FORT WORTH AVE	CJK APARTMENTS LLC



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1735

Item #: Z5.

STRATEGIC PRIORITY: Economic Development
AGENDA DATE: June 12, 2024
COUNCIL DISTRICT(S): 8
DEPARTMENT: Department of Planning and Urban Design
EXECUTIVE: Robin Bentley

SUBJECT

A public hearing to receive comments regarding an application for **(1)** an ordinance granting a CR Community Retail District, and **(2)** an ordinance granting a Specific Use Permit for a commercial amusement (outside), on property zoned R-7.5(A) Single Family District, on the east line of Dowdy Ferry Road between Fireside Drive and Lake Anna Drive

Recommendation of Staff: Denial

Recommendation of CPC: Denial

Z223-319(GB)

HONARABLE MAYOR & CITY COUNCIL

WEDNESDAY, JUNE 12, 2024

ACM: Robin Bentley

FILE NUMBER: Z223-319(GB) **DATE FILED:** August 8, 2023

LOCATION: East line of Dowdy Ferry Road, between Fireside Drive and Lake Anna Drive

COUNCIL DISTRICT: 8

SIZE OF REQUEST: 6.84 acres **CENSUS TRACT:** 48113011603

REPRESENTATIVE: Michael Stanley

OWNER/APPLICANT: Emilio Rodriguez, Marco Antonio Balderas [Sole Owners]

REQUEST: An application for **(1)** a CR Community Retail District; and **(2)** a Specific Use Permit for a commercial amusement (outside) on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of the request is to allow a commercial amusement (outside) use on the property.

CPC RECOMMENDATION: **Denial.**

STAFF RECOMMENDATION: **Denial.**

BACKGROUND INFORMATION:

- The area of request is currently zoned an R-7.5(A) Single Family District.
- According to aerial views, this site is currently developed with a small structure used for outdoor events.
- The lot has frontage on Dowdy Ferry Road.
- The applicant's intended use is commercial amusement (outside). To allow this use, they request a CR Community Retail District and a Specific Use Permit.

Zoning History:

There have not been any zoning cases in the area in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
Dowdy Ferry Road	Local Street	-

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system. Staff will continue to review engineering plans at permitting to comply with city standards.

STAFF ANALYSIS:

Land Use:

	Zoning	Land Use
Site	R-7.5(A)	Vacant
North	R-7.5(A)	Single family
East	R-7.5(A)	Undeveloped
South	R-7.5(A), CH	Undeveloped
West	R-7.5(A)	Single family, church

Land Use Compatibility:

The area of request is currently zoned R.7-5(A) and is developed with a small structure and some undeveloped land. To the north of the site is single family, to the east of the site is undeveloped land, to the south of the site is undeveloped land, and to the west of the site is single-family and a church.

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 regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's proposed land use is commercial amusement (outside). The proposed use will not be compatible with surrounding uses because the area of request is in walking distance of single-family homes. The proposed land use will be out of character for the neighborhood.

Development Standards

Following is a comparison of the development standards of the current R-7.5(A) District and the proposed CR District.

District	Setback		Density	Height	Lot Cvrgr.	FAR	Primary Uses
	Front	Side/Rear					
Existing: R-7.5(A)	25'	5' SF 10' OTHR	-----	30'	45'-SF 25'-OTHR	----	Single-Family Residential
Proposed: Community Retail (CR)	15'	20'	-----	54'	60%	0.5 for office 0.75 for all uses combined	Community Serving Retail, Personal Service, Office

R-7.5(A)

- (i) Minimum side and rear yard for single-family structures is five feet

- (ii) Minimum side yard for other permitted structures is 10 feet
- (iii) Minimum rear yard for other permitted structures is 15 feet

CR

- (B) Side and rear yard: Minimum side and rear yard is: (i) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and (ii) no minimum in all other cases.

Height

- Residential proximity slope: if any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope.

Landscaping:

Landscaping and tree preservation must 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 commercial amusement (outside) is one space per 200 square feet of floor area, plus one space per 400 square feet of site area exclusive of parking area. The applicant will be required to comply with standard parking ratios at permitting.

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 located in an "H" MVA area.

CPC Action

May 2, 2024

Motion: It was moved to recommend **denial** of an application for 1) a CR Community Retail District; and 2) **denial** a Specific Use Permit for a commercial amusement (outside) on property zoned an R-7.5(A) Single Family District, on the east line of Dowdy Ferry Road between Fireside Drive and Lake Anna Drive.

Maker: Blair
Second: Rubin
Result: Carried: 15 to 0

For: 15 - Chernock, Hampton, Herbert, Forsyth, Shidid, Carpenter, Wheeler-Reagan, Blair, Sleeper, Housewright*, Eppler, Haqq, Hall, Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

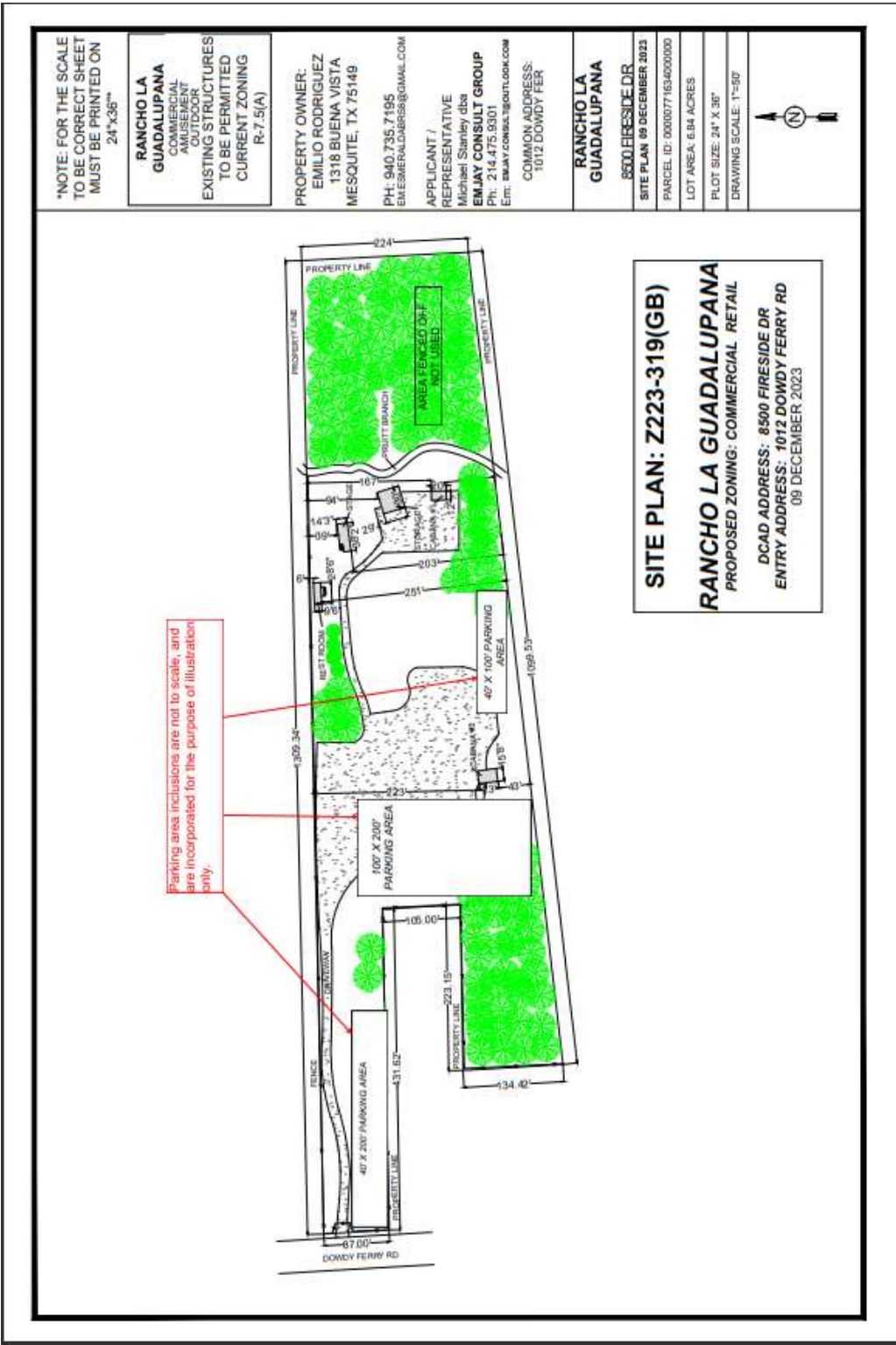
Notices: Area: 400 Mailed: 226
Replies: For: 0 Against: 0

Speakers: For: Michael Stanley, 2669 Claremont Dr., Grand Parie, TX, 75052
Esmeralda Rodriguez, 1012 Dowdy Ferry Rd., Dallas, TX, 75217
Emilio Rodriguez, 1012 Dowdy Ferry Rd., Dallas, TX, 75217
Ofelia Castro, 435 Myers Cir., Dallas, TX, 75217
Omar Balderas, 2105 Narobi Pl., Mesquite, TX, 75149
Against: None

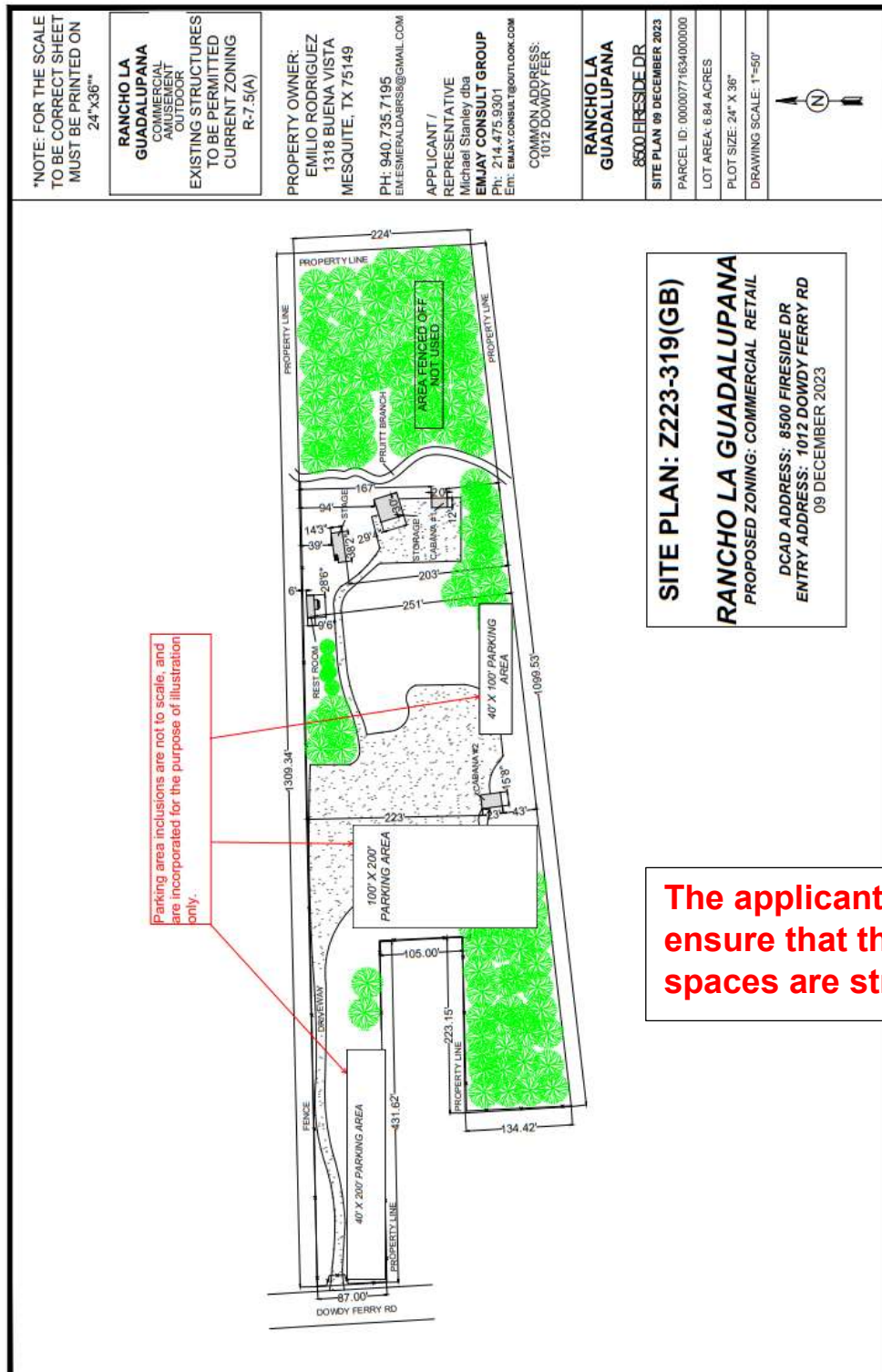
APPLICANT'S PROPOSED SUP CONDITIONS

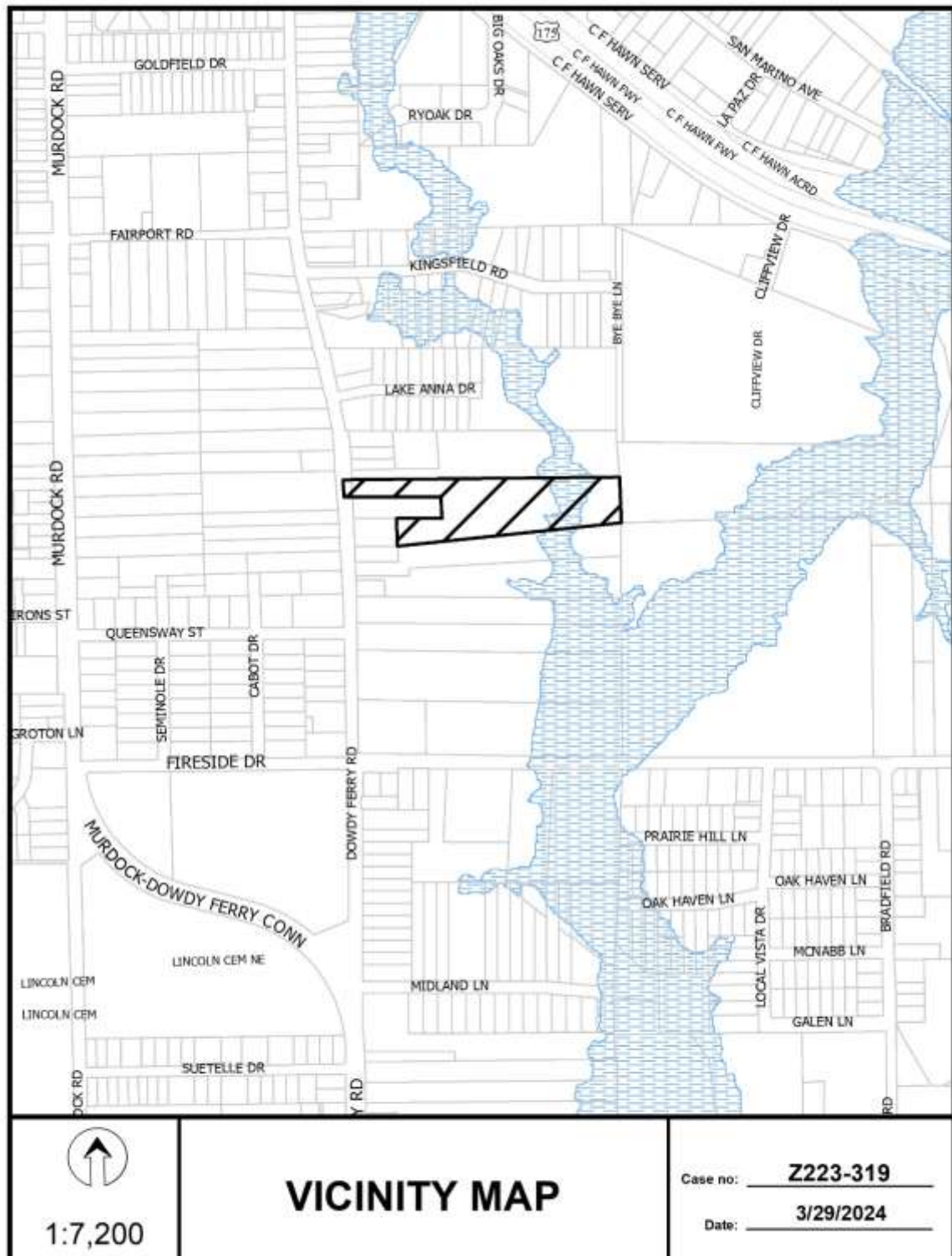
1. USE: The only use authorized by this specific use permit is a commercial amusement (outside).
2. SITE PLAN: Use and development of the Property will comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires (one year from the passage of this ordinance), but is eligible for automatic renewal for additional five-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.)
4. LANDSCAPING: Landscaping must be provided as shown on the attached site plan prior to the issuance of a certificate of occupancy.
5. HOURS OF OPERATION: The commercial amusement (outside) may only operate between 8:00 a.m. and 10:00 p.m., Tuesday through Saturday.
6. LIGHTING: Field lighting is not permitted.
7. MAINTENANCE: The Property will be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property will comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

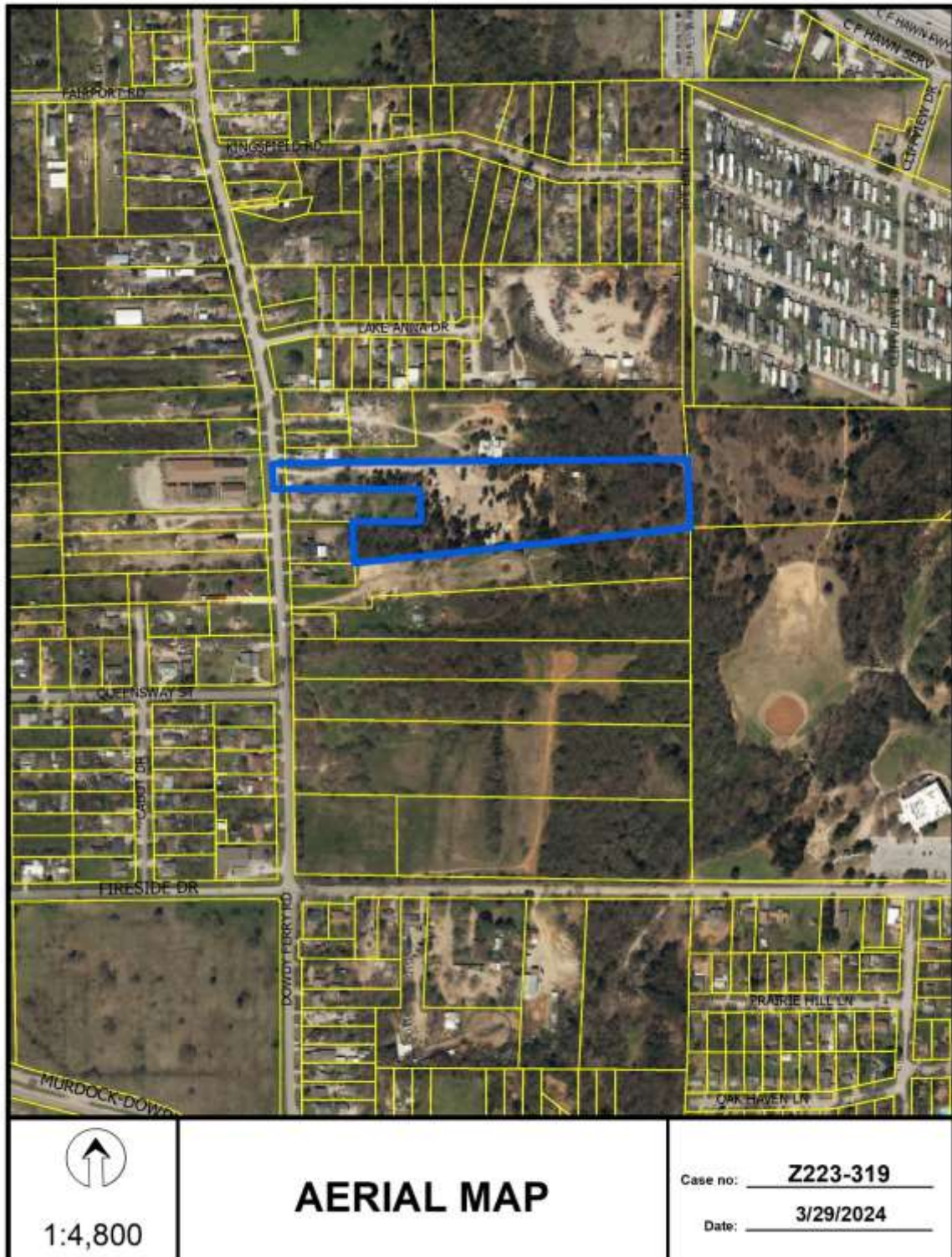
APPLICANT'S PROPOSED SUP SITE PLAN

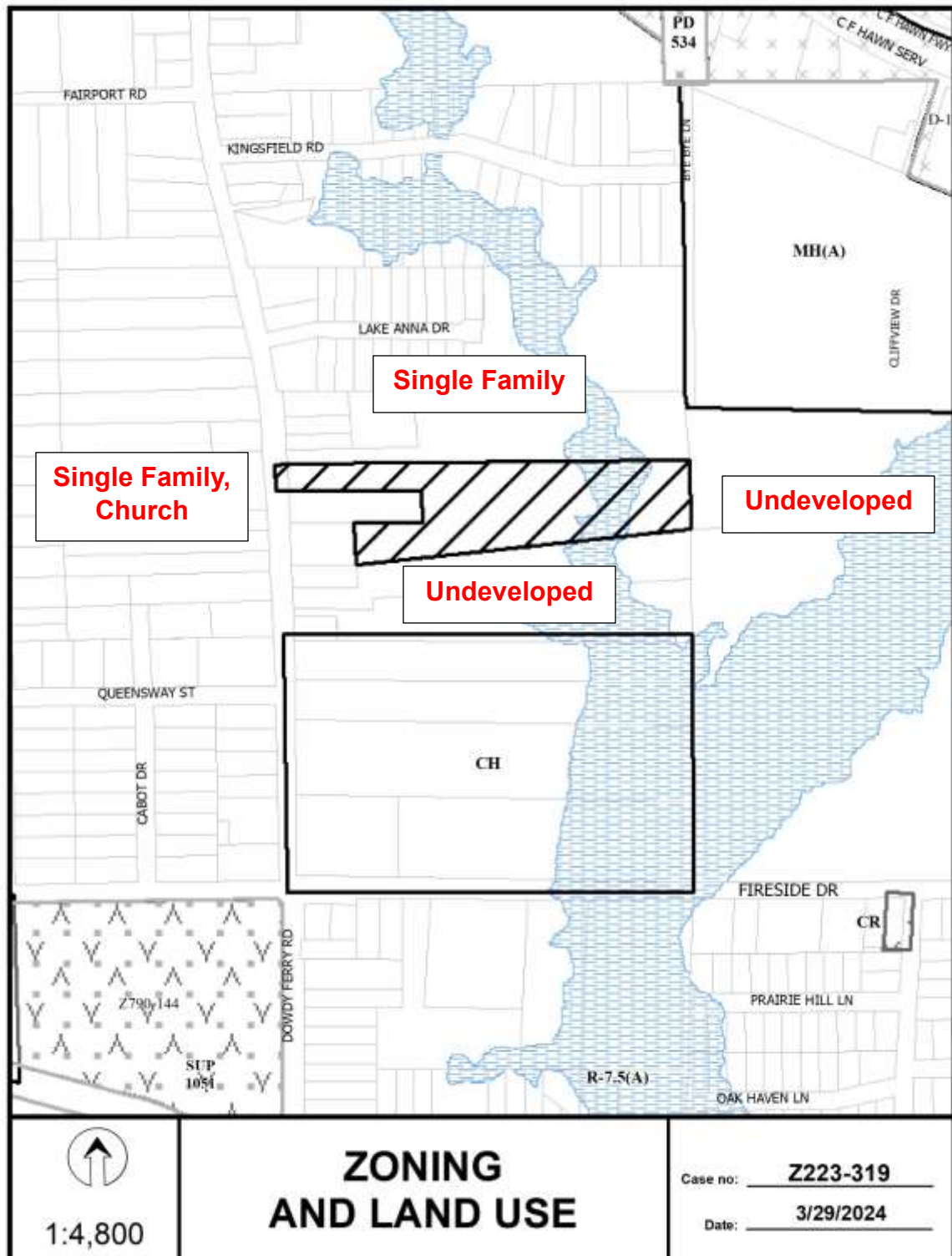


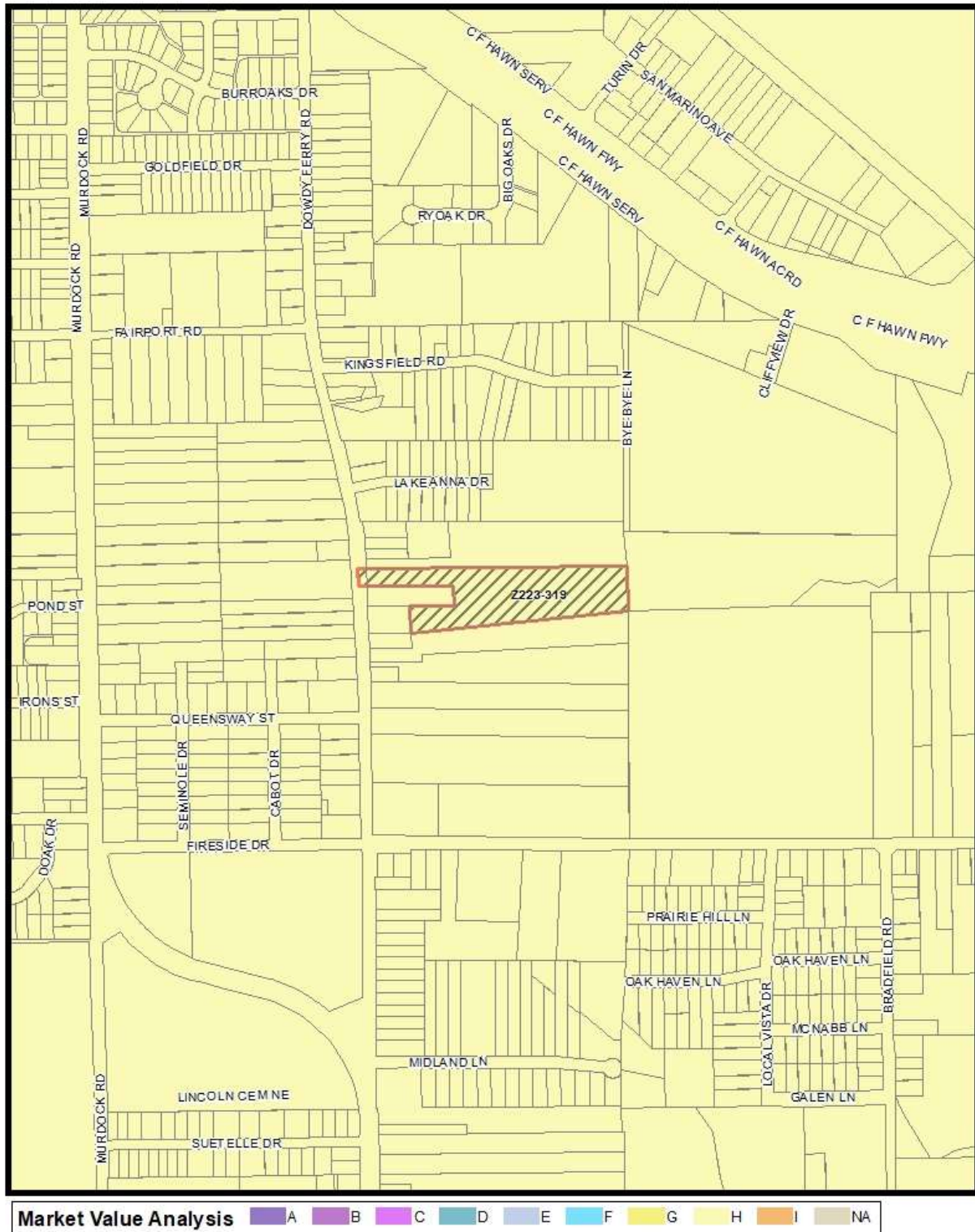
APPLICANT'S PROPOSED SITE PLAN (With Staff Markups)









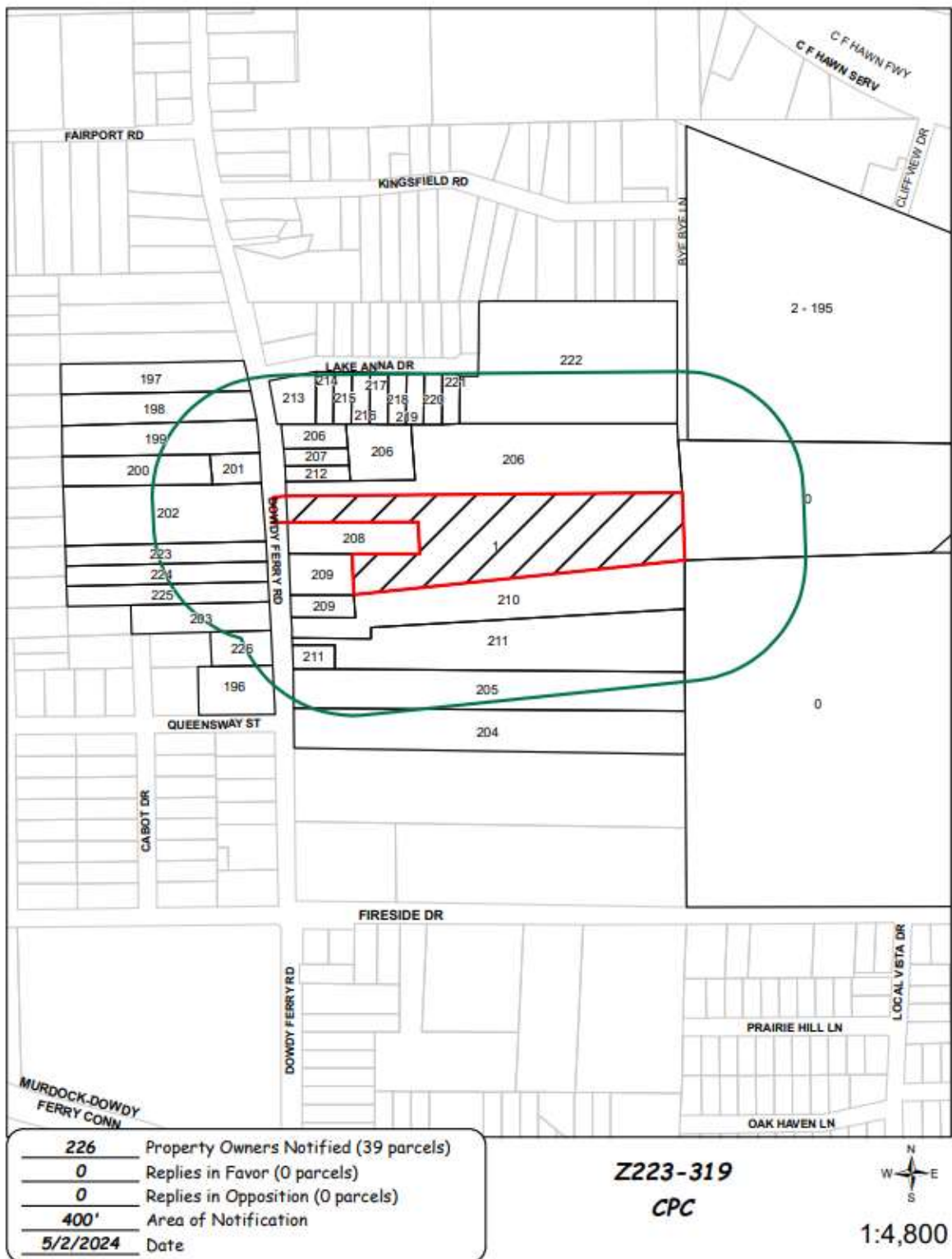


1:7,200

Market Value Analysis

Printed Date: 3/29/2024

Z223-319(GB)



05/01/2024

Reply List of Property Owners***Z223-319******226 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8500	FIRESIDE DR	RODRIGUEZ EMILIO
2	733	CLIFFVIEW DR	OW RIDGECREST LLC
3	733	CLIFFVIEW DR	MUNOZ JAZMIN
4	733	CLIFFVIEW DR	MARTINEZ JORGE
5	733	CLIFFVIEW DR	OW DALLAS AFFORDABLE HOUSING, LLC
6	733	CLIFFVIEW DR	OW DALLAS AFFORDABLE HOUSING, LLC
7	733	CLIFFVIEW DR	OW DALLAS AFFORDABLE HOUSING LLC
8	733	CLIFFVIEW DR	ARANDA AUGUSTIN
9	733	CLIFFVIEW DR	ESPINOZA ANTONIA
10	733	CLIFFVIEW DR	MARTINEZ MONICA
11	733	CLIFFVIEW DR	SANCHEZ, MARTIN A.G.
12	733	CLIFFVIEW DR	RAMOS MARIA
13	733	CLIFFVIEW DR	RUELAS, SANDRA
14	733	CLIFFVIEW DR	LOPEZ HECTOR
15	733	CLIFFVIEW DR	RUIZ NANCY
16	733	CLIFFVIEW DR	VASQUEZ JUVENTINO
17	733	CLIFFVIEW DR	GALARZA JESUS
18	733	CLIFFVIEW DR	ADAME MARIA
19	733	CLIFFVIEW DR	ROJAS DAVID
20	733	CLIFFVIEW DR	ULLOA ISSELDIA
21	733	CLIFFVIEW DR	MORALES PORFIRIO
22	733	CLIFFVIEW DR	GARZA TOMAS
23	733	CLIFFVIEW DR	CARRANZA MATERESITA
24	733	CLIFFVIEW DR	DAGOBERTO MORENO
25	733	CLIFFVIEW DR	LOMELI JOSE
26	733	CLIFFVIEW DR	SANCHEZ JUAN

05/01/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	733	CLIFFVIEW DR	CORTEZ EFREN & OLGA
28	733	CLIFFVIEW DR	RODRIGUEZ DEMETRIO
29	733	CLIFFVIEW DR	ASTORGA VICTOR
30	733	CLIFFVIEW DR	VELASQUEZ MAGALY
31	733	CLIFFVIEW DR	ALDERETE FLORA
32	733	CLIFFVIEW DR	LICEA CANDIDO
33	733	CLIFFVIEW DR	GUDINO ESMERALDA
34	733	CLIFFVIEW DR	MEDELLIN MARIANA
35	733	CLIFFVIEW DR	MENDEZ JUAN
36	733	CLIFFVIEW DR	GALAN JUANITA
37	733	CLIFFVIEW DR	SOSA, MARIA
38	733	CLIFFVIEW DR	HURRERA LUIS
39	733	CLIFFVIEW DR	VASQUEZ MARIA LOURDES
40	733	CLIFFVIEW DR	VILLAGRAN JOEL
41	733	CLIFFVIEW DR	OLALDE JUAN
42	733	CLIFFVIEW DR	ROMO FERNANDO
43	733	CLIFFVIEW DR	DOMINGUEZ, GUADALUPE H
44	733	CLIFFVIEW DR	GARCIA AMALIO
45	733	CLIFFVIEW DR	SIMON MAURICO
46	733	CLIFFVIEW DR	REZA AMBROSIO
47	733	CLIFFVIEW DR	NINO JOSE C.
48	733	CLIFFVIEW DR	MUNOZ MA DE LA ANGELES
49	733	CLIFFVIEW DR	PATRON, LEONARD G
50	733	CLIFFVIEW DR	GUTIERREZ ROSA
51	733	CLIFFVIEW DR	AGUILERA SANTIAGO
52	733	CLIFFVIEW DR	HERNANDEZ PEDRO
53	733	CLIFFVIEW DR	DIAS ENRIQUE
54	733	CLIFFVIEW DR	SALAZAR TOBIAS
55	733	CLIFFVIEW DR	CASTRO, MARGARITA
56	733	CLIFFVIEW DR	GOMEZ, JOSE
57	733	CLIFFVIEW DR	ZUNIGA JAIME

05/01/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	733 CLIFFVIEW DR	FRIAS ERNESTO
	59	733 CLIFFVIEW DR	ROMO ABEL
	60	733 CLIFFVIEW DR	OVALLE JAIME
	61	733 CLIFFVIEW DR	LOPEZ JOSE
	62	733 CLIFFVIEW DR	MARTINEZ JESUS NOE
	63	733 CLIFFVIEW DR	CARRANZA MIGUEL
	64	733 CLIFFVIEW DR	MORALES ALMA
	65	733 CLIFFVIEW DR	PEREZ WILSON
	66	733 CLIFFVIEW DR	MUNOZ JOSE
	67	733 CLIFFVIEW DR	PONCE, MARIBEL
	68	733 CLIFFVIEW DR	CORTINA, LUCIA
	69	733 CLIFFVIEW DR	MALDONADO ALFONSO
	70	733 CLIFFVIEW DR	BAILON ANAL
	71	733 CLIFFVIEW DR	RODAS, ALMA
	72	733 CLIFFVIEW DR	PEREZ JUAN
	73	733 CLIFFVIEW DR	RIOS FRANCISCO
	74	733 CLIFFVIEW DR	ALVAREZ JOSE
	75	733 CLIFFVIEW DR	BARAJAS ALFREDO
	76	733 CLIFFVIEW DR	GARCIA JESSICA
	77	733 CLIFFVIEW DR	RAMOS JOSE L
	78	733 CLIFFVIEW DR	RODRIGUEZ SEVERIANO
	79	733 CLIFFVIEW DR	VELAZQUEZ MARIA
	80	733 CLIFFVIEW DR	BLAGBURN SANDRA
	81	733 CLIFFVIEW DR	CASTRO MARIA
	82	733 CLIFFVIEW DR	DELACRUZ UFRANO
	83	733 CLIFFVIEW DR	HERNANDEZ GERARDO
	84	733 CLIFFVIEW DR	IPINE LORENZO
	85	733 CLIFFVIEW DR	RODRIQUEZ CELIA
	86	733 CLIFFVIEW DR	DIAZ, PRIMITIVO M
	87	733 CLIFFVIEW DR	VILLAGRAN MANUEL
	88	733 CLIFFVIEW DR	PADRON CARDENAS VICTOR A & MONTROYA BRENDA

05/01/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	733 CLIFFVIEW DR	RIVAS JUAN
	90	733 CLIFFVIEW DR	VAZQUEZ CARLOS
	91	733 CLIFFVIEW DR	OW DALLAS AFFORDABLE HOUSING LLC
	92	733 CLIFFVIEW DR	MALDONADO, SILVIA
	93	733 CLIFFVIEW DR	MARTINEZ PABLO
	94	733 CLIFFVIEW DR	PORTILLO OLGA
	95	733 CLIFFVIEW DR	PEREZ EUNICE
	96	733 CLIFFVIEW DR	ALVAREZ, ANA
	97	733 CLIFFVIEW DR	ZUNIGA MARTHA
	98	733 CLIFFVIEW DR	FLORES ROBERT
	99	733 CLIFFVIEW DR	GOMEZ JOSE
	100	733 CLIFFVIEW DR	PONCE MARIBEL & JOSE
	101	733 CLIFFVIEW DR	PERAZA MARCOS
	102	733 CLIFFVIEW DR	LOPEZ MACARIA
	103	733 CLIFFVIEW DR	TORRES MANUEL
	104	733 CLIFFVIEW DR	PARADA GUADALUPE
	105	733 CLIFFVIEW DR	FRANCISCO VENCES LOPEZ
	106	733 CLIFFVIEW DR	GONSALEZ MARIA
	107	733 CLIFFVIEW DR	CHAVEZ JULIO & CRYSTAL
	108	733 CLIFFVIEW DR	ARGUELLO MARCELA
	109	733 CLIFFVIEW DR	ANTONIO ALBA
	110	733 CLIFFVIEW DR	PERALES LORENA
	111	733 CLIFFVIEW DR	RAMIREZ LUIS
	112	733 CLIFFVIEW DR	RODRIGUEZ, OSCAR D
	113	733 CLIFFVIEW DR	SERVIN AMANCIA
	114	733 CLIFFVIEW DR	PEREZ FABIAN
	115	733 CLIFFVIEW DR	YANEZ JUAN
	116	733 CLIFFVIEW DR	ZAVALA ELIAS
	117	733 CLIFFVIEW DR	CORTEZ SANTAMARIA JUAN H
	118	733 CLIFFVIEW DR	DIXON JOHN L
	119	733 CLIFFVIEW DR	HERNANDEZ ZAIDA

05/01/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	733 CLIFFVIEW DR	GARZA HERNALA
	121	733 CLIFFVIEW DR	ROJAS SAUL
	122	733 CLIFFVIEW DR	LOPEZ MONICA
	123	733 CLIFFVIEW DR	HERNANDEZ ESTELA
	124	733 CLIFFVIEW DR	SALGODO CESAR
	125	733 CLIFFVIEW DR	LOPEZ FABIAN
	126	733 CLIFFVIEW DR	RUIZ JUAN
	127	733 CLIFFVIEW DR	MENDOZA ISRAEL
	128	733 CLIFFVIEW DR	MULLER MARY
	129	733 CLIFFVIEW DR	GONZALEZ NORMA L
	130	733 CLIFFVIEW DR	RODRIGUEZ PATSY EST OF
	131	733 CLIFFVIEW DR	FRAYRE JESUS
	132	733 CLIFFVIEW DR	LOPEZ MARTIN
	133	733 CLIFFVIEW DR	MENDEZ ALFONSO
	134	733 CLIFFVIEW DR	GUADALUP JIMENEZ
	135	733 CLIFFVIEW DR	CORDERO SOFIA
	136	733 CLIFFVIEW DR	VARGAS, JOSE
	137	733 CLIFFVIEW DR	YANEZ JUAN
	138	733 CLIFFVIEW DR	ROMO JOSE
	139	733 CLIFFVIEW DR	GARZA RUTH S.
	140	733 CLIFFVIEW DR	MORIN MARTIN
	141	733 CLIFFVIEW DR	VALENSIANA HORACIO
	142	733 CLIFFVIEW DR	HERNANDEZ APOLINAR
	143	733 CLIFFVIEW DR	OVALLE, MARTHA
	144	733 CLIFFVIEW DR	NAVARRO ROMUALDA
	145	733 CLIFFVIEW DR	FLORES, SANDRA
	146	733 CLIFFVIEW DR	GONZALEZ ALICIA
	147	733 CLIFFVIEW DR	ROMO TEODORO M
	148	733 CLIFFVIEW DR	ROMO ANTONIO
	149	733 CLIFFVIEW DR	MARTINEZ ANN
	150	733 CLIFFVIEW DR	MIRIAM RODRIGUEZ

05/01/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151	733 CLIFFVIEW DR	YALDIVIA FRANCISO
	152	733 CLIFFVIEW DR	PEREZ JOSE
	153	733 CLIFFVIEW DR	SANCHEZ EDUARDO G
	154	733 CLIFFVIEW DR	CABRERA JONATHAN
	155	733 CLIFFVIEW DR	GONZALEZ HUMBERTO
	156	733 CLIFFVIEW DR	REYES MARICELA
	157	733 CLIFFVIEW DR	AGUILIAR FRANCISCO
	158	733 CLIFFVIEW DR	MARTINEZ VICENTE
	159	733 CLIFFVIEW DR	ROGELIO AUILA
	160	733 CLIFFVIEW DR	LOPEZ, EDUARDO
	161	733 CLIFFVIEW DR	MACIAS GILBERTO
	162	733 CLIFFVIEW DR	BARAJAS YSIDRO
	163	733 CLIFFVIEW DR	CRUZ MARIA GUADALUPE
	164	733 CLIFFVIEW DR	HERNANDEZ, PRIMITIVO C
	165	733 CLIFFVIEW DR	ESQUIVEL CYNTHIA R
	166	733 CLIFFVIEW DR	JAIRO BENITO REYES
	167	733 CLIFFVIEW DR	PEREZ MARCELINO
	168	733 CLIFFVIEW DR	MARTINEZ MARIA
	169	733 CLIFFVIEW DR	RUIZ JOSE
	170	733 CLIFFVIEW DR	GARCIA LEONARD
	171	733 CLIFFVIEW DR	JASSO PEDRO
	172	733 CLIFFVIEW DR	NEAVE JORGE & RAMONA
	173	733 CLIFFVIEW DR	ZUNIGA DERMIN DE JESUS
	174	733 CLIFFVIEW DR	MENDOZA, MANUEL
	175	733 CLIFFVIEW DR	ROMO JAVIER
	176	733 CLIFFVIEW DR	PADILLA, ROSA
	177	733 CLIFFVIEW DR	SOLIS, JULIO A
	178	733 CLIFFVIEW DR	MARTINEZ CLEMENTE E
	179	733 CLIFFVIEW DR	ALERAHAM ADRIANO
	180	733 CLIFFVIEW DR	MARTINEZ ENRIQUE
	181	733 CLIFFVIEW DR	SOTO CARLOS

05/01/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	733	CLIFFVIEW DR	BADILLO RAMON
183	733	CLIFFVIEW DR	MALDONADO ARNULFO
184	733	CLIFFVIEW DR	GALAN SUSAN C
185	733	CLIFFVIEW DR	PERAZA EDGAR
186	733	CLIFFVIEW DR	LLANAS MARIO
187	733	CLIFFVIEW DR	TAPIA JUANA
188	733	CLIFFVIEW DR	GLORIA EZEQUIEL & BERENICE
189	733	CLIFFVIEW DR	OAK WOOD MANAGEMENT LLC
190	733	CLIFFVIEW DR	REYNA JOHNNY
191	733	CLIFFVIEW DR	ARRONA HUMBERTO
192	733	CLIFFVIEW DR	GAONA, DULCE
193	733	CLIFFVIEW DR	RODRIGUEZ HILDA
194	733	CLIFFVIEW DR	OW DALLAS AFORDABLE HOUSING LLC
195	733	CLIFFVIEW DR	ESPARZA JUAN &
196	1123	DOWDY FERRY RD	CARRILLO ARMANDO
197	821	DOWDY FERRY RD	HERRERA RUBEN MUNOZ &
198	915	DOWDY FERRY RD	HARVEY FRED N JR ESTATE OF
199	923	DOWDY FERRY RD	BUENO NORBERT & MARIA
200	1001	DOWDY FERRY RD	LOPEZ JOSE PASTRAN
201	1001	DOWDY FERRY RD	LOPEZ JOSE A PASTRAN
202	1013	DOWDY FERRY RD	PRAIRIE CREEK BAPT CH
203	1109	DOWDY FERRY RD	DELGADO FERNANDO SOSA
204	1216	DOWDY FERRY RD	DALLAS DOWDY PARTNERS LLC
205	1216	DOWDY FERRY RD	GUZMAN JOSE E & JOSEFINA
206	926	DOWDY FERRY RD	PARRA RAUDEL D
207	930	DOWDY FERRY RD	RIVAS ANTONIO
208	1016	DOWDY FERRY RD	SOLIS CELSO ABONZA & BARTOLO
209	1100	DOWDY FERRY RD	PARRA ANGELICA
210	1116	DOWDY FERRY RD	SANCHEZ IGNACIO COLMENERO &
211	1120	DOWDY FERRY RD	HAINES DENIS
212	1000	DOWDY FERRY RD	MILLER RONNY G & ELLA L

05/01/2024

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
213	914	DOWDY FERRY RD	J G & A INVESTMENTS LLC
214	8316	LAKE ANNA DR	LOPEZ CATARINO R
215	8322	LAKE ANNA DR	OCHOA JAIME
216	8326	LAKE ANNA DR	BUENO ESTEFANA
217	8330	LAKE ANNA DR	HERRERA ELEAZAR HERNANDEZ &
218	8334	LAKE ANNA DR	DE LA ROSA SANTIAGO
219	8336	LAKE ANNA DR	BUENO NORBERTO &
220	8338	LAKE ANNA DR	DAVIS NANCY J
221	8350	LAKE ANNA DR	GUZMAN JOSE E EST OF
222	8356	LAKE ANNA DR	GUZMAN JOSE
223	1021	DOWDY FERRY RD	VELASQUEZ JOSE R
224	1025	DOWDY FERRY RD	MENDOZA VIRDIANA
225	1101	DOWDY FERRY RD	MENDOZA VIRDIANA & RAMIRO
226	1117	DOWDY FERRY RD	GUZMAN JOSE ERNESTO



City of Dallas

1500 Marilla Street
Council Chambers, 6th Floor
Dallas, Texas 75201

Agenda Information Sheet

File #: 24-1892
PH1.

Item #:

STRATEGIC PRIORITY: Government Performance & Financial Management

AGENDA DATE: June 12, 2024

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Budget and Management Services

EXECUTIVE: Jack Ireland

SUBJECT

A public hearing to receive comments on **(1)** the Proposed FY 2024-25 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds and Fiscal Year (FY) 2023-24 Reprogramming Funds; and **(2)** the new Five-Year Consolidated Plan, covering the period of FY 2024-25 through FY 2028-29 - Financing: No cost consideration to the City

Note: This item was considered by the City Council at a public hearing on May 22, 2024, and was held under advisement until June 12, 2024, with the public hearing open.

BACKGROUND

Federal regulations require a public hearing on the City's Proposed FY 2024-2025 Consolidated Plan Budget for HUD grant funds, including Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), Housing Opportunities for Persons with AIDS (HOPWA), and FY 2023-24 Reprogramming Funds. Federal regulations also require a public hearing on the new Five-Year Consolidated Plan.

Federal regulations and the City's Citizen Participation Plan also require a public comment period of not less than 30 days and a public hearing to receive comments.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The City Council was briefed on the "HUD Consolidated Plan for FY 2024-25 through FY 2028-29" on October 18, 2023.

On November 2, 2023, the Centers for Disease Control and Prevention (CDC) was briefed and provided input on the process for development of the HUD Five-Year Consolidated Plan.

[The City Council was briefed by memorandum regarding this matter on December 8, 2023.](#)

[The Government Performance and Financial Management Committee was briefed by memorandum regarding this matter on January 19, 2024.](#)

On January 24, 2024, the City Council authorized (1) an extension through September 30, 2024 for CDBG Funds in CDBG funded projects that have not met the City's twelve-month obligation or twenty-four-month expenditure requirement; (2) preliminary adoption of Reprogramming Budget No. 1 (Substantial Amendment No. 2) to the FY 2023-24 Action Plan to use unspent CDBG CARES Act Relief Funds for the Emergency Rental Assistance Program; (3) establish a new fund to separate CDBG-DR Funds previously received to comply with HUD rules; and (4) a public hearing to be held on February 28, 2024, to receive comments on the proposed use of funds for Reprogramming Budget No. 1 (Substantial Amendment No. 2) to the FY 2023-24 Action Plan by Resolution No. 24-0164.

The City Council was briefed on the "HUD Five-Year Consolidated Plan for FY 2024-25 through FY 2028-29" on January 31, 2024.

[The Government Performance and Financial Management Committee was briefed by memorandum regarding this matter February 26, 2024.](#)

On February 28, 2024, the City Council authorized (1) rescinding the Community Development Block Grant Contract - Public Facility Improvements Project contract awarded to City Square Arts Opportunity Center, LLC, previously approved on January 21, 2021, by Resolution No. 21-0246, to complete public facility improvements to the Forest Theater located at 1918 Martin Luther King Jr. Boulevard; and (2) the funds to be reprogrammed for other eligible uses during the development of the FY 2024-25 Community Development Block Grant by Resolution No. 24-0316.

On February 28, 2024, the City Council authorized initial support of the approach for development of the new Five-Year Consolidated Plan, covering the period of FY 2027-25 through FY 2028-29 for the four HUD grant funds: CDBG, HOME, ESG, and HOPWA, as prescribed by federal regulations by Resolution No. 24-0317.

The CDC was briefed on the "City Manager's Proposed FY 2024-25 HUD Consolidated Plan Budget and new Five-Year Consolidated Plan", followed by CDC Committees held meetings to review the proposed budget, on March 7, 2024.

On April 4, 2024, the CDC approved the City Manager's proposed budget and new Five-Year Consolidated Plan, with the following amendment: revise the description of the new Drivers of Poverty Program to include childcare.

The City Council was briefed on the City Manager's Proposed FY 2024-25 HUD Consolidated Plan Budget and the new Five-Year Consolidated Plan on April 17, 2024.

The City Council was briefed on the "City Council Discussion and Amendments to the FY 2024-25 HUD Consolidated Plan Budget and new Five-Year Consolidated Plan" on May 1, 2024.

On May 8, 2024, the City Council authorized preliminary adoption of the FY 2024-25 HUD Consolidated Plan Budget, the new Five-Year Consolidated Plan, and a public hearing to receive comments on the proposed use of funds by Resolution No. 24-0655.

On May 22, 2024, this item was held under advisement with the public hearing open until June 12, 2024.

FISCAL INFORMATION

No cost consideration to the City.



Agenda Information Sheet

File #: 24-1669
PH2.

Item #:

STRATEGIC PRIORITY: Housing & Homelessness Solutions
AGENDA DATE: June 12, 2024
COUNCIL DISTRICT(S): 4
DEPARTMENT: Department of Housing & Neighborhood Revitalization
EXECUTIVE: Robin Bentley

SUBJECT

A public hearing to receive comments regarding an application by LDG The Legacy on Kiest, LP an affiliate of LDG Development, LLC (Applicant) to the Texas Department of Housing and Community Affairs (TDHCA) for 4% Non-Competitive Low Income Housing Tax Credits for the development of The Legacy on Kiest, a 180-unit multifamily development located at 2621 Southerland Avenue, Dallas, Texas 75203 (Property); and, at the close of the public hearing adopt a Resolution of No Objection for Applicant, related to its application to TDHCA for the development of The Legacy on Kiest, a multifamily development (Development), and in accordance with 10 TAC § 11.3(d) (the Administrative Code) and the Qualified Allocation Plan (QAP), specifically allow the construction of the Development, as required by the Administrative Code, because the Development is within one linear mile or less of Skyline at Cedar Crest (a recent 4% housing tax credit project located at 2720 East Kiest Boulevard, Dallas, Texas 75216), and is therefore subject to the One Mile Three Year Rule - Financing: No cost consideration to the City

BACKGROUND

LDG The Legacy on Kiest, LP or its affiliate (Applicant), a to be formed Texas limited partnership, submitted a Request for Resolution application to the City for a Resolution of No Objection for its application to TDHCA for 2024 4% Non-Competitive Housing Tax Credits (4% Housing Tax Credits). The 4% Housing Tax Credits will be used for the development of The Legacy on Kiest, a 180 multifamily complex, located at 2720 East Kiest Boulevard, Dallas, Texas 75216 (Property). A purchase and sale agreement for the Property has been executed between the current owner of the Property and an affiliate of the Applicant. TDHCA requires 4% Housing Tax Credit applicants provide a Resolution of No Objection from the governing body of the jurisdiction in which the proposed development will be sited. As part of these TDHCA requirements, the governing body must also conduct a public hearing for citizens to provide comments on the proposed development. Once a resolution is adopted and submitted to TDHCA, it cannot be changed or withdrawn.

The Project consists of 180 multifamily residential units. The unit mix includes 36 one-bedroom units, 84 two-bedroom units, and 60 three-bedroom units. The units will be equipped with washer/dryer hook-ups, wiring for cable, Energy-Star rated dishwasher, Energy-Star rated refrigerator, Energy-Star rated lighting, oven, microwave, carpet, vinyl tile, window blinds, 14 SEER HVAC, spacious floor plans, 9' Ceilings, covered entries, and patios. The development will also have controlled gate access, multipurpose community room, equipped business center, fitness center, swimming pool, theatre room, landscaped grounds with walking paths, children's playscape, picnic area(s) with grill, gazebo area, and full perimeter fencing. The community will offer laptops to its residents for "check out" to do schoolwork, tax preparation, budgeting and/or life planning, or for simple everyday needs. The site is currently zoned MF-2(A) and will not require rezoning. The Applicant will also work with the Office of Integrated Public Safety Solutions for security input/upgrades, community activities, and incorporate best practices of Crime Prevention Through Environmental Design. Additionally, the Applicant will provide modern security features to include a full camera system, controlled access, a community crime watch program, and participation in National Night Out to ensure a safe living environment for all residents and staff.

The Applicant proposes to provide on-site resident services including:

1. After school tutoring;
2. Financial literacy classes;
3. Food Pantry Services;
4. Annual Health Fair;
5. Annual Flu Shots;
6. Notary Services;
7. Recreational Activities;
8. Social Events.

Total development costs are estimated to be approximately \$38,526,000.00, which includes the acquisition price for the land. The construction budget is estimated to be approximately \$36,326,000.00 which is \$201,811.11 per unit.

Proposed Financing Sources	Amount
Conventional Loan	\$22,690,000.00
LIHTC Syndication Proceeds	\$22,624,163.00
National Housing Trust Fund Funds	\$ 6,000,000.00
Deferred Developer Fee	\$ 3,788,635.00
Operating Deficit Reserves	\$ 605,266.00
Lease-Up Income	\$ 480,000.00
Bond Re-Investment Income	\$ 320,000.00
Total	\$56,508,064.00

Proposed Uses	Amount
Land Acquisition	\$ 2,200,000.00
Construction	\$36,326,000.00
Developer Fee	\$ 6,450,105.00
Other Fees	\$10,576,693.00
Reserves	\$ 605,266.00
Other Costs	\$ 350,000.00
Total	\$56,508,064.00

The current income restrictions will be maintained at the property to ensure no residents are displaced due to increased rents. The current rental restrictions are broken down as follows: 180 of the 180 units are reserved for households earning between 0%-60% of AMI.

The development is within one mile of Skyline at Cedar Crest, a recently awarded 4% housing tax credits (HTC) project located at 2720 East Kiest Boulevard, Dallas, Texas 75216. Per the requirements of TDHCA's Qualified Action Plan and 10 TAC § 11.3(d), City Council must vote to specifically approved the construction of a new tax credit development within one linear mile of a tax credit development authorized within the past three years. The agenda item includes language acknowledging this proximity.

The City Council on May 9, 2018, adopted the Comprehensive Housing Policy (CHP), Resolution Nos. 18-0704 and 18-1680, as amended on November 28, 2018, which provided a policy including evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing developments seeking Housing Tax Credits through TDHCA. On June 12, 2019, Resolution No. 19-0884 authorized an amendment to the CHP to modify the evaluation criteria for developers requiring Resolutions of Support or No Objection for rental housing development seeking HTC through TDHCA. The modified evaluation criteria include standard thresholds for both 4% and 9% HTC applications such as evidence of site control, TDHCA minimum site standards, affirmatively further fair housing, and other requirements.

To receive a staff recommendation for a resolution of no objection, the applicant must satisfy all threshold requirements, rehabilitation requirements, and affirmatively further fair housing.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

[The Housing and Homelessness Solutions Committee was briefed by memorandum on May 24, 2024.](#)

FISCAL INFORMATION

No cost consideration to the City.

File #: 24-1669
PH2.

Item #:

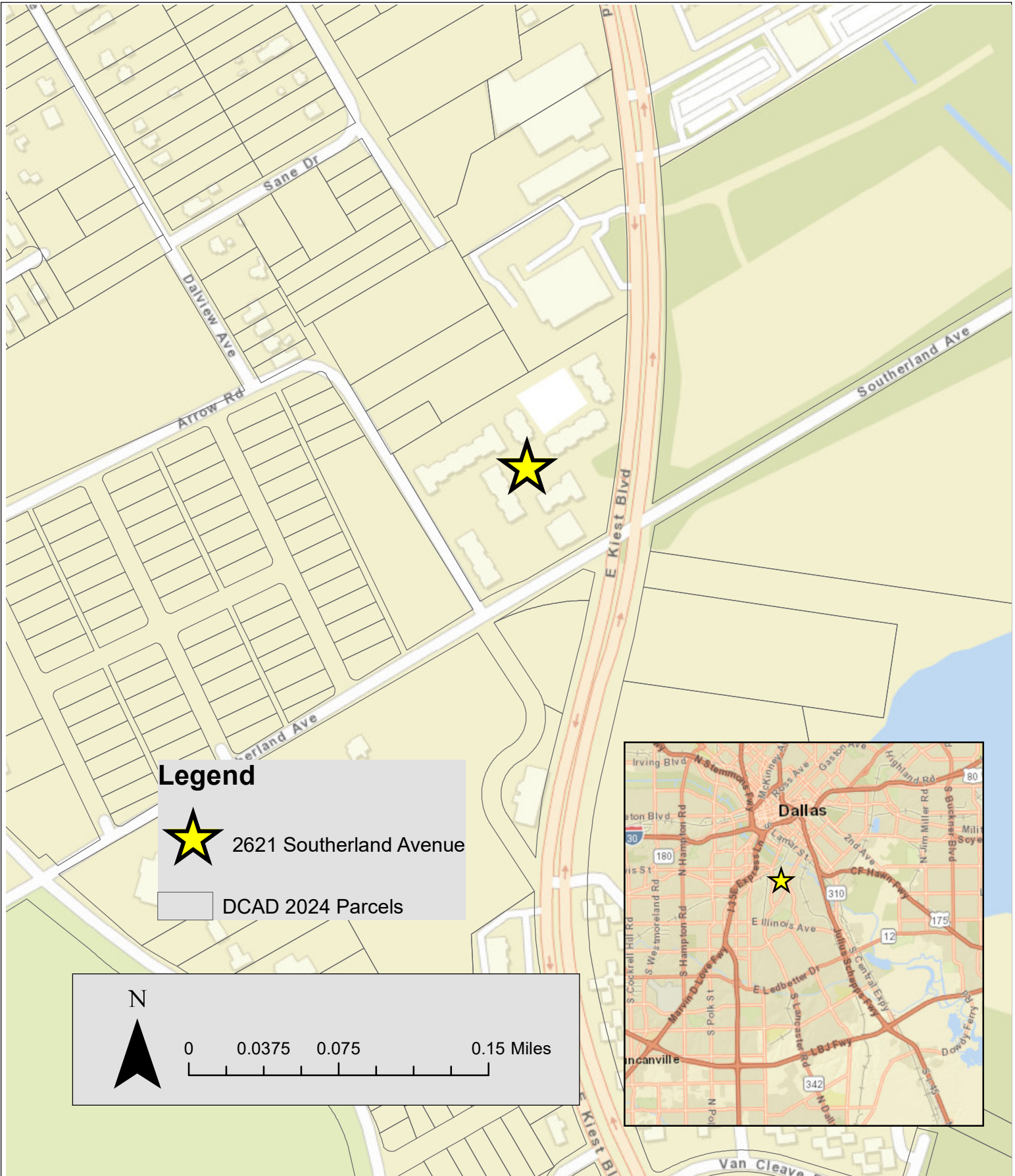
MAP

Attached

The Legacy on Kiest

2621 Southerland Avenue

Dallas, Texas



June 12, 2024

WHEREAS, on May 9, 2018, the City Council authorized the adoption of the Comprehensive Housing Policy (CHP) by Resolution No. 18-0704; and

WHEREAS, after the adoption of the CHP, the City Council authorized multiple amendments to the CHP by Resolution No. 18-1680 on November 28, 2018; by Resolution No. 19-0884 on June 12, 2019; by Resolution No. 19-1041 on June 26, 2019; by Resolution No. 19-1498 on September 25, 2019; by Resolution No. 19-1864 on December 11, 2019; by Resolution No. 21-1450 on September 9, 2021; by Resolution No. 21-1656 on October 13, 2021; by Resolution No. 22-0744 on May 11, 2022; and

WHEREAS, the CHP provides a policy for developers requesting a Resolution of Support or No Objection (Resolutions) for multifamily rental housing developments seeking Housing Tax Credits (HTC) through the Texas Department of Housing and Community Affairs (TDHCA); and

WHEREAS, on April 12, 2023, the City Council adopted the Dallas Housing Policy 2033 (DHP33) to replace the CHP by Resolution No. 23-0443, and the Dallas Housing Resource Catalog to include the approved programs from the CHP by Resolution No. 23-0444; and

WHEREAS, LDG The Legacy on Kiest, LP or its affiliate (collectively referred to as Applicant) has proposed the development of 180 multifamily units known as The Legacy on Kiest located at 2720 East Kiest Boulevard, Dallas, TX 75216 (Project); and

WHEREAS, the Applicant proposes to develop 180 units, including 36 one-bedroom, 84 two-bedroom units, and 60 three-bedroom units; and will include community amenities consistent with TDHCA required features; and

WHEREAS, upon completion of the development, it is anticipated that 180 of the 180 units will be made available to households earning between 0%-60% of Area Median Income (AMI); and

WHEREAS, the Applicant has advised the City that it intends to submit an application to TDHCA for the 2024 4% Non-Competitive HTC for the proposed acquisition of the land and the construction of new improvements for the development of The Legacy on Kiest; and

WHEREAS, pursuant to Section 11.204(4)(C) of the Qualified Allocation Plan (QAP), the Uniform Multifamily Rules and Chapter 2306 of the Texas Government Code, the City desires to provide a Resolution of No Objection to the Applicant for the 2024 4% Non-Competitive HTC application for The Legacy on Kiest located at 2621 Southerland Avenue, Dallas, Texas 75203.

June 12, 2024

Now, Therefore,

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

SECTION 1. That the City of Dallas, acting through its Governing Body, hereby confirms that it has no objection as to Applicant's application to TDHCA for a 4% Non-Competitive HTC for the proposed development of The Legacy on Kiest located at 2720 East Kiest Boulevard, Dallas, Texas 75216 for development of a 180-unit multifamily complex and that this formal action has been taken to put on record the opinion expressed by the City of Dallas on June 12, 2024.

SECTION 2. That, as provided for in 10 TAC §11.3(d), it is hereby acknowledged that the proposed Project is located one linear mile or less from a development that serves the same type of household Target Population as the proposed Project and has received an allocation of Housing Tax Credits (or private activity bonds) for new construction in the three-year period preceding the date the Certificate of Reservation is issued, and that the City Council, as the Governing Body, has by vote specifically allowed the construction of the Project and authorized an allocation of HTC for the Project.

SECTION 3. That, in accordance with the requirements of the Texas Government Code §2306.67071 and the Qualified Allocation Plan §11.204(4), it is hereby found that:

- a. Notice has been provided to the Governing Body in accordance with Texas Government Code §2306.67071(a); and
- b. The Governing Body has had sufficient opportunity to obtain a response from Applicant regarding any questions or concerns about the proposed acquisition and development of The Legacy on Kiest; and
- c. The Governing Body has held a hearing at which public comment may be made on the proposed development of The Legacy on Kiest in accordance with Texas Government Code §2306.67071(b); and
- d. After due consideration of the information provided by Applicant and after the public hearing on the proposed development of The Legacy on Kiest, the City of Dallas, acting through its Governing Body, does not object to the application by Applicant to the TDHCA for 4% Non-Competitive HTC for the purpose of acquisition and development of The Legacy on Kiest.

SECTION 4. That it is FURTHER RESOLVED that for and on behalf of the Governing Body, the Mayor or the City Manager, are hereby authorized, empowered and directed to certify this resolution to the TDHCA.

June 12, 2024

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.