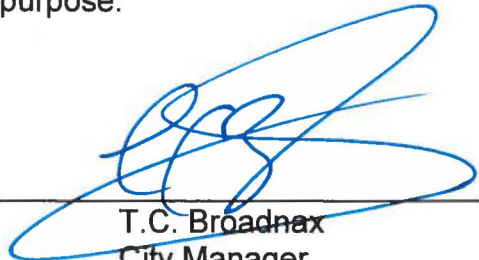


**JANUARY 9, 2019 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated January 9, 2019. 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.



T.C. Broadnax
City Manager



Date



Elizabeth Reich
for Chief Financial Officer



Date

RECEIVED

2019 JAN -4 PM 2: 31

CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, JANUARY 9, 2019
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
2:00 P.M.

REVISED ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

2:00 p.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 30

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 2:15 p.m.

Item 31
Addendum Items 1 - 2

PUBLIC HEARINGS AND RELATED ACTIONS

6:00 p.m.

Items 32 - 44

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."

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

1. 19-92 A resolution considering the Ethics Advisory Commission's (EAC) recommended sanction against Flora Hernandez, Civil Service Board Vice Chair, in connection with the EAC's finding of a violation of Section 8-6 (pursuant to the EAC's jurisdiction and powers under SEC. 12A-25(a)(2) (P)) of the Dallas City Code (Code of Ethics) - Financing: No cost consideration to the City

Housing & Neighborhood Revitalization

2. 19-129 Authorize the first amendment to the forgivable loan agreement with Shared Housing Center, Inc. (Shared Housing) for the acquisition of the property at 4611 East Side Avenue for the development of a transitional housing project for homeless single-parents previously authorized by City Council on November 9, 2009, by Resolution No. 09-2769, to **(1)** extend the completion date from November 12, 2012 to November 30, 2020; **(2)** increase the amount of units required from 20 units to 24 units; **(3)** require that the facility be built to LEED - Gold "Green" standards; **(4)** add a requirement that Shared Housing provide social services to its residents; and **(5)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

DELETION:**Department of Sustainable Development and Construction**

36. 19-28 A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 282 for mixed uses on property zoned Planned Development District No. 282, on the northwest corner of West Colorado Boulevard and North Beckley Avenue
Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions
Z178-190(SM)

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]

Addendum Date: January 9, 2019

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	All	I	SEC	NC	A resolution considering the Ethics Advisory Commission's (EAC) recommended sanction against Flora Hernandez, Civil Service Board Vice Chair, in connection with the EAC's finding of a violation of Section 8-6 (pursuant to the EAC's jurisdiction and powers under SEC. 12A-25(a)(2)(P)) of the Dallas City Code (Code of Ethics) - Financing: No cost consideration to the City
2.	All	I	HOU	NC	Authorize the first amendment to the forgivable loan agreement with Shared Housing Center, Inc. (Shared Housing) for the acquisition of the property at 4611 East Side Avenue for the development of a transitional housing project for homeless single-parents previously authorized by City Council on November 9, 2009, by Resolution No. 09-2769, to (1) extend the completion date from November 12, 2012 to November 30, 2020; (2) increase the amount of units required from 20 units to 24 units; (3) require that the facility be built to LEED - Gold "Green" standards; (4) add a requirement that Shared Housing provide social services to its residents; and (5) amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

TOTAL \$0.00



Agenda Information Sheet

File #: 19-92

Item #: 1.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: January 9, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary's Office

EXECUTIVE: Bilierae Johnson

SUBJECT

A resolution considering the Ethics Advisory Commission's (EAC) recommended sanction against Flora Hernandez, Civil Service Board Vice Chair, in connection with the EAC's finding of a violation of Section 8-6 (pursuant to the EAC's jurisdiction and powers under SEC. 12A-25(a)(2)(P)) of the Dallas City Code (Code of Ethics) - Financing: No cost consideration to the City

BACKGROUND

This item is on the January 9, 2019 addendum to allow the Commission and staff time to compile the information related to this matter.

On November 6, 2018, Mr. Terrence S. Welch, filed a sworn ethics complaint with the City Secretary's Office against Ms. Flora Hernandez, Civil Service Board Vice Chair, alleging several violations of the Code of Ethics (12A) and Dallas City Code.

The Ethics Advisory Commission held an evidentiary hearing on Thursday, December 13, 2018. After all testimony was heard, the Commission, by a 4 to 2 vote, found that Ms. Hernandez violated Section 8-6 (pursuant to the EAC's jurisdiction and powers under SEC. 12A-25(a)(2)(P)) of the Code of Ethics by engaging in improper deliberation in violation of the Texas Open Meetings Act.

The Commission unanimously recommended a 'letter of notification' as the appropriate sanction. Pursuant to the Dallas City Code Chapter 12A-37.1(e)(1), the city council may issue a 'letter of notification' if the city council agrees with the EAC that a violation of this chapter was minor and was committed unintentionally.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 30, 2018, the preliminary panel of the Ethics Advisory Commission met and determined the complaint filed by Mr. Terrence Welch against Ms. Flora Hernandez, Civil Service Board Vice Chair, was supported by just cause and should be referred to the full Ethics Advisory Commission.

FISCAL INFORMATION

No cost consideration to the City.

January 9, 2019

WHEREAS, on November 6, 2018, Terrence S. Welch, filed a sworn complaint with the City Secretary's Office against Flora Hernandez, Civil Service Board Vice Chair, alleging that Ms. Hernandez violated certain provisions of Chapter 12A (Code of Ethics) of the Dallas City Code; and

WHEREAS, on November 30, 2018, the Ethics Advisory Commission preliminary panel determined that, based on the evidence submitted, an allegation was supported by just cause, and recommended that the alleged violation be referred to the Ethics Advisory Commission for a hearing; and

WHEREAS, on December 13, 2018, the Ethics Advisory Commission held a hearing regarding the complaint against Ms. Hernandez; and

WHEREAS, at the conclusion of the December 13, 2018 hearing, the Ethics Advisory Commission found that Ms. Hernandez had violated Section 8-6 (pursuant to the EAC's jurisdiction and powers under Section 12A-25(a)(2)(P) of the Code of Ethics) by engaging in improper deliberation in violation of the Texas Open Meetings Act, and the Commission recommended, as a sanction, that Ms. Hernandez receive a letter of notification; and

WHEREAS, Section 12A-30(a)(4) of the Code of Ethics requires this matter to be referred to the City Council for appropriate action.

Now, Therefore,

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

SECTION 1. That the Ethics Advisory Commission's written decision concerning the complaint against Ms. Flora Hernandez, Civil Service Board Vice Chair, which is attached hereto and made a part of this resolution, is hereby accepted.

SECTION 2. That Ms. Flora Hernandez, Civil Service Board Vice Chair, is hereby issued, through this resolution, a letter of notification for violating Section 8-6 (pursuant to the EAC's jurisdiction and powers under Section 12A-25(a)(2)(P) of the Code of Ethics). Ms. Hernandez is instructed to follow the recommendations contained in the attached decision of the Ethics Advisory Commission in order to avoid future violations of the City's Code of Ethics.

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.

**WRITTEN DECISION
CONCERNING THE COMPLAINT AGAINST
FLORA HERNANDEZ, CIVIL SERVICE BOARD VICE CHAIR**

On November 6, 2018, Mr. Terrence S. Welch, filed a sworn ethics complaint with the City Secretary's Office against Ms. Flora Hernandez, Civil Service Board Vice Chair, alleging several violations of the Code of Ethics (12A) and Dallas City Code.

The Ethics Advisory Commission preliminary panel met on Friday, November 30, 2018 at 9:30 a.m. in City Hall, Room 6ES. The panel members consisted of Commissioners John Rogers (Chair), William Coleman and Scott Shirley. In a unanimous decision, the panel determined that, based upon the evidence submitted, that only the following alleged violation was supported by just cause and recommended that it be referred to the Ethics Advisory Commission for evidentiary hearing and review:

- Ms. Flora Hernandez engaged in improper deliberation in violation of the Texas Open Meetings Act.

Violation of the following provision(s) of the Dallas City Code:

- **Section 12A-25(a)(2)(P) Jurisdiction and Powers.** The ethics advisory commission shall have jurisdiction to review and make findings concerning any alleged violation of the laws, ordinances, and rules listed in Paragraph (2) of this section by any person subject to those laws, ordinances, or rules, including but not limited to current city officials and employees, former city officials and employees, and persons doing business with the city. The ethics advisory commission may consider violations of the following laws, ordinances, and rules: any other city rule or city code or city charter provision pertaining to the ethical conduct of city officials or employees.
 - **Section 8-6 Public Character of Meetings and Actions; Executive Sessions.** (a) All meetings of a board shall be open to the public unless pertaining to matters authorized under the Texas Open Meetings Act, as amended, to be discussed in executive session. All actions of the board shall be public and sufficient copies of the minutes shall be made available by the coordinating city staff member to the news media and other interested persons upon request. (b) When meeting in executive session, a board shall publicly announce the category under the Texas Open Meetings Act that permits the executive session, tape record the executive session, and comply with all other requirements of the Texas Open Meetings Act applicable to executive sessions. (c) A printed agenda of items to be considered at each regular meeting shall be posted for public inspection at least three days prior to the meeting. (d) Compliance with

this section shall be the responsibility of the city department designated to provide staff support to the board. The city secretary shall be responsible for establishing guidelines for the security of all tapes on which board executive sessions are recorded pursuant to Subsection (b).

The Ethics Advisory Commission met on Thursday, December 13, 2018 at 11:30 a.m. in City Hall, Room 6ES. In attendance were Commissioners John Rogers (Chair), Royce West II (Vice-Chair), Pam Gerber, William Coleman, Scott Shirley and Paul Castillo. Not in attendance was Commissioner Eileen Rosenblum. Also, in attendance was Terrence S. Welch, complainant; Flora Hernandez, respondent and Matthew Boyle, respondent representative

The Ethics Advisory Commission discussed and did not grant Ms. Hernandez' procedural motion for dismissal.

Pursuant to Section 12A-28 of the Dallas City Code a determination that a violation of this chapter has occurred can be made only upon an affirmative vote of at least three-fifths of the commission members present and voting, otherwise the complaint must be dismissed. A finding that a violation occurred must be supported by clear and convincing evidence. "Clear and convincing evidence" means that measure or degree of proof that produces in a person's mind a firm belief or conviction as to the truth of the allegations sought to be established.

At the conclusion of the evidentiary hearing, Commissioner Gerber moved to find that Ms. Hernandez did violate Section 8-6 (pursuant to the EAC's jurisdiction and powers under SEC. 12A-25(a)(2)(P) of the Code of Ethics. The motion was seconded by Commissioner Shirley and passed on a divided vote of the Commission, with Vice Chair West and Commissioner Coleman voting "No."

Vice Chair West moved, in accordance with Section 12A-30(a)(4) and 12A-37.1 of the Code of Ethics, that the matter should be referred to the city council with the recommended sanction of Letter of Notification. The motion was seconded by Commissioner Coleman and passed unanimously by the Commission.



Agenda Information Sheet

File #: 19-129

Item #: 2.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality
AGENDA DATE: January 9, 2019
COUNCIL DISTRICT(S): 2
DEPARTMENT: Housing & Neighborhood Revitalization
EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize the first amendment to the forgivable loan agreement with Shared Housing Center, Inc. (Shared Housing) for the acquisition of the property at 4611 East Side Avenue for the development of a transitional housing project for homeless single-parents previously authorized by City Council on November 9, 2009, by Resolution No. 09-2769, to **(1)** extend the completion date from November 12, 2012 to November 30, 2020; **(2)** increase the amount of units required from 20 units to 24 units; **(3)** require that the facility be built to LEED - Gold "Green" standards; **(4)** add a requirement that Shared Housing provide social services to its residents; and **(5)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

BACKGROUND

On November 9, 2009, City Council authorized a housing development loan agreement with Shared Housing Center, Inc. in the amount of \$380,000.00 in Community Development Block Grant (CDBG) funds through the Residential Development Acquisition Loan Program (RDALP) for the development of transitional housing for homeless single-parents located at 4611 East Side Avenue. The CDBG funds provided were used to acquire unimproved property at 4611 East Side Avenue. The loan agreement expired on November 9, 2012. Staff recommends the extension of the agreement for the period November 9, 2012 to November 30, 2020.

This project was scheduled to be completed November 9, 2012, with a five year affordability period. During the course of the years there were several delays that caused the project not to be completed. These delays were due to changes in the economy, termination of the 9% tax credit, deaths of the Shared Housing Executive Director's spouse and the general contractor.

In 2009-10, the economy took a downturn and Shared Housing lost some of its larger sponsors. To compensate for that loss, Shared Housing sought and received a forward commitment from Texas Department of Housing and Community Affairs (TDHCA) for the 9% tax credit. However in December 2012, the TDHCA terminated the forward commitment; Shared Housing never received the actual Notice of Commitment.

The termination was due to several deficiencies that were addressed, in addition to the lack of anticipated rental income from the project. It was determined that it was impossible to generate enough income to repay the tax credit.

Shared Housing now has commitments from BOK Financial dba Bank of Texas, Federal Home Loan Bank of Topeka, Meadows Foundation, and several fundraisings to finance the construction of the low income multifamily apartment complex.

The facility will be located at 4611 East Side Avenue and will consist of a 24 new unit complex, instead of a 20 new unit complex apartment that was in the original agreement. The new 24 unit facility will be built to LEED - Gold "Green" standards and provide the following:

1. Consist of 2 and 3 bedroom units;
2. Provide transitional housing to each resident for a maximum of 12 months;
3. Offer food, clothing, and case management;
4. Provide child care, mental health counseling and after school programs; and
5. Assist with job searches.

This development is intended to assist the City in increasing affordable transitional housing for homeless families. The property (100% of the units) will be deed restricted to allow single families whose incomes are 80% below the Dallas Area Median Family Income for a period of five (5) years.

Staff recommends amending the agreement in order to **(1)** extend the completion date from November 12, 2012 to November 30, 2020; **(2)** increase the amount of units required from 20 units to 24 units; **(3)** require that the facility be built to LEED - Gold "Green" standards; **(4)** add a requirement that Shared Housing provide social services to its residents; and **(5)** amend the contract to include performance thresholds and requirements.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 27, 2007, City Council adopted the FY 2007-08 Consolidated Plan Budget by Resolution No 07-1978.

On June 25, 2008, City Council adopted the FY 2008-09 Consolidated Plan Budget, which included \$825,000.00 of CDBG funds for the Residential Development Acquisition Loan Program by Resolution No. 08-1807.

On November 9, 2009, City Council approved a forgivable housing development loan with Shared Housing Center, Inc. in the amount of \$380,000.00 in CDBG funds for the acquisition of the property at 4611 East Side Avenue for development of a transitional housing project for the homeless by Resolution No. 09-2769.

Information about this item was provided to the Economic Development and Housing Committee on January 7, 2019. The Committee voted to move the item forward for full Council consideration.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

Shared Housing Center, Inc.

Maria Machado, Executive Director

January 9, 2019

WHEREAS, the City of Dallas seeks to increase the supply of new affordable transitional housing for homeless families; and

WHEREAS, on June 27, 2007, City Council adopted the FY 2007-08 Consolidated Plan Budget by Resolution No 07-1978; and

WHEREAS, on June 25, 2008, City Council adopted the FY 2008-09 Consolidated Plan Budget, which included \$825,000.00 of CDBG funds for the Residential Development Acquisition Loan Program by Resolution No. 08-1807; and

WHEREAS, on November 9, 2009, City Council authorized a forgivable housing development loan with Shared Housing Center, Inc. in the amount of \$380,000.00 in Community Development Block Grant (CDBG) funds with a no interest forgivable loan under the Residential Development Acquisition Loan Program for the acquisition of unimproved property at 4611 East Side Avenue for the development of 20 unit facility for transitional housing for homeless single-parents by Resolution No. 09-2769; and

WHEREAS, as consideration for additional time to complete the units, Shared Housing Center, Inc. shall provide social services to its residents, shall provide 4 additional units, and the development shall be LEED certified; and

WHEREAS, Shared Housing Center, Inc. agreed to the development of 24 affordable transitional housing units for homeless families at 4611 East Side Avenue.

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 first amendment to the forgivable housing development loan agreement with Shared Housing Center, Inc., approved as to form by the City Attorney, to **(1)** extend the completion date from November 12, 2012 to November 30, 2020; **(2)** increase the amount of units required from 20 units to 24 units; **(3)** require that the facility be built to LEED - Gold "Green" standards; **(4)** add a requirement that Shared Housing provide social services to its residents; and **(5)** amend the contract to include performance thresholds and requirements.

SECTION 2. That Shared Housing Center, Inc. must execute amended loan documents. In addition to the items in Section 1, the following terms of the loan documents will change and all other terms will remain the same:

January 9, 2019

SECTION 2. (continued)

- (a) Shared Housing will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, Including, but not limited to construction, expected completion, close-out and the status of lease-up;
- (b) Initial rental files must be submitted for eligibility approval in accordance with the loan agreement;
- (c) Shared Housing will report delays to staff immediately, but no later than within one week of identifying the issue;
- (d) Shared Housing will submit complete rental files for Staff's review by October 2020;
- (e) Annual inspections will be conducted by City Staff to ensure compliance with minimum standards; and
- (f) The new 24-unit facility will be built to LEED - Gold "Green" standards and provide the following:
 - 1. Consist of 2 and 3 bedroom units;
 - 2. Provide transitional housing to each resident for a maximum of 12 months;
 - 3. Offer food, clothing, and case management;
 - 4. Provide child care, mental health counseling and after school programs; and
 - 5. Assist with job searches.

SECTION 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to (1) execute releases of liens and terminate deed restrictions on the property upon compliance satisfaction of all applicable conditions; and (2) subordinate the City's lien to the interim construction lenders (including refinances). The Director of Housing and Neighborhood Revitalization may extend deadlines by up to one year.

SECTION 4. That with the exception of the amendments described above, all other requirements of Resolution No. 09-2769, will remain in full force and effect.

SECTION 5. That this contract is designated as Contract No. HOU-2019-00009046.

SECTION 6. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loan, until such time as the loan amendment documents are duly approved by all parties and properly executed.

SECTION 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.