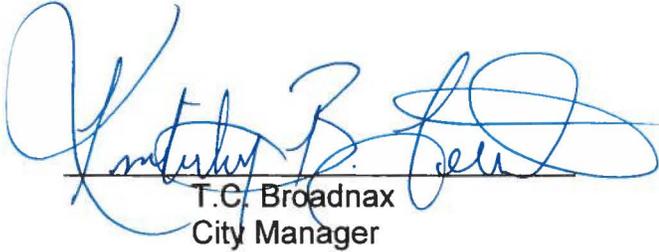


**MAY 9, 2018 CITY COUNCIL AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated May 9, 2018. 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

04/27/18
Date



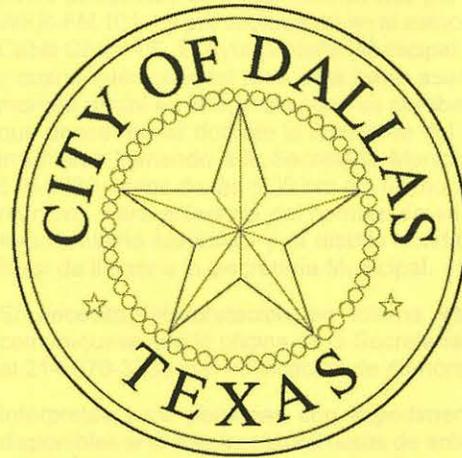
Elizabeth Reich
Chief Financial Officer

4-27-18
Date

RECEIVED

2018 APR 27 PM 5:08

CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

May 9, 2018

Date

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

General Information

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

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act.

The Council agenda is available in alternative formats upon request.

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

Rules of Courtesy

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

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

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

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne 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.

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaría del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

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

Reglas de Cortesía

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

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

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

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

**AGENDA
CITY COUNCIL MEETING
WEDNESDAY, MAY 9, 2018
ORDER OF BUSINESS**

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

9:00 a.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 30

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 31 - 32

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 33 - 42

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

AGENDA
CITY COUNCIL MEETING
MAY 9, 2018
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A.M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the April 25, 2018 City Council Meeting

CONSENT AGENDA

Department of Public Works

2. Authorize a thirty-six-month contract for the cost share Sidewalk Replacement Program that will include barrier-free ramps and water and wastewater adjustments at various locations throughout the city - Vescorp Construction, LLC dba Chavez Concrete Cutting, lowest responsible bidder of six - Not to exceed \$4,825,300 - Financing: 2017 Bond Funds (\$3,664,807), 2012 Bond Funds (\$1,063,493), and Water Utilities Capital Construction Funds (\$97,000)
3. Authorize an increase to the construction services contract with Texas Standard Construction, Ltd., for installing new cast-in-place reinforced concrete box culverts and associated reinforced concrete roadway pavement for Bishop Arts Area Street and Drainage Improvements Project - Not to exceed \$254,408, from \$6,528,099 to \$6,782,507 - Financing: 2006 Bond Funds

CONSENT AGENDA (continued)**Department of Sustainable Development and Construction**

4. Authorize **(1)** the quitclaim of 12 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale that will be sold to the highest qualified bidders; and **(2)** the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached) - Estimated Revenue: \$66,000
5. An ordinance abandoning a portion of a variable width maintenance easement to Timothy E. Head and Julia R. Head, the abutting owners, containing approximately 407 square feet of land, located near the intersection of Hillcrest and Frankford Roads - Revenue: \$5,400, plus the \$20 ordinance publication fee
6. An ordinance abandoning two utility easements to Stillwater AP-1 Development, LLC, the abutting owner, containing a total of approximately 9,571 square feet of land, located near the intersection of Milton Street and Amesbury Drive - Revenue: \$5,400, plus the \$20 ordinance publication fee

Department of Transportation

7. Authorize a professional services contract with Brown & Gay Engineers, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 16 traffic signals at various intersections and other related tasks (list attached) - Not to exceed \$441,550 - Financing: 2017 Bond Funds (\$139,550), 2006 Bond Funds (\$140,000) and General Funds (\$162,000) (subject to annual appropriations)
8. Authorize a professional services contract with LJA Engineering, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 15 traffic signals at various intersections and other related tasks (list attached) - Not to exceed \$382,576 - Financing: 2017 Bond Funds (\$223,576) and General Funds (\$159,000) (subject to annual appropriations)
9. Authorize a professional services contract with Stantec Consulting Services, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 15 traffic signals at various intersections and other related tasks (list attached) - Not to exceed \$489,470 - Financing: 2017 Bond Funds (\$269,530) and General Funds (\$219,940) (subject to annual appropriations)
10. Authorize **(1)** the receipt and deposit of funds in an amount not to exceed \$175,677 from AT&T, Inc. for certain material and labor costs associated with removal of existing traffic signals and replacing them with new signals at 8 intersections surrounding the proposed AT&T Discovery Plaza; and **(2)** an increase in appropriations in an amount not to exceed \$175,677 in the Capital Projects Reimbursement Fund - Not to exceed \$175,677 - Financing: Capital Projects Reimbursement Funds

CONSENT AGENDA (continued)**Department of Trinity Watershed Management**

11. Authorize **(1)** a request to the Texas Department of Transportation to remove a portion of the S.M. Wright Freeway (SH 310/US 175) from C.F. Hawn Freeway (US 175) to Interstate Highway (IH) 45 from the State Highway System; and **(2)** upon construction completion the City of Dallas to assume responsibility for operation and maintenance of a portion of the S.M. Wright Freeway (SH 310/US 175) from C.F. Hawn Freeway (US 175) to IH-45 - Financing: This item has no cost consideration to the City (see Fiscal Information for potential future costs)

Housing & Neighborhood Revitalization

12. Authorize the first amendment to the conditional grant agreement for development of 35 single-family homes, previously approved by Resolution No. 16-0840 on May 25, 2016, with Bosco Investments, Ltd. for the Sandyland Estates Project to **(1)** extend the Bond conditional grant agreement completion date from May 25, 2018 to November 30, 2019; and **(2)** amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City
13. Authorize the first amendment to the conditional grant agreement for the construction of 18 single-family homes, previously approved by Resolution No. 16-0845 on May 25, 2016, with Dallas Area Habitat for Humanity for the Joppa Neighborhood Project to **(1)** extend the 2012 General Obligation Bond conditional grant agreement completion date from May 25, 2018 to November 30, 2018; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
14. Authorize the first amendment to the loan agreement for development of 10 single-family homes, previously approved by Resolution No. 16-0849 on May 25, 2016, with South Dallas Fair Park/Innercity Community Development Corporation for the Frank Street Project to **(1)** extend the HOME and NSP loan agreement completion date from May 25, 2018 to February 28, 2019; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
15. Authorize the first amendment to the loan agreement for the development of 14 single-family homes for La Estrella Project, previously approved by Resolution No. 16-0850 on May 25, 2016, with Notre Dame Place, Inc. to **(1)** extend the loan agreement completion date from May 25, 2018 to November 30, 2018; and **(2)** amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City
16. Authorize the second amendment to the loan agreement for development of 5 rental units for seniors, previously approved by Resolution No. 15-0779 on April 22, 2015, with East Dallas Community Organization for the Bexar Street Senior Project to **(1)** extend the HOME and Community Development Block Grant loan agreement completion date from February 22, 2018 to November 30, 2018; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

CONSENT AGENDA (continued)**Housing & Neighborhood Revitalization** (continued)

17. Authorize the second amendment to the conditional grant agreement for the construction of 40 single-family homes, previously approved by Resolution No. 16-0841 on May 25, 2016, with Camden Homes at Shady Oaks, LLC for the Shady Oaks Project to **(1)** extend the conditional grant agreement completion date from May 25, 2018 to November 28, 2018; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
18. Authorize the third amendment to the loan agreement for 11 single-family homes, previously approved by Resolution No. 15-1080 on June 10, 2015, with South Dallas Fair Park/Innercity Community Development Corporation for the Scattered Sites Project to **(1)** extend the HOME loan agreement completion date from December 31, 2017 to July 31, 2019; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
19. Authorize the third amendment to the loan agreement for the development of six single-family, affordable homes in the 2900 Block of South Boulevard and 2800 Park Row Avenue, previously approved by Resolution No. 17-1464 on September 13, 2017, with Southfair Community Development Corporation to **(1)** extend the loan agreement's completion date from August 31, 2018 to December 31, 2018; and **(2)** amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City
20. Authorize the fourth amendment to the conditional grant agreement, previously approved by Resolution No. 13-1105 on June 26, 2013, with KKBK Properties, LLC or its wholly owned subsidiary, for the Hatcher Gardens Project to **(1)** extend the conditional grant agreement completion date from August 31, 2017 to May 25, 2019; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
21. Authorize the fourth amendment to the loan agreement for development of 10 single-family homes, previously approved by Resolution No. 15-0989 on May 27, 2015, with Builders of Hope CDC for the Creekside Project to **(1)** decrease the number of units from 9 to 8 units; **(2)** decrease the HOME loan amount by (\$22,500), from \$202,500 to \$180,000; **(3)** extend the HOME loan agreement completion date from May 31, 2018 to November 30, 2018; and **(4)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

Office of Budget

22. A resolution denying rates as requested by Oncor Electric Delivery Company LLC in its application for a Distribution Cost Recovery Factor filed with the City of Dallas on April 5, 2018 - Financing: No cost consideration to the City

CONSENT AGENDA (continued)**Office of Community Care**

23. Authorize an Interlocal Agreement with the University of Texas Southwestern Medical Center on behalf of St. Paul University Hospital to provide guidance and assistance to routine postpartum women who are breastfeeding for the period March 1, 2018 through February 28, 2019 - Financing: No cost consideration to the City

Office of Economic Development

24. Authorize **(1)** a public hearing to be held on May 23, 2018, to receive comments concerning the renewal of the Deep Ellum Public Improvement District (the "District"), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the public hearing; **(2)** a resolution approving renewal of the District for seven years, and approval of the District's Service Plan for 2019-2025 - Financing: No cost consideration to the City
25. Authorize **(1)** a public hearing to be held on May 23, 2018, to receive comments concerning the renewal of the Prestonwood Public Improvement District (the "District"), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the public hearing **(2)** a resolution approving renewal of the District for seven years, and approval of the District's Service Plan for 2019-2025 - Financing: No cost consideration to the City

Office of Procurement Services

26. Authorize a three-year on-call consultant contract for solid waste consulting services with Burns & McDonnell Engineering Company, Inc. through an Interlocal Agreement with the City of San Antonio - Not to exceed \$255,000 - Financing: Sanitation Current Funds (subject to annual appropriations)
27. Authorize an acquisition contract for the purchase and training support of one light duty explosives robot for the Dallas Police Department - Remotec, Inc., sole source - Not to exceed \$200,123 - Financing: U.S. Department of Homeland Security Grant Funds

Water Utilities Department

28. Authorize a professional services contract with Garver, LLC to provide engineering services for the design, construction administration, and start-up of rehabilitation improvements at Central Wastewater Treatment Plant - Not to exceed \$2,198,026 - Financing: Water Utilities Capital Improvement Funds

CONSENT AGENDA (continued)**Water Utilities Department (continued)**

29. Authorize a construction contract for the installation of water and wastewater mains at 11 locations (list attached) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of seven - Not to exceed \$5,499,773 - Financing: Aviation Capital Construction Funds (\$1,355,864) and Water Utilities Capital Improvement Funds (\$4,143,909)
30. Authorize an increase in the construction services contract with John Burns Construction Company of Texas, Inc. for additional work associated with the installation of water and wastewater mains at three locations (list attached) - Not to exceed \$1,036,349, from \$10,528,912 to \$11,565,261 - Financing: Aviation Capital Construction Funds (\$148,000) and Water Utilities Capital Improvement Funds (\$888,349)

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

31. 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)

Housing & Neighborhood Revitalization

32. Authorize the **(1)** adoption of a new comprehensive housing policy (the "Housing Policy"); **(2)** existing housing strategies, tools and programs are incorporated into the comprehensive housing policy; **(3)** approval of any addition to, alteration or deletion of a strategy tool, or program included in the comprehensive housing policy via a resolution to amend the Housing Policy unless such addition, alteration or deletion is purely administrative in form and does not alter the stated goals; **(4)** Community Development Commission shall use the Housing Policy as a guide for developing all recommendations, including those related to the U.S. Department of Housing and Urban Development entitlement grants; **(5)** execute individual loans agreements, which includes loans exceeding \$50,000, without additional Council approval; **(6)** unspent funds from home repair activities (Major Systems Repairs, Emergency System Repair, and Home Rebate Improvement) may be used in the new Home Improvement and Preservation Program; and **(7)** Housing Policy to take effect immediately upon approval - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Sustainable Development and Construction

ZONING CASES - CONSENT

33. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 615, on the northeast corner of Park Central Drive and Banner Drive
Recommendation of Staff and CPC: Approval, subject to a revised development/landscape plan
Z178-148(WE/PD)

34. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest corner of Main Street and Pryor Street
Recommendation of Staff and CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z178-175(JM)

35. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1842 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of West Kiest Boulevard and South Cockrell Hill Road
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Z178-179(MB)

36. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District, on the east line of Bennett Avenue, the south line of Monarch Street, and the west line of North Garrett Avenue
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z178-182(JM)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)**Department of Sustainable Development and Construction (continued)**ZONING CASES - INDIVIDUAL

37. A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay 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 an RR-D Regional Retail District with a D Liquor Control Overlay, on the northwest corner of Lake June Road and North Prairie Creek Road
Recommendation of Staff: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a three-year period, subject to a site plan and conditions
Z178-180(JM)
38. A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service on property zoned Subarea 1 within Planned Development District No. 366-D, the Buckner Boulevard Special Purpose District, with a D Liquor Control Overlay, on the east line of South Buckner Boulevard, north of Bruton Road
Recommendation of Staff: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions
Z178-183(MB)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

39. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District; a resolution accepting deed restrictions volunteered by the applicant; and an ordinance granting a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District on the west line of South Belt Line Road, north of Sarah Lane
Recommendation of Staff: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a three-year period, subject to a site plan and conditions
Recommendation of CPC: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions
Z167-362(WE/SH)
Note: This item was considered by the City Council at a public hearing on March 28, 2018, and was deferred until May 9, 2018, with the public hearing open

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

BENEFIT ASSESSMENT HEARINGS

Department of Public Works

40. A benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements for Lonsdale Avenue from Sarah Lee Drive to Lake June Road; and at the close of the hearing, authorize an ordinance levying benefit assessments; and a construction contract with Jeske Construction Company, lowest responsible bidder of thirteen - Not to exceed \$1,549,582 - Financing: 2017 Bond Funds (\$928,824), Water Utilities Capital Improvement Funds (\$551,718), and Water Utilities Capital Construction Funds (\$69,040)

MISCELLANEOUS HEARINGS

Office of Budget

41. A public hearing to receive comments on the FY 2018-19 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

Office of Environmental Quality

42. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by JP-Banner, LP and JP-North Central Plaza, LLC, located near the intersection of Coit Road and Banner Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to JP-Banner, LP and JP-North Central Plaza, LLC, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

Tax Foreclosed and Seizure Warrant Property Resales
Agenda Item #4

Parcel No.	Address	Vac/ Imp	Council District	Zoning	Parcel Size	Struck off Amount	DCAD
1	2618 Arizona	V	4	R-7.5(A)	.1759	\$10,500.00	\$10,500.00
2	1318 Bliss	V	4	R-5(A)	.0892	\$ 6,330.00	\$ 6,330.00
3	4611 Bonnie View	V	4	R-5(A)	.2665	\$21,550.00	\$12,000.00
4	814 Clearfield	V	8	R-7.5(A)	.0241	\$18,534.00	\$17,500.00
5	3607 Humphrey	V	4	R-5(A)	.2722	\$11,800.00	\$11,500.00
6	1526 E. Illinois	I	4	R-7.5(A)	.1809	\$59,580.00	\$59,580.00
7	1308 Iowa	V	4	CR	.0660	\$20,700.00	\$ 2,880.00
8	2625 Peabody	V	7	PD 595	.0899	\$ 5,795.00	\$ 6,000.00
9	2627 Peabody	V	7	PD 595	.1797	\$ 3,900.00	\$ 6,000.00
10	808 Pontiac	V	4	TH3(A)	.1749	\$28,440.00	\$ 9,500.00
11	2950 Prosperity	V	4	CR	.1648	\$24,348.00	\$15,000.00
12	3802 Sidney	V	7	PD 595	.7277	\$15,800.00	\$23,960.00

Brown & Gay Engineers, Inc. Traffic Signal Design
 Agenda Item #7

<u>Intersection</u>	<u>Council District</u>
Ledbetter Drive at Ramona Avenue	3, 4
Ledbetter Drive at Rockport Drive	4
Scyene Road at Glover Pass	5
Buckner Boulevard at Windsor Station	7
Abrams Road at Walnut Street	10
Greenville Avenue at Restland/Walnut Street	10
TI Boulevard at TEXpress On/Off Ramps	10
Walnut Street at Richland College East	10
Preston Road at Preston View Boulevard	11
Central Expressway at Park Lane	13

*The remaining six traffic signal locations will be determined at a later date.

LJA Engineering, Inc. Traffic Signal Design
Agenda Item #8

<u>Intersection</u>	<u>Council District</u>
Illinois Avenue at Hollywood Avenue	1, 4
Camp Wisdom Road at Eagle Ford Drive	3
Joseph Hardin Drive at Ledbetter Drive	3
Red Bird Lane at University Hills Boulevard	3
Jennie Lee Lane at Prairie Creek Road	5, 7
Forney Road at Prairie Creek Road	7
Greenspan Avenue at Wheatland Road	8
Santa Anna Avenue at Shiloh Road	9
Shady Brook Drive at Southwestern Boulevard	14

*The remaining six signal locations will be determined at a later date.

Stantec Consulting Services, Inc. Traffic Signal Design
Agenda Item #9

<u>Intersection</u>	<u>Council District</u>
Illinois Avenue/Mountain Creek Parkway at Spur 408/Walton Walker Frontage Roads	3
Scyene Road at Scyene Circle	5
Buckner Boulevard at Norvell Drive	5, 7
Davis Street at Bagley Street	6
Great Trinity Forest Way at Longbranch Lane	8
Great Trinity Forest Way at Murdeaux Lane	8
Lancaster Road at Wagon Wheels Trail	8

*The remaining eight traffic signal locations will be determined at a later date.

Renewal of Water and Wastewater Mains
Agenda Item #29

District 2

Alley between Munger Avenue and Cabell Drive from Peak Street to Ashby Street

District 3

Adelaide Drive from Burnside Avenue to Kildare Avenue
Easement south of West Ledbetter Drive from Boulder Drive to east of South
Westmoreland Road

District 4

Alley between East Illinois Avenue and Dugald Place from East Kiest Boulevard to east
of Sutter Street
Alley between Sunnyvale Street and East Illinois Avenue from west of Sutter Street to
south of East Kiest Boulevard
South Ewing Avenue from East Louisiana Avenue south to alley north of East
Woodin Boulevard

District 7

Stephenson Street from Lawrence Street to Bexar Street

District 9

Highland Road from San Rafael Drive southeast
Waskom Street from Visalia Drive to Shiloh Road

District 13

Chadbourne Road from Caruth Boulevard to Stanford Avenue

District 14

Hubert Street from Lewis Street to Hoskins Street

May 9, 2018

15

Renewal of Water and Wastewater Mains
Agenda Item #30

District 2

Hawes Avenue from Maple Avenue to Lemmon Avenue
Herb Kelleher Way from Love Field Airport to Tom Braniff Lane
Lemmon Avenue from Love Field Airport southeast

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 May 9, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
1			All	V	NA	NA	Approval of Minutes of the April 25, 2018 City Council Meeting
2			All	C	PBW, WTR	\$4,825,300.00	Authorize a thirty-six-month contract for the cost share Sidewalk Replacement Program that will include barrier-free ramps and water and wastewater adjustments at various locations throughout the city - Vescorp Construction, LLC dba Chavez Concrete Cutting, lowest responsible bidder of six - Not to exceed \$4,825,300 - Financing: 2017 Bond Funds (\$3,664,807), 2012 Bond Funds (\$1,063,493), and Water Utilities Capital Construction Funds (\$97,000)
3			1	C	PBW, TWM	\$254,408.00	Authorize an increase to the construction services contract with Texas Standard Construction, Ltd., for installing new cast-in-place reinforced concrete box culverts and associated reinforced concrete roadway pavement for Bishop Arts Area Street and Drainage Improvements Project - Not to exceed \$254,408, from \$6,528,099 to \$6,782,507 - Financing: 2006 Bond Funds
4			4, 7, 8	C	DEV	REV \$66,000	Authorize (1) the quitclaim of 12 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale that will be sold to the highest qualified bidders; and (2) the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment - Estimated Revenue: \$66,000
5			12	C	DEV	REV \$5,400	An ordinance abandoning a portion of a variable width maintenance easement to Timothy E. Head and Julia R. Head, the abutting owners, containing approximately 407 square feet of land, located near the intersection of Hillcrest and Frankford Roads - Revenue: \$5,400, plus the \$20 ordinance publication fee
6			14	C	DEV	REV \$5,400	An ordinance abandoning two utility easements to Stillwater AP-1 Development, LLC, the abutting owner, containing a total of approximately 9,571 square feet of land, located near the intersection of Milton Street and Amesbury Drive - Revenue: \$5,400, plus the \$20 ordinance publication fee
7			3, 4, 5, 7, 10, 11, 13	C	TRN	\$441,550.00	Authorize a professional services contract with Brown & Gay Engineers, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 16 traffic signals at various intersections and other related tasks - Not to exceed \$441,550 - Financing: 2017 Bond Funds (\$139,550), 2006 Bond Funds (\$140,000) and General Funds (\$162,000) (subject to annual appropriations)
8			1, 3, 4, 5, 7, 8, 9, 14	C	TRN	\$382,575.50	Authorize a professional services contract with LJA Engineering, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 15 traffic signals at various intersections and other related tasks - Not to exceed \$382,576 - Financing: 2017 Bond Funds (\$223,576) and General Funds (\$159,000) (subject to annual appropriations)
9			3, 5, 6, 7, 8	C	TRN	\$489,470.00	Authorize a professional services contract with Stantec Consulting Services, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 15 traffic signals at various intersections and other related tasks - Not to exceed \$489,470 - Financing: 2017 Bond Funds (\$269,530) and General Funds (\$219,940) (subject to annual appropriations)
10			2, 14	C	TRN	GT	Authorize (1) the receipt and deposit of funds in an amount not to exceed \$175,677 from AT&T, Inc. for certain material and labor costs associated with removal of existing traffic signals and replacing them with new signals at 8 intersections surrounding the proposed AT&T Discovery Plaza; and (2) an increase in appropriations in an amount not to exceed \$175,677 in the Capital Projects Reimbursement Fund - Not to exceed \$175,677 - Financing: Capital Projects Reimbursement Funds
11			7	C	TWM, PBW	NC	Authorize (1) a request to the Texas Department of Transportation to remove a portion of the S.M. Wright Freeway (SH 310/US 175) from C.F. Hawn Freeway (US 175) to Interstate Highway (IH) 45 from the State Highway System; and (2) upon construction completion the City of Dallas to assume responsibility for operation and maintenance of a portion of the S.M. Wright Freeway (SH 310/US 175) from C.F. Hawn Freeway (US 175) to IH-45 - Financing: This item has no cost consideration to the City (see Fiscal Information for potential future costs)
12			8	C	HOU	NC	Authorize the first amendment to the conditional grant agreement for development of 35 single-family homes, previously approved by Resolution No. 16-0840 on May 25, 2016, with Bosco Investments, Ltd. for the Sandyland Estates Project to (1) extend the Bond conditional grant agreement completion date from May 25, 2018 to November 30, 2019; and (2) amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City

AGENDA DATE May 9, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
13			7	C	HOU	NC	Authorize the first amendment to the conditional grant agreement for the construction of 18 single-family homes, previously approved by Resolution No. 16-0845 on May 25, 2016, with Dallas Area Habitat for Humanity for the Joppa Neighborhood Project to (1) extend the 2012 General Obligation Bond conditional grant agreement completion date from May 25, 2018 to November 30, 2018; and (2) amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
14			7	C	HOU	NC	Authorize the first amendment to the loan agreement for development of 10 single-family homes, previously approved by Resolution No. 16-0849 on May 25, 2016, with South Dallas Fair Park/Innercity Community Development Corporation for the Frank Street Project to (1) extend the HOME and NSP loan agreement completion date from May 25, 2018 to February 28, 2019; and (2) amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
15			1	C	HOU	NC	Authorize the first amendment to the loan agreement for the development of 14 single-family homes for La Estrella Project, previously approved by Resolution No. 16-0850 on May 25, 2016, with Notre Dame Place, Inc. to (1) extend the loan agreement completion date from May 25, 2018 to November 30, 2018; and (2) amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City
16			7	C	HOU	NC	Authorize the second amendment to the loan agreement for development of 5 rental units for seniors, previously approved by Resolution No. 15-0779 on April 22, 2015, with East Dallas Community Organization for the Bexar Street Senior Project to (1) extend the HOME and Community Development Block Grant loan agreement completion date from February 22, 2018 to November 30, 2018; and (2) amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
17			8	C	HOU	NC	Authorize the second amendment to the conditional grant agreement for the construction of 40 single-family homes, previously approved by Resolution No. 16-0841 on May 25, 2016, with Camden Homes at Shady Oaks, LLC for the Shady Oaks Project to (1) extend the conditional grant agreement completion date from May 25, 2018 to November 28, 2018; and (2) amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
18			7	C	HOU	NC	Authorize the third amendment to the loan agreement for 11 single-family homes, previously approved by Resolution No. 15-1080 on June 10, 2015, with South Dallas Fair Park/Innercity Community Development Corporation for the Scattered Sites Project to (1) extend the HOME loan agreement completion date from December 31, 2017 to July 31, 2019; and (2) amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
19			7	C	HOU	NC	Authorize the third amendment to the loan agreement for the development of six single-family, affordable homes in the 2900 Block of South Boulevard and 2800 Park Row Avenue, previously approved by Resolution No. 17-1464 on September 13, 2017, with Southfair Community Development Corporation to (1) extend the loan agreement's completion date from August 31, 2018 to December 31, 2018; and (2) amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City
20			7	C	HOU	NC	Authorize the fourth amendment to the conditional grant agreement, previously approved by Resolution No. 13-1105 on June 26, 2013, with KKBK Properties, LLC or its wholly owned subsidiary, for the Hatcher Gardens Project to (1) extend the conditional grant agreement completion date from August 31, 2017 to May 25, 2019; and (2) amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
21			8	C	HOU	NC	Authorize the fourth amendment to the loan agreement for development of 10 single-family homes, previously approved by Resolution No. 15-0989 on May 27, 2015, with Builders of Hope CDC for the Creekside Project to (1) decrease the number of units from 9 to 8 units; (2) decrease the HOME loan amount by (\$22,500), from \$202,500 to \$180,000; (3) extend the HOME loan agreement completion date from May 31, 2018 to November 30, 2018; and (4) amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City
22			N/A	C	OFS	NC	A resolution denying rates as requested by Oncor Electric Delivery Company LLC in its application for a Distribution Cost Recovery Factor filed with the City of Dallas on April 5, 2018 - Financing: No cost consideration to the City

AGENDA DATE May 9, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
23			All	C	OCC	NC	Authorize an Interlocal Agreement with the University of Texas Southwestern Medical Center on behalf of St. Paul University Hospital to provide guidance and assistance to routine postpartum women who are breastfeeding for the period March 1, 2018 through February 28, 2019 - Financing: No cost consideration to the City
24			2, 7, 14	C	ECO	NC	Authorize (1) a public hearing to be held on May 23, 2018, to receive comments concerning the renewal of the Deep Ellum Public Improvement District (the "District"), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the public hearing; (2) a resolution approving renewal of the District for seven years, and approval of the District's Service Plan for 2019-2025 - Financing: No cost consideration to the City
25			12	C	ECO	NC	Authorize (1) a public hearing to be held on May 23, 2018, to receive comments concerning the renewal of the Prestonwood Public Improvement District (the "District"), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the public hearing (2) a resolution approving renewal of the District for seven years, and approval of the District's Service Plan for 2019-2025 - Financing: No cost consideration to the City
26			All	C	PBD, SAN	\$255,000.00	Authorize a three-year on-call consultant contract for solid waste consulting services with Burns & McDonnell Engineering Company, Inc. through an Interlocal Agreement with the City of San Antonio - Not to exceed \$255,000 - Financing: Sanitation Current Funds (subject to annual appropriations)
27			All	C	PBD, OEM, POL, FIR	GT	Authorize an acquisition contract for the purchase and training support of one light duty explosives robot for the Dallas Police Department - Remotec, Inc., sole source - Not to exceed \$200,123 - Financing: U.S. Department of Homeland Security Grant Funds
28			4	C	WTR	\$2,198,026.00	Authorize a professional services contract with Garver, LLC to provide engineering services for the design, construction administration, and start-up of rehabilitation improvements at Central Wastewater Treatment Plant - Not to exceed \$2,198,026 - Financing: Water Utilities Capital Improvement Funds
29			2, 3, 4, 7, 9, 13, 14	C	WTR, AVI	\$5,499,773.00	Authorize a construction contract for the installation of water and wastewater mains at 11 locations - John Burns Construction Company of Texas, Inc., lowest responsible bidder of seven - Not to exceed \$5,499,773 - Financing: Aviation Capital Construction Funds (\$1,355,864) and Water Utilities Capital Improvement Funds (\$4,143,909)
30			2	C	WTR, AVI	\$1,036,349.00	Authorize an increase in the construction services contract with John Burns Construction Company of Texas, Inc. for additional work associated with the installation of water and wastewater mains at three locations (list attached) - Not to exceed \$1,036,349, from \$10,528,912 to \$11,565,261 - Financing: Aviation Capital Construction Funds (\$148,000) and Water Utilities Capital Improvement Funds (\$888,349)
31			N/A	I	SEC	NC	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)
32			All	I	HOU	NC	Authorize the (1) adoption of a new comprehensive housing policy (the "Housing Policy"); (2) existing housing strategies, tools and programs are incorporated into the comprehensive housing policy; (3) approval of any addition to, alteration or deletion of a strategy tool, or program included in the comprehensive housing policy via a resolution to amend the Housing Policy unless such addition, alteration or deletion is purely administrative in form and does not alter the stated goals; (4) Community Development Commission shall use the Housing Policy as a guide for developing all recommendations, including those related to the U.S. Department of Housing and Urban Development entitlement grants; (5) execute individual loans agreements, which includes loans exceeding \$50,000, without additional Council approval; (6) unspent funds from home repair activities (Major Systems Repairs, Emergency System Repair, and Home Rebate Improvement) may be used in the new Home Improvement and Preservation Program; and (7) Housing Policy to take effect immediately upon approval - Financing: No cost consideration to the City
33			11	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 615, on the northeast corner of Park Central Drive and Banner Drive
34			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest corner of Main Street and Pryor Street

AGENDA DATE May 9, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
35			3	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1842 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of West Kiest Boulevard and South Cockrell Hill Road
36			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District, on the east line of Bennett Avenue, the south line of Monarch Street, and the west line of North Garrett Avenue
37			5	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay 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 an RR-D Regional Retail District with a D Liquor Control Overlay, on the northwest corner of Lake June Road and North Prairie Creek Road
38			5	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service on property zoned Subarea 1 within Planned Development District No. 366-D, the Buckner Boulevard Special Purpose District, with a D Liquor Control Overlay, on the east line of South Buckner Boulevard, north of Bruton Road
39			8	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District; a resolution accepting deed restrictions volunteered by the applicant; and an ordinance granting a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District on the west line of South Belt Line Road, north of Sarah Lane
40			5	PH	PBW, WTR	\$1,549,582.00	A benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements for Lonsdale Avenue from Sarah Lee Drive to Lake June Road; and at the close of the hearing, authorize an ordinance levying benefit assessments; and a construction contract with Jeske Construction Company, lowest responsible bidder of thirteen - Not to exceed \$1,549,582 - Financing: 2017 Bond Funds (\$928,824), Water Utilities Capital Improvement Funds (\$551,718), and Water Utilities Capital Construction Funds (\$69,040)
41			N/A	PH	OFS	NC	A public hearing to receive comments on the FY 2018-19 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City
42			11	PH	OEQ	NC	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by JP-Banner, LP and JP-North Central Plaza, LLC, located near the intersection of Coit Road and Banner Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to JP-Banner, LP and JP-North Central Plaza, LLC, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

TOTAL \$16,932,033.50

AGENDA ITEM # 2

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Public Works
Water Utilities Department

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: Various

SUBJECT

Authorize a thirty-six-month contract for the cost share Sidewalk Replacement Program that will include barrier-free ramps and water and wastewater adjustments at various locations throughout the city - Vescorp Construction, LLC dba Chavez Concrete Cutting, lowest responsible bidder of six - Not to exceed \$4,825,300 - Financing: 2017 Bond Funds (\$3,664,807), 2012 Bond Funds (\$1,063,493), and Water Utilities Capital Construction Funds (\$97,000)

BACKGROUND

This action will authorize a thirty-six-month contract for the cost share Sidewalk Replacement Program that will include barrier-free ramps. The installation of barrier-free ramps throughout the City is required in order to be in compliance with the Americans with Disabilities Act. Sidewalk projects at various locations throughout the city will also be implemented through this contract with funding provided in the 2017 Bond Program.

Other projects being implemented with this contract include the Oak Lawn Heights area and the Love Field West area that will be constructed with re-programmed funds from the 2012 Bond Program Lindsley Avenue from Beacon Street to South Munger Boulevard.

Vescorp Construction, LLC dba Chavez Concrete Cutting has had no contractual activities with the City of Dallas within the past three years.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction June 2018
Complete Construction June 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

2017 Bond Funds - \$3,664,807.00
2012 Bond Funds - \$1,063,493.00
Water Utilities Capital Construction Funds - \$97,000.00

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:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$4,825,300.00	Construction	25.00%	100.00%	\$4,825,300.00

- This contract exceeds the M/WBE goal of 25.00%

BID INFORMATION

The following six bids with quotes were received and opened on February 23, 2018.

*Denotes successful bidder

<u>Bidders</u>	<u>Bid Amount</u>
*Vescorp Construction, LLC dba Chavez Concrete Cutting 2405 Peachtree Road Balch Springs, TX 75180	\$4,825,300.00
Ragle Inc.	\$5,732,850.00
Texas Standard Construction	\$5,767,614.40
Camino Construction LP	\$5,875,300.00
FNH Construction	\$5,921,475.00
Joe Funk Construction	\$6,015,328.00

OWNER

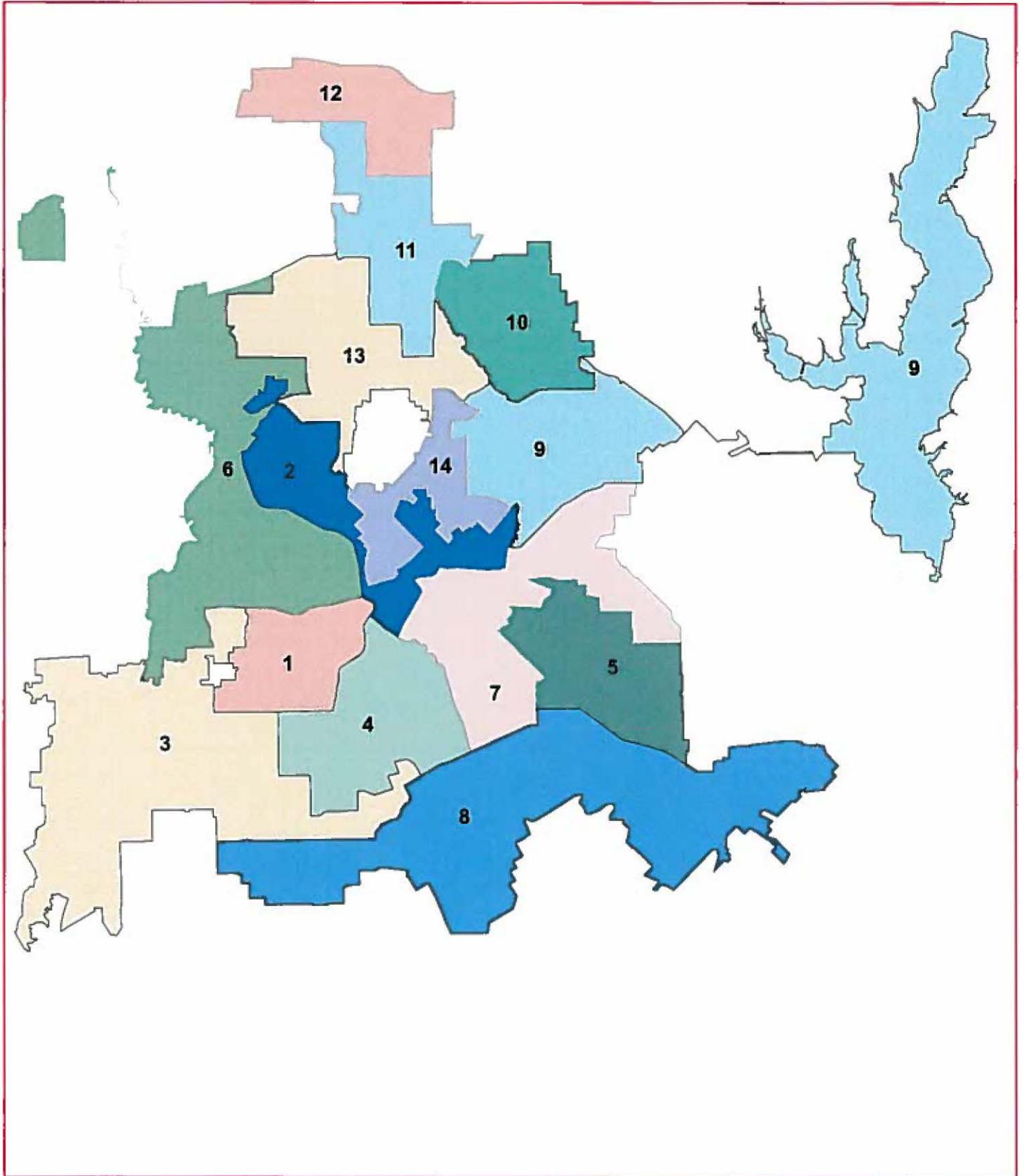
Vescorp Construction, LLC dba Chavez Concrete Cutting

Hugo Chavez, President

MAP

Attached

PAVING SERVICES CONTRACT
Infrastructure at Various Locations



May 9, 2018

WHEREAS, the City desires to re-program Lindsley Avenue from Beacon Street to South Munger Boulevard funds from the 2012 Bond Program that was cancelled; funding for a total of \$1,063,493.00 for the Oak Lawn Heights area and the Love Field West area; and

WHEREAS, on February 23, 2018, six bids were received for sidewalk and barrier free ramp installation paving services contract that includes water and wastewater adjustments at various locations throughout the city; and

<u>Bidders</u>	<u>Bid Amount</u>
Vescorp Construction, LLC dba Chavez Concrete Cutting	\$4,825,300.00
Ragle Inc.	\$5,732,850.00
Texas Standard Construction	\$5,767,614.40
Camino Construction LP	\$5,875,300.00
FNH Construction	\$5,921,475.00
Joe Funk Construction	\$6,015,328.00

WHEREAS, the bid submitted by Vescorp Construction, LLC dba Chavez Concrete Cutting in the amount of \$4,825,300.00 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 City Manager is hereby authorized to sign a thirty-six-month contract with Vescorp Construction, LLC dba Chavez Concrete Cutting, approved as to form by the City Attorney, for the cost share Sidewalk Replacement Program that will include barrier-free ramps and water and wastewater adjustments at various locations throughout the city, in an amount not to exceed \$4,825,300.00 this being the lowest responsive bid received as indicated by the tabulation of bids.

SECTION 2. That the City Manager is hereby authorized to re-program Lindsley Avenue from Beacon Street to South Munger Boulevard funds from the 2012 Bond Program for the Oak Lawn Heights area, and the Love Field West area in an amount not to exceed \$1,063,493.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$4,825,300.00 to Vescorp Construction, LLC dba Chavez Concrete Cutting (VS89922) from Master Agreement Service Contract No. MASC-PBW-2018-00005711.

May 9, 2018

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 ITEM # 3

**STRATEGIC
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

May 9, 2018

COUNCIL DISTRICT(S):

1

DEPARTMENT:

Department of Public Works
Department of Trinity Watershed Management

CMO:

Majed Al-Ghafry, 670-3302
Jody Puckett, 670-3390

MAPSCO:

54C G

SUBJECT

Authorize an increase to the construction services contract with Texas Standard Construction, Ltd., for installing new cast-in-place reinforced concrete box culverts and associated reinforced concrete roadway pavement for Bishop Arts Area Street and Drainage Improvements Project - Not to exceed \$254,408, from \$6,528,099 to \$6,782,507 - Financing: 2006 Bond Funds

BACKGROUND

On May 13, 2009, City Council authorized a professional services contract to Pacheco Koch Consulting Engineers for the engineering design services for Phase II improvements of Bishop Avenue from Neely Street to Colorado Boulevard, in an amount not to exceed \$314,835.00, by Resolution No. 09-1196.

On January 20, 2010, Administrative Action No. 10-0637 authorized Supplemental Agreement No. 1 to the professional services contract to Pacheco Koch Consulting Engineers to complete and finalize the survey work related to the horizontal and vertical control surveying and the boundary descriptions, in an amount not to exceed \$23,700.00, from \$314,835.00 to \$338,535.00.

On November 12, 2010, Administrative Action No. 10-3140 authorized Supplemental Agreement No. 2 to the professional services contract to Pacheco Koch Consulting Engineers to design a proposed storm drainage system and provide drainage related calculations and requirements, in an amount not to exceed \$15,500.00, from \$338,535.00 to \$354,035.00.

BACKGROUND (continued)

On August 24, 2016, City Council authorized a construction services contract to Texas Standard Construction, Ltd., for the reconstruction of street paving, storm drainage, streetscape, and water main improvements for the Bishop Arts Area Street and Drainage Improvements Project, in an amount not to exceed \$6,528,099.00.

This action will authorize Change Order No. 1 to the construction contract with Texas Standard Construction, Ltd. for installing new cast-in-place reinforced concrete box culverts and associated reinforced concrete roadway pavement, in the amount not to exceed \$254,408.00 increasing the contract amount from \$6,528,099.00 to \$6,782,507.00 by Resolution No. 16-1343.

The additional work was identified as a result of unforeseen underground conditions encountered during the construction of the 72-inch stormwater main with the existing Atmos Energy gas line and the AT&T telecommunications duct banks located at Bishop Avenue and Ninth Street, Bishop Avenue and Tenth Street, Madison Avenue and Eighth Street, on Bishop Avenue between Ninth Street and Tenth Street, and at Zang Boulevard and Eighth Street. In order to avoid these utility conflicts and facilitate the installation of the proposed stormwater main, it was decided to construct cast-in-place reinforced concrete box culverts.

ESTIMATED SCHEDULE OF PROJECT

Began Design	July 2008
Completed Design	June 2012
Began Construction	February 2014
Complete Construction	March 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 13, 2009, City Council authorized a professional services contract to Pacheco Koch Consulting Engineers for engineering design services by Resolution No. 09-1196.

On August 24, 2016, City Council authorized a contract to Texas Standard Construction, Ltd. by Resolution No. 16-1343.

City Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

2006 Bond Funds - \$254,408.00

Design - PBW	\$ 270,105.00
Design - DWU	\$ 44,730.00
Supplemental Agreement No. 1	\$ 23,700.00
Supplemental Agreement No. 2	\$ 15,500.00
Construction	
Paving & Drainage - PBW	\$ 6,451,048.00
Water - DWU	\$ 77,051.00
Change Order No. 1 (this action)	<u>\$ 254,408.00</u>
Total	\$ 7,136,542.00

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:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$254,408.00	Construction	25.00%	29.74%	\$75,661.57

- Change Order No. 1 - 29.74% M/WBE participation
- This contract does meet the M/WBE goal of 25.00%, and has a 29.74% Overall M/WBE participation

OWNER

Texas Standard Construction, Ltd.

Ronald H. Dalton, President

MAP

Attached

BISHOP ARTS AREA STREET AND DRAINAGE IMPROVEMENTS



MAPSCO 54C & 54G

May 9, 2018

WHEREAS, on May 13, 2009, City Council authorized a professional services contract with Pacheco Koch Consulting Engineers for the engineering design services of streetscape/urban design project on Bishop Avenue from Neely Street to Colorado Boulevard, in an amount not to exceed \$314,835.00 Resolution No. 09-1196; and

WHEREAS, on January 20, 2010, Administrative Action No. 10-0637 authorized Supplemental Agreement No. 1 to the professional services contract with Pacheco Koch Consulting Engineers to complete and finalize the survey work related to the horizontal and vertical control surveying and the boundary descriptions needed to proceed with the design of this project, in the amount of \$23,700.00, from \$314,835.00 to \$338,535.00; and

WHEREAS, on November 12, 2010, Administrative Action No. 10-3140 authorized Supplemental Agreement No. 2 to the professional services contract with Pacheco Koch Consulting Engineers to design a proposed storm drainage system and provide drainage related calculations and requirements needed to complete the design of this project, in the amount of \$15,500.00, from \$338,535.00 to \$354,035.00; and

WHEREAS, funding from the 2006 Bond Program from the Zang Boulevard to Illinois Avenue Drainage Relief System Project is being reprogrammed with this item to fund the Bishop Arts area watershed drainage improvements; and

WHEREAS, bids were received on May 27, 2016, for the reconstruction of street paving, storm drainage, streetscape, and water main improvements for the Bishop Arts Street and Drainage Improvements project; and

WHEREAS, on August 24, 2016, City Council authorized a contract with Texas Standard Construction, Ltd., for the reconstruction of street paving, storm drainage, streetscape and water main improvements for the Bishop Arts Area Street and Drainage Improvements Project, in an amount not to exceed \$6,528,099.00 Resolution No. 16-1343; and

WHEREAS, it is now necessary to authorize Change Order No. 1 to the construction services contract with Texas Standard Construction, Ltd., for installing new cast-in-place reinforced concrete box culverts and associated reinforced concrete roadway pavement for Bishop Arts Area Street and Drainage Improvements Project in an amount not to exceed \$254,408.00, increasing the contract amount from \$6,528,099.00 to \$6,782,507.00.

May 9, 2018

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 Texas Standard Construction, Ltd., (Change Order No. 1) is authorized for installing new cast-in-place reinforced concrete box culverts and associated reinforced concrete roadway pavement for Bishop Arts Area Street and Drainage Improvements Project in an amount not to exceed \$254,408.00, increasing the contract amount from \$6,528,099.00 to \$6,782,507.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$254,408.00 to Texas Standard Construction, Ltd., as follows:

Flood Protection and Storm Drainage Facilities Fund BT23, Department TWM, Unit W065, Activity SDRS Object 4599, Program PB06W065 Encumbrance CT-STS12S390L1, Vendor 508379	\$ 18,944.43
---	--------------

Flood Protection and Storm Drainage Facilities Fund 3T23, Department TWM, Unit W065, Activity SDRS Object 4599, Program PB06W065 Encumbrance CT-STS12S390L1, Vendor 508379	\$ 20,026.10
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Flood Protection and Storm Drainage Facilities Fund 8T23, Department TWM, Unit W065, Activity SDRS Object 4599, Program PB06W065 Encumbrance CT-STS12S390L1, Vendor 508379	<u>\$215,437.47</u>
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Total amount not to exceed	\$254,408.00
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SECTION 3. That this contract is designated as Contract No. PBW-2016-00000959.

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 ITEM # 4

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 4, 7, 8

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 46 S T 54 V 55 F H P T 56 T W 66 A 69 A

SUBJECT

Authorize **(1)** the quitclaim of 12 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale that will be sold to the highest qualified bidders; and **(2)** the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached) - Estimated Revenue: \$66,000

BACKGROUND

This item authorizes the quitclaim of 12 properties that were foreclosed by the Sheriff's Department for unpaid taxes pursuant to judgments or seizure warrants from a District Court and the release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment. These properties will be sold to the highest qualified bidder and will return to the tax rolls upon conveyance.

Successful bidders will be required to sign a certification stating that they are not purchasing these properties on behalf of the foreclosed owners and that they have no debts owed to the City, no pending code violations, and are not chronic code violators.

All properties were reviewed by the Housing and Neighborhood Revitalization Department for infill houses and were not desired for that program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

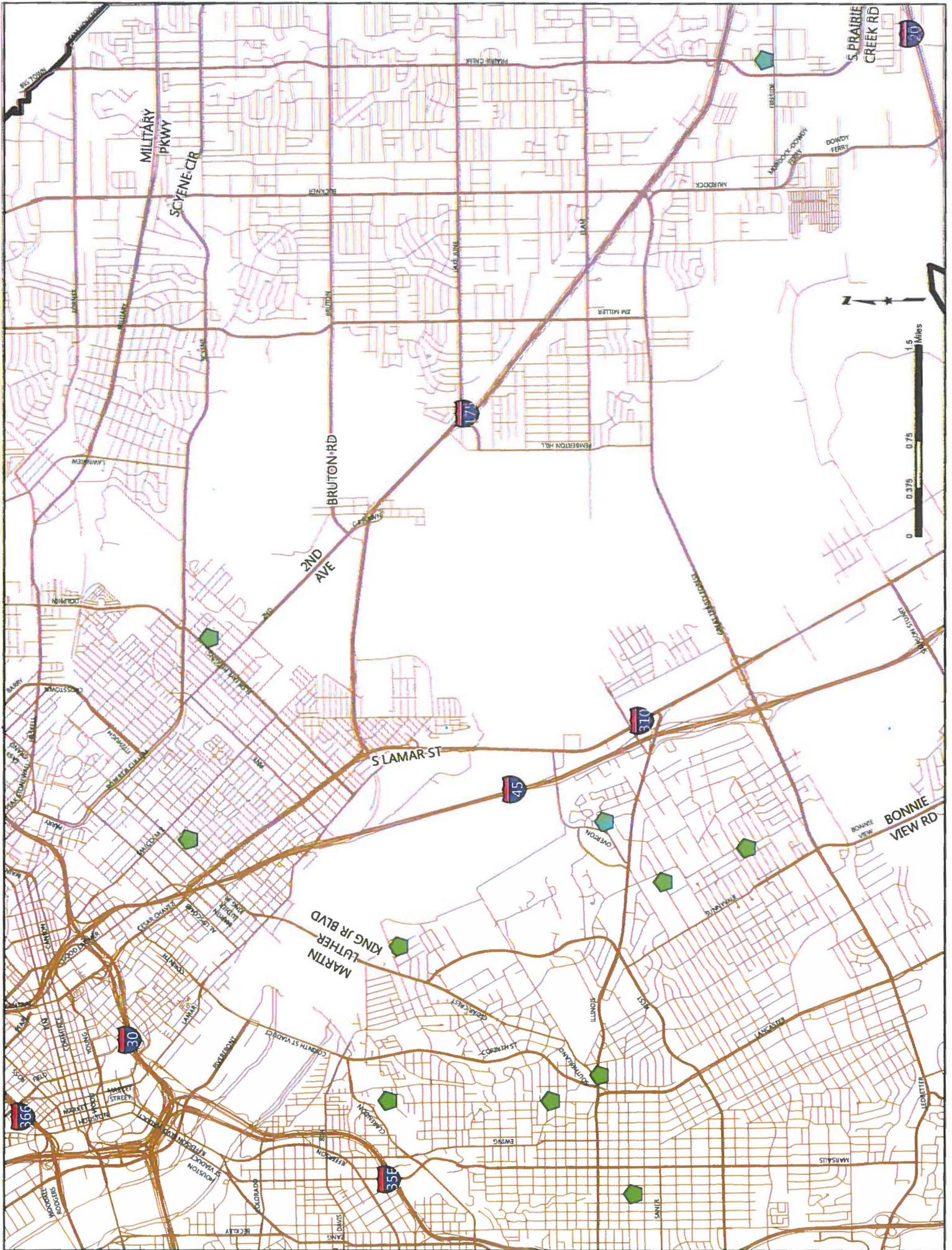
Estimated Revenue - \$66,000

MAP

Attached

**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
PROPERTY LIST**

ITEM #	STREET ADDRESS	VAC/IMP	COUNCIL DISTRICT	ZONING	PARCEL SIZE	STRUCKOFF AMOUNT	DCAD
1	2618 ARIZONA	V	4	R-7.5(A)	.1759	\$10,500.00	\$10,500.00
2	1318 BLISS	V	4	R-5(A)	.0892	\$6,330.00	\$6,330.00
3	4611 BONNIE VIEW	V	4	R-5(A)	.2665	\$21,550.00	\$12,000.00
4	814 CLEARFIELD	V	8	R-7.5(A)	.0241	\$18,534.00	\$17,500.00
5	3607 HUMPHREY	V	4	R-5(A)	.2722	\$11,800.00	\$11,500.00
6	1526 E. ILLINOIS	I	4	R-7.5(A)	.1809	\$59,580.00	\$59,580.00
7	1308 IOWA	V	4	CR	.0660	\$20,700.00	\$2,880.00
8	2625 PEABODY	V	7	PD 595	.0899	\$5,795.00	\$6,000.00
9	2627 PEABODY	V	7	PD 595	.1797	\$3,900.00	\$6,000.00
10	808 PONTIAC	V	4	TH3(A)	.1749	\$28,440.00	\$9,500.00
11	2950 PROSPERITY	V	4	CR	.1648	\$24,348.00	\$15,000.00
12	3802 SIDNEY	V	7	PD 595	.7277	\$15,800.00	\$23,960.00



MILITARY PKWY
SCYENE CIR

BRUITON RD

2ND AVE

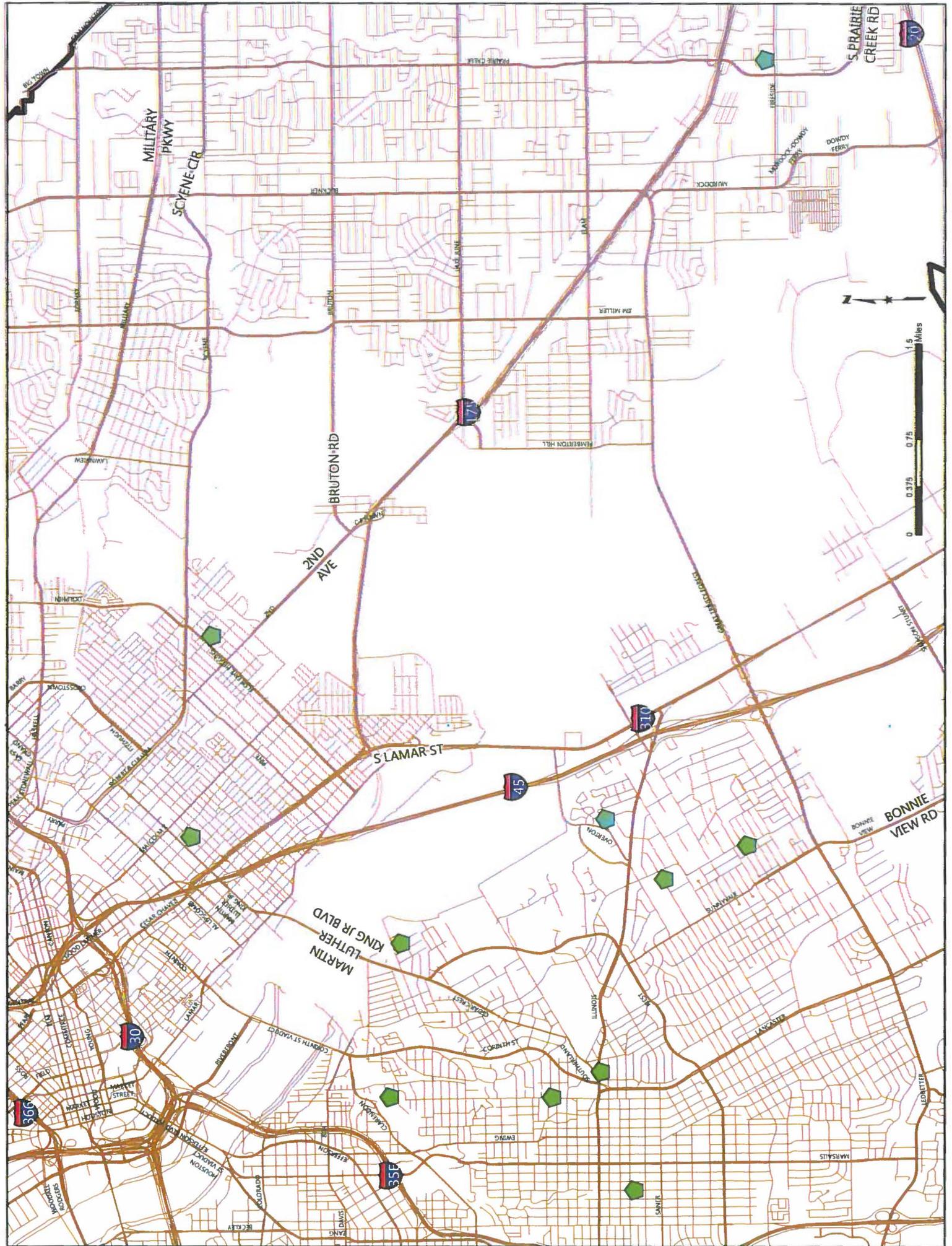
S LAMAR ST

MARTIN LUTHER KING JR BLVD

BONNIE VIEW RD



S PRAIRIE CREEK RD



May 9, 2018

WHEREAS, the City of Dallas (“City”), the State of Texas (“State”), the County of Dallas, (“County”), and/or Dallas Independent School District (“DISD”) acquired Sheriff Deeds to properties (“Properties”) at a sheriff tax sale (“the First Sale”) authorized by a Judicial Foreclosure (“Judgment”) in a District Court in Dallas County, Texas. The Sheriff's Deeds were recorded in the real property records of Dallas County, Texas as described on “Exhibit A,” attached herein and incorporated by reference; and

WHEREAS, pursuant to the Texas Attorney General Opinion No. JM-1232 and Section 34.05(a) of the Texas Property Tax Code, the City may re-sell the Properties (“the Second Sale”) subject to any right of redemption existing at the time of the Second Sale; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Texas Property Tax Code, a taxing entity is authorized to re-sell the Properties (“the Second Sale”); and

WHEREAS, by accepting its pro rata proceeds from the Second Sale, the State agrees to the transfer of Properties in which it has an interest; and

WHEREAS, the City Manager, acting on behalf of the County pursuant to a County Commissioner’s Court Order, and acting on behalf of DISD pursuant to a School Board Resolution have the authority to execute Quitclaim Deeds to the purchasers of Properties at the Second Sale, and transfer any rights, title, or interests acquired or held by each taxing entity that was a party to the Judgment at the First Sale; and

WHEREAS, the Properties will be advertised in the Dallas Morning News to be offered for re-sale; and

WHEREAS, the City Council has previously approved the re-sale of other Properties where funds were not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County; and

WHEREAS, the distribution of the proceeds from the resale of the Properties will be in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code.

Now, Therefore,

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

SECTION 1. That upon receipt of the monetary consideration from the purchasers, and upon consent by the County and DISD, the City Manager after approval as to form by the City Attorney and attested by the City Secretary, is hereby authorized to execute Quitclaim Deeds to the Properties to be sold to the highest qualified bidders, conveying to the purchasers the right, title, and interest acquired or held by each taxing entity that

May 9, 2018**SECTION 1.** (continued)

was a party to the Judgment, subject to any right of redemption, post-Judgment taxes and post Judgment non-municipal liens, and in accordance with the written agreement of the terms, conditions, and release of the taxing entities.

SECTION 2. That the consideration received from the Second Sale shall be distributed pursuant to Chapter 34, Section 34.06 of the Texas Property Tax Code, and applied to the payment of the court costs, interest, and cost of sale and applied to the amount of delinquent taxes, penalties, and non-tax municipal liens as set forth in the Judgment and pursuant to the order of the court.

SECTION 3. That all purchasers shall be responsible for the pro rata portion of property taxes for the remaining part of the current calendar year that will be assessed from the date of closing of the Second Sale. Purchasers shall also be responsible for any post-Judgment taxes, penalties and interest, pursuant to the Texas Property Tax Code, and post-Judgment non-municipal liens. The Properties shall be replaced on the tax rolls as of the date of execution of Quitclaim Deeds.

SECTION 4. That to the extent authorized by law, any liens securing taxes referenced in Section 2 above are hereby released. That the City Manager, after approval as to form by the City Attorney, is hereby authorized to execute a release(s) of lien for any non-tax municipal lien(s) which (i) are included in the Judgments issued in the foreclosure suits filed by the City on the lot(s) shown on Exhibit "A"; or (ii) arise or are filed of record post Judgment and prior to the Second Sale by the City on the lot(s) shown on Exhibit "A".

SECTION 5. That any and all proceeds from the Second Sale, including funds not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County will be deposited to General Fund, Fund 0001, Department DEV, Balance Sheet Account 0519.

SECTION 6. That upon receipt of the consideration from the Second Sale, the Chief Financial Officer is hereby authorized to disburse the proceeds in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code. Calculations for disbursements shall be provided by the Director of Sustainable Development and Construction to the City of Dallas Land Based Receivables, the Dallas County District Clerk, and the Dallas County Tax Office from the account specified in Section 5, above.

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.

**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
EXHIBIT A**

ITEM #	STREET ADDRESS	LEGAL DESCRIPTION	VAC/IMP	OWNED BY TAXING ENTITIES
1	2618 ARIZONA	LOT 5, BLOCK 17/4207	V	1, 2, 3
2	1318 BLISS	LOT 6, BLOCK 2/3391	V	1, 2, 3
3	4611 BONNIE VIEW	LOT 12, BLOCK A/5842	V	1, 2, 3
4	814 CLEARFIELD	TRACT 1.1, BLOCK 7813	V	1, 2, 3
5	3607 HUMPHREY	LOT 26, BLOCK G/6094	V	1, 2, 3
6	1526 E. ILLINOIS	LOT 7, BLOCK J/4240	I	1, 2, 3
7	1308 IOWA	PART OF LOT 1, BLOCK 41/3715	V	1, 2, 3
8	2625 PEABODY	LOT 32, BLOCK 20/1292	V	1, 2, 3
9	2627 PEABODY	LOT 33, BLOCK 20/1292	V	1, 2, 3
10	808 PONTIAC	LOT 2, BLOCK 11/6641	V	1, 2, 3
11	2950 PROSPERITY	LOT 73C-2, BLOCK 6080	V	1, 2, 3
12	3802 SIDNEY	LOTS 1-4, BLOCK A/4486	V	1, 2, 3

*1=CITY, 2=DISD, 3=COUNTY, 4=STATE (All properties are located in the City of Dallas, Dallas County, Texas)

AGENDA ITEM # 5

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 12

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 5H

SUBJECT

An ordinance abandoning a portion of a variable width maintenance easement to Timothy E. Head and Julia R. Head, the abutting owners, containing approximately 407 square feet of land, located near the intersection of Hillcrest and Frankford Roads - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a variable width maintenance easement to Timothy E. Head and Julia R. Head, the abutting owners. The area will be included with the property of the abutting owners to construct a residential swimming pool. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue - \$ 5,400, plus the \$20 ordinance publication fee

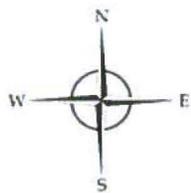
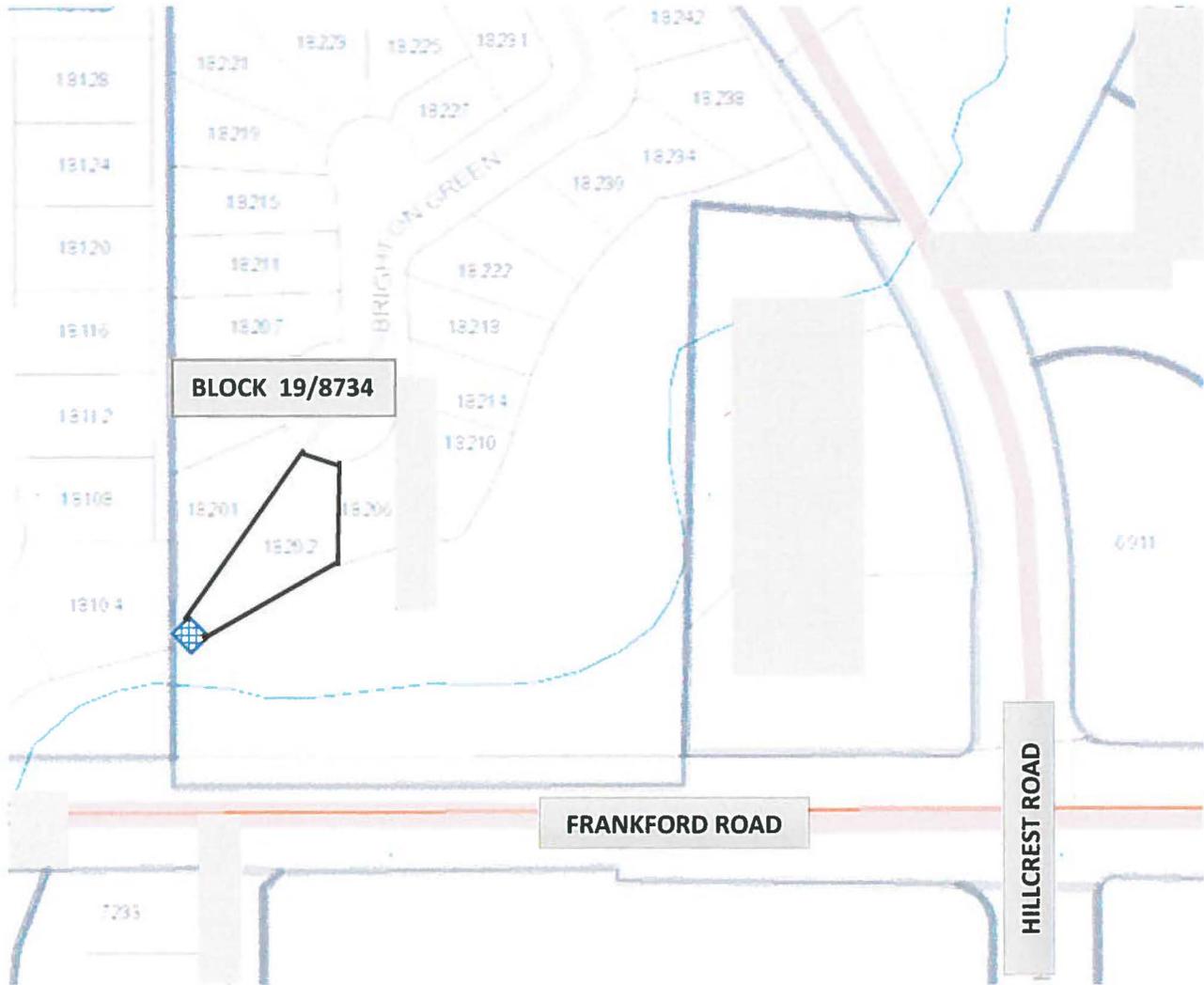
OWNERS

Timothy E. Head

Julia R. Head

MAP

Attached



 **VARIABLE WIDTH MAINTENANCE EASEMENT
ABANDONMENT**

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a variable width maintenance easement, located in City Block 19/8734 in the City of Dallas and County of Collin, Texas; providing for the quitclaim thereof to Timothy E. Head and Julia R. Head; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Timothy E. Head and Julia R. Head, a married couple; hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, their heirs and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, their heirs and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, their heirs and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, their heirs and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, their heirs and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

- (a) ensure there are no encroachments into the 10' sanitary sewer easement.
- (b) acknowledge Atmos Energy Corporation has active facilities in the area. If conflict exists **GRANTEE**, would be responsible for cost to relocate facilities.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

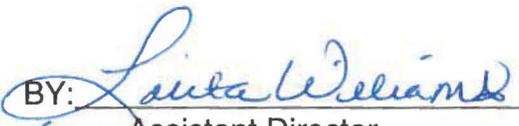
SECTION 11. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005508.

SECTION 12. 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:
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and
Construction

BY: 
Assistant City Attorney

BY: 
Assistant Director

Passed _____

Variable Width Maintenance Easement Abandonment

Windsor Crest

Lot 25, Block 19/8734

Martha McBride Survey, Abstract No. 553

City of Dallas, Collin County, Texas

LEGAL DESCRIPTION

SITUATED in the State of Texas, County of Collin, being a 407 Square Foot (0.0093 Acres) tract of land out of the Martha McBride Survey, Abstract No. 553, being a part of Lot 25, Block 19/8734 of Windsor Crest, an addition to the City of Dallas recorded in Instrument Number 20070216010000460 of the Plat Records of Collin County, Texas, being part of a tract of land conveyed to Timothy and Julia Head by warranty deed recorded in Instrument No. 20110930001042810 of the Deed Records of Collin County, Texas, being part of a variable width maintenance easement created by said Windsor Crest and being more particularly described as follows:

BEGINNING at a point for corner in the east line of Lot 24, Block 19/8734 of said Windsor Crest and in the west line of said Lot 25, from which an Aluminum Monument found for reference in the east line of Preston Highlands Phase Five, an addition the City of Dallas as recorded in Cabinet H, Page 364 of the Plat Records of Collin County, Texas and marking the southwest corner of said Lot 25, the southwest corner of said Lot 24 and the northwest corner of a 2.5 acre Floodway Management Area of said Windsor Crest bears South 36°44'34" West, 16.08 feet;

THENCE with the east line of Lot 24 and the west line of Lot 25, North 36°44'34" East, 2.40 feet to a point in the north line of a Variable Width Maintenance Easement as recorded in Instrument Number 20070216010000460 of the Plat Records of Collin County, Texas;

THENCE with the north line of said easement and crossing said Lot 25, South 89°00'00" East, 43.92 feet to a point for corner in the north line of said Floodway Management Area, in the south line of said Lot 25 and being in a non-tangent curve to the left;

THENCE with the north line of said Floodway Management Area, the south line of said Lot 25 and with said curve to the left having a radius of 384.21 feet, a central angle of 2°35'42", an arc length of 17.40 feet and a chord bearing and distance of South 55°40'05" West, 17.40 feet to a point for corner marking the beginning of a tangent curve to the right;

THENCE with the north line of said Floodway Management Area, the south line of said Lot 25 and with said curve to the right having a radius of 25.00 feet, a central angle of 24°14'23", an arc length of 10.58 feet and a chord bearing and distance of South 66°29'25" West, 10.50 feet to a point for corner;

THENCE crossing said Lot 25 as follows:

North 71°07'35" West, 15.43 feet to a point for corner, and

North 40°41'30" West, 10.36 feet to the Point of Beginning and containing 407 square feet or 0.0093 acres of land, more or less.

BASIS OF BEARINGS: Bearings are based on the platted northwest line of Lot 25, Block 19/8734 of Windsor Crest, North 36°44'34" East.

September 26, 2017

Page 1 of 2

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(For SPRG Use Only)
Reviewed By: A. Rodriguez
Date: 1/24/18
SPRG No. 4344

Michael Cuzzo
Registered Professional Land Surveyor



Roome Land Surveying

2000 Avenue G, Suite 810
Plano, Texas 75074

Phone (972) 423-4372 / Fax (972) 423-7523
www.roomesurveying.com / Firm No. 10013100

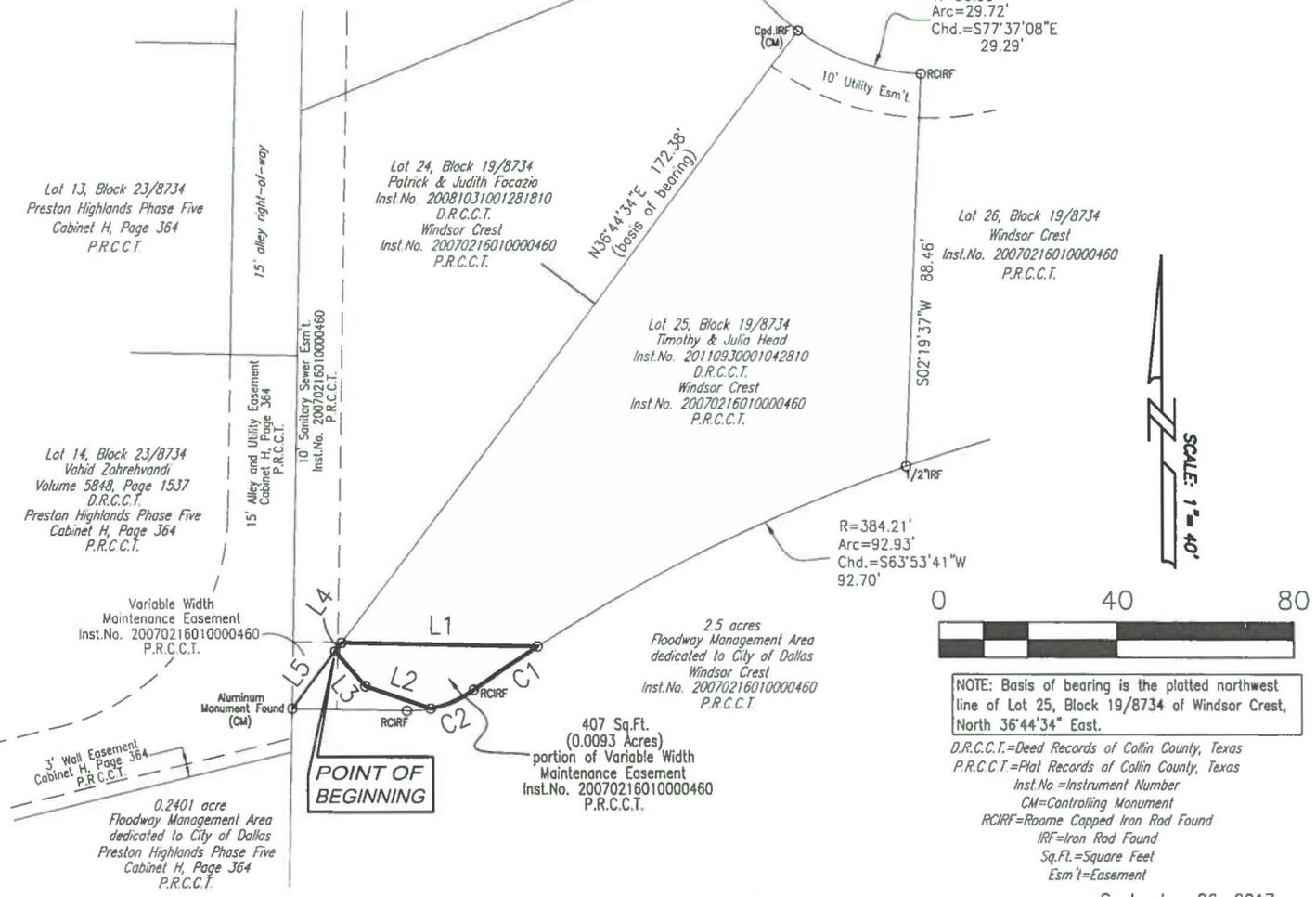


Variable Width Maintenance Easement Abandonment

Windsor Crest
 Lot 25, Block 19/8734
 Martha McBride Survey, Abstract No. 553
 City of Dallas, Collin County, Texas

(For SPRG Use Only)
 Reviewed By: A. Rodriguez
 Date: 11/24/18
 SPRG No. 4344

LINE	BEARING	DISTANCE
L1	S89°00'00"E	43.92'
L2	N71°07'35"W	15.43'
L3	N40°41'30"W	10.36'
L4	N36°44'34"E	2.40'
L5	S36°44'34"W	16.08'



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	17.40'	384.21'	2°35'42"	S55°40'05"W	17.40'
C2	10.58'	25.00'	24°14'23"	S66°29'25"W	10.50'

Michael Cuzzo
 Michael Cuzzo
 Registered Professional
 Land Surveyor

September 26, 2017
 Page 2 of 2
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Roome
 Land Surveying
 2000 Avenue G, Suite 810
 Plano, Texas 75074
 Phone (972) 423-4372 / Fax (972) 423-7523
 www.roomesurveying.com / Firm No. 10013100



AGENDA ITEM # 6

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 36B

SUBJECT

An ordinance abandoning two utility easements to Stillwater AP-1 Development, LLC, the abutting owner, containing a total of approximately 9,571 square feet of land, located near the intersection of Milton Street and Amesbury Drive - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of two utility easements to Stillwater AP-1 Development, LLC, the abutting owner. The area will be included with the property of the abutting owner for the construction of a single-family residential development. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue - \$5,400, plus the \$20 ordinance publication fee

OWNER

Stillwater AP-1 Development, LLC

Aaron Sherma, President

MAP

Attached



	UTILITY EASEMENT ABANDONMENT TRACT 1
	UTILITY EASEMENT ABANDONMENT TRACT 2

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of two utility easements, located in City Block 10/5406 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Stillwater AP-1 Development, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Stillwater AP-1 Development, LLC, a Texas limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tracts of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tracts or parcels of land hereinabove described in Exhibit A . **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That at such time as the instrument described in Section 2 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the Deed Records of Dallas County, Texas; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2 , plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

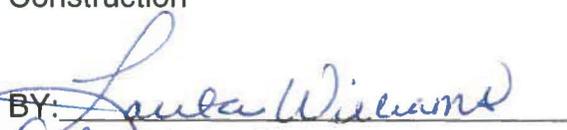
SECTION 11. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005844.

SECTION 12. 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:
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and
Construction

BY: 
Assistant City Attorney

BY: 
SOD Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

UTILITY EASEMENT ABANDONMENT

LOT 1 and 2, BLOCK 10/5406, CARUTH MANOR NO. 4,
W.P. Carder Survey, Abstract No. 282
City of Dallas, Dallas County, Texas

BEING a 4,774 square feet or 0.1096 acre tract of land situated in the W.P. Carder Survey, Abstract No. 282, being part of Lots 1 and 2, Block 10/5406, Revised Caruth Manor No. 4, an addition to the City of Dallas, by Final Plat recorded in Volume 68080, Page 1929 of the Deed Records, Dallas County, Texas (D.R.D.C.T.) also being all of a 7.5 foot utility easement, recorded by said Lots 1 and 2, Block 10/5406, Revised Caruth Manor No. 4, being part of that tract of land conveyed to Stillwater AP-1 Development, LLC, by Special Warranty Deed, recorded in Instrument Number 201500057939 of the Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) and being more particularly described as follows:

COMMENCING at a capped iron rod found stamped "KADLECK" and "RPLS #3952" at the southern most corner clip of the intersection of the East right-of-way line of Amesbury Drive (50' width R.O.W.) created by said Revised Caruth Manor No. 4, and the southeast right-of-way line of the Milton Street (50' width R.O.W.) created by the Final Plat for Caruth Manor No. 5, an addition to the City of Dallas, recorded in Volume 68080, Page 1938 (D.R.D.C.T.), same being the West corner of Lot 3, Block 10/5406, of said Caruth Manor No. 5;

THENCE S00°06'00"W, along East line of said Amesbury Drive, a distance of 229.37 feet to a the northwest corner of said 7.5 foot utility easement, same being in the South corner of a 15 foot Alley, abandoned by Ordinance Number 12561, recorded in Volume 69158, Page 164, (D.R.D.C.T.), the northwest corner of said Lot 2, Block 10/5406 and the POINT OF BEGINNING;

THENCE N79°29'51"E, departing the East line of said Amesbury Drive and along the common North line of said 7.5 foot utility easement and the South line of said 15 foot Alley, a distance of 492.57 feet to a point for corner;

THENCE S82°15'00"E, a distance of 144.48 feet to a point for corner in the northwest right-of-way line of Birchbrook Drive (50' width R.O.W.) created in said Revised Caruth Manor No. 4, same being the northeast corner of said Lot 1, Block 10/5406;

THENCE S07°45'00"W, departing the South line of said 15 foot Alley and along the northwest line of said Birchbrook Drive and the southeast line of said Lot 1, Block 10/5406, a distance of 7.50 feet to a point for corner in the South line of said 7.5 foot utility easement;

THENCE N82°15'00"W, departing the northwest line of said Birchbrook Drive and along the South line of said 7.5 foot utility easement, a distance of 143.28 feet to a point for corner;

THENCE S79°29'51"W, a distance of 492.77 feet to a point for corner in the East line of said Amesbury Drive;

THENCE N00°06'00"E, along the East line of said Amesbury Drive, a distance of 7.63 feet to the POINT OF BEGINNING and containing 4,774 square feet or 0.1096 acres of land, more or less.

(For SPRG use only)
Reviewed by: A. Rodriguez
Date: 2/27/18
SPRG NO.: 4499



BASIS OF BEARING:

The basis of bearings shown hereon, S00°06'00"W, is the southeast right-of-way line of Amesbury Drive per Final Plat of the Caruth Manor No. 4 recorded in Volume 68080, Page 1929 of the Deed Records, Dallas County, Texas.

BROCKETTE · DAVIS · DRAKE, inc.
 consulting engineers

Civil & Structural Engineering Surveying
4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
(214)824-3647, fax (214) 824-7064

FEBRUARY, 2018

SHEET 1 OF 3

C13132.400 Aband 2

(For SPRG use only)
 Reviewed by: A. Rodriguez
 Date: 2/27/18
 SPRG NO.: 4499

UTILITY EASEMENT ABANDONMENT

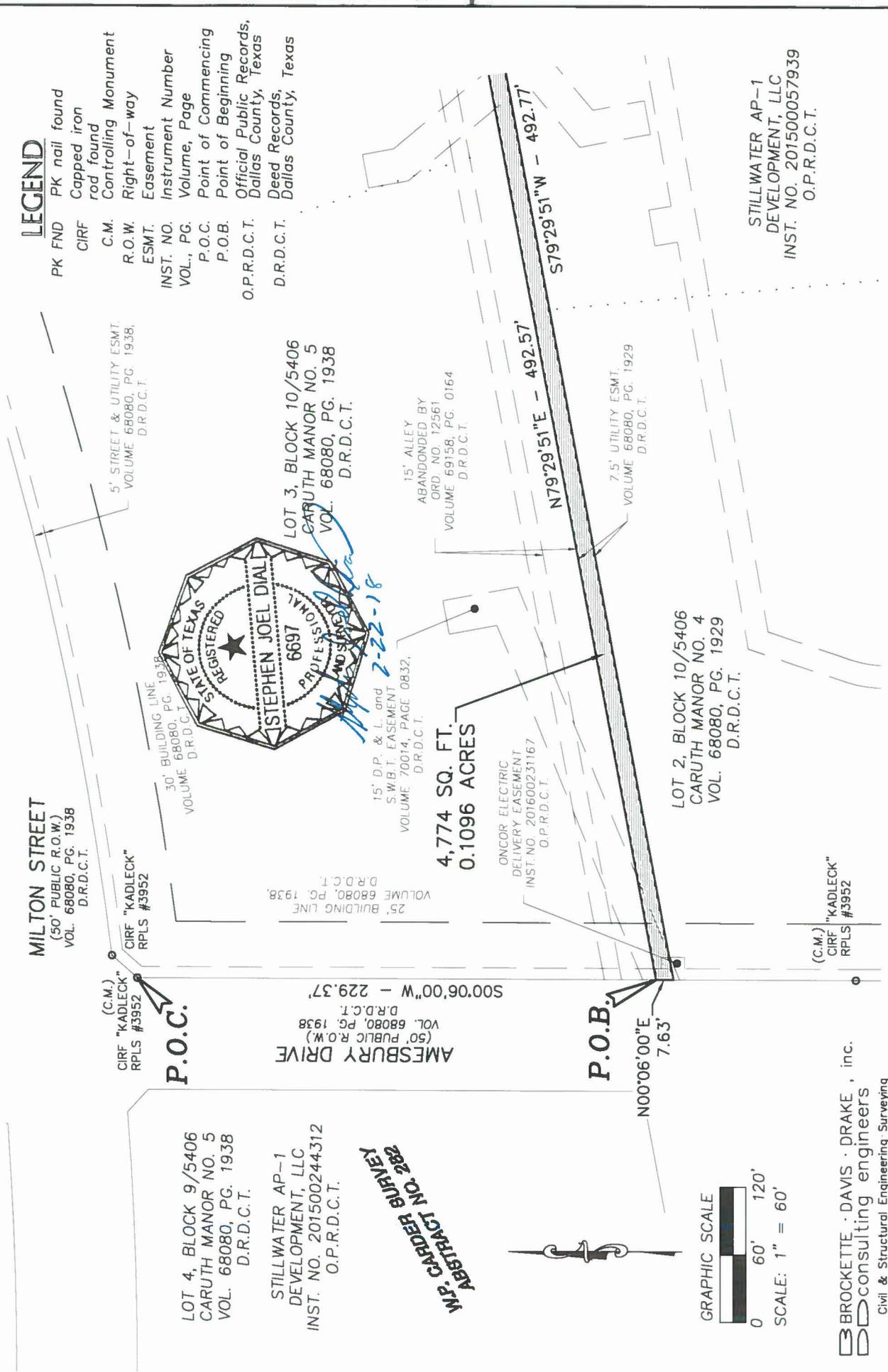
**LOT 1 and 2, BLOCK 10/5406, CARUTH MANOR NO. 4,
 W.P. Carder Survey, Abstract No. 282
 City of Dallas, Dallas County, Texas**

BASIS OF BEARING:

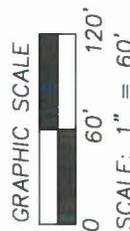
The basis of bearings shown hereon, S00°06'00"W, is the southeast right-of-way line of Amesbury Drive per Final Plat of the Caruth Manor No. 4 recorded in Volume 68080, Page 1929 of the Deed Records, Dallas County, Texas.

LEGEND

- PK FND PK nail found
- CIRF Capped iron rod found
- C.M. Controlling Monument
- R.O.W. Right-of-way
- ESMT. Easement
- INST. NO. Instrument Number
- VOL., PG. Volume, Page
- P.O.C. Point of Commencing
- P.O.B. Point of Beginning
- O.P.R.D.C.T. Official Public Records, Dallas County, Texas
- D.R.D.C.T. Deed Records, Dallas County, Texas



STILLWATER AP-1
 DEVELOPMENT, LLC
 INST. NO. 201500057939
 O.P.R.D.C.T.



BROCKETTE · DAVIS · DRAKE · inc.
 consulting engineers
 Civil & Structural Engineering · Surveying
 4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
 (214)824-3647, fax (214) 824-7064

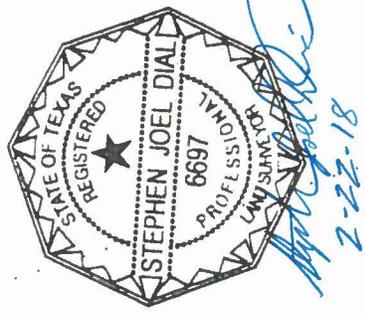
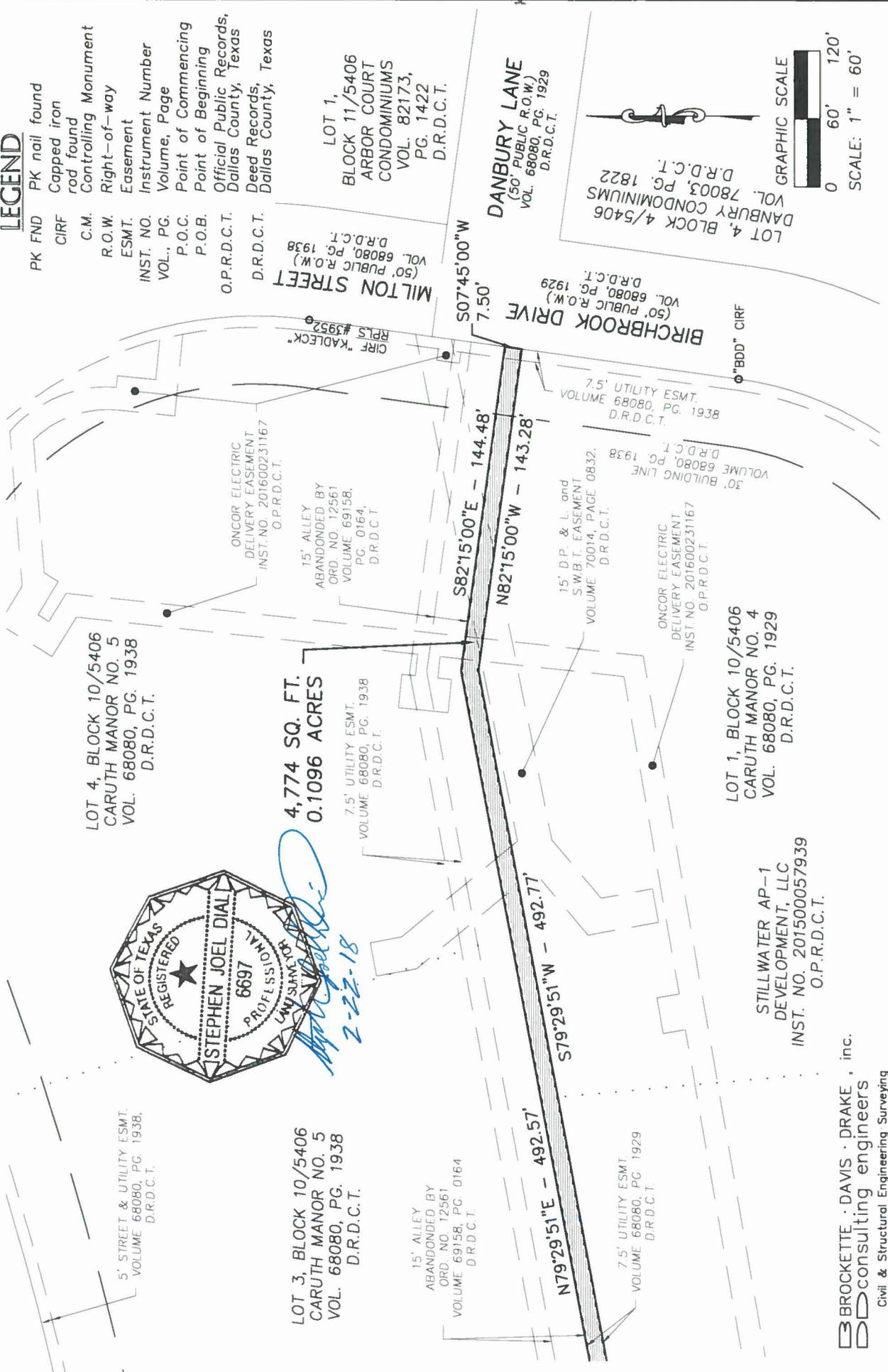
(For SPRG use only)
 Reviewed by: A. Rodriguez
 Date: 2/27/18
 SPRG NO.: 4499

UTILITY EASEMENT ABANDONMENT
LOT 1 and 2, BLOCK 10/5406, CARUTH MANOR NO. 4,
W.P. Carder Survey, Abstract No. 282
City of Dallas, Dallas County, Texas

BASIS OF BEARING:
 The basis of bearings shown hereon, S00°06'00"W, is the southeast right-of-way line of Amesbury Drive per Final Plat of the Caruth Manor No. 4 recorded in Volume 68080, Page 1929 of the Deed Records, Dallas County, Texas.

LEGEND

- PK FND PK nail found
- CIRF Capped iron rod found
- C.M. Controlling Monument
- R.O.W. Right-of-way
- ESMT. Easement
- INST. NO. Instrument Number
- VOL., PG. Volume, Page
- P.O.C. Point of Commencing
- P.O.B. Point of Beginning
- O.P.R.D.C.T. Official Public Records, Dallas County, Texas
- D.R.D.C.T. Deed Records, Dallas County, Texas



LOT 3, BLOCK 10/5406
 CARUTH MANOR NO. 5
 VOL. 68080, PG. 1938
 D.R.D.C.T.

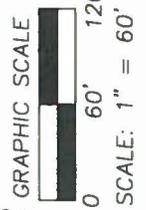
LOT 4, BLOCK 10/5406
 CARUTH MANOR NO. 5
 VOL. 68080, PG. 1938
 D.R.D.C.T.

4,774 SQ. FT.
 0.1096 ACRES

LOT 1,
 BLOCK 11/5406
 ARBOR COURT
 CONDOMINIUMS
 VOL. 82173,
 PG. 1422
 D.R.D.C.T.

DANBURY LANE
 (50' PUBLIC R.O.W.)
 VOL. 68080, PG. 1929
 D.R.D.C.T.

LOT 4, BLOCK 4/5406
 DANBURY CONDOMINIUMS
 VOL. 78003, PG. 1822
 D.R.D.C.T.



B BROCKETTE · DAVIS · DRAKE, inc.
DD consulting engineers
 Civil & Structural Engineering Surveying
 4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
 (214)824-3647, fax (214) 824-7064

STILLWATER AP-1
 DEVELOPMENT, LLC
 INST. NO. 201500057939
 O.P.R.D.C.T.

LOT 1, BLOCK 10/5406
 CARUTH MANOR NO. 4
 VOL. 68080, PG. 1929
 D.R.D.C.T.

EXHIBIT A-TRACT 2

UTILITY EASEMENT ABANDONMENT

LOTS 3 and 4, BLOCK 10/5406, CARUTH MANOR NO. 5,
W.P. Carder Survey, Abstract No. 282
City of Dallas, Dallas County, Texas

BEING a 4,797 square feet or 0.1101 acre tract of land situated in the W.P. Carder Survey, Abstract No. 282, being part of Lots 3 and 4, Block 10/5406, Caruth Manor No. 5, an addition to the City of Dallas, by Final Plat recorded in Volume 68080, Page 1938 of the Deed Records, Dallas County, Texas (D.R.D.C.T.) also being all of a 7.5 foot utility easement, recorded by said Lots 3 and 4, Block 10/5406, Caruth Manor No. 5, being part of that tract of land conveyed to Stillwater AP-1 Development, LLC, by Special Warranty Deed, recorded in Instrument Number 201500057939 of the Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) and being more particularly described as follows:

COMMENCING at a capped iron rod found stamped "KADLECK" and "RPLS #3952" at the southern most corner clip of the intersection of the East right-of-way line of Amesbury Drive, created in the Final Plat of said Caruth Manor No. 5 (50' width R.O.W.) and the southeast right-of-way line of the Milton Street, created in the Final Plat of said Caruth Manor No. 5 (50' width R.O.W.), same being the West corner of said Lot 3, Block 10/5406;

THENCE S00°06'00"W, along East line of said Amesbury Drive, a distance of 206.48 feet to the northwest corner of said 7.5 foot utility easement and the POINT OF BEGINNING;

THENCE N79°29'51"E, departing the East line of said Amesbury Drive and along the North line of said 7.5 foot utility easement, a distance of 491.17 feet to a point for corner;

THENCE S82°15'00"E, a distance of 148.09 feet to a point for corner in the northwest right-of-way line of Birchbrook Drive, created in Final Plat of the Revised Caruth Manor No. 4, an addition to the City of Dallas, recorded in Volume 68080, Page 1929 (D.R.D.C.T.) (50' width R.O.W.), same being the southeast line of said Lot 4, Block 10/5406;

THENCE S07°45'00"W, along the northwest line of said Birchbrook Drive and the southeast line of said Lot 4, Block 10/5406, a distance of 7.50 feet to a point for corner in the southwest line of said 7.5 foot utility easement, same being the southeast corner of said Lot 4, Block 10/5406 and the northeast line of a 15 foot Alley, abandoned by Ordinance 12561, recorded in Volume 69158, Page 164, (D.R.D.C.T.);

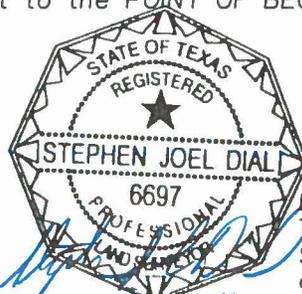
THENCE N82°15'00"W, departing the northwest line of said Birchbrook Drive and along the common South line of said 7.5 foot utility easement and the North line of said 15 foot Alley, a distance of 146.89 feet to a point for corner;

THENCE S79°29'51"W, a distance of 492.17 feet to a point for corner in the East line of said Amesbury Drive, same being the southwest corner of said Lot 3, Block 10/5406 and the North line of said 15 foot Alley;

THENCE N00°06'00"E, departing the North line of said 15 foot Alley and along the East line of said Amesbury Drive, a distance of 7.63 feet to the POINT OF BEGINNING and containing 4,797 square feet or 0.1101 acres of land, more or less.

(For SPRG use only)

Reviewed by: A. Rodriguez
Date: 2/27/18
SPRG NO.: 4450



BASIS OF BEARING:

The basis of bearings shown hereon, S00°06'00"W, is the southeast right-of-way line of Amesbury Drive per Final Plat of the Caruth Manor No. 4 recorded in Volume 68080, Page 1929 of the Deed Records, Dallas County, Texas.

B BROCKETTE · DAVIS · DRAKE, inc.
D consulting engineers

Civil & Structural Engineering Surveying
4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
(214)824-3647, fax (214) 824-7064

FEBRUARY, 2018

SHEET 1 OF 3

C13132.400 Aband 1

(For SPRG use only)
 Reviewed by: A. Rodriguez
 Date: 2/27/18
 SPRG NO.: 4450

UTILITY EASEMENT ABANDONMENT

LOTS 3 and 4, BLOCK 10/5406, CARUTH MANOR NO. 5,
 W.P. Carder Survey, Abstract No. 282
 City of Dallas, Dallas County, Texas

BASIS OF BEARING:

The basis of bearings shown hereon, 500'06'00"W, is the southeast right-of-way line of Amesbury Drive per Final Plat of the Caruth Manor No. 4 recorded in Volume 68080, Page 1929 of the Deed Records, Dallas County, Texas.

LEGEND

- PK FND pk nail found
- CIRF "KADLECK" & "RPLS #3952" capped iron rod found
- C.M. controlling monument
- R.O.W. Right-of-way
- ESMT. Easement
- INST. NO. Instrument Number
- VOL., PG. Volume, Page
- P.O.C. Point of Commencing
- P.O.B. Point of Beginning
- O.P.R.D.C.T. Official Public Records, Dallas County, Texas
- D.R.D.C.T. Deed Records, Dallas County, Texas

LOT 2, BLOCK 11/5406
 ARRANGEMENT CONDOMINIUMS
 VOL. 79097, PG. 1608
 D.R.D.C.T.

LOT 1A, BLOCK 12/5406
 LOVERS TRADITION, PHASE 1
 INST. NO. 201300108258,
 O.P.R.D.C.T.

MILTON STREET
 (50' PUBLIC R.O.W.)
 VOL. 68080, PG. 1938
 D.R.D.C.T.

5' STREET & UTILITY ESMT.
 VOL. 68080, PG. 1938
 D.R.D.C.T.

(C.M.)
 CIRF "KADLECK"
 RPLS #3952

STILLWATER AP-1
 DEVELOPMENT, LLC
 INST. NO. 201500057939
 O.P.R.D.C.T.

P.O.C.

LOT 4, BLOCK 9/5406
 CARUTH MANOR NO. 5
 VOL. 68080, PG. 1938
 D.R.D.C.T.



FOR THE RECORD
 N.P. 2/27/18

AMESBURY DRIVE
 (50' PUBLIC R.O.W.)
 VOL. 68080, PG. 1938
 D.R.D.C.T.

25' BUILDING LINE
 VOLUME 68080, PG. 1938
 D.R.D.C.T.

15' D.P. & L. and
 S.W.I.T. EASEMENT
 VOLUME 70014, PAGE 0832,
 D.R.D.C.T.

4,797 SQ. FT.
 0.1101 ACRES

15' ALLEY
 ABANDONED BY
 ORD. NO. 12561
 VOLUME 69158, PG. 0164
 D.R.D.C.T.

STILLWATER AP-1
 DEVELOPMENT, LLC
 INST. NO. 201500244312
 O.P.R.D.C.T.

P.O.B.

N00°06'00"E
 7.63'

ONCOR ELECTRIC
 DELIVERY EASEMENT
 INST. NO. 201600231167
 O.P.R.D.C.T.

N79°29'51"E - 491.97'
 S79°29'51"W - 492.17'

ONCOR ELECTRIC
 DELIVERY EASEMENT
 INST. NO. 201600231167
 O.P.R.D.C.T.

7.5' UTILITY ESMT.
 VOLUME 68080, PG. 1929
 D.R.D.C.T.

LOT 2, BLOCK 10/5406
 CARUTH MANOR NO. 4
 VOL. 68080, PG. 1929
 D.R.D.C.T.

(C.M.)
 CIRF "KADLECK"
 RPLS #3952

B BROCKETTE · DAVIS · DRAKE, inc.
 DD consulting engineers
 Civil & Structural Engineering Surveying

4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
 (214)824-3647, fax (214) 824-7064



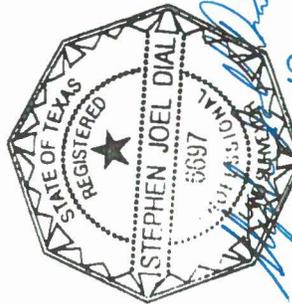
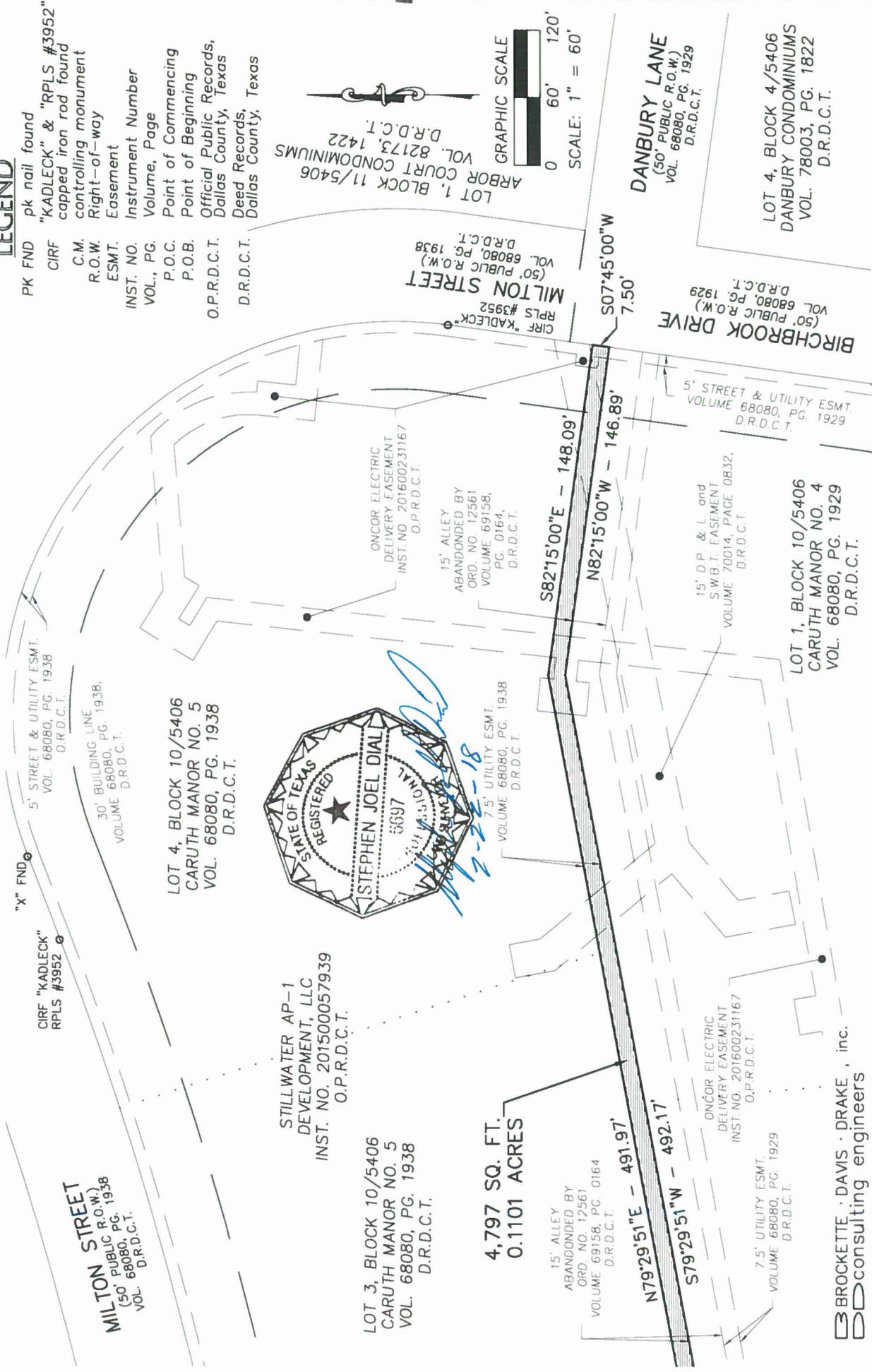
(For SPRG use only)
 Reviewed by: A. Rodriguez
 Date: 2/27/18
 SPRG NO.: 4450

UTILITY EASEMENT ABANDONMENT
LOTS 3 and 4, BLOCK 10/5406, CARUTH MANOR NO. 5,
W.P. Carder Survey, Abstract No. 282
City of Dallas, Dallas County, Texas

BASIS OF BEARING:
 The basis of bearings shown hereon, S00°06'00"W, is the southeast right-of-way line of Amesbury Drive per Final Plat of the Caruth Manor No. 4 recorded in Volume 68080, Page 1929 of the Deed Records, Dallas County, Texas.

LEGEND

- PK FND pk nail found
- CIRF "KADLECK" & "RPLS #3952" capped iron rod found
- C.M. controlling monument
- R.O.W. Right-of-way
- ESMT. Easement
- INST. NO. Instrument Number
- VOL., PG. Volume, Page
- P.O.C. Point of Commencing
- P.O.B. Point of Beginning
- O.P.R.D.C.T. Official Public Records, Dallas County, Texas
- D.R.D.C.T. Deed Records, Dallas County, Texas



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AGENDA ITEM # 7

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

May 9, 2018

COUNCIL DISTRICT(S):

3, 4, 5, 7, 10, 11, 13

DEPARTMENT:

Department of Transportation

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

15K 16V 17P S 26T 47Z 48C 64G 65L

SUBJECT

Authorize a professional services contract with Brown & Gay Engineers, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 16 traffic signals at various intersections and other related tasks (list attached) - Not to exceed \$441,550 - Financing: 2017 Bond Funds (\$139,550), 2006 Bond Funds (\$140,000) and General Funds (\$162,000) (subject to annual appropriations)

BACKGROUND

This action will authorize a professional services contract with Brown & Gay Engineers, Inc. to provide traffic signal design for 16 traffic signals at various intersections and other related tasks. Specifically, this action authorizes the design of 4 traffic signals funded through 2006 Bond Funds (\$140,000.00) and 6 traffic signals funded through 2017 Bond Funds (\$139,550.00). The design of the remaining 6 traffic signals will be funded through General Funds (\$162,000.00), and locations will be determined at a later date. The following signals in the 2017 Bond Program will be designed with this contract:

- Ledbetter Drive at Ramona Avenue
- Ledbetter Drive at Rockport Drive
- Scyene Road at Glover Pass
- Buckner Boulevard at Windsor Station
- Abrams Road at Walnut Street
- Greenville Avenue at Restland/Walnut Street
- TI Boulevard at TEXpress On/Off Ramps
- Walnut Street at Richland College East
- Preston Road at Preston View Boulevard
- Central Expressway at Park Lane

In May 2017, the City of Dallas released a Request for Qualifications for engineering services for traffic engineering and intelligent transportation systems services.

BACKGROUND (continued)

A five member committee from the following departments reviewed and evaluated the proposals:

- Department of Transportation (3)
- Department of Public Works (1)
- Dallas Police Department (1)

The committee selected the successful proposer on the basis of demonstrated competence and qualifications under the following criteria:

- Quality Assurance and Control 10%
- Business Inclusion and Development Plan 15%
- Experience and Capability 25%
- Responsiveness and Qualifications 50%

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,619 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services used historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

ESTIMATED SCHEDULE OF PROJECT

Begin Design May 2018
Complete Design May 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Government Performance and Financial Management Committee on May 7, 2018.

FISCAL INFORMATION

2017 Bond Funds - \$139,550.00
2006 Bond Funds - \$140,000.00
General Funds - \$162,000.00

FISCAL INFORMATION (continued)

<u>Council District</u>	<u>Amount</u>
3	\$ 11,375.00
4	\$ 34,125.00
5	\$ 22,750.00
7	\$ 25,800.00
10	\$ 111,250.00
11	\$ 22,750.00
13	\$ 51,500.00
To Be Determined	<u>\$162,000.00</u>
Total Amount	\$441,550.00

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:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$441,550.00	Architecture & Engineering	25.66%	30.97%	\$304,800.00

- This contract exceeds the M/WBE goal of 25.66%

PROPOSAL INFORMATION

Statements of Qualifications were received from 17 consultant teams for solicitation number BYZ1712 and opened on June 1, 2017. Based on those responses, the top six teams were shortlisted to receive future project-specific solicitation questionnaires. Responses from all six shortlisted firms for this project were received and opened on November 10, 2017. This professional services contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*Brown and Gay Engineers, Inc.	700 North Pearl St. Suite 2100 Dallas, TX 75201	73.00%

PROPOSAL INFORMATION (continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
Kimley-Horn and Associates, Inc.	13455 Noel Rd. Suite 700 Dallas, TX 75240	64.00%
Stantec Consulting Services, Inc.	2435 N. Central Expwy. Suite 750 Dallas, TX 75080	63.40%
Lee Engineering Engineers, Inc.	3030 LBJ Frwy. Suite 1660 Dallas, TX 75234	57.80%
Freese and Nichols, Inc.	2711 N. Haskell Ave. Suite 3300 Dallas, TX 75204	56.80%
LJA Engineering, Inc.	6060 N. Central Expwy. Suite 440 Dallas, TX 75206	55.00%

Statements of Qualifications to solicitation number BYZ1712 were also received from the following consultant teams: Binkley and Barfield, Inc.; Half Associates, Inc.; HDR Engineering, Inc.; Jacobs Engineering Group; Lockwood, Andrews, and Newman, Inc.; Maldonado-Burkett Intelligent Transportation Systems, LLP; Othon, Inc.; RPS Klotz Associates; SE3; Teal Engineering Services, Inc.; and UEG-Urban Engineers, Inc.

OWNER

Brown and Gay Engineers, Inc.

Lee Lennard, President
William D. Dillon, Executive Vice President

MAP

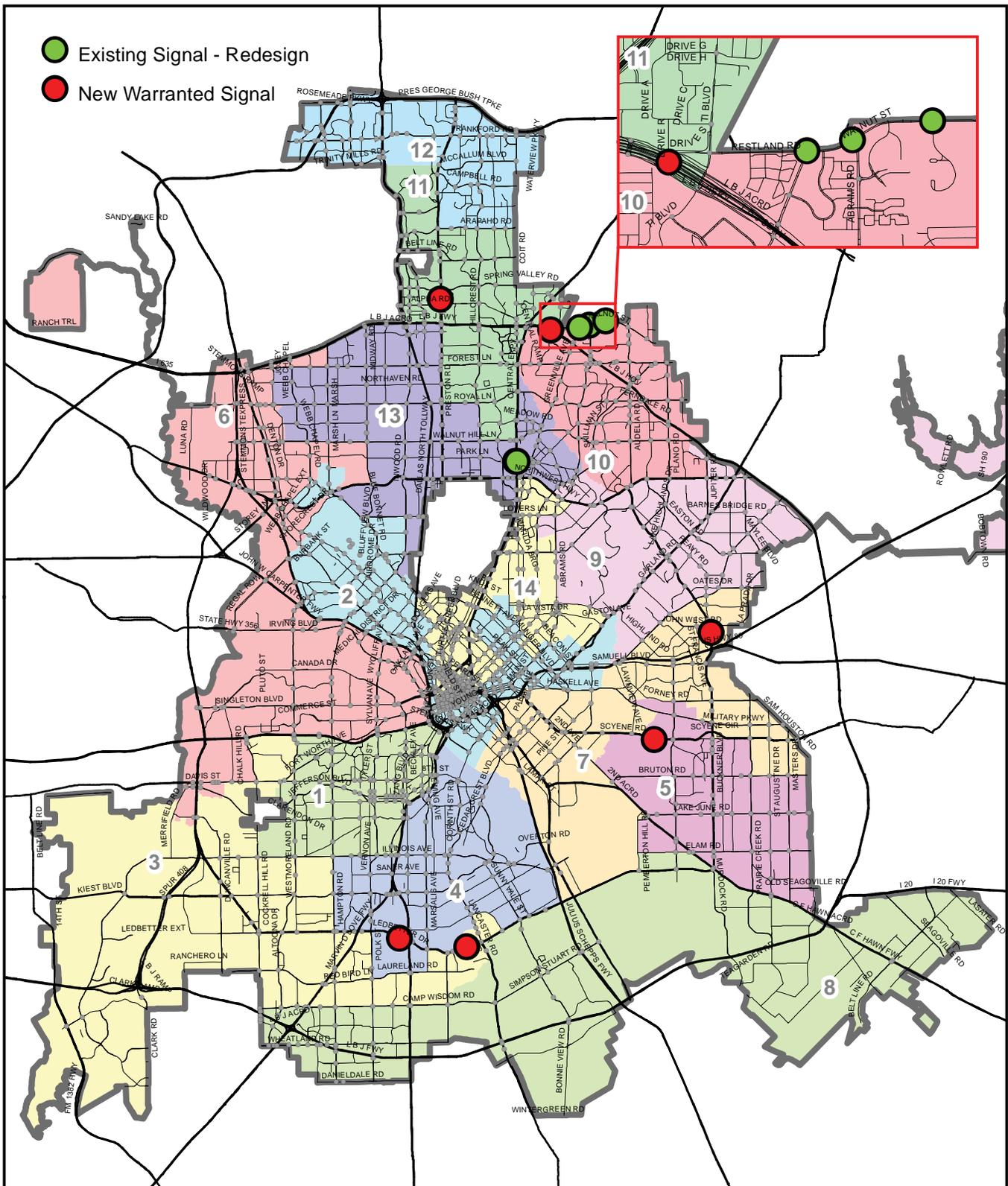
Attached

Brown & Gay Engineers, Inc. Traffic Signal Design

<u>Intersection</u>	<u>Council District</u>
Ledbetter Drive at Ramona Avenue	3, 4
Ledbetter Drive at Rockport Drive	4
Scyene Road at Glover Pass	5
Buckner Boulevard at Windsor Station	7
Abrams Road at Walnut Street	10
Greenville Avenue at Restland/Walnut Street	10
TI Boulevard at TEXpress On/Off Ramps	10
Walnut Street at Richland College East	10
Preston Road at Preston View Boulevard	11
Central Expressway at Park Lane	13

*The remaining six traffic signal locations will be determined at a later date.

Traffic Signals



Council Districts 3, 4, 5, 7, 10, 11, 13
Mapsc0 Pages 15-K, 16-V, 17-P, 17-S, 26-T, 47-Z, 48-C, 64-G, 65-L

May 9, 2018

WHEREAS, the City desires to enter into a professional services contract with Brown & Gay Engineers, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 16 traffic signals at various intersections and other related tasks, in an amount not to exceed \$441,550.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Brown & Gay Engineers, Inc., approved as to form by the City Attorney, for traffic signal design services for 16 traffic signals at various intersections and other related tasks, in an amount not to exceed \$441,550.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$441,550 to Brown & Gay Engineers, Inc., as follows:

General Fund (subject to annual appropriations) Fund 0001, Department TRN, Unit 3049 Object 4820, Activity THRG, Commodity 91842 Encumbrance/Contract No. MASC-TRN-2018-00005841 Vendor VS0000050141	\$162,000
2006 Bond Fund Fund 2T22, Department PBW, Unit U227, Object 4111 Activity THRG, Program PB06U227, Commodity 91842 Encumbrance/Contract No. MASC-TRN-2018-00005841 Vendor VS0000050141	\$140,000
2017 Bond Fund Fund 1V22, Department TRN, Unit VA28, Object 4820 Activity INGV, Program PB17VA28, Commodity 91842 Encumbrance/Contract No. MASC-TRN-2018-00005841 Vendor VS0000050141	<u>\$139,550</u>
Total amount not to exceed	\$441,550

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 ITEM # 8

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 1, 3, 4, 5, 7, 8, 9, 14

DEPARTMENT: Department of Transportation

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 26X 39A 49N 53V 59A 61A-V 62H 65P 74C

SUBJECT

Authorize a professional services contract with LJA Engineering, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 15 traffic signals at various intersections and other related tasks (list attached) - Not to exceed \$382,576 - Financing: 2017 Bond Funds (\$223,576) and General Funds (\$159,000) (subject to annual appropriations)

BACKGROUND

This action will authorize a professional services contract with LJA Engineering, Inc. to provide traffic signal design services for 15 traffic signals at various intersections and other related tasks. Specifically, this action authorizes the design of 9 traffic signals funded through 2017 Bond Funds (\$223,575.50). The design of the remaining 6 traffic signals will be funded through General Funds (\$159,000.00) (subject to annual appropriations), locations will be determined at a later date. The following signals in the 2017 Bond Program will be designed with this contract:

- Illinois Avenue at Hollywood Avenue
- Camp Wisdom Road at Eagle Ford Drive
- Joseph Hardin Drive at Ledbetter Drive
- Red Bird Lane at University Hills Boulevard
- Jennie Lee Lane at Prairie Creek Road
- Forney Road at Prairie Creek Road
- Greenspan Avenue at Wheatland Road
- Santa Anna Avenue at Shiloh Road
- Shady Brook Drive at Southwestern Boulevard

In May 2017, the City of Dallas released a Request for Qualifications for engineering services for traffic engineering and intelligent transportation systems services.

BACKGROUND (continued)

A five member committee from the following departments reviewed and evaluated the proposals:

- Department of Transportation (3)
- Department of Public Works (1)
- Dallas Police Department (1)

The committee selected the successful proposer on the basis of demonstrated competence and qualifications under the following criteria:

- Quality Assurance and Control 10%
- Business Inclusion and Development Plan 15%
- Experience and Capability 25%
- Responsiveness and Qualifications 50%

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,619 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services used historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2018
Complete Design	May 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Government Performance and Financial Management Committee on May 7, 2018.

FISCAL INFORMATION

2017 Bond Funds - \$223,575.50
General Funds - \$159,000.00 (subject to annual appropriations)

FISCAL INFORMATION (continued)

<u>Council District</u>	<u>Amount</u>
1	\$ 12,455.00
3	\$ 77,570.00
4	\$ 12,455.00
5	\$ 12,455.00
7	\$ 40,805.00
8	\$ 21,625.50
9	\$ 24,910.00
14	\$ 21,300.00
To Be Determined	<u>\$159,000.00</u>
Total Amount	\$382,575.50

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:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$382,575.50	Architecture & Engineering	25.66%	26.00%	\$99,469.63

- This contract exceeds the M/WBE goal of 25.66%

PROPOSAL INFORMATION

Statements of Qualifications were received from 17 consultant teams for solicitation number BYZ1712 and opened on June 1, 2017. Based on those responses, the top six teams were shortlisted to receive future project-specific solicitation questionnaires. Responses from all six shortlisted firms for this project were received and opened on November 10, 2017. This professional services contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*LJA Engineering, Inc.	6060 N. Central Expwy. Suite 440 Dallas, TX 75206	73.80%

PROPOSAL INFORMATION (continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
Brown and Gay Engineers, Inc.	700 N. Pearl St. Suite 2100 Dallas, TX 75201	72.20%
Kimley-Horn and Associates, Inc.	13455 Noel Rd. Suite 700 Dallas, TX 75240	63.60%
Stantec Consulting Services, Inc.	2435 N. Central Expwy. Suite 750 Dallas, TX 75080	61.00%
Lee Engineering Engineers, Inc.	3030 LBJ Frwy. Suite 1660 Dallas, TX 75234	57.40%
Freese and Nichols, Inc.	2711 N. Haskell Ave. Suite 3300 Dallas, TX 75204	54.80%

Statements of Qualifications to solicitation number BYZ1712 were also received from the following consultant teams: Binkley and Barfield, Inc.; Half Associates, Inc.; HDR Engineering, Inc.; Jacobs Engineering Group; Lockwood, Andrews, and Newman, Inc.; Maldonado-Burkett Intelligent Transportation Systems, LLP; Othon, Inc.; RPS Klotz Associates; SE3; Teal Engineering Services, Inc.; and UEG-Urban Engineers, Inc.

OWNER

LJA Engineering, Inc.

Calvin T. Ladner, President
James L Moehlman, Vice-President

MAP

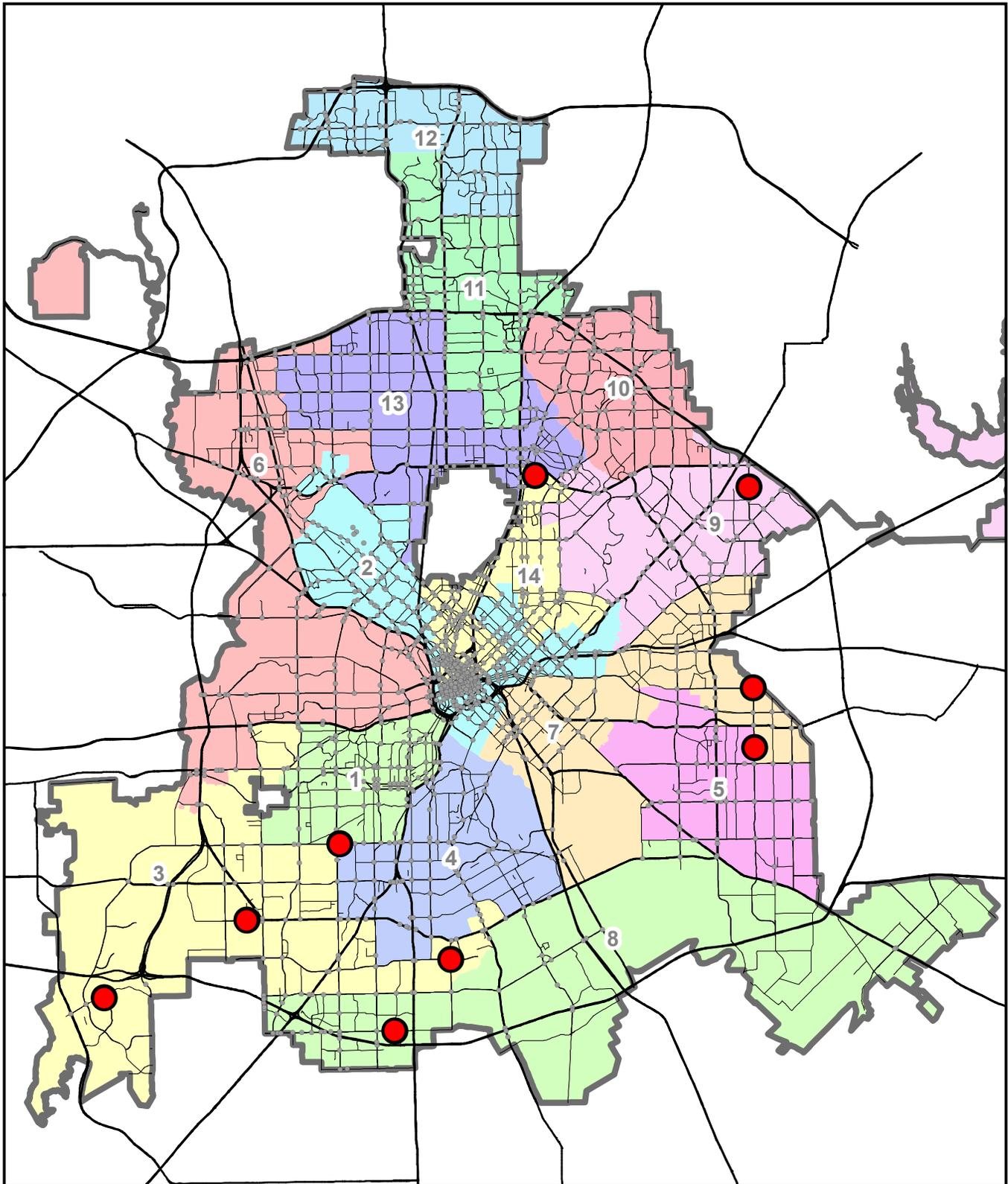
Attached

LJA Engineering, Inc. Traffic Signal Design

<u>Intersection</u>	<u>Council District</u>
Illinois Avenue at Hollywood Avenue	1, 4
Camp Wisdom Road at Eagle Ford Drive	3
Joseph Hardin Drive at Ledbetter Drive	3
Red Bird Lane at University Hills Boulevard	3
Jennie Lee Lane at Prairie Creek Road	5, 7
Forney Road at Prairie Creek Road	7
Greenspan Avenue at Wheatland Road	8
Santa Anna Avenue at Shiloh Road	9
Shady Brook Drive at Southwestern Boulevard	14

*The remaining six signal locations will be determined at a later date.

Warranted Traffic Signals



Council Districts 1, 3, 4, 5, 7, 9, 14
Mapsco Pages 26-X, 39-A, 49-N, 53-V, 59-A, 61A-V, 62-H, 65-P, 74-C

May 9, 2018

WHEREAS, the City desires to enter into a professional services contract with LJA Engineering, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 15 traffic signals at various intersections and other related tasks, in an amount not to exceed \$382,575.50.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with LJA Engineering, Inc., approved as to form by the City Attorney, for traffic signal design services of 15 traffic signals at various intersections and other related tasks, in an amount not to exceed \$382,575.50.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$382,575.50 to LJA Engineering, Inc., as follows:

General Fund (subject to annual appropriations) Fund 0001, Department TRN, Unit 3049, Object 4820 Activity THRG, Commodity 91842 Encumbrance/Contract No. MASC-TRN-2018-00005978 Vendor VS91142	\$159,000.00
2017 Bond Fund Fund 1V22, Department TRN, Unit VA28, Object 4820 Activity THRG, Program PB17VA28, Commodity 91842 Encumbrance/Contract No. MASC-TRN-2018-00005978 Vendor VS91142	<u>\$223,575.50</u>
Total amount not to exceed	\$382,575.50

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 ITEM # 9

**STRATEGIC
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

May 9, 2018

COUNCIL DISTRICT(S):

3, 5, 6, 7, 8

DEPARTMENT:

Department of Transportation

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

48U X 52B S T 58T X 65M

SUBJECT

Authorize a professional services contract with Stantec Consulting Services, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 15 traffic signals at various intersections and other related tasks (list attached) - Not to exceed \$489,470 - Financing: 2017 Bond Funds (\$269,530) and General Funds (\$219,940) (subject to annual appropriations)

BACKGROUND

This action will authorize a professional services contract with Stantec Consulting Services, Inc. to provide traffic signal design services for 15 traffic signals at various intersections and other related tasks. Specifically, this action authorizes the design of 7 traffic signals funded through 2017 Bond Funds (\$269,530.00). The design of the remaining 8 traffic signals will be funded through General Funds (\$219,940.00), locations will be determined at a later date. The following signals in the 2017 Bond Program will be designed with this contract:

- Illinois Avenue/Mountain Creek Parkway at Spur 408/Walton Walker Frontage Roads
- Scyene Road at Scyene Circle
- Buckner Boulevard at Norvell Drive
- Davis Street at Bagley Street
- Great Trinity Forest Way at Longbranch Lane
- Great Trinity Forest Way at Murdeaux Lane
- Lancaster Road at Wagon Wheels Trail

In May 2017, the City of Dallas released a Request for Qualifications for engineering services for traffic engineering and intelligent transportation systems services.

BACKGROUND (continued)

A five member committee from the following departments reviewed and evaluated the proposals:

- Department of Transportation (3)
- Department of Public Works (1)
- Dallas Police Department (1)

The committee selected the successful proposer on the basis of demonstrated competence and qualifications under the following criteria:

- Quality Assurance and Control 10%
- Business Inclusion and Development Plan 15%
- Experience and Capability 25%
- Responsiveness and Qualifications 50%

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,619 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services used historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2018
Complete Design	May 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Government Performance and Financial Management Committee on May 7, 2018.

FISCAL INFORMATION

2017 Bond Funds - \$269,530.00
General Funds - \$219,940.00

FISCAL INFORMATION (continued)

<u>Council District</u>	<u>Amount</u>
3	\$ 52,850.00
5	\$ 43,715.00
6	\$ 24,700.00
7	\$ 19,015.00
8	\$129,250.00
To Be Determined	<u>\$219,940.00</u>
Total Amount	\$489,470.00

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:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$489,470.00	Architecture & Engineering	25.66%	26.92%	\$131,747.00

- This contract exceeds the M/WBE goal of 25.66%

PROPOSAL INFORMATION

Statements of Qualifications were received from seventeen consultant teams for solicitation number BYZ1712 and opened on June 1, 2017. Based on those responses, the top six teams were shortlisted to receive future project-specific solicitation questionnaires. Responses from all six shortlisted firms for this project were received and opened on November 10, 2017. This professional services contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*Stantec Consulting Services, Inc.	2435 N. Central Expwy. Suite 750 Dallas, TX 75080	69.00%
Kimley-Horn and Associates, Inc.	13455 Noel Rd. Suite 700 Dallas, TX 75240	64.40%

PROPOSAL INFORMATION (continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
Freese and Nichols, Inc.	2711 N. Haskell Ave. Suite 3300 Dallas, TX 75204	58.60%
Lee Engineering Engineers, Inc.	3030 LBJ Frwy. Suite 1660 Dallas, TX 75234	57.00%
LJA Engineering, Inc.	6060 N. Central Expwy. Suite 440 Dallas, TX 75206	54.80%
Brown and Gay Engineers, Inc.	700 N. Pearl St. Suite 2100 Dallas, TX 75201	53.60%

Statements of Qualifications to solicitation number BYZ1712 were also received from the following consultant teams: Binkley and Barfield, Inc.; Half Associates, Inc.; HDR Engineering, Inc.; Jacobs Engineering Group; Lockwood, Andrews, and Newman, Inc.; Maldonado-Burkett Intelligent Transportation Systems, LLP; Othon, Inc.; RPS Klotz Associates; SE3; Teal Engineering Services, Inc.; and UEG-Urban Engineers, Inc.

OWNER

Stantec Consulting Services, Inc.

Robert J. Gomes, President
Scott L. Murray, Executive Vice-President & Chief Operating Officer
Valentino DiManno, Executive Vice-President & Chief Business Officer

MAP

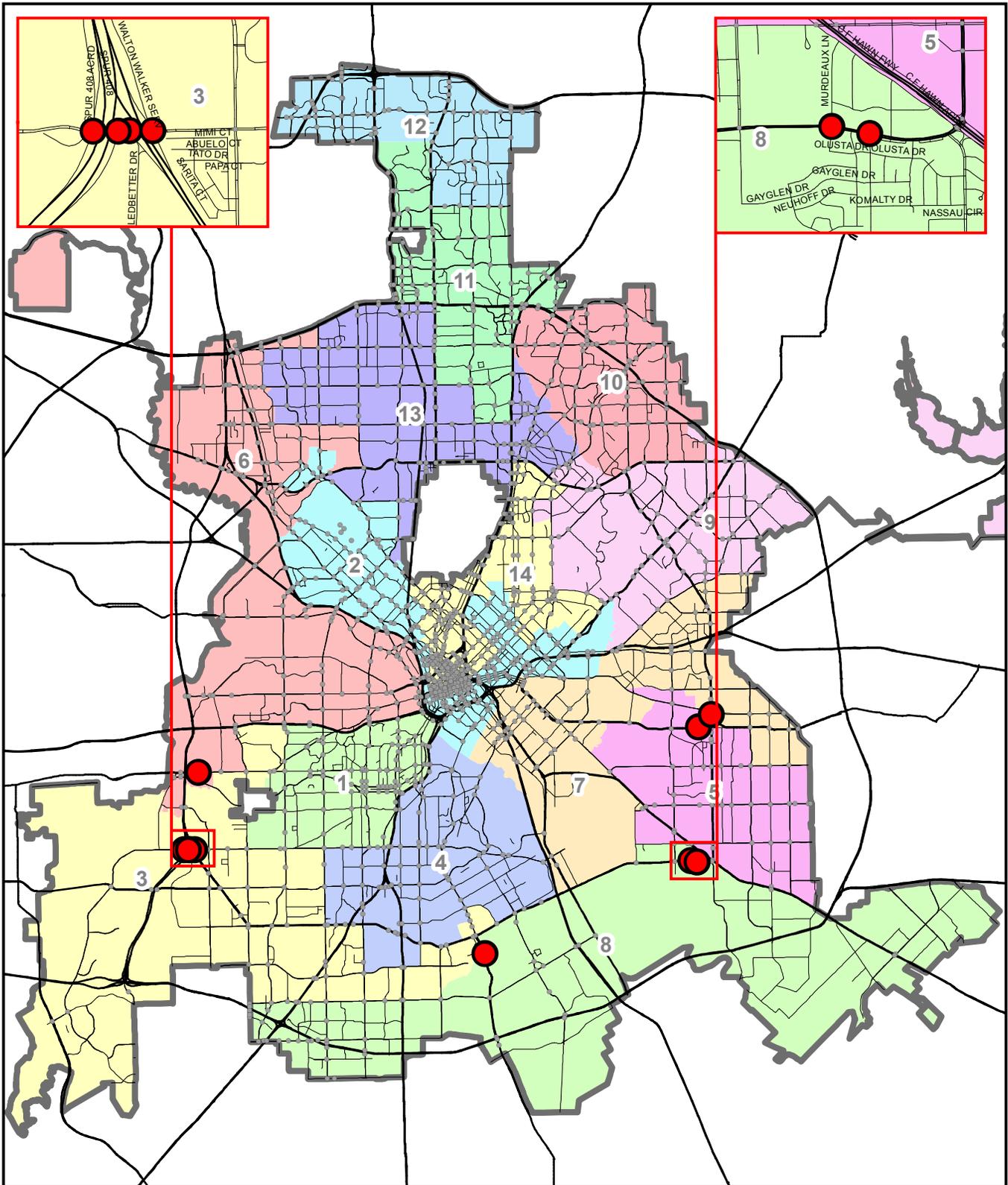
Attached

Stantec Consulting Services, Inc. Traffic Signal Design

<u>Intersection</u>	<u>Council District</u>
Illinois Avenue/Mountain Creek Parkway at Spur 408/Walton Walker Frontage Roads	3
Scyene Road at Scyene Circle	5
Buckner Boulevard at Norvell Drive	5, 7
Davis Street at Bagley Street	6
Great Trinity Forest Way at Longbranch Lane	8
Great Trinity Forest Way at Murdeaux Lane	8
Lancaster Road at Wagon Wheels Trail	8

*The remaining eight traffic signal locations will be determined at a later date.

Warranted Traffic Signals



Council Districts 3, 5, 6, 7, 8
Mapsco Pages 48-U, 48-X, 52-B, 52-S, 52-T, 58-T, 58-X, 65-M

May 9, 2018

WHEREAS, the City desires to enter into a professional services contract with Stantec Consulting Services, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 15 traffic signals at various intersections and other related tasks, in an amount not to exceed \$489,470.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Stantec Consulting Services, Inc., approved as to form by the City Attorney, for traffic signal design services for 15 traffic signals at various intersections and other related tasks, in an amount not to exceed \$489,470.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$489,470 to Stantec Consulting Services, Inc., as follows:

General Fund (subject to annual appropriations) Fund 0001, Department TRN, Unit 3049 Object 4820, Activity THRG, Commodity 91842 Encumbrance/Contract No. MASC-TRN-2018-00005977 Vendor VS0000016149	\$219,940
2017 Bond Fund Fund 1V22, Department TRN, Unit VA28, Object 4820 Activity THRG, Program PB17VA28, Commodity 91842 Encumbrance/Contract No. MASC-TRN-2018-00005977 Vendor VS0000016149	<u>\$269,530</u>
Total amount not to exceed	\$489,470

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.

**STRATEGIC
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

May 9, 2018

COUNCIL DISTRICT(S):

2, 14

DEPARTMENT:

Department of Transportation

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

45P Q

SUBJECT

Authorize **(1)** the receipt and deposit of funds in an amount not to exceed \$175,677 from AT&T, Inc. for certain material and labor costs associated with removal of existing traffic signals and replacing them with new signals at 8 intersections surrounding the proposed AT&T Discovery Plaza; and **(2)** an increase in appropriations in an amount not to exceed \$175,677 in the Capital Projects Reimbursement Fund - Not to exceed \$175,677 - Financing: Capital Projects Reimbursement Funds

BACKGROUND

AT&T, Inc. is in the process of creating the AT&T Discovery Plaza, a pedestrian focused downtown plaza surrounding their downtown headquarters. This project includes closing Jackson Street in the vicinity of Akard Street and converting Wood Street to two-way traffic. As part of the project, AT&T, Inc. will also completely upgrade the existing traffic signals at eight (8) intersections to current City and Federal standards:

- Commerce Street at Field Street
- Commerce Street at Akard Street
- Commerce Street at Browder Street
- Jackson Street at Ervay Street
- Field Street at Jackson Street
- Wood Street at Griffin Street
- Wood Street at Field Street
- Wood Street at Akard Street

In addition, the existing signal at Akard Street and Jackson Street will be removed.

BACKGROUND (continued)

AT&T, Inc. will be responsible for 100 percent of the cost of the complete traffic signal upgrades at these locations. AT&T, Inc. has agreed to reimburse the City of Dallas a sum of \$175,676.39 for certain City supplied traffic signal equipment and materials.

AT&T, Inc. understands that, upon City Council approval of the required funding, in an amount not to exceed \$175,676.39 are to be deposited with the City of Dallas before any City supplied materials can be provided.

It is understood that the final construction costs will be determined by the City upon completion of the project, and that AT&T, Inc. will be refunded any unused funds.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction May 2018
Complete Construction Fall 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Government Performance and Financial Management Committee on May 7, 2018.

FISCAL INFORMATION

Capital Projects Reimbursement Funds - \$175,676.39

<u>Council District</u>	<u>Amount</u>
2	\$ 27,449.43
14	<u>\$148,226.96</u>
Total	\$175,676.39

MAP

Attached

May 9, 2018

WHEREAS, AT&T, Inc. is paying 100 percent of the design and construction costs for completely upgraded traffic signals at eight intersections downtown, specifically Commerce Street at Field Street; Commerce Street at Akard Street; Commerce Street at Browder Street; Jackson Street at Ervay Street; Field Street at Jackson Street; Wood Street at Griffin Street; Wood Street at Field Street; and Wood Street at Akard Street.

WHEREAS, AT&T, Inc. has agreed to reimburse the City of Dallas for material, equipment and labor costs related to the complete upgrade of the eight traffic signal being upgraded at the eight intersections surrounding the proposed AT&T Discovery Plaza, in an amount not to exceed \$175,676.39.

Now, Therefore,

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

SECTION 1. That the Chief Financial Officer is hereby authorized to receive and deposit funds from AT&T, Inc., in an amount not to exceed \$175,676.39 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W228, Revenue Code 8492.

SECTION 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$175,676.39 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W228, Object 4820, Activity THRG, Program TP17W228.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds received from AT&T, Inc., in an amount not to exceed \$175,676.39 from Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W228, Object 4820, Activity THRG, Program TP17W228 for services related to the complete upgrade of eight existing traffic signals.

SECTION 4. That the Chief Financial Officer is hereby authorized to refund AT&T, Inc. any unused funds.

SECTION 5. That this contract is designated as Contract No. TRN-2018-00005912.

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 ITEM # 11

**STRATEGIC
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

May 9, 2018

COUNCIL DISTRICT(S):

7

DEPARTMENT:

Department of Trinity Watershed Management
Department of Public Works

CMO:

Jody Puckett, 670-3390
Majed Al-Ghafry, 670-3302

MAPSCO:

46 S W X and 56 B C

SUBJECT

Authorize **(1)** a request to the Texas Department of Transportation to remove a portion of the S.M. Wright Freeway (SH 310/US 175) from C.F. Hawn Freeway (US 175) to Interstate Highway (IH) 45 from the State Highway System; and **(2)** upon construction completion the City of Dallas to assume responsibility for operation and maintenance of a portion of the S.M. Wright Freeway (SH 310/US 175) from C.F. Hawn Freeway (US 175) to IH-45 – Financing: This item has no cost consideration to the City (see Fiscal Information for potential future costs)

BACKGROUND

The Texas Department of Transportation (TxDOT) is overseeing improvements to S.M. Wright Freeway (SH 310/US 175), C.F. Hawn Freeway (US 175), and IH-45, all as part of the S.M. Wright Project which is being implemented in two phases. Phase 1, currently under construction, includes direct freeway-to-freeway ramps connecting westbound C.F. Hawn Freeway to northbound IH-45, and southbound IH-45 to eastbound C.F. Hawn Freeway. Phase II and Phase IIB of the S.M. Wright Project converts the S.M. Wright Freeway from C.F. Hawn Freeway to IH-45 into a low speed, signalized, pedestrian-friendly boulevard. Phase II and Phase IIB are currently under design with an estimated construction start of summer 2019. Proposed improvements include 6-lane divided roadway, 12-foot wide shared-use path, traffic signals and street lighting.

This action will authorize a request to TxDOT to remove S.M. Wright Freeway from C.F. Hawn Freeway to IH-45, from the State Highway System upon construction completion, and the City to assume responsibility for operation and maintenance of S.M. Wright Freeway from C.F. Hawn Freeway to IH- 45 upon construction completion for a total length of approximately 1.64 miles.

BACKGROUND (continued)

This specific item does not include future operations and maintenance upon completion of S.M. Wright Boulevard. Current estimated operations and maintenance costs based on schematic design is approximately \$60,000 beginning in Fiscal Year 2023.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 10, 1997, City Council authorized approval of the Texas Department of Transportation (TxDOT) recommended Plan of Action for the Trinity Parkway Corridor Major Transportation Investment Study (MTIS) on September 10, 1997, by Resolution No. 97-2918.

On February 13, 2013, City Council authorized a resolution in support of the Texas Department of Transportation's recommendation to add a planned C.F. Hawn Freeway to IH-45 connection to the State Highway System, and design it as US 175, and the re-designate the existing section of US 175 from IH-45 to SH 310, locally known as S.M. Wright Freeway, as SH 310, by Resolution No. 13-0311.

On March 26, 2014, City Council authorized an agreement with the Texas Department of Transportation to contribute real property in lieu of funds for right-of-way acquisition funds to cover the City's share of right-of-way acquisition and utility relocation costs associated with the S.M. Wright Project (Phase I) by Resolution No. 14-0588.

The Transportation and Trinity River Project Committee was briefed on S.M. Wright Project Status Update on April 27, 2015.

The Transportation and Trinity River Project Committee was briefed on S.M. Wright Project and Road to Work Opportunity Program on May 23, 2016.

The Mobility Solutions, Infrastructure, and Sustainability Committee was briefed by memorandum April 23, 2018.

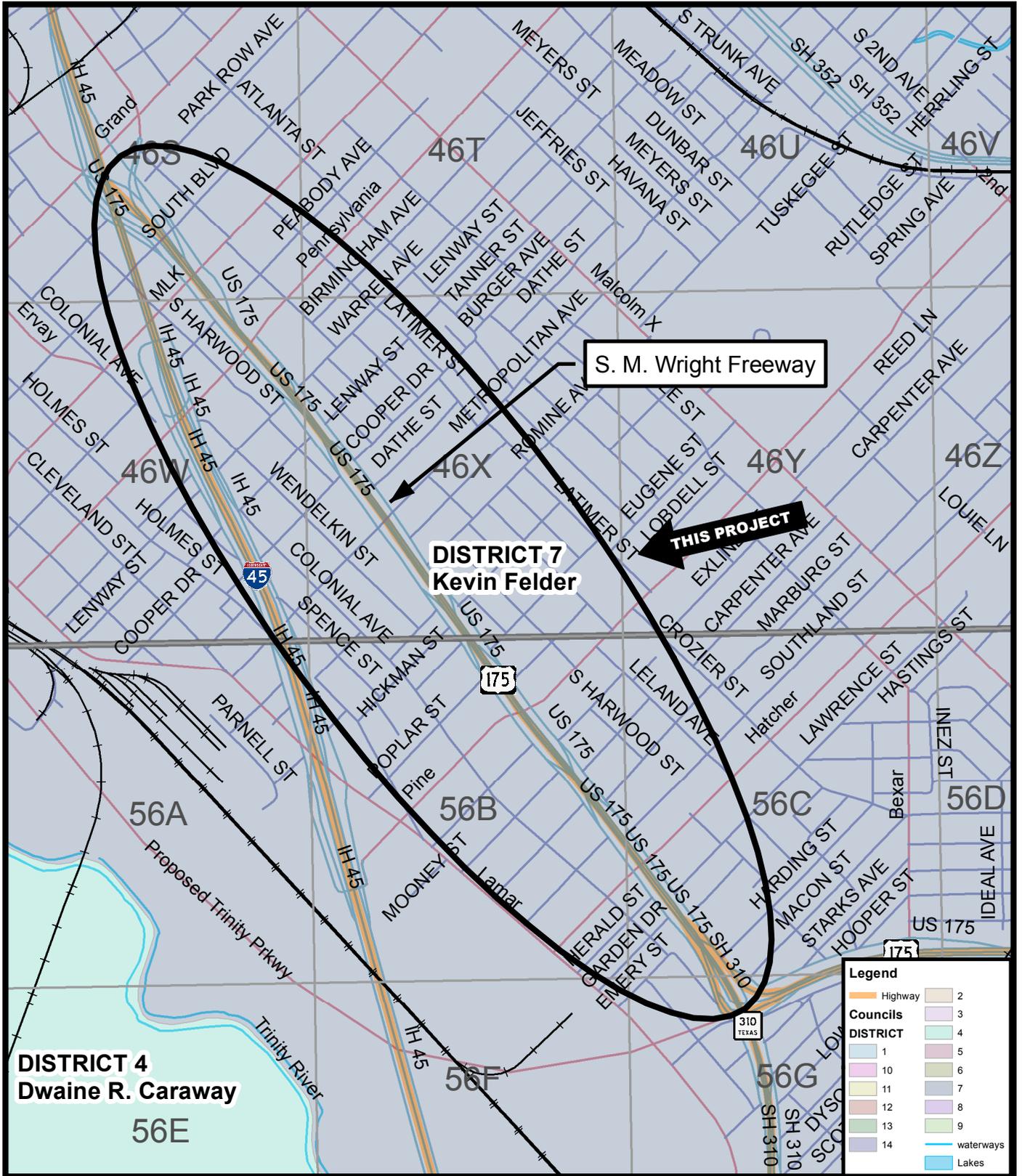
FISCAL INFORMATION

This item has no cost consideration to the City. Future estimated cost include operation and maintenance based on schematic design for approximately \$60,000 beginning in Fiscal Year 2023.

MAP

Attached

S. M. Wright Freeway



MapSCO 46S, W, X, 56B, C
Council District: 7



May 9, 2018

WHEREAS, on September 10, 1997, City Council authorized approval of the Texas Department of Transportation (TxDOT) recommended Plan of Action for the Trinity Parkway Corridor Major Transportation Investment Study (MTIS) by Resolution No. 97-2918; and

WHEREAS, on March 10, 2011, the regional Transportation Council of the North Central Texas Council of Governments (NCTCOG) adopted Mobility 2035: The Metropolitan Transportation Plan for North Texas, which includes the S.M. Wright Project; and

WHEREAS, Phase I of the S.M. Wright Project entails constructing direct freeway to freeway ramps connecting C.F. Hawn Freeway to IH-45, thus supplanting the existing sharp curve at S.M. Wright Freeway and C.F. Hawn Freeway to improve travel mobility and safety; and

WHEREAS, on February 13, 2013, City Council authorized a resolution in support of the Texas Department of Transportation's recommendation to add a planned C.F. Hawn Freeway to IH-45 connection to the State Highway System and design it as US 175, and re-designate the existing section of US 175 from IH-45 to SH 310, locally known as S.M. Wright Freeway, as SH 310, by Resolution No. 13-0311; and

WHEREAS, on March 26, 2014, City Council authorized an agreement with the Texas Department of Transportation to contribute real property in lieu of funds for right-of-way acquisition fund and utility relocation cost associated with Phase I of the S.M. Wright Project (Phase I) by Resolution No. 14-0558; and

WHEREAS, Phase II and Phase IIB of S.M. Wright Project call for converting the existing S.M. Wright Freeway between C.F. Hawn Freeway (US 175) and IH-45 from high speed, 6-lane facility with frontage roads to a low speed, 6-lane signalized, pedestrian-friendly boulevard, thus improving neighborhood connectivity and aesthetics; and

WHEREAS, in order to ensure local control over S.M. Wright Freeway (SH 310/US 175) from C.F. Hawn Freeway (US 175) to IH-45 and facilitate the desired neighborhood connectivity, it is necessary for the state to remove S.M. Wright Freeway (SH 310/US 175) from C.F. Hawn Freeway (US 175) to IH-45 from the state highway system; and

WHEREAS, the City desires to request the Texas Department of Transportation to remove S.M. Wright Freeway (SH 310/US 175) from C.F. Hawn Freeway (US 175) to IH-45 from the state highway system upon construction completion; and

WHEREAS, the City desires to assume responsibility for operation and maintenance of S.M. Wright Freeway (SH 310/US 175) from C.F. Hawn Freeway (US 175) to IH-45 upon construction completion.

May 9, 2018

Now, Therefore,

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

SECTION 1. That the City Attorney and the City Manager are hereby authorized to prepare and execute such documents as may be necessary to: **(1)** authorize a request to the Texas Department of Transportation to remove a portion of the S.M. Wright Freeway (SH 310/US 175) from C.F. Hawn Freeway (US 175) to Interstate Highway (IH) 45 from the State Highway System; and **(2)** upon construction completion, for the City of Dallas to assume responsibility for operation and maintenance of a portion of the S.M. Wright Freeway (SH 310/US 175) from C.F. Hawn Freeway (US 175) to IH-45.

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.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-3309

MAPSCO: 69J

SUBJECT

Authorize the first amendment to the conditional grant agreement for development of 35 single-family homes, previously approved by Resolution No. 16-0840 on May 25, 2016, with Bosco Investments, Ltd. for the Sandyland Estates Project to **(1)** extend the Bond conditional grant agreement completion date from May 25, 2018 to November 30, 2019; and **(2)** amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City

BACKGROUND

On May 25, 2016, City Council authorized a conditional grant agreement with Bosco Investments, Ltd. ("Bosco") for infrastructure costs for 35 single-family homes for Sandyland Estates located at 9301 Sandyland Road, in an amount not to exceed \$402,819.00 (as referenced in Attachment 1 Budget) by Resolution No. 16-0840.

In March 2018, Bosco requested an extension to the conditional grant agreement to complete construction of 35 homes. The agreement was for infrastructure costs associated with the development of the 35 lots to sell to a builder for the construction of the homes. SL35, LLC purchased the lots in November 2017 and construction has been underway since January 2018 for the first 10 homes. One home sold in March 2018 with 8 homes under construction. The remaining 25 homes are scheduled for build out by May 2019 and sales to happen concurrently with final closings in October 2019. Bosco has expended \$362,537.10 in 2012 General Obligation Bond funds. Remaining is the balance of \$40,281.90 in retainage.

Bosco did not experience many delays in development of the infrastructure. However, it took 8 months to close on financing and the existing agreement did not consider the time it takes to build out the homes.

BACKGROUND (continued)

City Council approval of this agenda item will authorize the City Manager to modify the loan documents with Bosco for this conditional grant agreement.

The conditional grant agreement was executed on November 29, 2016.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 13, 2016, City Council authorized the Owner Occupied Housing Development Program Statement by Resolution No. 16-0079.

On May 25, 2016, City Council authorized a conditional grant agreement with Bosco Investments, Ltd. for land development for 35 single-family homes for the Sandyland Estates Project located at 9301 Sandyland Road by Resolution No. 16-0840.

The Economic Development and Housing Committee was briefed on April 16, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

Bosco Investments, Ltd.

Jeff Bosse, Vice President
Simmie Cooper, Manager/President

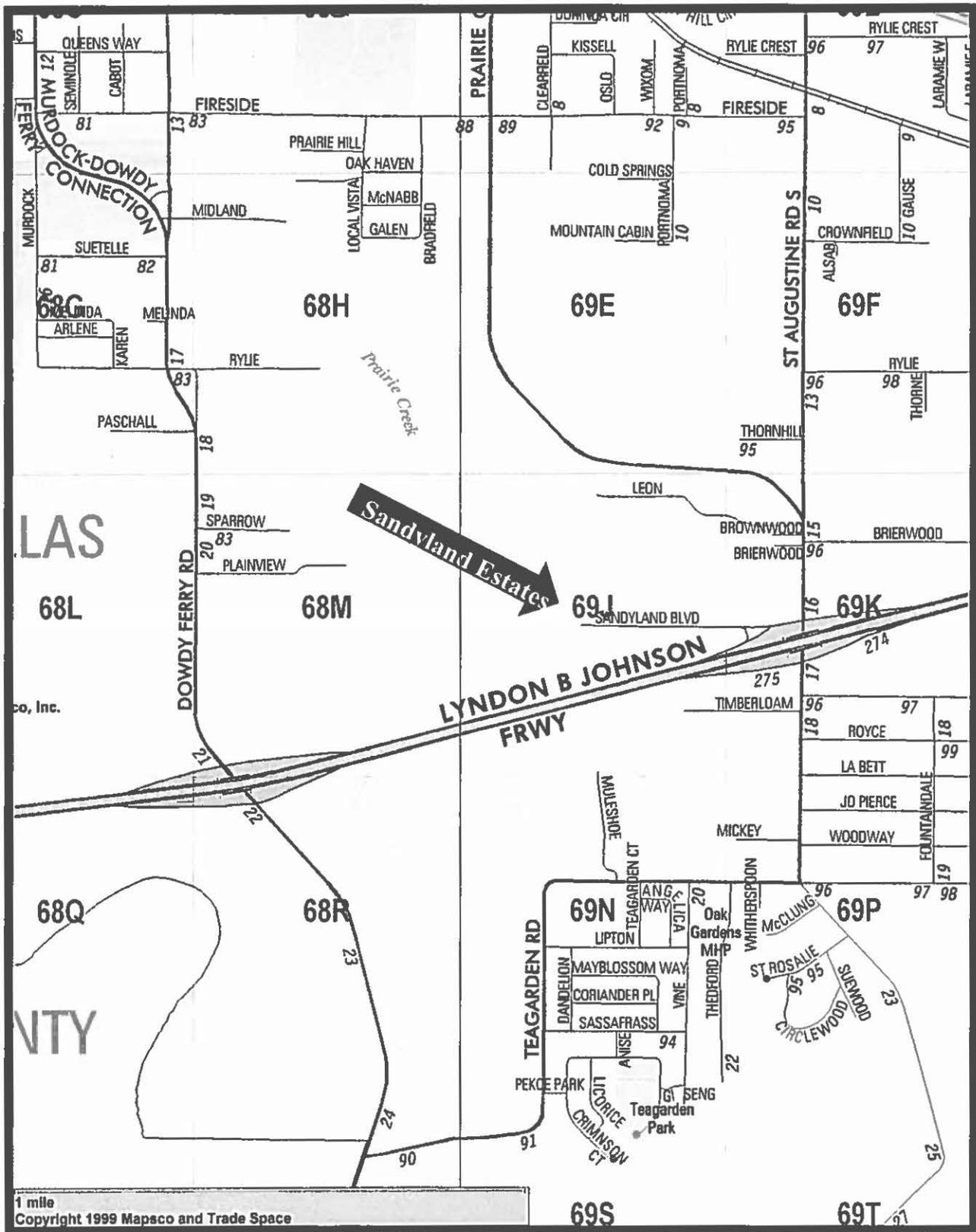
MAP

Attached

ATTACHMENT 1

BOSCO INVESTMENTS, LTD
Sandyland Project
BUDGET

2012 GO Bonds	\$ 402,819.00
Private Financing	\$ 805,638.00
Total Development Costs	\$1,208,457.00



MAPSCO 69J

May 9, 2018

WHEREAS, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas to create more housing choices; and

WHEREAS, on January 13, 2016, City Council authorized the Owner Occupied Housing Development Program Statement by Resolution No. 16-0079; and

WHEREAS, on May 25, 2016, City Council authorized a conditional grant agreement with Bosco Investments, Ltd. for land development for 35 single-family homes for the Sandyland Estates Project located at 9301 Sandyland Road, in an amount not to exceed \$402,819, by Resolution No. 16-0840; and

WHEREAS, the City desires for Bosco Investments, Ltd. to develop single-family homes for mixed income housing in Dallas.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the first amendment to the conditional grant agreement for development of 35 single-family homes, previously approved by Resolution No. 16-0840 on May 25, 2016, with Bosco Investments, Ltd. ("Bosco"), approved as to form by the City Attorney, for the Sandyland Estates Project to **(1)** extend the Bond conditional grant agreement completion date from May 25, 2018 to November 30, 2019; and **(2)** amend the agreement to include performance thresholds and requirements.

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

- (a) Bosco will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, including, but not limited to construction, sales, and close-out;
- (b) Bosco will close with homebuyers within 60 days of completion of construction;
- (c) Bosco will report delays to staff immediately, but no later than within one week of identifying the issue;
- (d) Bosco will submit complete homebuyer files for the final homebuyers for Staff's review by October 2019;
- (e) Bosco will submit monthly draws, with final retention draw submitted by the end of November 30, 2019;
- (f) Bosco will have until November 30, 2019 to fully complete the project; and

May 9, 2018

SECTION 2. (continued)

- (g) In the event that Bosco fails to comply with the terms of the agreement, including but not limited to the performance threshold measures described herein, such failure is an event of default under the loan documents. City's remedies include, but are not limited to, foreclosure, acceleration of repayment of the funds disbursed, and/or withholding of further disbursements.

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

SECTION 4. 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 terms of the loan documents are duly approved by all parties and properly executed.

SECTION 5. That all other terms and conditions provided for under Resolution No. 16-0840, remain in full force and effect.

SECTION 6. That this contract is designated as Contract No. HOU-2018-00000918.

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.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-5297

MAPSCO: 56V Z

SUBJECT

Authorize the first amendment to the conditional grant agreement for the construction of 18 single-family homes, previously approved by Resolution No. 16-0845 on May 25, 2016, with Dallas Area Habitat for Humanity for the Joppa Neighborhood Project to **(1)** extend the 2012 General Obligation Bond conditional grant agreement completion date from May 25, 2018 to November 30, 2018; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

BACKGROUND

On May 25, 2016, City Council authorized a housing development loan in an amount not to exceed \$440,000; and a conditional grant agreement in an amount not to exceed \$280,000 (as referenced in the Attachment 1 Budget) with Dallas Area Habitat for Humanity (Habitat) for the construction of 18 single-family homes for the Joppa Neighborhood Project by Resolution No. 16-0845. In July 2017, Habitat requested to swap one of the lots located at 4516 Luzon Street to 4611 Corregidor Street. The lot was zoned commercial and could not be used under the agreement for residential development.

In March 2018, Habitat requested an extension to the 2012 General Obligation (GO) Bond conditional grant agreement to complete construction of the final house on Corregidor Street. All other 17 houses have been built and sold to eligible homebuyers. Habitat expended \$420,000 in HOME funds and \$235,000 in GO Bond funds. Remaining is the balance of \$20,000 in HOME funds and \$45,000 in GO Bond funds in retainage and for construction gap for the remaining unit.

BACKGROUND (continued)

Habitat experienced delays in development of the final home as a result of the time it has taken to swap the lot out. The lot at 4516 Luzon Street was zoned commercial and requires a zoning change in order for the developer to develop it under this contract. The zoning process is time consuming, therefore, Habitat swapped lots with 4611 Corregidor that is already zoned for residential.

City Council approval of this agenda item will authorize the City Manager to modify the grant documents with Habitat for this conditional grant agreement.

The conditional grant agreement was executed on May 25, 2016.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2014, City Council authorized the final adoption of the FY 2014-15 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds for various programs which included the HOME Investment Partnership Funds, CHDO Development Loans; and adoption of the FY 2013-14 Reprogramming Budget by Resolution No. 14-1001.

On August 13, 2014, City Council reconsidered and amended the FY 2014-15 Consolidated Plan Budget by Resolution No. 14-1314.

On January 13, 2016, City Council authorized the Owner Occupied Housing Development Program Statement by Resolution No. 16-0079.

On May 25, 2016, City Council authorized a housing development loan; and a conditional grant agreement with Dallas Area Habitat for Humanity for the construction of 18 single-family homes for the Joppa Neighborhood Project by Resolution No. 16-0845.

The Economic Development and Housing Committee was briefed on April 16, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

Dallas Area Habitat for Humanity

Randy Golden, Interim Chief Executive Officer

MAP

Attached

ATTACHMENT 1

DALLAS AREA HABITAT FOR HUMANITY
JOPPA II PROJECT
BUDGET

HOME Funds	\$ 440,000.00
2012 GO Bonds	\$ 280,000.00
Private Financing	\$1,892,981.88
Total Development Costs	\$2,612,981.88

May 9, 2018

WHEREAS, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas to create more housing choices; and

WHEREAS, on June 25, 2014, City Council authorized the final adoption of the FY 2014-15 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds for various programs which included the HOME Investment Partnership Funds, CHDO Development Loans; and adoption of the FY 2013-14 Reprogramming Budget by Resolution No. 14-1001; and

WHEREAS, on August 13, 2014, City Council reconsidered and amended the FY 2014-15 Consolidated Plan Budget by Resolution No. 14-1314; and

WHEREAS, on January 13, 2016, City Council authorized the Owner Occupied Housing Development Program Statement by Resolution No. 16-0079; and

WHEREAS, on May 25, 2016, City Council authorized a housing development loan in an amount not to exceed \$440,000; and a conditional grant agreement in an amount not to exceed \$280,000 with Dallas Area Habitat for Humanity for the construction of 18 single-family homes for the Joppa Neighborhood Project by Resolution No. 16-0845; and

WHEREAS, the City desires for Dallas Area Habitat for Humanity to develop mixed income housing in Dallas.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the first amendment to the conditional grant agreement for the construction of 18 single-family homes, previously approved by Resolution No. 16-0845 on May 25, 2016, with Dallas Area Habitat for Humanity (Habitat), approved as to form by the City Attorney, for the Joppa Neighborhood Project to **(1)** extend the 2012 General Obligation Bond conditional grant agreement completion date from May 25, 2018 to November 30, 2018; and **(2)** amend the contract to include performance thresholds and requirements.

SECTION 2. That Habitat must execute amended loan documents. In addition to the items in Section 1, the following terms of the conditional grant agreement will change and all other terms will remain the same:

- (a) Habitat will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, including, but not limited to construction, sales, and close-out;

May 9, 2018

SECTION 2. (continued)

- (b) Habitat will start construction on the final unit immediately following the execution of the lot swap, no later than 30 days;
- (c) Habitat will close with a homebuyer within 60 days of completion of construction;
- (d) Habitat will report delays to staff immediately, but no later than within one week of identifying the issue;
- (e) Habitat will submit the complete homebuyer file for Staff's review by October 31, 2018;
- (f) Habitat will submit monthly draws, with final retention draw submitted by end of November 30, 2018;
- (g) Habitat will have until December 31, 2018 to fully complete the project;
- (h) In the event that Habitat fails to comply with the terms of the agreement, including the threshold measures described herein, such failure is an event of default under the loan documents. City's remedies include but, are not limited to, foreclosure, acceleration of repayment of the funds disbursed, and/or withholding of further disbursements; and

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

SECTION 4. 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 terms of the loan documents are duly approved by all parties and properly executed.

SECTION 5. That all other terms and conditions provided for under Resolution No. 16-0845, remain in full force and effect.

SECTION 6. That this contract is designated as Contract No. HOU-2018-00000989.

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.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-3309

MAPSCO: 46R

SUBJECT

Authorize the first amendment to the loan agreement for development of 10 single-family homes, previously approved by Resolution No. 16-0849 on May 25, 2016, with South Dallas Fair Park/Innercity Community Development Corporation for the Frank Street Project to **(1)** extend the HOME and NSP loan agreement completion date from May 25, 2018 to February 28, 2019; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

BACKGROUND

On May 25, 2016, City Council authorized a housing development loan with South Dallas Fair Park/Innercity Community Development Corporation (ICDC), a certified Community Housing Development Organization, for construction of ten single-family homes for the Frank Street Project located in the Mill City area, in an amount not to exceed \$771,355.00 (as referenced in Attachment 1 Budget) by Resolution No. 16-0849.

In March 2018, ICDC requested an extension to the HOME and NSP loan agreement to continue construction on the remaining lots. Construction is complete on 4 of the 10 homes with sales pending to eligible homebuyers. Construction is due to begin on 4 of the remaining 6 lots in May 2018. The final 2 of the total 10 units will be built and sold by February 2019. ICDC expended \$71,740.35 in NSP and \$377,502.00 in HOME funds. Remaining is the balance of \$322,112.65 for the homes.

ICDC experienced delays in development as a result of the time it has taken to obtain the environmental review clearance and comply with infrastructure upgrades.

BACKGROUND (continued)

City Council approval of this agenda item will authorize the City Manager to modify the loan documents with ICDC for this housing development loan agreement.

The loan agreement was executed on May 31, 2017.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 10, 2015, City Council authorized the final adoption of the FY 2015-16 HUD Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds for various programs which included HOME Investment Partnership Funds CHDO Development Loans; and authorized adoption of the FY 2014-15 Reprogramming Budget by Resolution No. 15-1055.

On December 9, 2015, City Council held a public hearing to receive comments on the Substantial Amendment No. 4 to the Neighborhood Stabilization Program Plan and adopted the Substantial Amendment No. 4 for the Neighborhood Stabilization Program by Resolution No. 15-2263.

On May 25, 2016, City Council authorized a housing development loan with South Dallas Fair Park/Innercity Community Development Corporation for the development of ten single-family homes for the Frank Street Project located in the Mill City area by Resolution No. 16-0849.

The Economic Development and Housing Committee was briefed on April 16, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

**South Dallas Fair Park Innercity
Community Development Corporation**

Diane Ragsdale, Managing Director

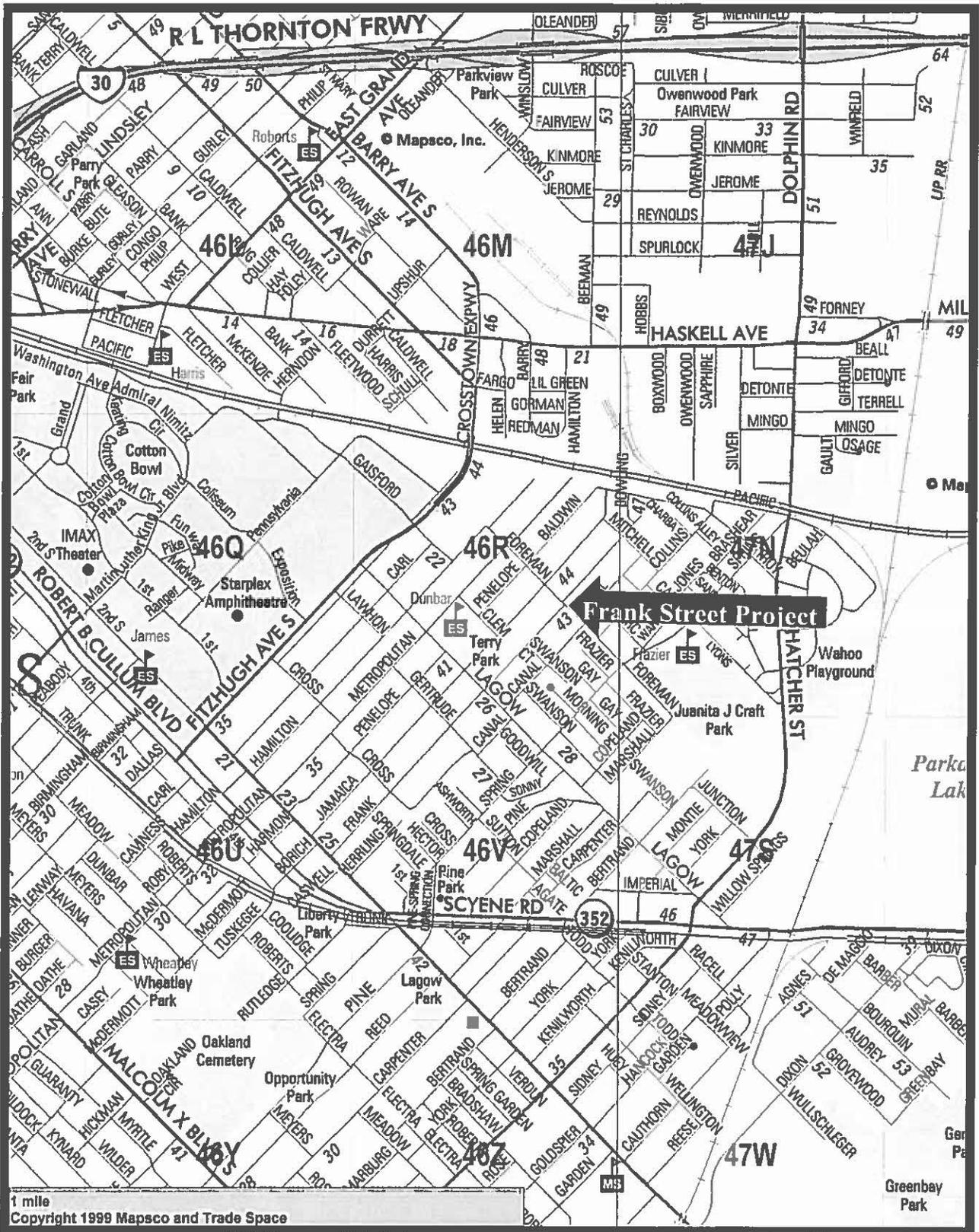
MAP

Attached

ATTACHMENT 1

SOUTH DALLAS FAIR PARK/ICDC
FRANK STREET PROJECT
BUDGET

NSP Funds	\$ 210,000.00
HOME Funds	\$ 561,355.00
Private Financing	\$ 699,048.00
Total Development Costs	\$1,470,403.00



MAPSCO 46R

May 9, 2018

WHEREAS, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas to create more housing choices; and

WHEREAS, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas to create more housing choices; and

WHEREAS, on June 10, 2015, City Council authorized the final adoption of the FY 2015-16 HUD Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds for various programs which included HOME Investment Partnership Funds CHDO Development Loans; and authorized adoption of the FY 2014-15 Reprogramming Budgets by Resolution No. 15-1055; and

WHEREAS, on December 9, 2015, City Council held a public hearing to receive comments on Substantial Amendment No. 4 to the Neighborhood Stabilization Program Plan and adopted the Substantial Amendment No. 4 for the Neighborhood Stabilization Program by Resolution No. 15-2263; and

WHEREAS, on May 25, 2016, City Council authorized a housing development loan with South Dallas Fair Park/Innercity Community Development Corporation for the development of ten single-family homes for the Frank Street Project located in the Mill City area by Resolution No. 16-0849; and

WHEREAS, the City desires for South Dallas Fair Park/Innercity Community Development Corporation to develop affordable housing in Dallas.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the first amendment to the loan agreement for development of 10 single-family homes, previously approved by Resolution No. 16-0849 on May 25, 2016, for a housing development loan with South Dallas Fair Park/Innercity Community Development Corporation (ICDC) for the Frank Street Project, approved as to form by the City Attorney, to **(1)** extend the HOME and NSP loan agreement completion date from May 25, 2018 to February 28, 2019; and **(2)** amend the contract to include performance thresholds and requirements.

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

- (a) ICDC will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, including, but not limited to construction, sales, and close-out;

May 9, 2018

SECTION 2. (continued)

- (b) ICDC will start construction on 4 of the remaining 6 homes by June 2018;
- (c) ICDC will start construction of the remaining 2 of the total 10 lots by August 2018;
- (d) ICDC will report delays to staff immediately, but no later than within one week of identifying the issue;
- (e) ICDC will submit complete homebuyer files for Staff's review by December 2018;
- (f) ICDC will submit monthly draws, with final retention draw submitted by February 28, 2019;
- (g) ICDC will have until February 28, 2019 to fully complete the project;
- (h) ICDC will close with homebuyers within 60 days of completion of construction; and
- (i) In the event that ICDC fails to comply with the terms of the agreement, including but not limited to the threshold measures described herein, such failure is an event of default under the loan documents. City's remedies include, but is not limited to, foreclosure, acceleration of repayment of the funds disbursed, and/or withholding of further disbursements; and
- (j) ICDC is a certified Community Housing Development Organization (CHDO) and shall recertify with the City as a CHDO annually until all requirements have been satisfied and the loan has been repaid in full or forgiven.

SECTION 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to **(1)** execute releases of liens and termination of the deed restrictions upon satisfaction of all applicable conditions; and **(2)** subordinate the City's lien to the interim construction lenders (including refinances). The Director may extend deadlines by up to six months.

SECTION 4. 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 terms of the loan documents are duly approved by all parties and properly executed.

SECTION 5. That all other terms and conditions provided for under Resolution No. 16-0849, remain in full force and effect.

SECTION 6. That this contract is designated as Contract No. HOU-2018-00001739.

May 9, 2019

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.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 1

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-3309

MAPSCO: 54D

SUBJECT

Authorize the first amendment to the loan agreement for the development of 14 single-family homes for La Estrella Project, previously approved by Resolution No. 16-0850 on May 25, 2016, with Notre Dame Place, Inc. to **(1)** extend the loan agreement completion date from May 25, 2018 to November 30, 2018; and **(2)** amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City

BACKGROUND

On May 25, 2016, City Council authorized a housing development loan with Notre Dame Place, Inc. for construction of 14 townhomes for La Estrella Project located at East 9th Street and Starr Street, in an amount not to exceed \$489,322 (as referenced in Attachment 1 Budget) by Resolution No. 16-0850.

In March 2018, Notre Dame Place, Inc. requested an extension to the loan agreement to complete the sales of the 14 homes. Notre Dame Place, Inc. has completed construction of all 14 homes and has eligible homebuyers for 6 units. The extension will allow the sale of the remaining 8 homes and completion of the project.

Several factors have contributed to several delays in completing the sales required under the loan agreement, including the environmental review process and changes to the homebuyer assistance program.

City Council approval of this agenda item will authorize the City Manager to amend the loan documents with Notre Dame Place, Inc. to extend the completion date in the loan agreement from May 25, 2018 to November 30, 2018; and amend the agreement to include performance thresholds and requirements.

The agreement was executed on October 21, 2016.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 10, 2015, City Council authorized the final adoption of the FY 2015-16 HUD Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds for various programs which included the HOME Investment Partnership Funds CHDO Development Loans; and authorized adoption of the FY 2014-15 Reprogramming Budget by Resolution No. 15-1055.

On January 13, 2016, City Council authorized the Owner Occupied Housing Development Program Statement by Resolution No. 16-0079.

On May 25, 2016, City Council authorized the City Manager to declare 14 City-owned lots located at East 9th Street and Starr Street unwanted and unneeded; authorized the conveyance of these 14 lots, for no cost consideration, to Notre Dame Place, Inc., a Texas nonprofit organization, by Deed without Warranty for affordable housing; and authorized a housing development loan with Notre Dame Place, Inc., for construction of 14 single-family homes for the La Estrella Project by Resolution No. 16-0850.

The Economic Development and Housing Committee was briefed on April 16, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

Notre Dame Place, Inc.

Joseph Dingman, Treasurer

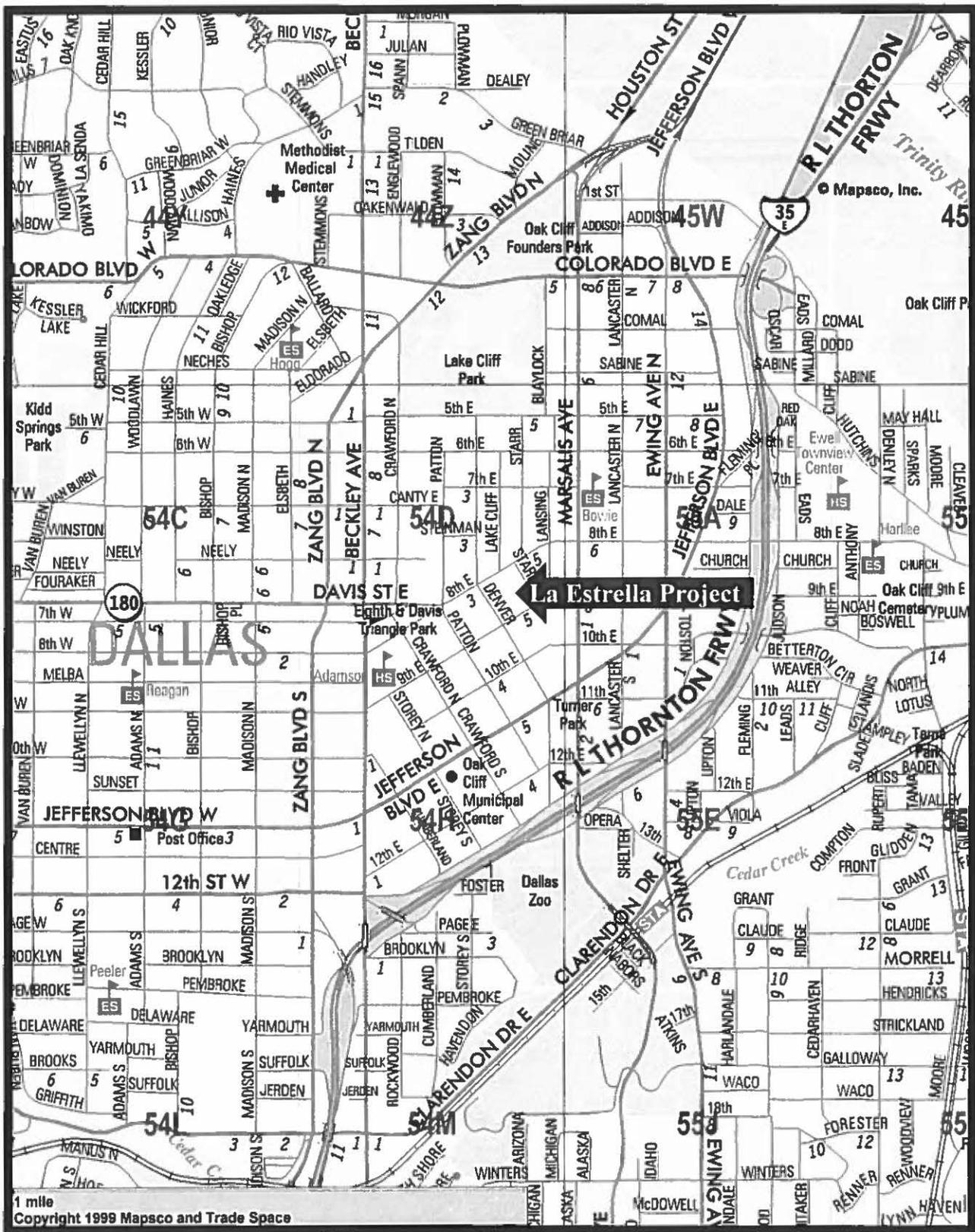
MAP

Attached

ATTACHMENT 1

NOTRE DAME PLACE, INC.
LA ESTRELLA PROJECT
BUDGET

HOME Funds	\$ 489,322.00
Private Financing	\$1,965,011.00
Total Development Costs	\$2,454,333.00



MAPSCO 54D

May 9, 2018

WHEREAS, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas to create more housing choices; and

WHEREAS, on June 10, 2015, City Council authorized the final adoption of the FY 2015-16 HUD Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds for various programs which included the HOME Investment Partnership Funds CHDO Development Loans; and authorized adoption of the FY 2014-15 Reprogramming Budget by Resolution No. 15-1055; and

WHEREAS, on January 13, 2016, City Council authorized the Owner Occupied Housing Development Program Statement by Resolution No. 16-0079; and

WHEREAS, the City acquired title to a certain property by legal description and the volume and page number of said instrument recorded in the real property records of the county in which the property is located, ("Property"); and

WHEREAS, as authorized by Section 272.001(g) of the Texas Local Government Code, the City desires to sell the Property for the development of "affordable housing" for low income persons in accordance with the nonprofit organization's written proposal for development of the Property by the purchaser; and

WHEREAS, the City recognizes certain "qualified nonprofit organizations" as those which:

- (1) are 501(c)(3) corporations, as defined by the U.S. Internal Revenue Service,
- (2) are in good standing with the State of Texas,
- (3) are community based organizations as evidenced by at least one-third (1/3) of their boards being made up of area residents or low-income persons,
- (4) have articles of incorporation, charter or bylaws which show the provision of safe, decent, affordable housing to low and moderate income persons is a stated purpose of the organization, and
- (5) owe no outstanding judgements, tax delinquencies, or fees to the City; and

WHEREAS, the City has received a written proposal which contains proposed end use and time frame from a qualified nonprofit organization to purchase the Property by private sale ("Proposal"); and

WHEREAS, the City Council desires to declare the Property unwanted and unneeded and authorize its conveyance to Notre Dame Place, Inc., a Texas nonprofit organization; and

May 9, 2018

WHEREAS, the City desires for Notre Dame Place, Inc. to develop single-family homes for mixed income families; and

WHEREAS, Notre Dame Place, Inc. proposes to work with the City of Dallas to undertake the development of 14 single-family homes in Oak Cliff; and

WHEREAS, on May 25, 2016, City Council authorized the City Manager to declare 14 City-owned lots located at East 9th Street and Starr Street unwanted and unneeded; authorized the conveyance of these 14 lots, for no cost consideration, to Notre Dame Place, Inc., a Texas nonprofit organization, by Deed without Warranty for affordable housing; and authorized a housing development loan with Notre Dame Place, Inc., for construction of 14 single-family homes for the La Estrella Project, in an amount not to exceed \$489,322, by Resolution No. 16-0850.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the first amendment to the loan agreement for the development of 14 single-family homes for La Estrella Project, previously approved by Resolution No. 16-0850 on May 25, 2016, with Notre Dame Place, Inc., approved as to form by the City Attorney, to **(1)** extend the loan agreement completion date from May 25, 2018 to November 30, 2018; and **(2)** amend the agreement to include performance thresholds and requirements.

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

- (a) Notre Dame Place, Inc. will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the sales and close-out;
- (b) Notre Dame Place, Inc. will request final payment immediately following the last homebuyer sale by November 30, 2018;
- (c) Notre Dame Place, Inc. will request final release of lien by December 31, 2018;
- (d) Notre Dame Place, Inc. will report delays to Staff immediately, but no later than within one week of identifying the issue;
- (e) Notre Dame Place, Inc. will have until November 30, 2018 to fully complete the project; and

May 9, 2018

SECTION 2. (continued)

- (f) In the event that Notre Dame Place, Inc. fails to comply with the terms of the agreement, including but not limited to the threshold measures described herein, such failure is an event of default under the loan documents. The City's remedies include, but are not limited to, foreclosure, acceleration of repayment of the funds disbursed, and/or withholding of further disbursements.

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

SECTION 4. 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 terms of the loan documents are duly approved by all parties and executed.

SECTION 5. That all other terms and conditions provided for under Resolution No. 16-0850, remain in full force and effect.

SECTION 6. That this contract is designated as Contract No. HOU-2018-00000988.

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.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-3309

MAPSCO: 56C

SUBJECT

Authorize the second amendment to the loan agreement for development of 5 rental units for seniors, previously approved by Resolution No. 15-0779 on April 22, 2015, with East Dallas Community Organization for the Bexar Street Senior Project to **(1)** extend the HOME and Community Development Block Grant loan agreement completion date from February 22, 2018 to November 30, 2018; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

BACKGROUND

On April 22, 2015, City Council authorized a housing development loan with East Dallas Community Organization (EDCO), a certified Community Housing Development Organization and a Community Based Development Organization, for construction of up to seven affordable senior rental homes for the Bexar Street Senior Project to be located on Macon Street and Starks Avenue, in an amount not to exceed \$608,331.00 (as referenced in the Attachment 1 Budget) by Resolution No. 15-0779.

On February 22, 2017, City Council authorized an amendment to Resolution No. 15-0779, previously approved on April 22, 2015, for a development loan with EDCO to reduce the number of units to be developed from seven to five; and extend the completion date from December 31, 2016 to February 22, 2018, by Resolution No. 17-0385.

In March 2018, EDCO requested an extension to the HOME and Community Development Block Grant (CDBG) loan agreement for the completion of the remaining 3 units of the total of 5 units. One of the 5 units is built and rented by an eligible low-income senior. The units located at 2430 Macon Street (duplex), 2445 and 2451 Starks Avenue are approximately 95 percent complete, pending punch items such as paint touch-up and landscape. Eligible renters are pending move-in on the remaining 4 units. EDCO expended \$175,809.33 in CDBG and \$189,768.95 in HOME funds.

BACKGROUND (continued)

The remaining balance of \$242,752.72 will be expended immediately following the approval of this extension.

During the month of February, heavy rain caused the builder delays in completion of the construction of the remaining 3 units. Additional delays were caused by EDCO in the initial planning stages to build 7 units on 5 lots. EDCO owned 4 of the 5 lots when they were in negotiations with a land owner who was cooperative in selling EDCO an additional lot. After the owner's death, EDCO continued negotiations with a family member who ultimately decided not to sell. This caused EDCO delays in the platting which in turn delayed construction, meanwhile development costs continued to rise. Rising costs led to the decrease in the number of units built under this contract. EDCO also experienced delays in the platting process due to an expansion in the Planned Development Plan and difficulty obtaining contractors to build due to competitive opportunities among contractors. EDCO attempted to have everything completed prior to the contract expiring; however, after further review of the file, funding previously allocated to the Bexar Street Seniors development was released by the previous Housing administration. Therefore, there were no funds available to reimburse any invoices at the time of submission of invoices. HNR staff has identified available funds from an EDCO completed project to refund the Bexar Street Seniors development but during this time EDCO could not be paid for invoices submitted.

City Council approval of this agenda item will authorize the City Manager to modify the loan documents with EDCO for this development.

The loan agreement was executed on December 16, 2015.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 2010, City Council authorized adoption of the final FY 2010-11 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included CDBG funds for Community Based Development Organizations (CBDO)'s and HOME funds for Community Housing Development Organizations (CHDO)'s; and adoption of the Proposed FY 2009-10 Reprogramming Budget by Resolution No. 10-1594.

On June 22, 2011, City Council authorized adoption of the final FY 2011-12 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included CDBG funds for CBDO's and HOME funds for CHDO's; and adoption of the Proposed FY 2010-11 Reprogramming Budget by Resolution No. 11-1679.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On June 27, 2012, City Council authorized adoption of the final FY 2012-13 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included CDBG funds for CBDO's and HOME funds for CHDOs; and adoption of the FY 2011-12 Reprogramming Budget by Resolution No. 12-1629.

On April 22, 2015, City Council authorized a housing development loan with East Dallas Community Organization, a certified Community Housing Development Organization and a Community Based Development Organization, for construction of up to seven affordable senior rental homes for the Bexar Street Senior Project to be located on Macon Street and Starks Avenue by Resolution No. 15-0779.

On February 22, 2017, City Council authorized an amendment to Resolution No. 15-0779, previously approved on April 22, 2015, for a development loan with East Dallas Community Organization, a certified Community Housing Development Organization and a Community Based Development Organization to reduce the number of units to be developed from seven to five; and extend the completion date from December 31, 2016 to February 22, 2018 for the Bexar Street Senior Project to be located on Macon Street and Starks Avenue by Resolution No. 17-0385.

The Economic Development and Housing Committee was briefed on April 16, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

East Dallas Community Organization

Gerald Carlton, President

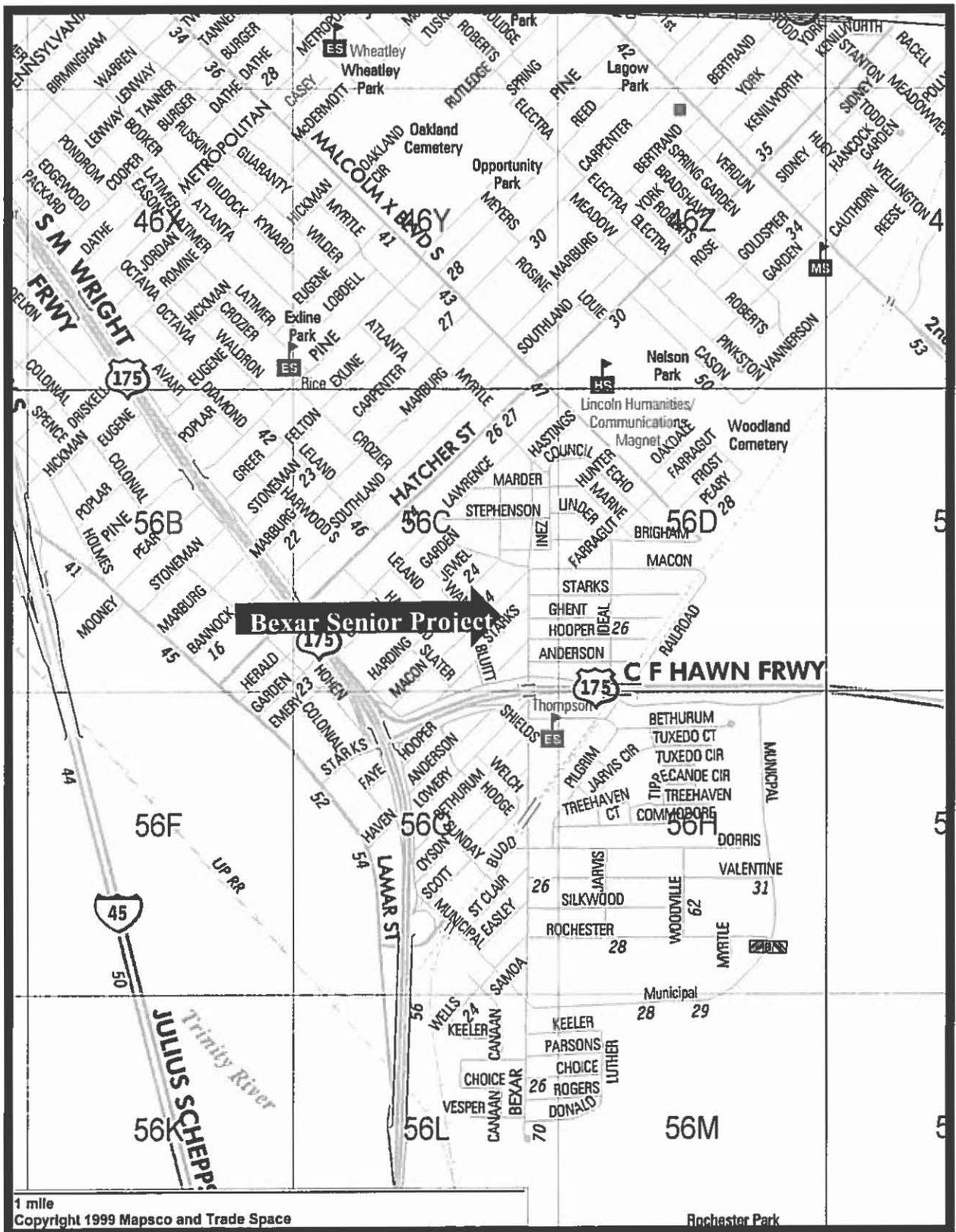
MAP

Attached

ATTACHMENT 1

EAST DALLAS COMMUNITY ORGANIZATION
BEXAR SENIORS PROJECT
BUDGET

CDBG Funds	\$408,331.00
HOME Funds	\$200,000.00
Private Financing	\$ 5,444.00
Total Development Costs	\$613,775.00



MAPSCO 56C

May 9, 2018

WHEREAS, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas; and

WHEREAS, on June 23, 2010, City Council authorized adoption of the final FY 2010-11 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included Community Development Block Grant (CDBG) funds for Community Based Development Organizations (CBDO)'s in the amount of \$700,000 and HOME funds for Community Housing Development Organizations (CHDO)'s in the amount of \$2,702,783; and adoption of the Proposed FY 2009-10 Reprogramming Budget by Resolution No. 10-1594; and

WHEREAS, on June 22, 2011, City Council authorized adoption of the final FY 2011-12 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included CDBG funds for CBDO's in the amount of \$300,000 and HOME funds for CHDO's in the amount of \$1,400,000; and adoption of the Proposed FY 2010-11 Reprogramming Budget by Resolution No. 11-1679; and

WHEREAS, on June 27, 2012, City Council authorized adoption of the final FY 2012-13 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included CDBG funds for CBDO's in the amount of \$300,000 and HOME funds for CHDO's in the amount of \$1,050,000; and adoption of the FY 2011-12 Reprogramming Budget by Resolution No. 12-1629; and

WHEREAS, on April 22, 2015, City Council authorized a housing development loan with East Dallas Community Organization, a certified Community Housing Development Organization and a Community Based Development Organization, for construction of up to seven affordable senior rental homes for the Bexar Street Senior Project to be located on Macon Street and Starks Avenue by Resolution No. 15-0779; and

WHEREAS, on February 22, 2017, City Council authorized an amendment to Resolution No. 15-0779, previously approved on April 22, 2015, for a development loan with East Dallas Community Organization, a certified Community Housing Development Organization and a Community Based Development Organization to reduce the number of units to be developed from seven to five; and extend the completion date from December 31, 2016 to February 22, 2018 for the Bexar Street Senior Project to be located on Macon Street and Starks Avenue by Resolution No. 17-0385; and

WHEREAS, the City desires for East Dallas Community Organization to develop rental housing for low-income seniors.

May 9, 2018

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the second amendment to the loan agreement for development of 5 rental units for seniors, previously approved by Resolution No. 15-0779 on April 22, 2015, with East Dallas Community Organization (EDCO), approved as to form by the City Attorney, for the Bexar Street Senior Project to **(1)** extend the HOME and Community Development Block Grant loan agreement completion date from February 22, 2018 to November 30, 2018; and **(2)** amend the contract to include performance thresholds and requirements.

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

- (a) EDCO will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, including, but not limited to construction, rentals, and close-out;
- (b) EDCO will occupy the units within 30 days of completion of construction;
- (c) EDCO will report delays to staff immediately, but no later than within one week of identifying the issue;
- (d) EDCO will submit complete rental files for Staff's review by August 31, 2018;
- (e) EDCO will submit monthly draws, with final retention draw submitted by November 30, 2018;
- (f) EDCO will have until November 30, 2018 to fully complete the project;
- (g) In the event that EDCO fails to comply with the terms of the agreement, including but not limited to the threshold measures described herein, such failure is an event of default under the loan documents. City's remedies include, but is not limited to, foreclosure, acceleration of repayment of the funds disbursed, and/or withholding of further disbursements; and
- (h) EDCO is a certified Community Housing Development Organization (CHDO) and shall recertify with the City as a CHDO annually until all requirements have been satisfied and the loan has been repaid in full or forgiven.

SECTION 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to **(1)** execute releases of liens and termination of the deed restrictions upon satisfaction of all applicable conditions; and **(2)** subordinate the City's lien to the interim construction lenders (including refinances). The Director may extend deadlines by up to six months.

May 9, 2018

SECTION 4. 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 terms of the loan documents are duly approved by all parties and properly executed.

SECTION 5. That all other terms and conditions provided for under Resolution Nos. 15-0779 and 17-0385, remain in full force and effect.

SECTION 6. That this contract is designated as Contract No. HOU-2018-00006220.

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.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-5257

MAPSCO: 70N

SUBJECT

Authorize the second amendment to the conditional grant agreement for the construction of 40 single-family homes, previously approved by Resolution No. 16-0841 on May 25, 2016, with Camden Homes at Shady Oaks, LLC for the Shady Oaks Project to **(1)** extend the conditional grant agreement completion date from May 25, 2018 to November 28, 2018; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

BACKGROUND

On May 25, 2016, City Council authorized a conditional grant agreement with Camden Homes at Shady Oaks, LLC (Camden) for construction of 40 single-family homes for the Shady Oaks Project located at Highway 175 and South Woody Road, in an amount not to exceed \$1,200,000.00, by Resolution No. 16-0841.

On February 22, 2017, City Council authorized an amendment to Resolution No. 16-0841, previously approved on May 25, 2016, for a conditional grant agreement with Camden for construction of single-family homes for the Shady Oaks Project to reduce the number of houses to be built from 40 to 19; and reduce the loan amount by \$630,000.00, from \$1,200,000.00 to \$570,000.00 (as referenced in the Attachment 1 Budget) by Resolution No. 17-0390.

In March 2018, Camden requested an extension to the conditional grant agreement to continue construction on the remaining lots. Construction and sales are complete on 17 of the 19 homes. The final 2 homes are under construction and sales contract pending for completion by November 30, 2018. Camden expended \$483,910.40 in 2012 General Obligation Bond funds. Remaining is the balance of \$86,089.60 for the homes.

Camden experienced delays in development as a result of the time it took to plat the lots.

BACKGROUND (continued)

City Council approval of this agenda item will authorize the City Manager to modify the loan documents with Camden for this conditional grant agreement.

The conditional grant agreement was executed on May 25, 2017.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 13, 2016, City Council authorized the Owner Occupied Housing Development Program Statement by Resolution No. 16-0079.

On May 25, 2016, City Council authorized a conditional grant agreement with Camden Homes at Shady Oaks, LLC for construction of 40 single-family homes for the Shady Oaks Project located at Highway 175 and South Woody Road by Resolution No. 16-0841.

On February 22, 2017, City Council authorized an amendment to Resolution No. 16-0841, previously approved on May 25, 2016, for a conditional grant agreement with Camden Homes at Shady Oaks, LLC for construction of single-family homes for the Shady Oaks Project located at Highway 175 and South Woody Road to reduce the number of houses to be built from 40 to 19; and reduce the conditional grant amount by Resolution No. 17-0390.

The Economic Development and Housing Committee was briefed on April 16, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

Camden Homes at Shady Oaks, LLC

Simmie Cooper, Partner
Ted Akhavizadeh, Partner
Cyrus Akhavizadeh, Partner

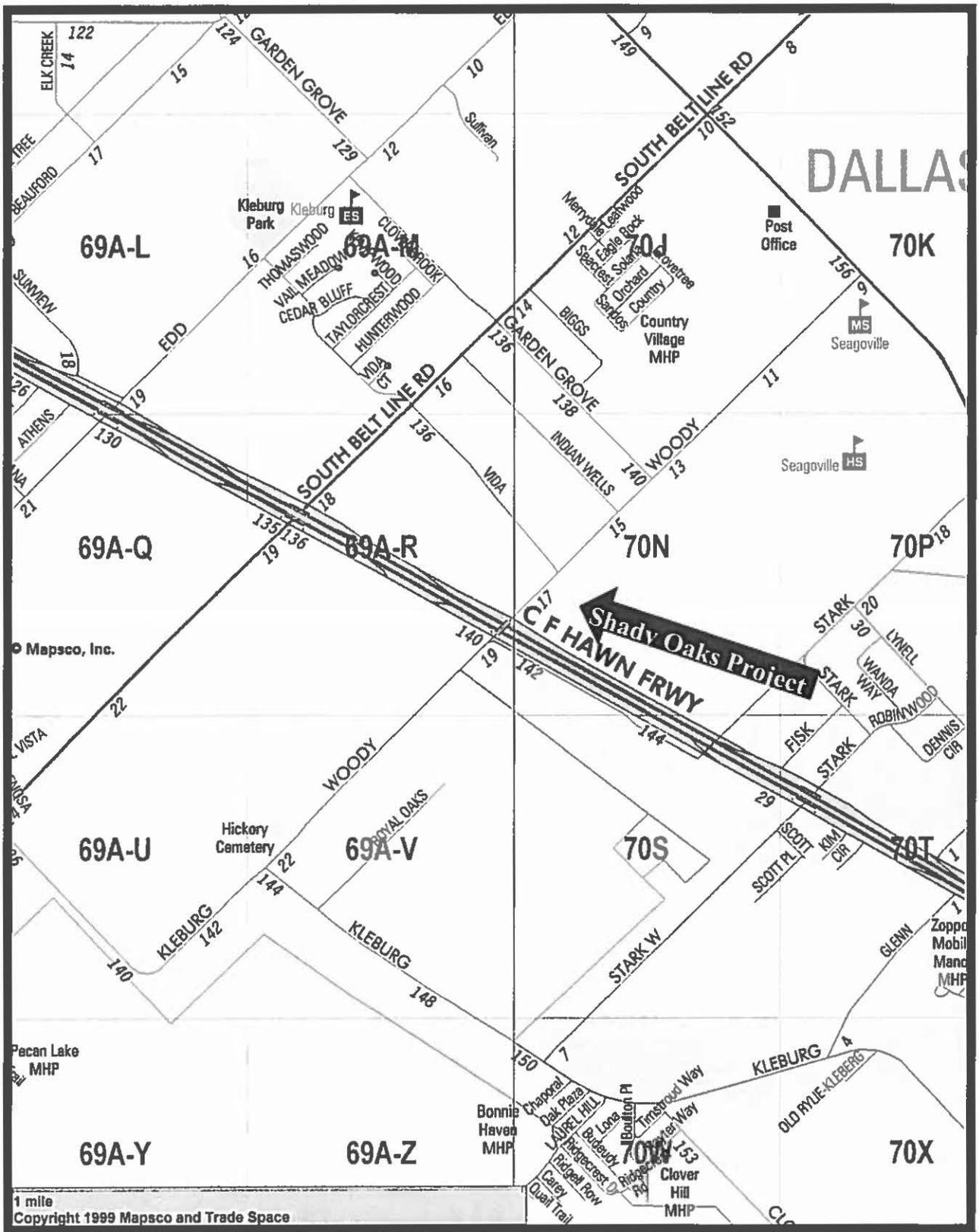
MAP

Attached

ATTACHMENT 1

CAMDEN HOMES AT SHADY OAKS, LLC
SHADY OAKS PROJECT
BUDGET

2012 GO Bonds	\$ 570,000.00
Private Financing	\$1,311,207.00
Total Development Costs	\$1,881,207.00



MAPSCO 70N

May 9, 2018

WHEREAS, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas to create more housing choices; and

WHEREAS, on January 13, 2016, City Council approved the Owner Occupied Housing Development Program Statement by Resolution No. 16-0079; and

WHEREAS, on May 25, 2016, City Council authorized a conditional grant agreement with Camden Homes at Shady Oaks, LLC for construction of 40 single-family homes for the Shady Oaks Project located at Highway 175 and South Woody Road, in an amount not to exceed \$1,200,000, by Resolution No. 16-0841; and

WHEREAS, on February 22, 2017, City Council authorized an amendment to Resolution No. 16-0841, previously approved on May 25, 2016, for a conditional grant agreement with Camden Homes at Shady Oaks, LLC for construction of single-family homes for the Shady Oaks Project located at Highway 175 and South Woody Road to reduce the number of houses to be built from 40 to 19; and reduce the conditional grant amount by \$630,000, from \$1,200,000 to \$570,000, by Resolution No. 17-0390; and

WHEREAS, the City desires for Camden Homes at Shady Oaks, LLC to develop mixed income housing in Dallas.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the second amendment to the conditional grant agreement for the construction of 40 single-family homes, previously approved by Resolution No. 16-0841 on May 25, 2016, with Camden Homes at Shady Oaks, LLC (Camden), approved as to form by the City Attorney, for the Shady Oaks Project to **(1)** extend the conditional grant agreement completion date from May 25, 2018 to November 28, 2018; and **(2)** amend the contract to include performance thresholds and requirements.

SECTION 2. That Camden must execute amended grant documents. In addition to the items in Section 1, the following terms of the grant agreement will change and all other terms will remain the same:

- (a) Camden will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, including, but not limited to construction, sales, and close-out;
- (b) Camden will complete construction on the last 2 homes by October 31, 2018;
- (c) Camden will report delays to staff immediately, but no later than within one week of identifying the issue;

May 9, 2018

SECTION 2. (continued)

- (d) Camden will submit complete homebuyer files for staff's review by October 31 2018;
- (e) Camden will submit monthly draws, with final retention draw submitted by November 30,2018;
- (f) Camden will have until November 30, 2018 to fully complete the project;
- (g) Camden will close with homebuyers within 60 days of completion of construction; and
- (h) In the event that Camden fails to comply with the terms of the agreement, including but not limited to the threshold measures described herein, such failure is an event of default under the loan documents. City's remedies include, but is not limited to, foreclosure, acceleration of repayment of the funds disbursed, and/or withholding of further disbursements.

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

SECTION 4. 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 grant, until such time as the terms of the loan documents are duly approved by all parties and properly executed.

SECTION 5. That all other terms and conditions provided for under Resolution No. 16-0841, remain in full force and effect.

SECTION 6. That this contract is designated as Contract No. HOU-2018-00001058.

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.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-5297

MAPSCO: 46Q R

SUBJECT

Authorize the third amendment to the loan agreement for 11 single-family homes, previously approved by Resolution No. 15-1080 on June 10, 2015, with South Dallas Fair Park/Innercity Community Development Corporation for the Scattered Sites Project to **(1)** extend the HOME loan agreement completion date from December 31, 2017 to July 31, 2019; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

BACKGROUND

On June 10, 2015, City Council authorized final adoption of the FY 2015-16 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds for various programs and authorized adoption of the FY 2015-15 Reprogramming Budget by Resolution No. 15-1055.

On June 10, 2015, City Council authorized a housing development agreement with South Dallas Fair Park/Innercity Community Development Corporation (ICDC), a certified Community Housing Development Organization, for construction of five affordable single-family homes located on scattered sites in the Fair Park area by Resolution No. 15-1080.

On September 14, 2016, City Council authorized an amendment to increase funding from \$320,000 to \$1,220,000 in HOME funds for the construction of 6 additional units for a total of 11 homes to be built under the contract.

BACKGROUND (continued)

In March 2018, ICDC requested an extension to the HOME loan agreement to begin construction of the additional 6 homes. ICDC completed the engineering, zoning, plans review and loan closing for private financing for construction. Construction of the first 5 of 11 homes were built and sold in 2016. Construction is due to begin on the first 4 of the 6 homes by September 2018. The last 2 of the total 11 homes will be completed and sold by July 2019. ICDC expended \$266,775.47 in HOME funds. Remaining is the balance of \$953,224.53 for the homes.

ICDC experienced delays in development as a result of the time it has taken to obtain ownership of the six House Bill (HB)110 lots that it purchased in 2017. An eight-month delay occurred as a result of the time it took to acquire lots from the City's HB110 Program. Additional delays occurred due to the need to rezone 2 of the 6 lots from commercial to residential.

City Council approval of this agenda item will authorize the City Manager to modify the loan documents with ICDC for this housing development loan agreement.

The loan agreement was executed on August 20, 2015.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 27, 2012, City Council authorized adoption of the final FY 2012-13 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included HOME Investment Partnership Funds CHDO Development Loans; and adoption of the FY 2011-12 Reprogramming Budget by Resolution No. 12-1629.

On June 25, 2014, City Council authorized final adoption of the FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included HOME Investment Partnership Funds CHDO Development Loans; and adoption of the FY 2013-14 Reprogramming Budget by Resolution No. 14-1001.

On June 10, 2015, City Council authorized final adoption of the FY 2015-16 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included HOME Investment Partnership Funds CHDO Development Loans; and adoption of the FY 2014-15 Reprogramming Budget by Resolution No. 15-1055.

On June 10, 2015, City Council authorized a housing development loan with South Dallas Fair Park/Innercity Community Development Corporation, a certified Community Housing Development Organization, for construction of five affordable single-family homes located on scattered sites in Fair Park by Resolution No. 15-1080.

BACKGROUND (continued)

On August 10, 2016, City Council authorized an amendment to Resolution No. 15-1080, previously approved on June 10, 2015 with South Dallas Fair Park/Innercity Community Development Corporation (ICDC), for a housing development loan for construction of five scattered sites homes located in the Fair Park area to extend the loan agreement with ICDC from August 20, 2016 to March 30, 2017, by Resolution No. 16-1224.

On September 14, 2016, City Council authorized an amendment to Resolution No. 16-1224, previously approved on August 10, 2016, for a housing development loan with South Dallas Fair Park/Innercity Community Development Corporation to increase the number of units from five to eleven; increase funding from \$320,000 to \$1,220,000 and to extend the contract from March 30, 2017 to December 31, 2017 for scattered sites located in the Fair Park area by Resolution No. 16-1516.

The Economic Development and Housing Committee was briefed on April 16, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

**South Dallas Fair Park Innercity
Community Development Corporation**

Diane Ragsdale, Managing Director

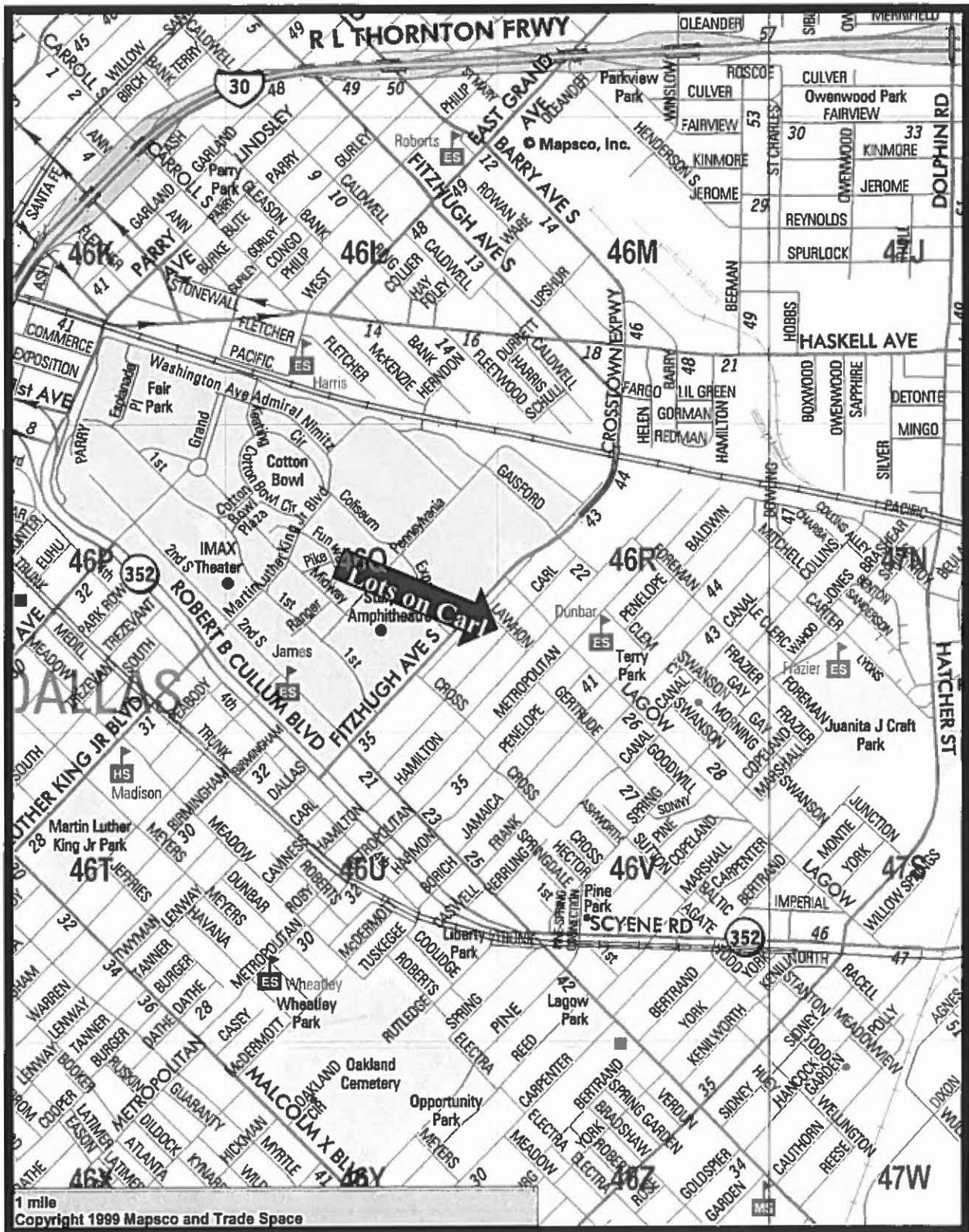
MAP

Attached

ATTACHMENT 1

SOUTH DALLAS FAIR PARK/ICDC
SCATTERED SITES PROJECT
BUDGET

HOME Funds	\$1,220,000.00
Private Financing	\$ 306,596.00
Total Development Costs	\$1,526,596.00



MAPSCO 46Q & 46R

May 9, 2018

WHEREAS, on June 27, 2012, City Council authorized adoption of the final FY 2012-13 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included HOME Investment Partnership Funds CHDO Development Loans; and adoption of the FY 2011-12 Reprogramming Budget by Resolution No. 12-1629; and

WHEREAS, on June 25, 2014, City Council authorized final adoption of the FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included HOME Investment Partnership Funds CHDO Development Loans; and adoption of the FY 2013-14 Reprogramming Budget by Resolution No. 14-1001; and

WHEREAS, on June 10, 2015, City Council authorized final adoption of the FY 2015-16 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds which included HOME Investment Partnership Funds CHDO Development Loans; and adoption of the FY 2014-15 Reprogramming Budget by Resolution No. 15-1055; and

WHEREAS, on June 10, 2015, City Council authorized a housing development loan with South Dallas Fair Park/Innercity Community Development Corporation, a certified Community Housing Development Organization, for construction of five affordable single-family homes located on scattered sites in Fair Park by Resolution No. 15-1080; and

WHEREAS, on August 10, 2016, City Council authorized an amendment to Resolution No. 15-1080, previously approved on June 10, 2015 with South Dallas Fair Park/Innercity Community Development Corporation (ICDC), for a housing development loan for construction of five scattered sites homes located in the Fair Park area to extend the loan agreement with ICDC from August 20, 2016 to March 30, 2017, by Resolution No. 16-1224; and

WHEREAS, on September 14, 2016, City Council authorized an amendment to Resolution No. 16-1224, previously approved on August 10, 2016, for a housing development loan with South Dallas Fair Park/Innercity Community Development Corporation to increase the number of units from five to eleven; increase funding from \$320,000 to \$1,220,000 and to extend the contract from March 30, 2017 to December 31, 2017 for scattered sites located in the Fair Park area by Resolution No. 16-1516; and

WHEREAS, the City desires for South Dallas Fair Park/Innercity Community Development Corporation to develop affordable housing in Dallas.

May 9, 2018

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the third amendment to the loan agreement for 11 single-family homes, previously approved by Resolution No. 15-1080 on June 10, 2015, with South Dallas Fair Park/Innercity Community Development Corporation (ICDC), approved as to form by the City Attorney, for the Scattered Sites Project to **(1)** extend the HOME loan agreement completion date from December 31, 2017 to July 31, 2019; and **(2)** amend the contract to include performance thresholds and requirements.

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

- (a) ICDC will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, including, but not limited to construction, sales, and close-out;
- (b) ICDC will start construction on 4 of the remaining 6 homes by September 30, 2018;
- (c) ICDC will start construction of the remaining 2 of the total 11 lots by February 28, 2019;
- (d) ICDC will report delays to staff immediately, but no later than within one week of identifying the issue;
- (e) ICDC will submit complete homebuyer files for Staff's review by May 31, 2019;
- (f) ICDC will submit monthly draws, with final retention draw submitted by end of July 31, 2019;
- (g) ICDC will have until July 31, 2019 to fully complete the project;
- (h) ICDC will close with homebuyers within 60 days of completion of construction;
- (i) In the event that ICDC fails comply with the terms of the agreement, including but not limited to the threshold measures described herein, such failure is an event of default under the loan documents. City's remedies include, but is not limited to, foreclosure, acceleration of repayment of the funds disbursed, and/or withholding of further disbursements; and
- (j) ICDC is a certified Community Housing Development Organization (CHDO) and shall recertify with the City as a CHDO annually until all requirements have been satisfied and the loan has been repaid in full or forgiven.

May 9, 2018

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

SECTION 4. 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 terms of the loan documents are duly approved by all parties and properly executed.

SECTION 5. That all other terms and conditions provided for under Resolution Nos. 15-1080, 16-1224, and 16-1516, remain in full force and effect.

SECTION 6. That this contract is designated as Contract No. HOU-2018-00005730.

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.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-3309

MAPSCO: 46T

SUBJECT

Authorize the third amendment to the loan agreement for the development of six single-family, affordable homes in the 2900 Block of South Boulevard and 2800 Park Row Avenue, previously approved by Resolution No. 17-1464 on September 13, 2017, with Southfair Community Development Corporation to **(1)** extend the loan agreement's completion date from August 31, 2018 to December 31, 2018; and **(2)** amend the agreement to include performance thresholds and requirements - Financing: No cost consideration to the City

BACKGROUND

On June 10, 2015, City Council authorized the original loan agreement with Southfair Community Development Corporation (Southfair), a certified Community Housing Development Organization, for construction of two affordable, single-family homes located at 2800 Park Row Avenue, in an amount not to exceed \$112,000 (as referenced on the Attachment 1 Budget), by Resolution No. 15-1079.

On June 22, 2016, City Council authorized an amendment to the loan agreement with Southfair to extend the completion date from June 30, 2016 to June 30, 2017.

On September 13, 2017, City Council authorized a second amendment to the loan agreement with Southfair to increase the number of units from two to six; increase the amount of funding from \$112,000 to \$712,000 in HOME funds; and extend the completion date from June 30, 2017 to August 31, 2018.

In April 2018, Southfair requested an extension to the loan agreement to complete construction and sales for four homes. To date, Southfair has completed construction and sales for two of the six homes. Southfair anticipates the builder will start construction on the remaining four homes by the end of May 2018. The homes will be completed and sold to eligible homebuyers by November 2018. Southfair has expended \$127,847 in HOME funds. Remaining is the balance of \$584,153 in construction funds.

BACKGROUND (continued)

Because of the time it took to obtain the environmental review clearance, review the plans, and upgrade underground utilities, Southfair experienced delays.

City Council approval of this agenda item will authorize the City Manager to modify the loan agreement with Southfair Community Development Corporation.

The loan agreement was executed on September 17, 2015. The first amendment to the loan agreement was executed on August 25, 2016. The second amendment to the loan agreement was executed on November 8, 2017.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2014, City Council authorized final adoption of the FY 2014-15 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds which included the Community Housing Development Organization (CHDO) Development Loans in the HOME Investment Partnership Funds; and adoption of the FY 2013-14 Reprogramming Budget by Resolution No. 14-1001.

On August 13, 2014, City Council reconsidered and amended the FY 2014-15 Consolidated Plan Budget by Resolution No. 14-1314.

On June 10, 2015, City Council authorized a housing development loan with Southfair Community Development Corporation, a certified CHDO, for construction of two affordable single-family homes located at 2800 Park Row Avenue by Resolution No. 15-1079.

On June 22, 2016, City Council authorized final adoption of the FY 2016-17 HUD Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds which included the CHDO Development Loans in the HOME Investment Partnership Funds; and adoption of the FY 2015-16 Reprogramming Budget by Resolution No. 16-1066.

On June 22, 2016, City Council authorized an amendment to Resolution No. 15-1079, previously approved on June 10, 2015, to extend the completion date in the loan agreement with Southfair Community Development Corporation, a certified Community Housing Development Organization, from June 30, 2016 to June 30, 2017 for construction of two housing units located at 2800 Park Row Avenue by Resolution No. 16-1094.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On September 13, 2017, City Council authorized a second amendment to the loan agreement with Southfair to increase the number of single-family housing units to be built from two to six; increase the amount of funding; and extend the completion date from June 30, 2017 to August 31, 2018, by Resolution No. 17-1464.

The Economic Development and Housing Committee was briefed on April 16, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

Southfair Community Development Corporation

Annie Evans-Jones, Executive Director

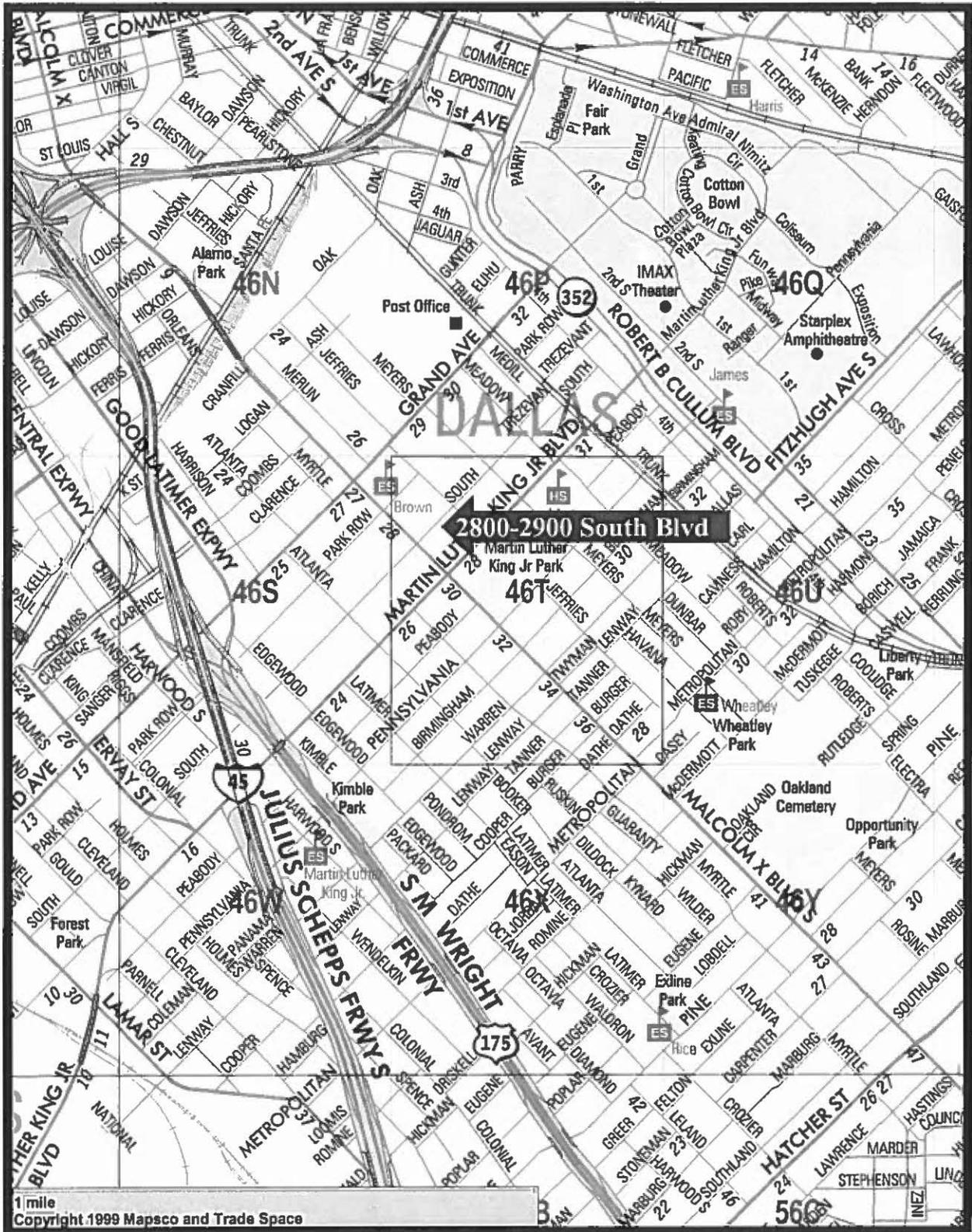
MAP

Attached

ATTACHMENT 1

SOUTHFAIR CDC
6-LOTS PROJECT
BUDGET

HOME Funds	\$ 712,000.00
Private Financing	\$ 556,046.00
Total Development Costs	\$1,268,046.00



MAPSCO 46T

May 9, 2018

WHEREAS, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas to create more housing choices; and

WHEREAS, on June 25, 2014, City Council authorized final adoption of the FY 2014-15 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds which included the Community Housing Development Organization (CHDO) Development Loans in the HOME Investment Partnership Funds; and adoption of the FY 2013-14 Reprogramming Budget by Resolution No. 14-1001; and

WHEREAS, on August 13, 2014, City Council reconsidered and amended the FY 2014-15 Consolidated Plan Budget by Resolution No. 14-1314; and

WHEREAS, on June 10, 2015, City Council authorized a housing development loan with Southfair Community Development Corporation, a certified CHDO, for the construction of two affordable, single-family homes located at 2800 Park Row Avenue and 2900 Block of South Boulevard, in an amount not to exceed \$112,000, by Resolution No. 15-1079; and

WHEREAS, on June 22, 2016, City Council authorized final adoption of the FY 2016-17 HUD Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds which included the CHDO Development Loans in the HOME Investment Partnership Funds; and adoption of the FY 2015-16 Reprogramming Budget by Resolution No. 16-1066; and

WHEREAS, on June 22, 2016, City Council authorized an amendment to Resolution No. 15-1079, previously approved on June 10, 2015, to extend the completion date in the loan agreement with Southfair Community Development Corporation, a certified Community Housing Development Organization, from June 30, 2016 to June 30, 2017 for construction of two housing units located at 2800 Park Row Avenue by Resolution No. 16-1094; and

WHEREAS, on September 13, 2017, City Council authorized a second amendment to the loan agreement with Southfair to increase the number of affordable, single-family housing units to be built from two to six; increase the amount of funding from \$112,000 to \$712,000; and extend the completion date from June 30, 2017 to August 31, 2018, by Resolution No. 17-1464; and

WHEREAS, the City desires for Southfair Community Development Corporation to develop affordable housing in Dallas.

Now, Therefore,

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

May 9, 2018

SECTION 1. That the City Manager is hereby authorized to sign the third amendment the loan agreement for the development of six single-family, affordable homes in the 2900 Block of South Boulevard and 2800 Park Row Avenue, previously approved by Resolution No. 17-1464 on September 13, 2017, with Southfair Community Development Corporation (Southfair), approved as to form by the City Attorney, to **(1)** extend the loan agreement's completion date from August 31, 2018 to December 31, 2018; and **(2)** amend the agreement to include performance thresholds and requirements.

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

- (a) Southfair will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, including, but not limited to construction, sales, and close-out;
- (b) Southfair will start construction on 4 of the remaining 6 homes by May 31, 2018;
- (c) Southfair will report delays to staff immediately, but no later than within one week of identifying the issue;
- (d) Southfair will submit complete homebuyer files for Housing and Neighborhood Revitalization Staff's review by November 30, 2018;
- (e) Southfair will submit monthly draws, with final retention draw submitted by December 31, 2018;
- (f) Southfair will have until December 31, 2018 to fully complete the project;
- (g) Southfair will close with homebuyers within 60 days of completion of construction;
- (h) In the event that Southfair fails to comply with the terms of the agreement, including but not limited to the threshold measures described herein, such failure is an event of default under the loan documents. The City's remedies include, but are not limited to, foreclosure, acceleration of repayment of the funds disbursed, and/or withholding of further disbursements; and
- (i) Southfair is a certified Community Housing Development Organization (CHDO) and shall recertify with the City as a CHDO annually until all requirements have been satisfied and the loan has been repaid in full.

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

May 9, 2018

SECTION 4. 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 terms of the loan documents are duly approved by all parties and properly executed.

SECTION 5. That all other terms and conditions provided for under Resolutions Nos. 15-1079, 16-1094, and 17-1464, and not changed by this Resolution or the third amendment properly executed in accordance with this Resolution, remain in full force and effect.

SECTION 6. That this contract is designated as Contract No. HOU-2018-00001027.

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.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-3309

MAPSCO: 47S

SUBJECT

Authorize the fourth amendment to the conditional grant agreement, previously approved by Resolution No. 13-1105 on June 26, 2013, with KKBK Properties, LLC or its wholly owned subsidiary, for the Hatcher Gardens Project to **(1)** extend the conditional grant agreement completion date from August 31, 2017 to May 25, 2019; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

BACKGROUND

On June 26, 2013, City Council authorized a conditional grant agreement in the amount of \$300,000 (as referenced in the Attachment 1 Budget) with KKBK Properties, LLC, or its wholly owned subsidiary, to provide funding for the construction of commercial units and residential units at 4002 Hatcher Street by Resolution No. 13-1105. The site is located immediately south of the DART Green Line Hatcher Station.

In December 2016, KKBK Properties, LLC requested an extension to complete the sidewalk construction. Construction has completed on the commercial and residential building. Potential renters for the residential space are provided applications in preparation for occupancy. KKBK Properties, LLC expended \$289,175 in 2012 General Obligation Bond Funds. Remaining is the balance of \$10,825 in retainage until certificate of occupancy (“CO”) is obtained and the residential units are occupied.

KKBK Properties, LLC experienced delays in development because of changes in general contractors and scope of work. The developer was unaware of the requirement to replace the sidewalk in front of the building and was notified at the time of CO request.

City Council approval of this agenda item will authorize the City Manager to modify the loan documents with KKBK Properties, LLC for this conditional grant agreement.

BACKGROUND (continued)

The conditional grant agreement was executed on July 8, 2014.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 26, 2013, City Council authorized a conditional grant agreement with KKBK Properties, LLC, or its wholly owned subsidiary, to provide funding for the construction of commercial and residential units at 4002 Hatcher Street by Resolution No. 13-1105.

On January 28, 2015, City Council authorized the first amendment to the conditional grant agreement with KKBK Properties, LLC, or its wholly owned subsidiary, to extend the completion date from December 31, 2014 to December 31, 2015, for the construction of commercial and residential units located at 4002 Hatcher Street by Resolution No. 15-0169.

On February 10, 2016, City Council authorized an amendment to Resolution No. 15-0169, previously approved on January 28, 2015, for the conditional grant agreement with KKBK Properties, LLC, or its wholly owned subsidiary, for the Hatcher Gardens Project for construction of commercial and residential units at 4002 Hatcher Street to extend the completion date from December 31, 2015 to December 31, 2016, by Resolution No. 16-0279.

On February 22, 2017, City Council authorized the third amendment to the conditional grant agreement with KKBK Properties, LLC, or its wholly owned subsidiary, to extend the completion date from December 31, 2016 to August 31, 2017, for the construction of commercial and residential units located at 4002 Hatcher Street by Resolution No. 17-0389.

The Economic Development and Housing Committee was briefed on April 16, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

KKBK Properties, LLC

Craig Gant, Esq.
Jerry Hicks, Esq.
Kurt Thomas

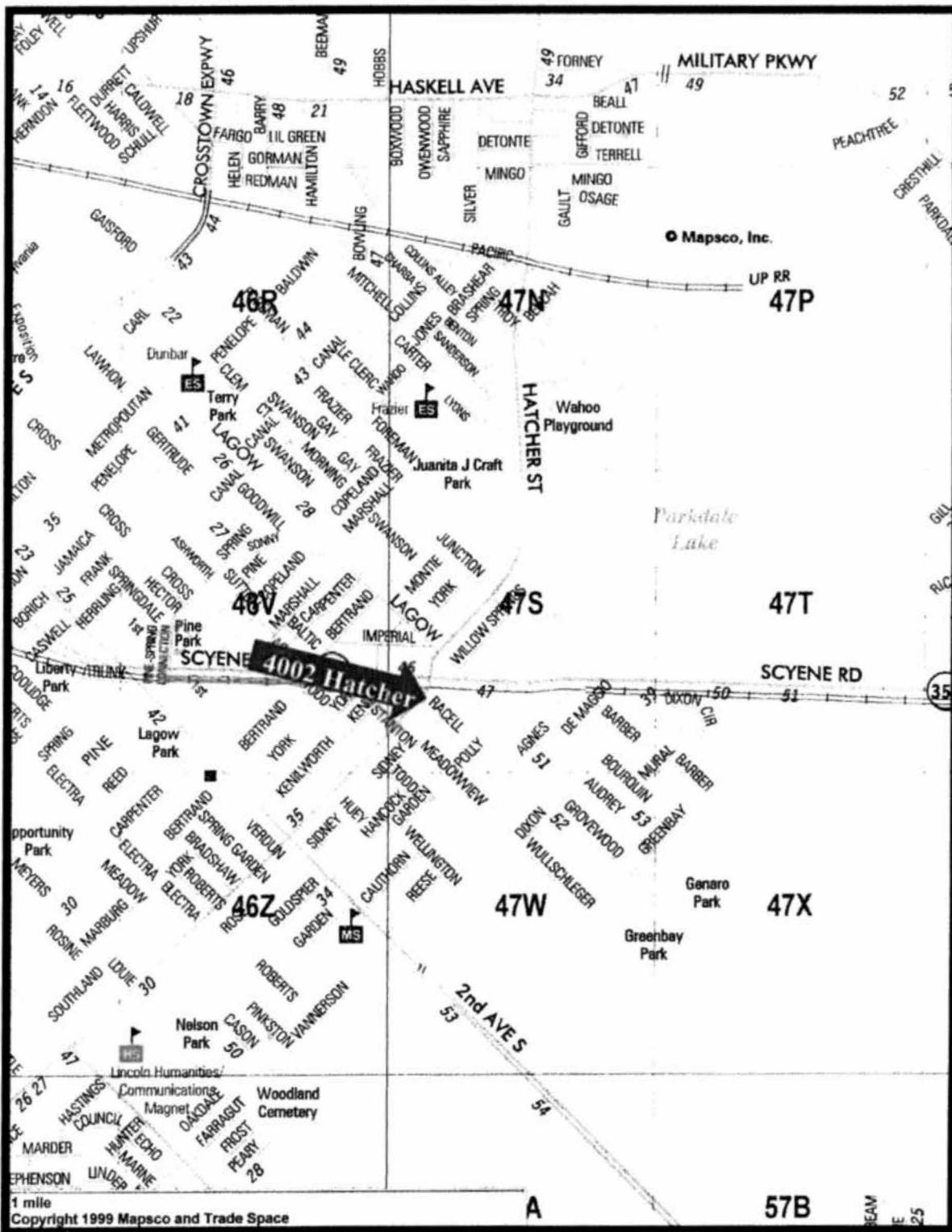
MAP

Attached

ATTACHMENT 1

KKBK PROPERTIES, LLC
HATCHER GARDENS PROJECT
BUDGET

2012 GO Bonds	\$ 300,000.00
Private Financing	\$1,710,800.00
Total Development Costs	\$2,010,800.00



MAPSCO 47S

May 9, 2018

WHEREAS, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas to create more housing choices; and

WHEREAS, on June 26, 2013, City Council authorized a conditional grant agreement in the amount of \$300,000 with KKBK Properties, LLC, or its wholly owned subsidiary, to provide funding for the construction of commercial and residential units located at 4002 Hatcher Street by Resolution No. 13-1105; and

WHEREAS, January 28, 2015, City Council authorized the first amendment to the conditional grant agreement with KKBK Properties, LLC, or its wholly owned subsidiary, to extend the completion date from December 31, 2014 to December 31, 2015, for the construction of commercial and residential units located at 4002 Hatcher Street by Resolution No. 15-0169; and

WHEREAS, on February 10, 2016, City Council authorized an amendment to Resolution No. 15-0169, previously approved on January 28, 2015, for the conditional grant agreement with KKBK Properties, LLC, or its wholly owned subsidiary, for the Hatcher Gardens Project for construction of commercial and residential units at 4002 Hatcher Street to extend the completion date from December 31, 2015 to December 31, 2016, by Resolution No. 16-0279; and

WHEREAS, on February 22, 2017, City Council authorized the third amendment the conditional grant agreement with KKBK Properties, LLC or its wholly owned subsidiary, to extend the completion date from December 31, 2016 to August 31, 2017 for the construction of commercial and residential units located at 4002 Hatcher Street by Resolution No. 16-0279; and

WHEREAS, the City desires for KKBK Properties, LLC, or its wholly owned subsidiary, to develop housing units for low and moderate-income families.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the fourth amendment to the conditional grant agreement, previously approved by Resolution No. 13-1105 on June 26, 2013, with KKBK Properties, LLC or its wholly owned subsidiary, for the Hatcher Gardens Project to **(1)** extend the conditional grant agreement completion date from August 31, 2017 to May 25, 2019; and **(2)** amend the contract to include performance thresholds and requirements.

May 9, 2018

SECTION 2. That KKBK Properties, LLC must execute amended conditional grant documents. In addition to the items in Section 1. The following terms of the conditional grant agreement will change and all other terms will remain the same:

- (a) KKBK Properties, LLC will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, including, but not limited to construction, sales, and close-out;
- (b) KKBK Properties, LLC will complete the application for the Private Development Contract to the City by May 31, 2018 and sign the Contract by July 31, 2018;
- (c) KKBK Properties, LLC will complete construction on the sidewalk by January 31, 2019;
- (d) KKBK Properties, LLC will report delays to Director immediately, but no later than within one week of identifying the issue;
- (e) KKBK Properties, LLC will submit complete rental files for Director's review by April 30, 2019;
- (f) KKBK Properties, LLC will submit monthly draws, with final retention draw submitted by May 31, 2019;
- (g) KKBK Properties, LLC will have until May 31, 2019 to fully complete the project;
- (h) In the event that KKBK Properties, LLC fails to comply with the terms of the agreement, including, but not limited to the threshold measures described herein, such failure is an event of default under the conditional grant agreement. City's remedies include, but is not limited to, foreclosure, repayment of the funds disbursed and/or withholding of further disbursements; and
- (i) KKBK Properties, LLC is a certified Community Housing Development Organization (CHDO) and shall recertify with the City as a CHDO annually until all requirements have been satisfied.

SECTION 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to (1) execute releases of liens and terminations of deed restrictions upon satisfaction of all applicable conditions; and (2) subordinate the City's lien to the interim construction lenders (including refinances). The Director may extend deadlines by up to six (6) months.

SECTION 4. That with the exception of the amendments described above, all other requirements of the loan agreement, including previous amendments, will remain in full force and effect.

SECTION 5. That this resolution does not constitute a binding agreement upon the City or subject to the City to any liability or obligation with respect to the grant, until such time as the terms of the grant documents are duly approved by all parties and properly executed.

SECTION 6. That this contract is designated as Contract No. HOU-2018-00000503.

May 9, 2018

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.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-5297

MAPSCO: 64W

SUBJECT

Authorize the fourth amendment to the loan agreement for development of 10 single-family homes, previously approved by Resolution No. 15-0989 on May 27, 2015, with Builders of Hope CDC for the Creekside Project to **(1)** decrease the number of units from 9 to 8 units; **(2)** decrease the HOME loan amount by (\$22,500), from \$202,500 to \$180,000; **(3)** extend the HOME loan agreement completion date from May 31, 2018 to November 30, 2018; and **(4)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

BACKGROUND

On May 27, 2015, City Council authorized a housing development loan with Builders of Hope CDC (BOH) for construction of ten affordable single-family homes for the Creekside Project to be located on Oak Garden Trail, in an amount not to exceed \$225,000 (as referenced in the Attachment 1 Budget) by Resolution No. 15-0989.

On November 10, 2015, City Council authorized an amendment to Resolution No. 15-0989, previously approved on May 27, 2015, for a housing development loan with Builders of Hope CDC to forgive the debt as each house is sold; and to enter into an agreement with Texas Department of Affordable Housing Corporation in lieu of requiring the Lessor to file a Deed of Trust-in favor of the City against the lots for the Creekside Project located on Oak Garden Trail by Resolution No. 15-2069.

On August 10, 2016, City Council authorized an amendment to Resolution No. 15-0989, previously approved on May 27, 2015, to extend the loan agreement with Builders of Hope CDC in the amount of \$225,000 from May 27, 2016 to May 31, 2017 for the Creekside Project by Resolution No. 16-1189.

BACKGROUND (continued)

On August 23, 2017, City Council authorized an amendment to Resolution No. 16-1189, previously approved on August 10, 2016, with Builders of Hope CDC for the Creekside Project to decrease the number of units from ten to nine; decrease the amount by (\$22,500), from \$225,000 to \$202,500; and extend the loan from May 31, 2017 to May 31, 2018, by Resolution No. 17-1296.

In March 2018, BOH requested a decrease in the funding and in the number of units to build. The project is a collaboration between BOH and the Texas Department of Affordable Housing Corporation. BOH has completed construction and sales to eligible homebuyers for eight units. The extension will allow closeout of the project. Factors that have contributed to delays include lack of financial capacity, and staff turnover at the executive level.

City Council approval of this agenda item will authorize the City Manager to modify the loan documents with BOH for this housing development loan agreement.

The loan agreement was executed on May 27, 2015.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 27, 2015, City Council authorized a housing development loan with Builders of Hope CDC, a certified Community Housing Development Organization, for construction of ten affordable single-family homes for the Creekside Project to be located on Oak Garden Trail by Resolution No. 15-0989.

On November 10, 2015, City Council authorized an amendment to Resolution No. 15-0989, previously approved on May 27, 2015, for housing development loan with Builders of Hope CDC to forgive the debt as each unit is sold to a low-income homebuyer at or below 80 percent of Area Median Family Income; and execute an agreement with the Texas State Affordable Housing Corporation (Lessor), in lieu of requiring the Lessor to file a Deed of Trust in favor of the City against the lots for the Creekside Project located on Oak Garden Trail by Resolution No. 15-2069.

On August 10, 2016, City Council authorized an amendment to Resolution No. 15-0989, previously approved on May 27, 2015, to extend the loan agreement with Builders of Hope CDC in the amount of \$225,000 from May 27, 2016 to May 31, 2017 for the Creekside project by Resolution No. 16-1189.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On August 23, 2017, City Council authorized an amendment to Resolution No. 16-1189, previously approved on August 10, 2016, with Builders of Hope CDC for the Creekside Project to decrease the number of units from ten to nine units; decrease the loan amount; and extend the loan agreement from May 31, 2017 to May 31, 2018, by Resolution No. 17-1296.

The Economic Development and Housing Committee were briefed on April 16, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

Builders of Hope CDC

James Armstrong III, President/Chief Executive Officer

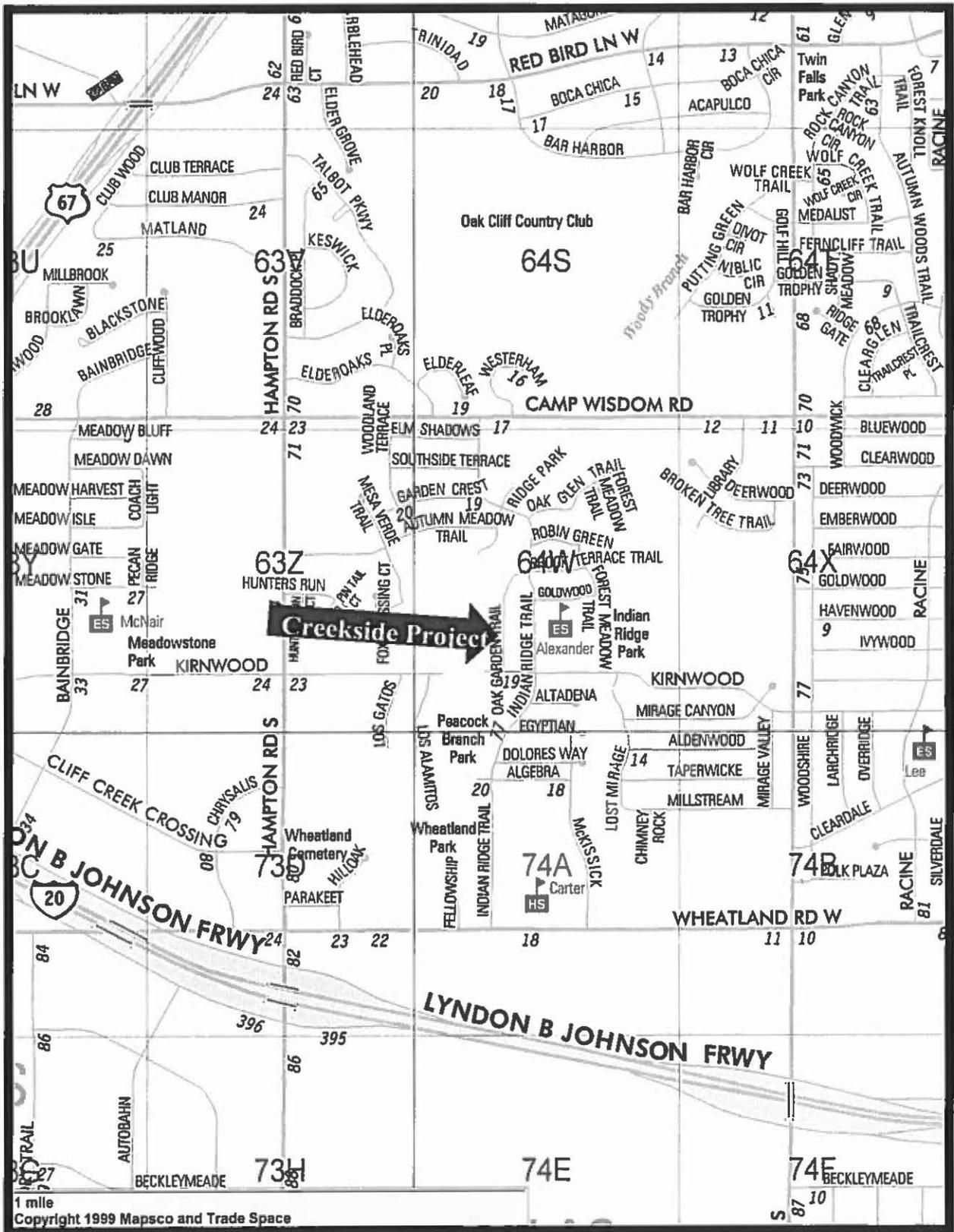
MAP

Attached

ATTACHMENT 1

BUILDERS OF HOPE CDC
CREEKSIDE PROJECT
BUDGET

HOME Funds	\$ 202,500.00*
Private Financing	\$1,447,500.00
Total Development Costs	\$1,650,000.00
*Amount based on last approved amendment; propose to reduce to \$180,000.00	



Creekside Project →

MAPSCO 64W

1 mile
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May 9, 2018

WHEREAS, on May 27, 2015, City Council authorized a housing development loan with Builders of Hope CDC (BOH) for construction of ten affordable single-family homes for the Creekside Project to be located on Oak Garden Trail, in an amount not to exceed \$225,000, by Resolution No. 15-0989; and

WHEREAS, on November 10, 2015, City Council authorized an amendment to Resolution No. 15-0989, previously approved on May 27, 2015, for a housing development loan with Builders of Hope CDC (BOH) to forgive the debt as each unit is sold to a low-income homebuyer at or below 80 percent of Area Median Family Income; and—execute an agreement with the Texas State Affordable Housing Corporation (Lessor), in lieu of requiring the Lessor to file a Deed of Trust in favor of the City against the lots for the Creekside Project located on Oak Garden Trail by Resolution No. 15-2069; and

WHEREAS, on August 10, 2016, City Council authorized an amendment to Resolution No. 15-0989, previously approved on May 27, 2015, to extend the loan agreement with Builders of Hope CDC (BOH) in the amount of \$225,000 from May 27, 2016 to May 31, 2017 for the Creekside Project by Resolution No. 16-1189; and

WHEREAS, on August 23, 2017, City Council authorized an amendment to Resolution No. 16-1189, previously approved on August 10, 2016, with Builders of Hope CDC (BOH) for the Creekside Project to decrease the number of units from 10 to 9 units; decrease the amount of funds by (\$22,500), from \$225,000 to \$202,500; and extend the loan agreement from May 31, 2017 to May 31, 2018, by Resolution No. 17-1296; and

WHEREAS, the City desires to continue closeout of the Creekside Project with Builders of Hope CDC to develop affordable housing in Dallas.

Now Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign an the fourth amendment for the housing development loan with Builders of Hope CDC (BOH), approved as to form by the City Attorney, for the Creekside Project to **(1)** decrease the number of units from 9 to 8 units; **(2)** decrease the amount by (\$22,500), from \$202,500 to \$180,000; and **(3)** extend the loan agreement from May 31, 2018 to November 30, 2018.

May 9, 2018

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

- (a) BOH will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development including, but not limited to close-out;
- (b) BOH will request final payment immediately following the approval of this amendment;
- (c) BOH will request final release of lien by August 31, 2018;
- (d) BOH will file the release of lien by September 30, 2018;
- (e) BOH will report delays to staff immediately, but no later than within one week of identifying the issue;
- (f) BOH will have until November 30, 2018 to fully complete the project;
- (g) In the event that BOH fails to comply with the terms of the agreement, including but not limited to the threshold measures described herein, such failure is an event of default under the loan documents. City's remedies include, but is not limited to, foreclosure, acceleration of repayment of the funds disbursed, and/or withholding of further disbursements; and
- (h) BOH is a certified Community Housing Development Organization (CHDO) and shall recertify with the City as a CHDO annually until all requirements have been satisfied and the loan has been repaid in full.

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

SECTION 4. 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 terms of the loan documents are duly approved by all parties and properly executed.

SECTION 5. That all other terms and conditions provided for under Resolution No. 15-0989, remain in full force and effect.

SECTION 6. That this contract is designated as Contract No. HOU-2018-00000408.

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.

AGENDA ITEM # 22

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Budget

CMO: Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

A resolution denying rates as requested by Oncor Electric Delivery Company LLC in its application for a Distribution Cost Recovery Factor filed with the City of Dallas on April 5, 2018 - Financing: No cost consideration to the City

BACKGROUND

Oncor Electric Delivery Company LLC ("Oncor" or "the Company") filed an application on or about April 5, 2018 with the City of Dallas seeking approval of a Distribution Cost Recovery Factor (DCRF) within the city of Dallas. Oncor is seeking to increase system wide rates by \$19,002,177 annually. Oncor filed this application with all the cities in its service territory and the Public Utility Commission of Texas (PUC) concurrently.

The City is a member of the Steering Committee of Cities Served by Oncor (Oncor Cities Steering Committee or OCSC), a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area. OCSC is coordinating the review of Oncor's current application and has retained attorneys and consultants to determine if the rates requested are fair and reasonable. After thorough review of the application and supporting documentation, OCSCs consultants will make recommendations to the PUC as to fair and reasonable rates to be charged by Oncor. OCSC therefore recommends that member cities deny the DCRF application prior to the statutory deadline and participate in the PUC proceeding through OCSC.

PUC rules allow cities 60 days to act on a DCRF application. If the City fails to take some action regarding the application before June 4, 2018, Oncor's DCRF application is deemed administratively approved.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Government Performance and Financial Management Committee on April 16, 2018.

FISCAL INFORMATION

No cost consideration to the City.

May 9, 2018

WHEREAS, the City of Dallas, Texas (“City”) is an electric utility customer of Oncor Electric Delivery Company LLC (“Oncor” or “Company”), and a regulatory authority with an interest in the rates and charges of Oncor; and

WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor (“OCSC”), a membership of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor’s service area; and

WHEREAS, on or about April 5, 2018 Oncor filed with the City of Dallas an Application for Approval of a Distribution Cost Recovery Factor (“DCRF”), PUC Docket No. 48231, seeking to increase electric distribution rates by approximately \$19,002,177; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, the City is coordinating its review of Oncor’s DCRF filing with OCSC and OCSC’s designated attorneys and consultants to resolve issues in the Company’s application; and

WHEREAS, OCSC’s members and attorneys recommend that members deny the DCRF.

Now, Therefore,

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

SECTION 1. That the City is authorized to participate with the Steering Committee of Cities Served by Oncor in PUC Docket No. 48231.

SECTION 2. That the subject to the right to terminate employment at any time, the City hereby authorizes the hiring of attorneys and consultants by the Steering Committee of Cities Served by Oncor to negotiate with the Company on behalf of the City, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

SECTION 3. That the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

SECTION 4. That the Company shall continue to charge its existing rates to customers within the City.

May 9, 2018

SECTION 5. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of presentation of an invoice to Oncor.

SECTION 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 7. That a copy of this Resolution shall be sent to Stephen N. Ragland, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, General Counsel to the Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Community Care

CMO: Nadia Chandler Hardy, 671-9195

MAPSCO: N/A

SUBJECT

Authorize an Interlocal Agreement with the University of Texas Southwestern Medical Center on behalf of St. Paul University Hospital to provide guidance and assistance to routine postpartum women who are breastfeeding for the period March 1, 2018 through February 28, 2019 - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas Office of Community Care, Women, Infants and Children (WIC) Program currently provides guidance and assistance to routine postpartum women who are breastfeeding and who have infants in the St. Paul University Hospital Newborn Nursery. This Interlocal Agreement will authorize the WIC Program breastfeeding peer counselors and lactation consultants to provide opportunities for women eligible for or enrolled in WIC to receive breastfeeding support in St. Paul University Hospital.

The WIC Program breastfeeding peer counselors and lactation consultants have provided breastfeeding information and support to postpartum patients in St. Paul University Hospital since 2013. As a result of community collaborations such as this, the breastfeeding initiation rate of mothers enrolled in WIC is 95%. This is above the Healthy People 2020 Health Objectives to increase at 82% the proportion of mothers who breastfeed their babies in the early postpartum period.

The health benefits of breastfeeding infants during hospital stays are well documented. The colostrum in mothers' breastmilk stimulates infants' gastrointestinal maturation and facilitates digestion. Colostrum also provides the babies' "first immunizations" by immediately protecting the infants from disease and boosting their immune systems.

Research clearly indicates that hospital practices such as separation of mother and infant and delay in getting the baby to the breast following birth have negative effects on successful breastfeeding.

BACKGROUND (continued)

The WIC Program breastfeeding peer counselors and lactation consultants in St. Paul University Hospital help to create environments that facilitate breastfeeding. They offer new mothers information to get breastfeeding off to a good start, tips on increasing milk supply, and address breastfeeding concerns.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Human and Social Needs Committee on May 7, 2018.

FISCAL INFORMATION

No cost consideration to the City.

May 9, 2018

WHEREAS, the City of Dallas is a Texas municipal corporation of the State of Texas; and

WHEREAS, the University of Texas Southwestern Medical Center is a political subdivision of the State of Texas, which furnishes medical aid and hospital care to indigent and needy persons residing in the hospital district; and

WHEREAS, Chapter 791 of the Texas Government Code permits two governmental agencies to contract with each other to perform governmental functions and services; and

WHEREAS, the City and the University of Texas Southwestern Medical Center on behalf of St. Paul University Hospital desire to enter into an Interlocal Agreement to provide guidance and assistance to routine postpartum women who are breastfeeding for the period March 1, 2018 through February 28, 2019.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign an Interlocal Agreement (ILA) with the University of Texas Southwestern Medical Center on behalf of St. Paul University Hospital, approved as to form by the City Attorney, to provide guidance and assistance to routine postpartum women who are breastfeeding for the period March 1, 2018 through February 28, 2019; and execute any and all documents required by the ILA.

SECTION 2. That this contract is designated as Contract No. MGT-2018-00004805.

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.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 2, 7, 14

DEPARTMENT: Office of Economic Development

CMO: Raquel Favela, 671-5257

MAPSCO: 45 G L M R and 46 J K

SUBJECT

Authorize **(1)** a public hearing to be held on May 23, 2018, to receive comments concerning the renewal of the Deep Ellum Public Improvement District (the “District”), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the public hearing; **(2)** a resolution approving renewal of the District for seven years, and approval of the District’s Service Plan for 2019-2025 - Financing: No cost consideration to the City

BACKGROUND

Deep Ellum Public Improvement District (DEPID) was initially created in 1999 and renewed in 2006 and 2013. The new boundary of the DEPID has been increased to include new development on the western and southern areas of PID 269 and remove existing properties on the eastern portion of the current PID boundaries no longer in need of services. The area is located in Council Districts 2, 7, and 14.

This action calls a resolution calling for a public hearing regarding the renewal of the DEPID to be held on May 23, 2018; City Council will be asked to consider a resolution.

On February 1, 2018, the Deep Ellum Foundation submitted petitions requesting the renewal of the DEPID and approval of the Service Plan for a period of seven years with an effective date of January 1, 2019. Staff reviewed the proposed Service Plan, verified the petitions, found the plan to be viable, and recommended approval.

BACKGROUND (continued)

The Public Improvement District (PID) is outlined in the following way:

- (1) **District Name.** The name of the district is the Deep Ellum Public Improvement District (the "District").
- (2) **District Location.** The District is located wholly within the City of Dallas, Texas, and a Texas home rule municipality. The District is shown on the map attached to the resolution marked Exhibit "A". This is an early renewal of the Deep Ellum PID, in order to amend the boundaries. Generally with some exceptions, properties east of I-30 will be removed and properties on the northwest side of N. Good Latimer Expressway will be added. The proposed boundaries for the amended District and shows changes to the current boundaries.
- (3) **Purpose of the District; General Nature of the Proposed Services and Improvements.** The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be performed by the District includes, but is not limited to, enhanced security and public safety, capital improvements, improvement of common areas including ROW, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (4) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be \$634,073. This amount is approximately equal to \$0.12 per \$100.00 of appraised value as determined by the DCAD. If appraised values rise such that this assessment rate would yield an assessment amount that exceeds the estimated costs, the District shall utilize the provisions in Paragraph 15.
- (5) **Annual assessment.** The amount levied against property in the District shall not exceed the total amount shown in the attached budget for the services and improvements to be provided for the year in which the property is assessed except as provided in Paragraph 15.

BACKGROUND (continued)

- (6) **Estimated Cost; No Bonded Indebtedness.** During the seven-year period, the annual cost of the improvements and services provided by the District is estimated to range from approximately \$917,194 to \$1,500,092 annually. Based on the estimated maximum cost of improvements and services, the seven year total assessment collection requested by the District shall not exceed a collective total of \$7,294,678. In the event the District requires additional funds, the District shall re-petition the property owners for such an increase. At no time shall the total amount levied exceed the total amount shown in the attached budget for the services and improvements to be provided for the year in which the property is assessed except as provided in Paragraph 14 and subject to the collective total for the seven-year period.

- (7) **Apportionment of Cost between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

- (8) **Annual Assessment Collection and Budget Allocation.** The District shall prepare an ongoing service plan that covers a period of at least five years and shall hold an annual meeting to review the service plan for the purpose of determining the annual budget. The annual meeting shall be open to all property owners in a public meeting space (with written notice to all property owners in the PID at least two weeks prior to the meeting) to provide an opportunity for property owner questions, comments and input to be considered during the PID annual budget and service plan approval process.

- (9) **City Expenses and Dallas County Charges.** The District shall pay the cost of:
(i) collections service fee to Dallas County and (ii) City expenses related to oversight of the PID operations.

BACKGROUND (continued)

- (10) **District Management.** The District shall be managed by the Deep Ellum Foundation, a private nonprofit corporation created under the laws of the State of Texas and under the provisions of Section 501(c) (3) of the Internal Revenue Code, on behalf of the Deep Ellum Public Improvement District. A cooperative relationship between the City and the private sector will be created whereby the City Council will review and approve annually the service plan and assessment plan, determine and levy assessments and conduct other functions as required by the Act, and the Deep Ellum Foundation will be responsible for managing and implementing the Service Plan of the District.
- (11) **Advisory Body.** An advisory body may be established to develop and recommend an improvement plan to the governing body of the municipality. In the interest of providing efficient District management, the City Council, by accepting this Petition and establishing the District, agrees not to establish a separate advisory body and agrees to assign the responsibility for development and recommendation of the annual service and improvement plans and other responsibilities of the advisory body contained in the Act.
- (12) **District Dissolution.** The District shall automatically dissolve on December 31, 2025, unless renewed or dissolved through the petition and approval process as provided by the Act.
- (13) **Headings.** The headings of the paragraphs contained in the Petition are for the convenience of the reader and do not constitute a part of this Petition.
- (14) **Request for District Dissolution and Establishment of Amended District.** The persons signing this Petition request or concur with the dissolution of the existing District in order to amend the boundaries as shown on "Exhibit A" attached to the resolution and, if approved by the owners of the designated area, request that this Petition be considered at the earliest possible time and that the City Council take those lawful steps necessary to dissolve existing district, approve the amended District, authorize the improvements and services described herein, and levy the necessary assessments to pay for the improvements and services and take any additional actions required under the Act for the benefit of the District.

BACKGROUND (continued)

- (15) **PID Assessment Collection Budget Projection.** Exhibit "B" attached to the resolution is a projection of annual PID assessment collection over the seven year service plan. If the total PID collection is less than the annual budgeted amount, the management entity, Deep Ellum Public Improvement District, can:
- i. use discretion to re-allocate PID revenues to best service property owners and residents within the PID area subject to City of Dallas approval through annual City Council review and approval of service plan and assessment plan pursuant to Paragraph 10.
 - ii. use funds in the contingency category for other expenditures.

No over-collection is anticipated, however, if the PID assessment collection is greater than the annual projected amount, the managing entity shall:

- i. be permitted to carry over up to 20% of the funds budgeted for Capital Improvements and Maintenance to the following year to account for delays or cost adjustments, provided that the cumulative seven year total for each category is not exceeded as a result of such carry-over.
- ii. reduce the amount of the assessment in the following year to absorb the over-collection, or
- iii. return the funds to the property owners, or
- iv. submit a revised petition to obtain consent of the property owners for an increased collection.

The term of the District upon creation is seven years (2019 to 2025). Pending approval, actual operations in the District will commence next year.

Staff review of the signed petitions presented on February 1, 2018, revealed that property owners of record representing 61.0% of the value of the property in the specified area and representing 60.8% of the land area have signed the petitions requesting creation of the District.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 14, 2013, City Council held a public hearing concerning the proposed levy of assessment for the Deep Ellum Public Improvement District and authorized the approval of a resolution renewing the Deep Ellum Public Improvement District for a seven-year period; approval of the Service Plan and a management contract by Resolution No. 13-1376.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, the final 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1483; Ordinance No. 30637.

Information about this item will be provided to the Economic Development and Housing Committee on May 7, 2018.

FISCAL INFORMATION

No cost consideration to the City.

May 9, 2018

WHEREAS, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

WHEREAS, on February 1, 2018, Deep Ellum Foundation, representing owners of real property located within the Deep Ellum Public Improvement District area, delivered to the City of Dallas a petition to renew the Deep Ellum Public Improvement District (the “District”) in accordance with Chapter 372 of the Texas Local Government Code, and as shown on the attached map of the District (**Exhibit A**). City staff reviewed the petition and determined the owners of more than 60% of the appraised value of the taxable real property liable for assessment, and more than 60% of the land area of all taxable real property liable for assessment within the District executed the petition, in accordance with the necessary thresholds for the City Council to consider renewal of the District; and

WHEREAS, pursuant to Section 372.007 of the Act, the City staff, with the assistance of the District property owner representatives, verified the petitions, evaluated the service plan to determine whether the services should be made as described by the proposed service plan, and found the plan to be feasible; and

WHEREAS, the City desires by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the creation of the District, which intends to levy a special assessment against each property owner of record for real property and real property improvements, exclusive of right-of-way, to provide funding for the District for the purpose of providing supplemental services and improvements.

Now, Therefore,

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

SECTION 1. That a public hearing shall be held at 1:00 p.m. on May 23, 2018, in the City Council Chambers, Dallas City Hall, 6th Floor, 1500 Marilla Street, Dallas, Texas, 75201 at which time any interested person may appear and speak for or against the creation of the District, with boundaries as described by **Exhibit A** to provide improvements and supplemental services as permitted by and for the purposes set forth in the Petition, to be funded by a special assessment against the property owners of record for real property and real property improvements, exclusive of rights-of-way in the amounts described by **Exhibit B**.

May 9, 2018

SECTION 2. That the facts and recitals contained in the preamble of this resolution are found and declared to be true and correct.

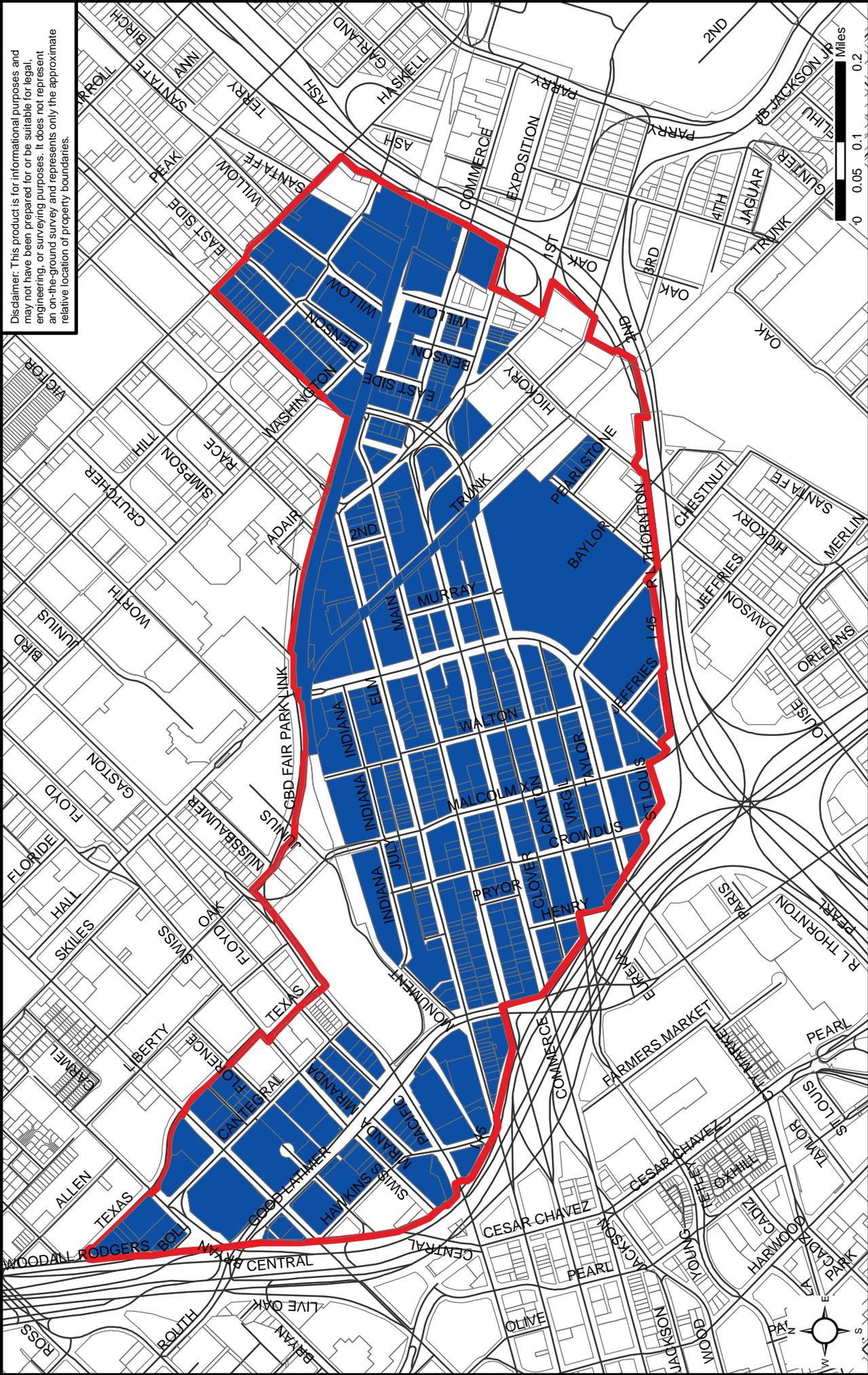
SECTION 3. That notice of the public hearing shall be published in a newspaper of general circulation in the City of Dallas and mailed to the property owners of the District before the 15th day before the public hearing.

SECTION 4. That after the close of the public hearing, the City Council may consider a resolution approving the renewal of the District; authorizing the District to levy a special assessment against the property owners of record for real property and real property improvements, exclusive of rights-of-way, to fund the improvements and supplemental services; approving the Service Plan for calendar years 2019-2025; designating the Deep Ellum Foundation as the management entity of the District; and providing an effective date.

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.

Exhibit A - Deep Ellum PID Proposed 2018 Renewal Boundaries

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.



DALLAS ECONOMIC DEVELOPMENT
 Research & Information Division
 214.670.1685
 dallas-ecodev.org

Legend

- DEPID 2018 Renewal Parcels
- Parcel 2017
- STREETS

EXHIBIT B

DEEP ELLUM PID

Proposed Service Plan 2019-2025 | Updated December 15, 2017

	2019	2020	2021	2022	2023	2024	2025
Revenues and Reserves	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
Gross assessments revenue	\$634,073	\$760,887	\$875,020.05	\$1,006,273	\$1,157,214	\$1,330,796	\$1,530,416
PID Oversight Charge from City + County Fees	\$7,367	\$7,367	\$7,367	\$7,367	\$7,367	\$7,367	\$7,367
Net Assessment Revenue	\$626,706	\$753,520	\$867,653	\$998,906	\$1,149,847	\$1,323,429	\$1,523,049
Fund balance from previous year	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Projected Adjustment for Property Tax Protest	\$9,511	\$11,413	\$13,125	\$15,094	\$17,358	\$19,962	\$22,956
Total Income and Reserves	\$632,194	\$757,107	\$869,528	\$998,812	\$1,147,489	\$1,318,467	\$1,515,092
	%						
Public Safety ¹	\$203,674	\$244,895	\$281,994	\$324,658	\$373,721	\$430,144	\$495,030
Capital Improvements and Maintenance ²	\$123,439	\$148,421	\$170,906	\$196,762	\$226,498	\$260,693	\$300,018
Marketing ³	\$92,579	\$111,316	\$128,179	\$147,572	\$169,873	\$195,520	\$225,014
Administration ⁴	\$92,579	\$111,316	\$128,179	\$147,572	\$169,873	\$195,520	\$225,014
Business Development ⁵	\$61,719	\$74,211	\$85,453	\$98,381	\$113,249	\$130,347	\$150,009
Financial Audit and Insurance ⁶	\$43,204	\$51,947	\$59,817	\$68,867	\$79,274	\$91,243	\$105,006
Total Expenditures	\$617,194	\$742,107	\$854,528	\$983,812	\$1,132,489	\$1,303,467	\$1,500,092
Fund Balance/Reserves	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
	\$632,194	\$757,107	\$869,528	\$998,812	\$1,147,489	\$1,318,467	\$1,515,092

Category Details

- Safety and security related initiatives including but not limited to hiring off-duty officers, private security, improving lighting, public safety manager position, alarms, monitoring services and surveillance.
- Improvements including but not limited to projects such as neighborhood-wide parking programs, pedestrian plazas, technology projects, landscaping, park enhancements, graffiti control, trash pickup, signage, bicycle amenities, pedestrian amenities, sustainability initiatives and special maintenance projects.
- Marketing and promotion efforts including but not limited to neighborhood wide website, newsletter, social media management, advertising, volunteer coordination, event coordination and promotion, light pole banners and other promotions and programming efforts.
- General administrative costs including but not limited to office rent, day-to-day operations, office supplies, staff transportation, bookkeeping, telecom needs, technology needs and staff expense related solely to admin duties.
- Business retention, outreach, assistance and recruitment expenses including but not limited to easing the burden of opening and operating a business, improving the regulatory business environment, business owner meetings, business owner coordination, merchant association assistance and providing information about the neighborhood for recruitment purposes.
- Financial audit and insurance expenses.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 12

DEPARTMENT: Office of Economic Development

CMO: Raquel Favela, 671-5257

MAPSCO: 5 T U X Y

SUBJECT

Authorize **(1)** a public hearing to be held on May 23, 2018, to receive comments concerning the renewal of the Prestonwood Public Improvement District (the “District”), in accordance with Chapter 372 of the Texas Local Government Code, for the specified area of the District, for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and at the close of the public hearing **(2)** a resolution approving renewal of the District for seven years, and approval of the District’s Service Plan for 2019-2025 - Financing: No cost consideration to the City

BACKGROUND

Prestonwood Public Improvement District (PPID) was initially created in 1997 and renewed in 2004 and 2011. The area is located in Council District 12.

This action calls for a public hearing regarding the renewal of the PPID to be held on May 23, 2018; City Council will be asked to consider a resolution.

On February 1, 2018, the Prestonwood Homeowners Association submitted petitions requesting the renewal of the PPID and approval of the Service Plan for a period of seven years with an effective date of January 1, 2019. Staff reviewed the proposed Service Plan, verified the petitions, found the plan to be viable, and recommended approval.

The Public Improvement District (PID) is outlined in the following way:

- (1) **District Name.** The name of the district is the Prestonwood Public Improvement District (the “District”).

BACKGROUND (continued)

- (2) **District Location.** The District is located wholly within the City of Dallas, Texas, and a Texas home rule municipality. The District is shown on the map attached the resolution marked Exhibit "A".
- (3) **Purpose of the District; General Nature of the Proposed Services and Improvements.** The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be performed by the District includes enhanced security and public safety, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (4) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners, on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be \$359,997. This amount is approximately equal to \$0.0825 per \$100.00 of appraised value as determined by the DCAD. If appraised values rise such that the assessment rate equal to the amount of \$.15 per \$100.00 valuation would yield an assessment amount that exceeds the estimated costs, the assessment rate shall be reduced until the total assessment equals or is less than to the budgeted amount approved in Exhibit B attached to the resolution, the petition, is subject to the appropriations set forth in Paragraph 15.
- (5) **Annual assessment.** The amount shall not exceed the total amount shown in the attached budget for the services and improvements to be provided for the year in which the property is assessed except as provided in Paragraph 15.
- (6) **Estimated Cost; No Bonded Indebtedness.** During the seven-year period, the annual cost of the improvements and services provided by the existing District is estimated to range from approximately \$362,013 to \$419,153 annually. Based on the estimated maximum cost of services, the seven year total assessment collection requested by the District shall not exceed a collective total of \$2,729,996. In the event the District requires additional funds, the District shall re-petition the property owners for such an increase. At no time shall the total amount levied exceed the total amount shown in the attached budget for the services and improvements to be provided for the year in which the property is assessed except as provided in Paragraph 14 and subject to the collective total for the seven-year period.

BACKGROUND (continued)

- (7) **Apportionment of Cost between the District and the Municipality as a Whole.** The District shall pay the costs of the services by special assessment against the real property and real property improvements. The real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.
- (8) **Annual Assessment Collection and Budget Allocation.** The District shall prepare an ongoing service plan that covers a period of at least five years and shall hold an annual meeting to review the service plan, for the purpose of determining the annual budget. The annual meeting shall be open to all property owners in a public meeting space (with written notice to all property owners in the PID at least two weeks prior to the meeting) to provide an opportunity for property owner questions, comments and input to be considered during the PID annual budget and service plan approval process.
- (9) **City Expenses and Dallas County Charges.** The District shall pay the cost of: (i) collections service fee to Dallas County and (ii) City expenses related to oversight of the PID operations.
- (10) **District Management.** The District shall be managed by the Prestonwood Homeowners Association, a private nonprofit corporation created under the laws of the State of Texas and under the provisions of Section 501(c) (3) of the Internal Revenue Code. A cooperative relationship between the City and the private sector will be created whereby the City Council will review and approve annually the service plan and assessment plan, determine and levy assessments and conduct other functions as required by the Act, and the Prestonwood Homeowners Association will be responsible for managing and implementing the Service Plan of the District.
- (11) **Advisory Body.** An advisory body may be established to develop and recommend an improvement plan to the governing body of the municipality. In the interest of providing efficient District management, the City Council, by accepting this Petition and establishing the District, agrees not to establish a separate advisory body and agrees to assign the responsibility for development and recommendation of the annual service and improvement plans and other responsibilities of the advisory body contained in the Act.

BACKGROUND (continued)

- (12) **District Dissolution.** The District shall automatically dissolve on December 31, 2025, unless renewed or dissolved through the petition and approval process as provided by the Act.
- (13) **Headings.** The headings of the paragraphs contained in the Petition are for the convenience of the reader and do not constitute a part of this Petition.
- (14) **Request for District Renewal.** The persons signing this Petition request or concur with the renewal of the District and, if approved by the owners of the designated area, the boundaries and request that this Petition be considered at the earliest possible time and that the City Council take those lawful steps necessary to renew the District, authorize the improvements and services described herein, levy the necessary assessments to pay for the improvements and services and take any additional actions required under the Act for the benefit of the District.
- (15) **PID Assessment Collection Budget Projection.** The Service Plan is a projection of annual PID assessment collection over the seven year service plan. If the total PID collection is less than the annual budgeted amount, the management entity, Prestonwood Homeowners Association, can:
 - i. use discretion to re-allocate PID revenues to best service property owners and residents within the PID area. No budget category may be adjusted by more than 20% of projected amount.

No over-collection is anticipated, however, if the PID assessment collection is greater than the annual projected amount, the managing entity shall:

- i. be permitted to carry over up to 20% of the funds budgeted for Public Safety Services to the following year to account for delays or cost adjustments, provided that the cumulative seven year total for each category is not exceeded as a result of such carry-over.
- ii. reduce the amount of the assessment in the following year to absorb the over-collection, or
- iii. return the funds to the property owners, or
- iv. submit a revised petition to obtain consent of the property owners for an increased collection.

The term of the District upon creation is seven years (2019 to 2025). Pending approval, actual operations in the District will commence next year.

BACKGROUND (continued)

Staff review of the signed petitions presented on February 1, 2018, revealed that property owners of record representing 81.0% of the value of the property in the specified area and representing 80.5% of the land area have signed the petitions requesting creation of the District.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 22, 2011, City Council authorized the renewal of the Prestonwood Public Improvement District for a seven-year period; approval of the Service Plan and management contract by Resolution No. 11-1796.

On September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, the final 2017 Assessment Plan and the 2017 Assessment Roll by Resolution No. 17-1489; Ordinance No. 30643.

Information about this item will be provided to the Economic Development and Housing Committee on May 7, 2018.

FISCAL INFORMATION

No cost consideration to the City.

May 9, 2018

WHEREAS, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

WHEREAS, on February 1, 2018, Prestonwood Homeowners Association, representing owners of real property located within the Prestonwood Public Improvement District area, delivered to the City of Dallas a petition to renew the Prestonwood Public Improvement District (the “District”) in accordance with Chapter 372 of the Texas Local Government Code, and as shown on the attached map of the District (**Exhibit A**). City staff reviewed the petition and determined the owners of more than 60% of the appraised value of the taxable real property liable for assessment, and more than 60% of the land area of all taxable real property liable for assessment within the District executed the petition, in accordance with the necessary thresholds for the City Council to consider renewal of the District; and

WHEREAS, pursuant to Section 372.007 of the Act, the City staff, with the assistance of the District property owner representatives, verified the petitions, evaluated the service plan to determine whether the services should be made as described by the proposed service plan, and found the plan to be feasible; and

WHEREAS, the City desires by the calling and holding of such public hearing to provide a reasonable opportunity for any owner of property located within the District to speak for or against the creation of the District, which intends to change a special assessment against each property owner of record for real property and real property improvements, exclusive of right-of-way, to provide funding for the District for the purpose of providing supplemental services and improvements.

Now, Therefore,

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

SECTION 1. That a public hearing shall be held at 1:00 p.m. on May 23, 2018, in the City Council Chambers, Dallas City Hall, 6th Floor, 1500 Marilla Street, Dallas, Texas, 75201 at which time any interested person may appear and speak for or against the creation of the District, with boundaries as described by **Exhibit A** to provide improvements and supplemental services as permitted by and for the purposes set forth in the Petition, to be funded by a special assessment against the property owners of record for real property and real property improvements, exclusive of rights-of-way in the amounts described by **Exhibit B**.

May 9, 2018

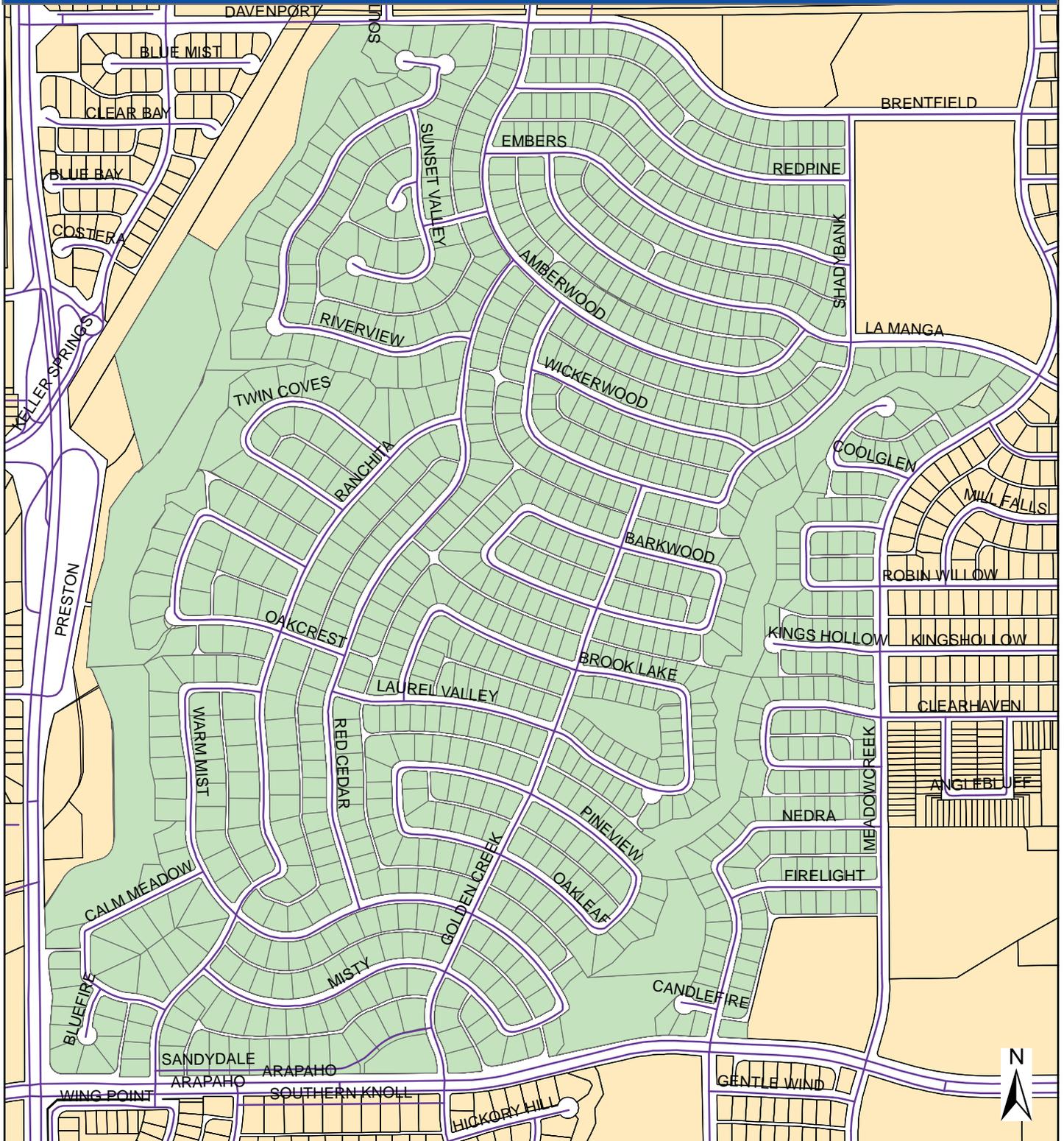
SECTION 2. That the facts and recitals contained in the preamble of this resolution are found and declared to be true and correct.

SECTION 3. That notice of the public hearing shall be published in a newspaper of general circulation in the City of Dallas and mailed to the property owners of the District before the 15th day before the public hearing.

SECTION 4. That after the close of the public hearing, the City Council may consider a resolution approving the renewal of the District; authorizing the District to levy a special assessment against the property owners of record for real property and real property improvements, exclusive of rights-of-way, to fund the improvements and supplemental services; approving the District's Service Plan for calendar years 2019-2025; designating the Prestonwood Homeowners Association as the management entity of the District; and providing an effective date.

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.

Exhibit A - Prestonwood PID Proposed 2018 Boundaries



Legend

- STREETS
- PPID Parcels



City of Dallas

Office of Economic Development
May 2018

Exhibit B

**Prestonwood Public Improvement District
Service Plan 2019-2025**

	2018	2019	2020	2021	2022	2023	2024	2025
	IF RENEWED							
Revenue & Reserves								
Calendar Year Beginning Balance	\$ 20,499	\$ 34,601	\$ 57,138	\$ 80,519	\$ 104,766	\$ 129,901	\$ 155,950	\$ 182,937
Gross Assessment Revenue	\$ 382,147	\$ 391,700	\$ 401,493	\$ 411,530	\$ 421,819	\$ 432,364	\$ 443,173	\$ 454,252
PID Oversight Charge from City	\$ (7,150)	\$ (7,150)	\$ (7,150)	\$ (7,150)	\$ (7,150)	\$ (7,150)	\$ (7,150)	\$ (7,150)
Net Assessment Revenue	\$ 374,997	\$ 384,550	\$ 394,343	\$ 404,380	\$ 414,669	\$ 425,214	\$ 436,023	\$ 447,102
Exempt Jurisdictions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest on Cash Balances	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Income & Reserves	\$ 395,496	\$ 419,151	\$ 451,481	\$ 484,899	\$ 519,434	\$ 555,115	\$ 591,974	\$ 630,040
PID Services								
Public Safety	\$ 330,346	\$ 346,863	\$ 355,535	\$ 364,423	\$ 373,534	\$ 382,872	\$ 392,444	\$ 402,255
PID Renewal Fee	\$ 15,000							
Audit & Insurance	\$ 12,500	\$ 12,625	\$ 12,878	\$ 13,135	\$ 13,398	\$ 13,666	\$ 13,939	\$ 14,218
Administrative	\$ 2,500	\$ 2,525	\$ 2,550	\$ 2,576	\$ 2,602	\$ 2,628	\$ 2,654	\$ 2,680
Total Disbursements	\$ 360,346	\$ 362,013	\$ 370,962	\$ 380,134	\$ 389,533	\$ 399,165	\$ 409,036	\$ 419,153
Reserve	\$ 35,150	\$ 57,138	\$ 80,519	\$ 104,766	\$ 129,901	\$ 155,950	\$ 182,937	\$ 210,887

Assumptions

- Assumes annual audit and insurance fees split 50-50 with PHA.
- Assumes an estimated 2.5% annual increase in home valuations.
- Assumes 2.5% annual increase for cost of living, expenses, and to maintain a competitive pay structure.
- \$15,000 PID renewal fee paid in 2018 Service Plan
- Assumes a 2% annual increase in audit and insurance fees.
- Assumes a 1% annual increase in administrative fees.

AGENDA ITEM # 26

**STRATEGIC
PRIORITY:**

Government Performance and Financial Management

AGENDA DATE:

May 9, 2018

COUNCIL DISTRICT(S):

All

DEPARTMENT:

Office of Procurement Services
Department of Sanitation Services

CMO:

Elizabeth Reich, 670-7804
Jody Puckett, 670-3390

MAPSCO:

N/A

SUBJECT

Authorize a three-year on-call consultant contract for solid waste consulting services with Burns & McDonnell Engineering Company, Inc. through an Interlocal Agreement with the City of San Antonio - Not to exceed \$255,000 - Financing: Sanitation Current Funds (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of this consultant contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This on-call consultant contract for solid waste consulting services will be used on an as-needed basis. During the first year of this contract, the Department of Sanitation Services (SAN) plans on conducting a solid waste financial planning study. This study will review cost of service and rate design, landfill market and financial analysis, review solid waste policy issues and other long-term liabilities, and establish an updated rate development model to meet the department needs over the next 10 years. For the remaining two years of this contract, the consultant may be utilized for long-term landfill contract analysis and landfill utilization strategy, waste characterization studies, multiyear recycling plan, and other projects. As the City cannot foresee all possible projects that may be required, the consultant has the experience and capability to address a wide variety of projects that may be required in the solid waste industry.

SAN manages one of the largest municipal run residential collection programs in the State, serving over 240,000 residential customers. Additionally, SAN owns and operates the largest municipal landfill and second largest landfill in the State of Texas. Municipal solid waste operations are highly regulated and complex in nature.

BACKGROUND (continued)

Solid waste operations need to not only address collection and disposal needs, but they must include programs and advanced planning that addresses long-term financial management, regulatory compliance, industry best practices, waste diversion initiatives, readiness for future technologies, and other long-term solutions regarding solid waste management. To ensure the compliance and efficiency of the City's solid waste collection and disposal services, as well as provide for the long-term well being of the solid waste operations, SAN utilizes specialized solid waste consultants to provide objective, third-party advice. These consultants enable the City to make well-informed and educated decisions, and to assist the City with evaluating and developing various aspects of the City's solid waste operations and programs.

The recommended vendor has conducted studies and provided solid waste and landfill consulting services to many major Texas cities, including the cities of Austin, Denton, El Paso, Ft. Worth, Garland, McKinney, and San Antonio. Additionally, the consultant has provided services to the North Central Texas Council of Governments, the Texas Commission on Environmental Quality and other agencies. On September 7, 2017, the City of San Antonio procured an agreement for on-call solid waste consulting services. The service areas included long-term multi-year recycling and recycling contamination reduction planning, waste characterization studies, long-term landfill disposal contract analysis, customer rate analysis, and other projects requested by the City, such as processing contract analysis, financial analysis, equipment analysis, and strategic planning.

This Interlocal Agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code which authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on May 7, 2018.

FISCAL INFORMATION

Sanitation Current Funds - \$255,000.00 (subject to annual appropriations)

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:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$255,000.00	Interlocal Agreement	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Interlocal Agreements, however, the prime contractor has M/WBE participation
- This contract has a 25.88% Overall M/WBE participation

OWNER

Burns & McDonnell Engineering Company, Inc.

Ray Kowalik, President
Bill Quatman, Secretary
Jim Schorgl, Treasurer

May 9, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign an on-call consultant contract with Burns & McDonnell Engineering Company, Inc. (VS0000057931) through an Interlocal Agreement with the City of San Antonio, approved as to form by the City Attorney, for solid waste consulting services, for a term of three years, in an amount not to exceed \$255,000. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Burns & McDonnell Engineering Company, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Burns & McDonnell Engineering Company, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$255,000 (subject to annual appropriations) to Burns & McDonnell Engineering Company, Inc. from Master Agreement Service Contract No. SAN-2018-00006023.

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.

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services
Office of Emergency Management
Police Department
Fire-Rescue Department

CMO: Elizabeth Reich, 670-7804
Jon Fortune, 670-1204

MAPSCO: N/A

SUBJECT

Authorize an acquisition contract for the purchase and training support of one light duty explosives robot for the Dallas Police Department - Remotec, Inc., sole source - Not to exceed \$200,123 - Financing: U.S. Department of Homeland Security Grant Funds

BACKGROUND

This acquisition contract will provide for the purchase and training support for one light duty explosives robot for the Dallas Police Department.

The robot will be used by the Explosive Ordnance Squad (EOS), which is composed of police and fire personnel. Personnel on this team are uniquely trained in identifying, handling, and disposing of explosive devices. The team requires specialized clothing, tools, and equipment to effectively handle explosive devices and to ensure their safety, as well as the safety of the residents of Dallas. This purchase will enhance the EOS' capabilities by complimenting the current inventory of robotic capabilities with a small robot that is able to be quickly and tactically deployed. This robot will serve an essential role in confined spaces and in facilities where larger robots are not deployable or where their deployment is not feasible due to time or tactical considerations.

The EOS utilizes robots when assessing explosive devices and they are a critical component for the safe and timely mitigation of an explosive threat. Due to the nature of this complex and hazardous process, uniformity in equipment is advantageous to EOS teams. Uniformity ensures bomb technicians are able to transition between robotic platforms with minimal effort when necessary. Currently, all robotic assets within the EOS are Remotec, Inc. products.

BACKGROUND (continued)

They are also serviced and supported by the same personnel. Bomb technicians from regional agencies also utilize Remotec, Inc. robots and this purchase will ensure that regional bomb technicians who collaboratively operate with the EOS on a large-scale event are capable of operating with the EOS' equipment if the situation necessitated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Public Safety Committee on October 24, 2016.

On October 26, 2016, City Council authorized the purchase of one medium duty explosives robot and medium duty explosives robot accessories with Remotec, Inc. by Resolution 16-1725.

The Government Performance & Financial Management Committee will receive this item for consideration on May 7, 2018.

FISCAL INFORMATION

U.S. Department of Homeland Security Grant Funds - \$200,123.00

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:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$200,123.00	Goods	18.00%	0.00%	\$0.00

- This contract did not meet the M/WBE goal of 18.00%, but complies with the good faith efforts.

BID INFORMATION

<u>Bidder</u>	<u>Address</u>	<u>Amount</u>
Remotec, Inc.	353 J.D. Yarnell Industrial Parkway Clinton, TN 37716	\$200,123.00

Note: The Office of Procurement Services conducted a sole source review and found no exceptions.

OWNER

Remotec, Inc.

Daniel Verwiel, President
Talha Zobair, Vice President
Susie Choung, Secretary
Steven C. Movius, Treasurer

May 9, 2018

WHEREAS, on October 26, 2016, City Council authorized the purchase of one medium duty explosives robot and medium duty explosives robot accessories with Remotec, Inc., in an amount not to exceed \$301,171, by Resolution No. 16-1725.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign an acquisition contract with Remotec, Inc. (VS0000035947), approved as to form by the City Attorney, for the purchase and training support of one light duty explosives robot for the Dallas Police Department, in an amount not to exceed \$200,123. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Remotec, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Remotec, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$200,123 to Remotec, Inc. from the Homeland Security Grant-Urban Area Security Initiative 16-18 Fund, Fund F511, Department MGT, Unit 2757, Object 4890, from Master Agreement Service Contract No. DPD-2018-00006121.

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 ITEM # 28

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

May 9, 2018

COUNCIL DISTRICT(S):

4

DEPARTMENT:

Water Utilities Department

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

56 J

SUBJECT

Authorize a professional services contract with Garver, LLC to provide engineering services for the design, construction administration, and start-up of rehabilitation improvements at Central Wastewater Treatment Plant - Not to exceed \$2,198,026 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

Activated Sludge Complex A at the Central Wastewater Treatment Plant was originally built in 1973 and consists of 12 individual treatment trains (12 aeration basins and 12 dedicated final clarifiers). This configuration presents treatment challenges and a lack of operational flexibility. Various improvements are needed to increase aeration efficiency, provide operational flexibility and extend the useful service life of the facility.

Garver, LLC will be responsible for addressing various process, mechanical, electrical and structural improvements at Activated Sludge Complex A.

The estimated construction cost for this project is \$15,000,000.00

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2018
Complete Design	September 2019
Begin Construction	November 2019
Complete Construction	November 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 23, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$2,198,026.00

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:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$2,198,026.00	Architectural & Engineering	25.66%	25.81%	\$567,344.00

- This contract exceeds the M/WBE goal of 25.66%

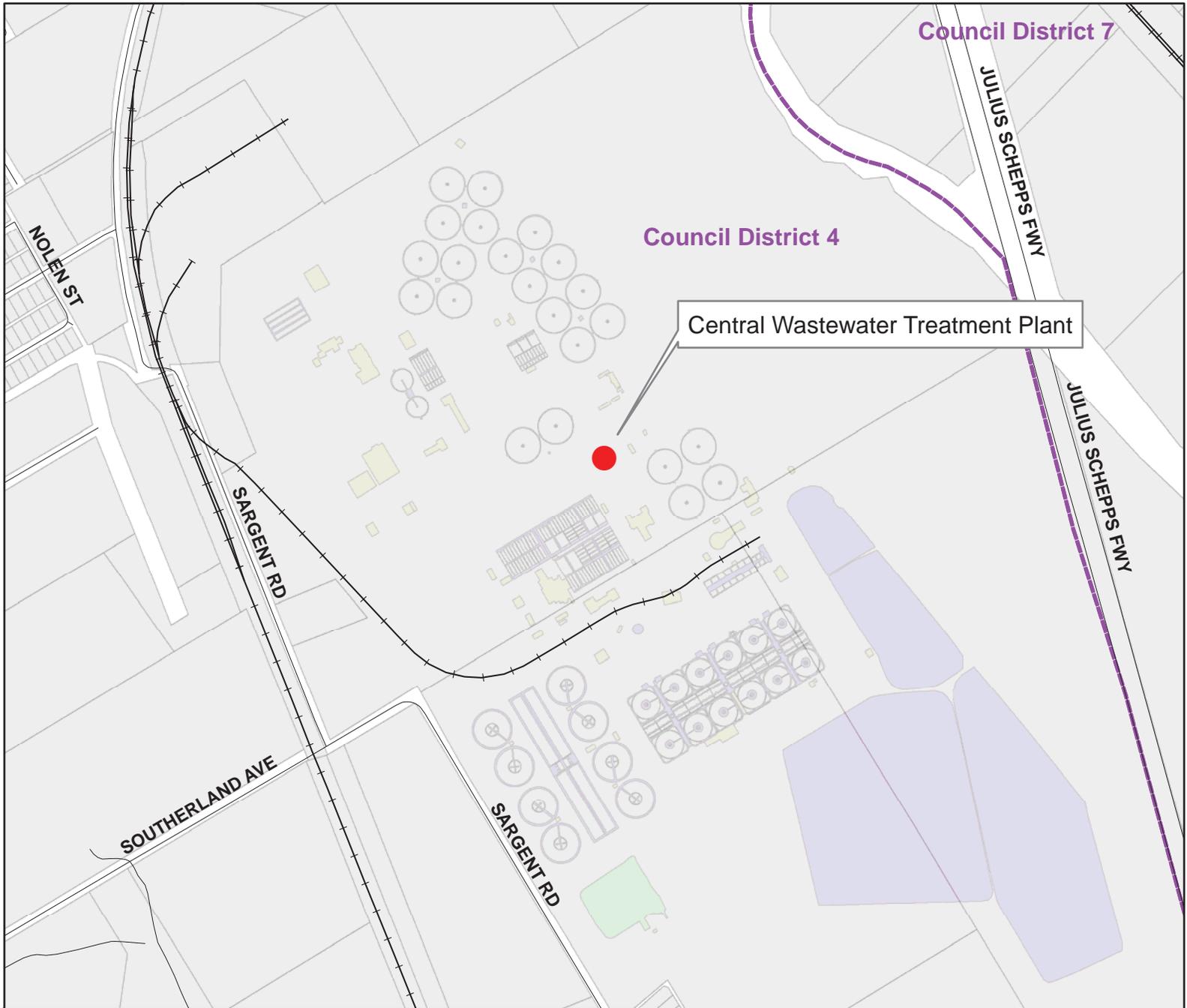
OWNER

Garver, LLC

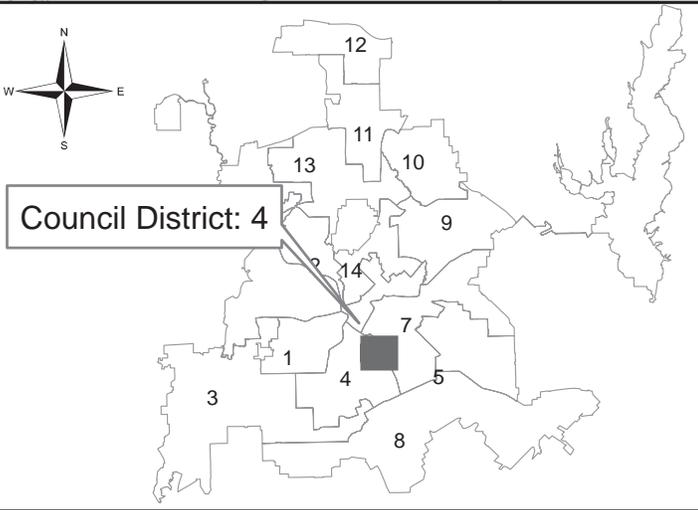
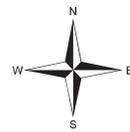
Daniel H. Williams, President and Chief Executive Officer
Steven M. Jones, Senior Vice President
Jeffrey L. Sober, Vice President

MAP

Attached



Mapsc0: 56 J



**Dallas Water Utilities
 Contract No. 18-014E
 Central Wastewater Treatment Plant
 Complex A Mechanical and Process Improvements**

May 9, 2018

WHEREAS, the City of Dallas has identified a need to address various process, mechanical, electrical and structural improvements at Activated Sludge Complex A of the Central Wastewater Treatment Plant; and

WHEREAS, engineering services are required for various improvements to increase aeration efficiency, provide operational flexibility, and extend the useful service life of the facility; and

WHEREAS, Garver, LLC, 14160 North Dallas Parkway, Suite 850, Dallas, Texas 75254 has submitted an acceptable proposal to provide these engineering services.

Now, Therefore,

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

SECTION 1. That the proposal submitted by Garver, LLC, Contract No. 18-014E, in the amount of \$2,198,026 be approved and the consultant be authorized to perform the required engineering services.

SECTION 2. That the City Manager is hereby authorized to sign an engineering services contract with Garver, LLC, approved as to form by the City Attorney, to provide engineering services for the design, construction administration, and start-up of rehabilitation improvements at the Central Wastewater Treatment Plant Complex A, in an amount not to exceed \$2,198,026.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,198,026 to Garver, LLC from the Wastewater Capital Improvement Fund, Fund 2116, Department DWU, Unit PS30, Object 4111, Program 718014, Encumbrance/Contract No. CX-DWU-2018-00005608, Vendor VS0000016343.

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.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 2, 3, 4, 7, 9, 13, 14

DEPARTMENT: Water Utilities Department
Department of Aviation

CMO: Majed Al-Ghafry, 670-3302
Jody Puckett, 670-3390

MAPSCO: Various

SUBJECT

Authorize a construction contract for the installation of water and wastewater mains at 11 locations (list attached) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of seven - Not to exceed \$5,499,773 - Financing: Aviation Capital Construction Funds (\$1,355,864) and Water Utilities Capital Improvement Funds (\$4,143,909)

BACKGROUND

This action consists of the replacement and rehabilitation of approximately 18,690 feet of water and wastewater mains. This includes the installation of approximately 405 feet of 4-inch, 230 feet of 6-inch, 4,240 feet of 8-inch, 1,210 feet of 12-inch, 36 feet of 16-inch, and 3,310 feet of 36-inch water mains, and the installation of approximately 376 feet of 6-inch, 7,885 feet of 8-inch, and 998 feet of 12-inch wastewater mains.

The project includes the relocation of approximately 3,310 feet of 36-inch water main at Dallas Executive Airport. The water line will be moved to accommodate airport expansions and will be relocated outside of the runway. Aviation will provide funding for this relocation.

The existing water and wastewater mains were built between 1925 and 1982. These mains are contributing to an increase in maintenance costs, as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs.

John Burns Construction Company of Texas, Inc. has had no completed contractual activities with the City of Dallas in the past three years.

ESTIMATED SCHEDULE OF PROJECT

Began Design February 2017
Completed Design January 2018
Begin Construction July 2018
Complete Construction June 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 13, 2012, City Council authorized a professional services contract with APM & Associates, Inc. to provide design services for the renewal of water and wastewater mains at 33 locations and design and surveying services for water and wastewater main locations in advance of outside agency projects by Resolution No. 12-1558.

Information about this item was provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 23, 2018.

FISCAL INFORMATION

Aviation Capital Construction Funds - \$1,355,863.50
Water Utilities Capital Improvement Funds - \$4,143,909.50

Design \$ 587,650.00
Construction (this action) \$5,499,773.00

Total Project Cost \$6,087,423.00

<u>Council District</u>	<u>Amount</u>
2	\$ 112,595.00
3	\$1,120,557.00
4	\$1,392,761.00
7	\$ 595,015.00
9	\$ 858,535.00
13	\$1,257,108.00
14	<u>\$ 163,202.00</u>
Total	\$5,499,773.00

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:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$5,499,773.00	Construction	25.00%	22.48%	\$1,236,500.00

- This contract does not meet the M/WBE goal of 25.00%, but complies with good faith efforts

BID INFORMATION

The following seven bids with quotes were opened on February 23, 2018:

*Denotes successful bidder

<u>Bidders</u>	<u>Bid Amount</u>
*John Burns Construction Company of Texas, Inc. 655 East Main Street Lewisville, Texas 75057	\$5,499,773.00
SYB Construction Company, Inc.	\$6,085,236.45
Omega Contracting, Inc.	\$6,127,052.00
Camino Construction, L.P.	\$6,128,502.50
Flow-Line Construction, Inc.	\$6,523,067.00
Ark Contracting Services, LLC	\$6,591,687.00
RKM Utility Services, Inc.	\$7,512,610.75

OWNER

John Burns Construction Company of Texas, Inc.

William B. O'Malley, Owner

MAPS

Attached

Renewal of Water and Wastewater Mains

District 2

Alley between Munger Avenue and Cabell Drive from Peak Street to Ashby Street

District 3

Adelaide Drive from Burnside Avenue to Kildare Avenue
Easement south of West Ledbetter Drive from Boulder Drive to east of South
Westmoreland Road

District 4

Alley between East Illinois Avenue and Dugald Place from East Kiest Boulevard to east
of Sutter Street
Alley between Sunnyvale Street and East Illinois Avenue from west of Sutter Street to
south of East Kiest Boulevard
South Ewing Avenue from East Louisiana Avenue south to alley north of East
Woodin Boulevard

District 7

Stephenson Street from Lawrence Street to Bexar Street

District 9

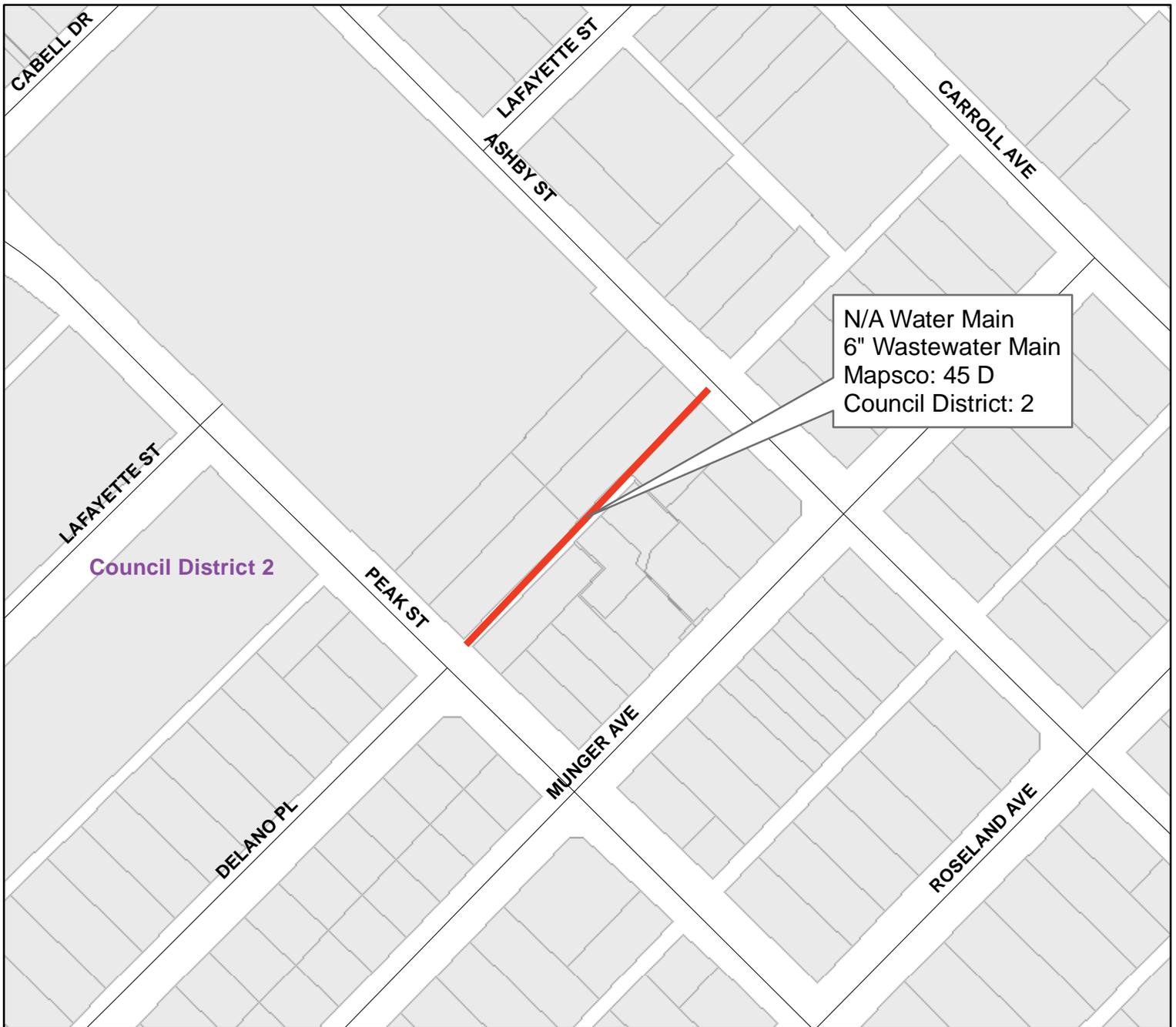
Highland Road from San Rafael Drive southeast
Waskom Street from Visalia Drive to Shiloh Road

District 13

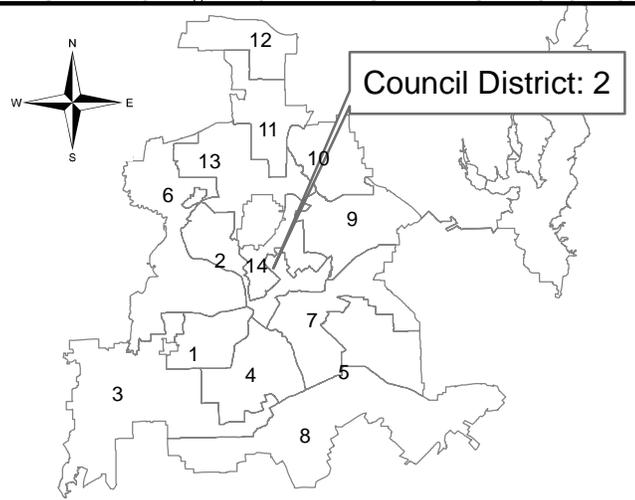
Chadbourne Road from Caruth Boulevard to Stanford Avenue

District 14

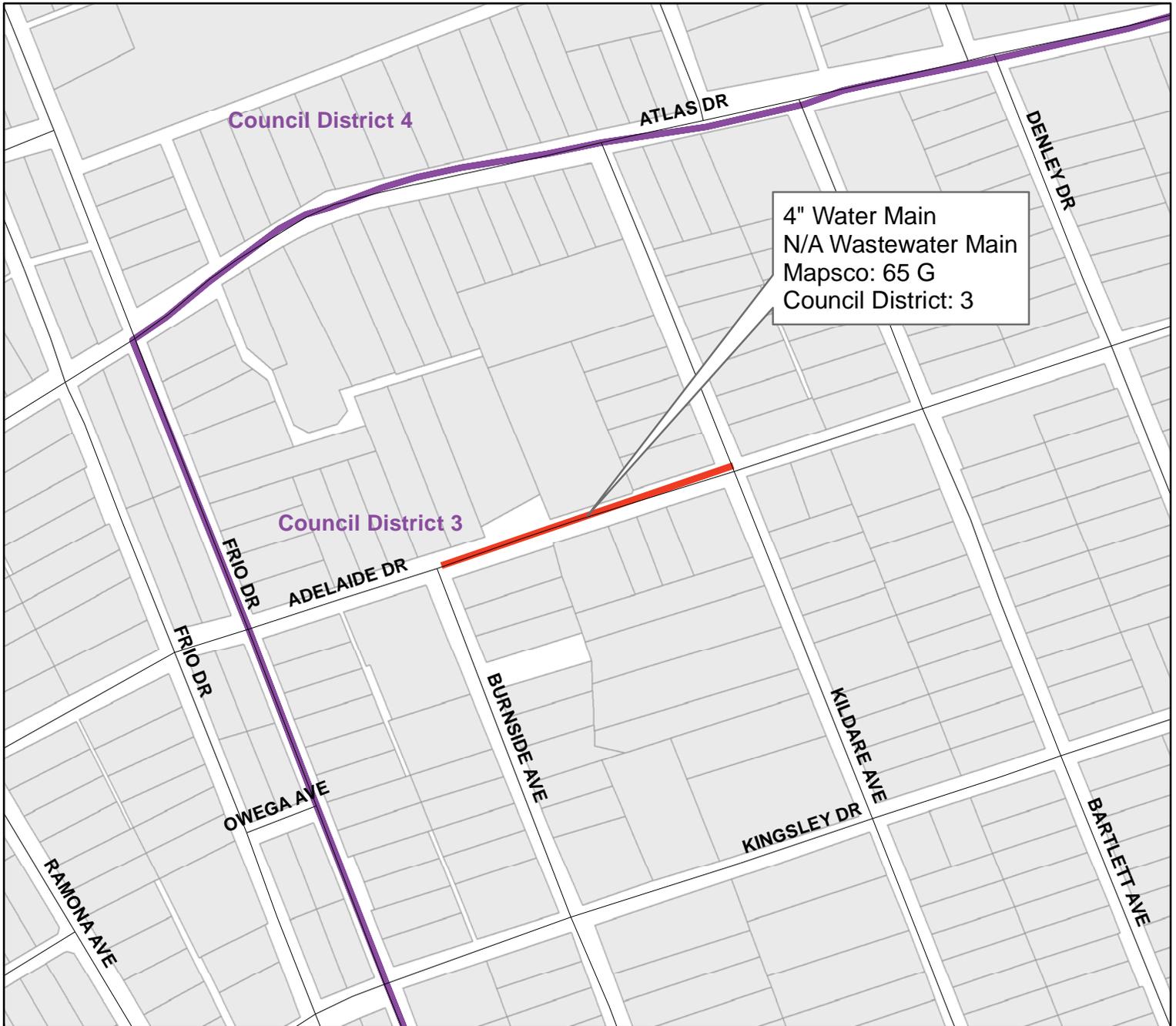
Hubert Street from Lewis Street to Hoskins Street



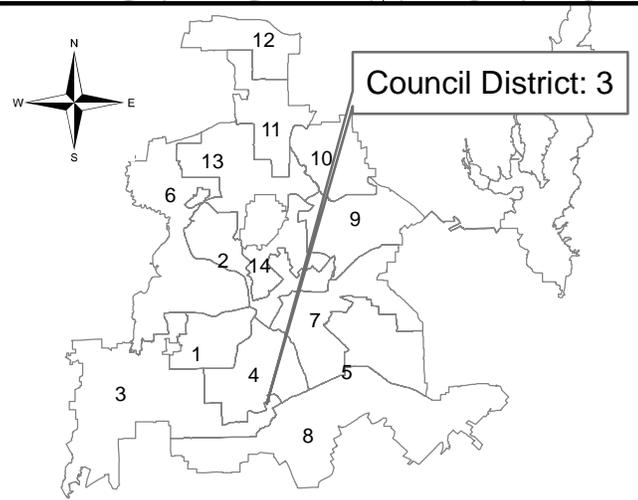
Alley between Munger Avenue and Cabell Drive
from Peak Street to Ashby Street



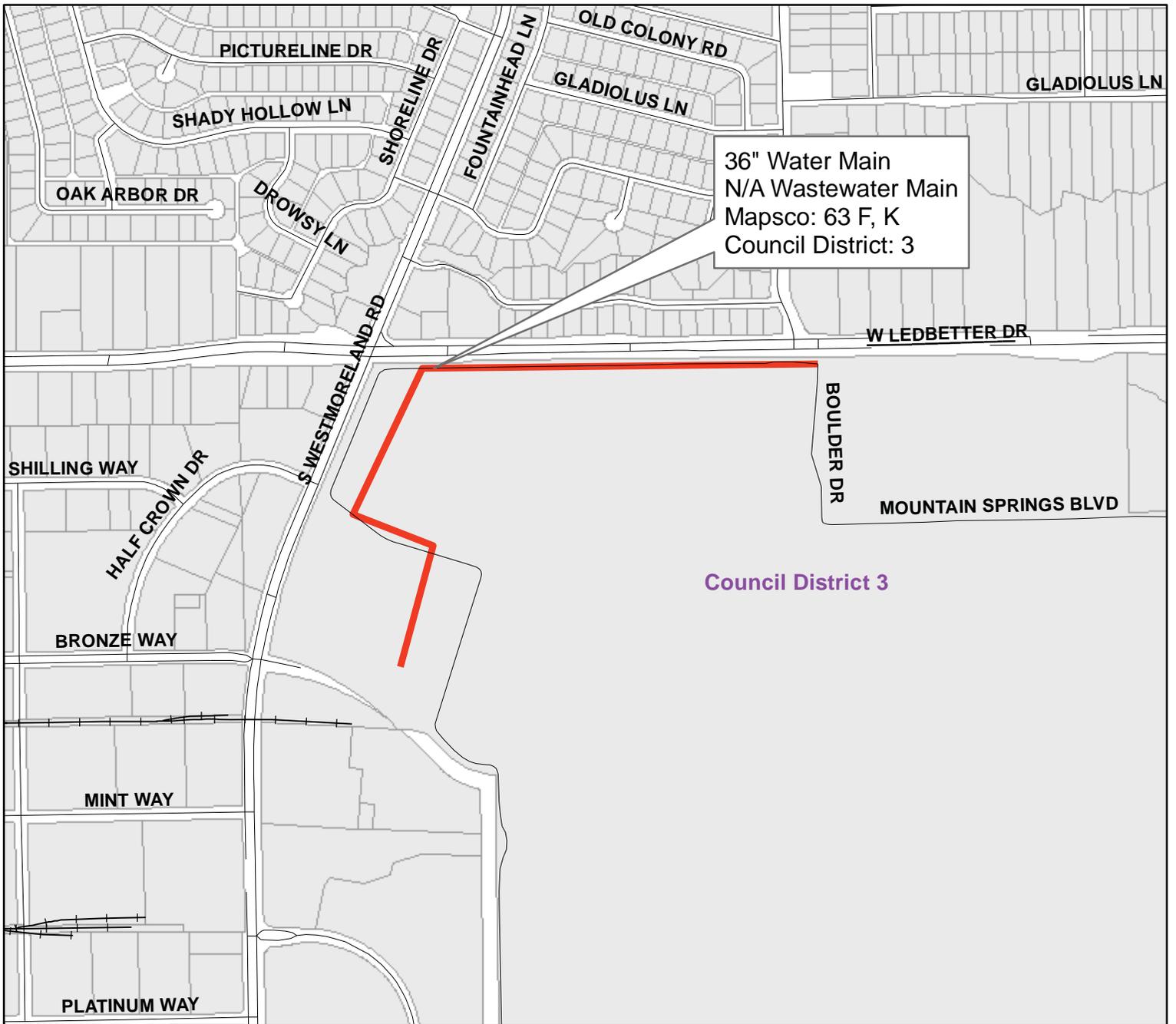
**Dallas Water Utilities
Contract No. 18-023/024
Water and Wastewater Main Installations
at 11 Locations**



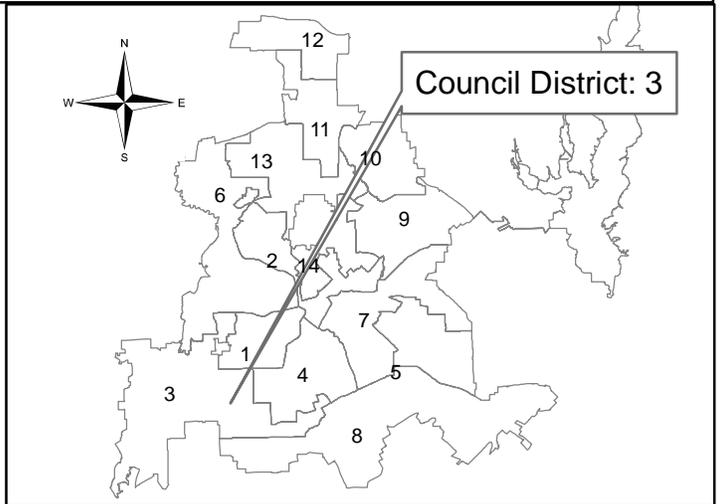
Adelaide Drive
 from Burnside Avenue to Kildare Avenue

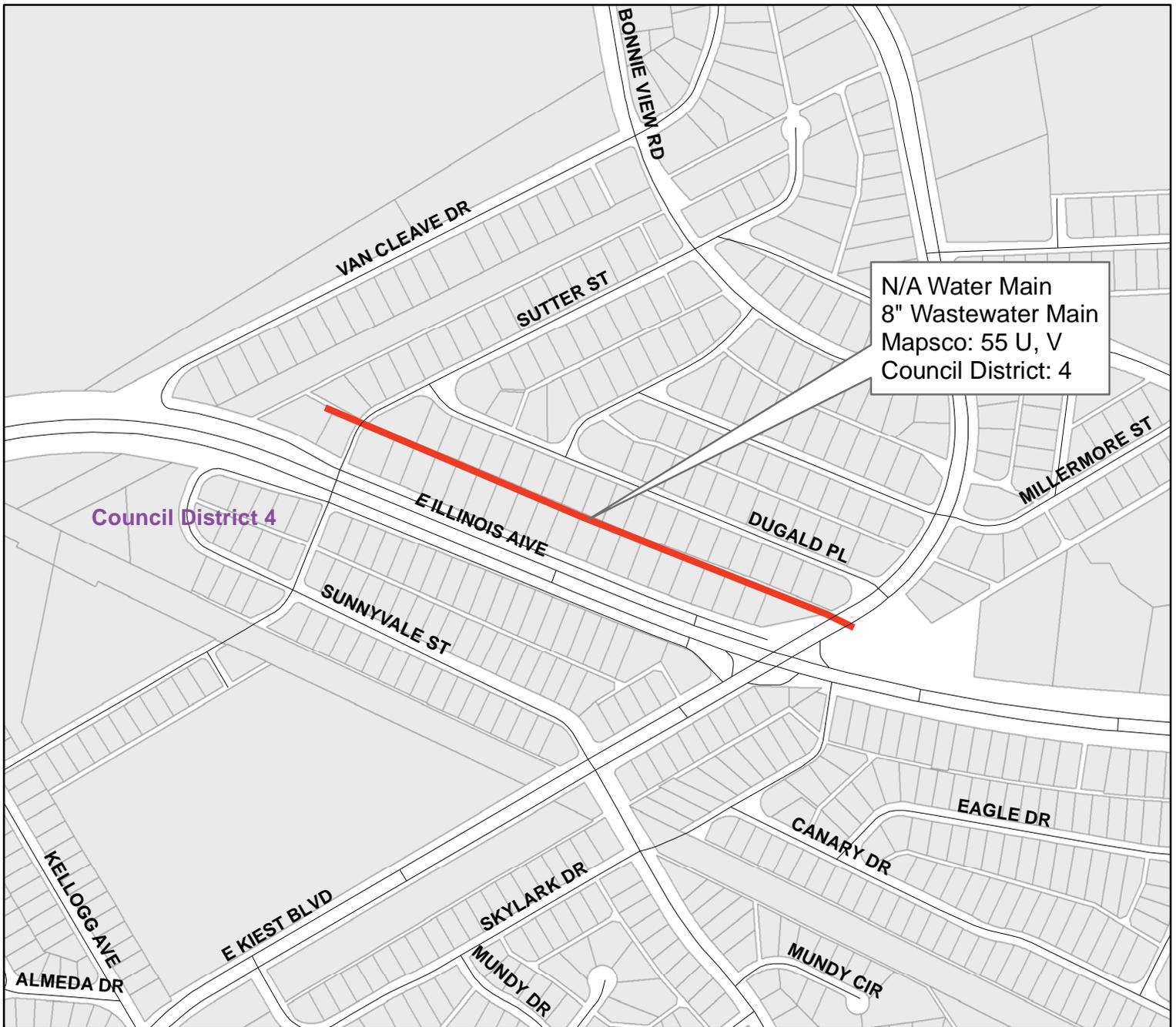


Dallas Water Utilities
Contract No. 18-023/024
Water and Wastewater Main Installations
at 11 Locations



Easement south of West Ledbetter Drive
 from Boulder Drive to east of South Westmoreland Road

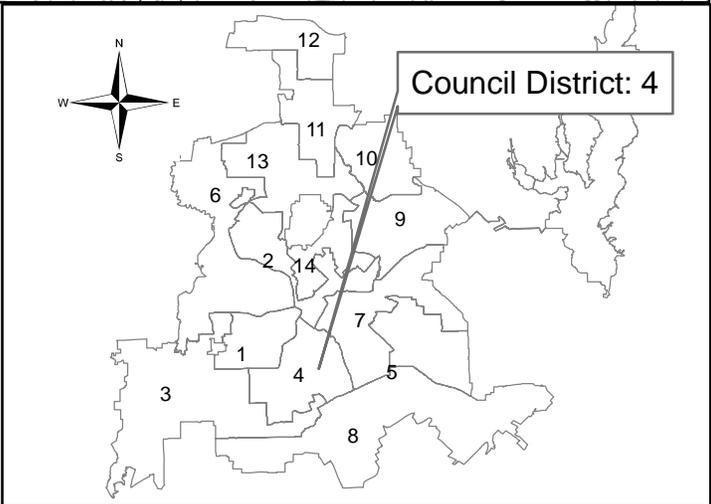




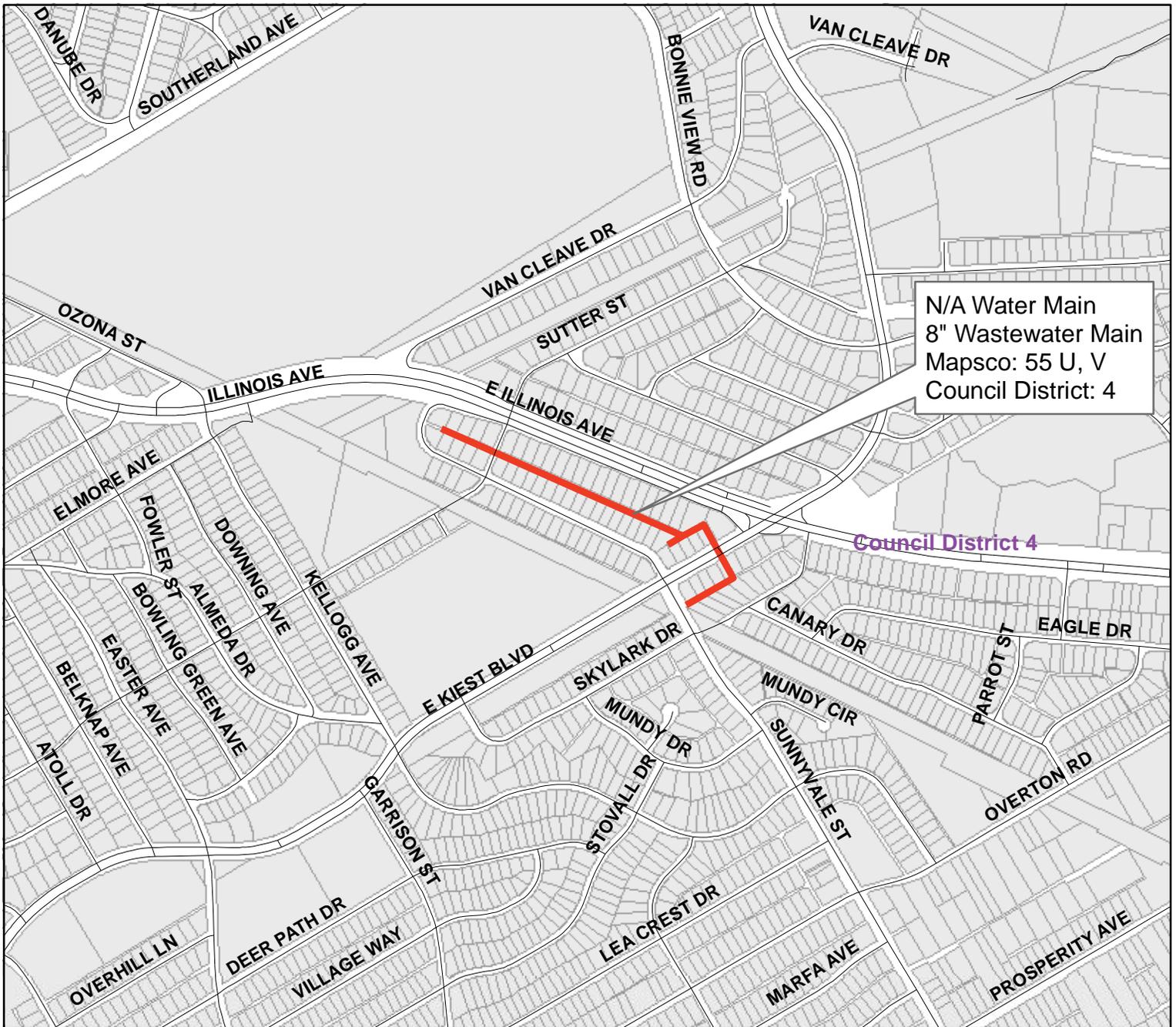
N/A Water Main
 8" Wastewater Main
 Mapsco: 55 U, V
 Council District: 4

Council District 4

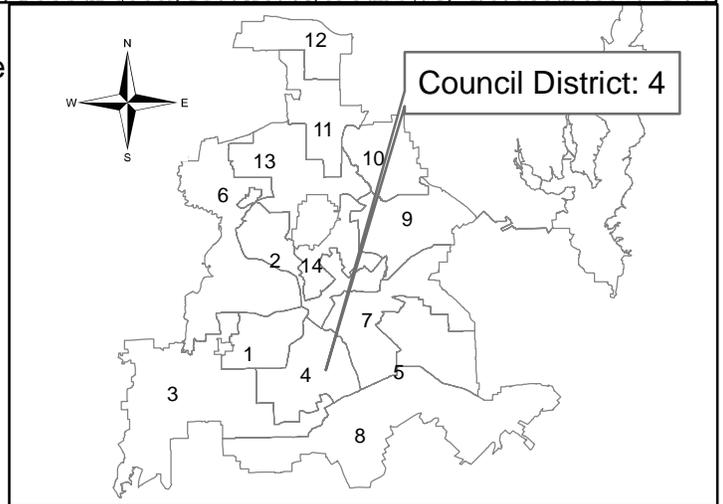
Alley between East Illinois Avenue and Dugald Place
 from East Kiest Boulevard to east of Sutter Street



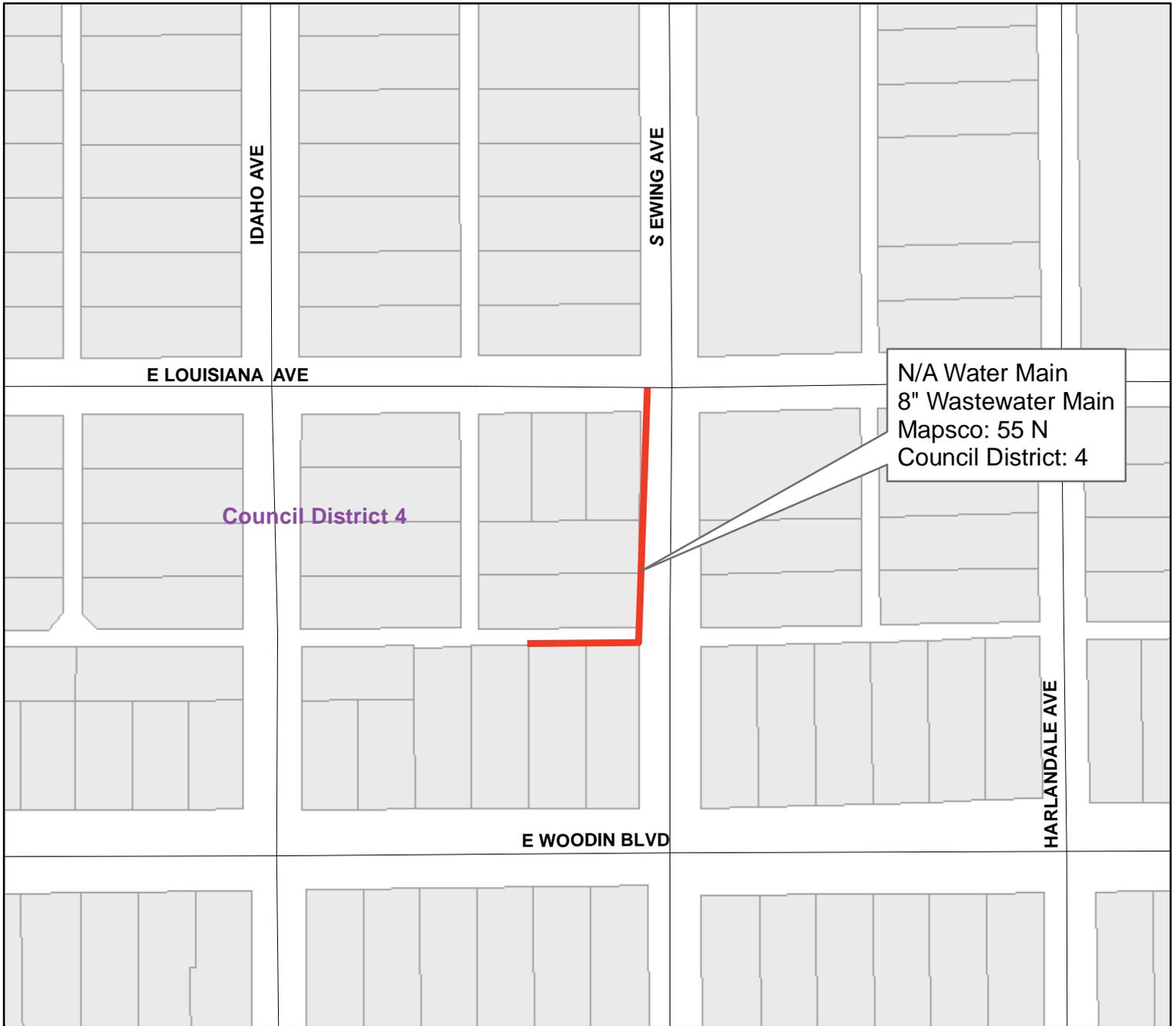
Dallas Water Utilities
Contract No. 18-023/024
Water and Wastewater Main Installations
at 11 Locations



Alley between Sunnyvale Street and East Illinois Avenue
 from west of Sutter Street to south of East Kiest
 Boulevard

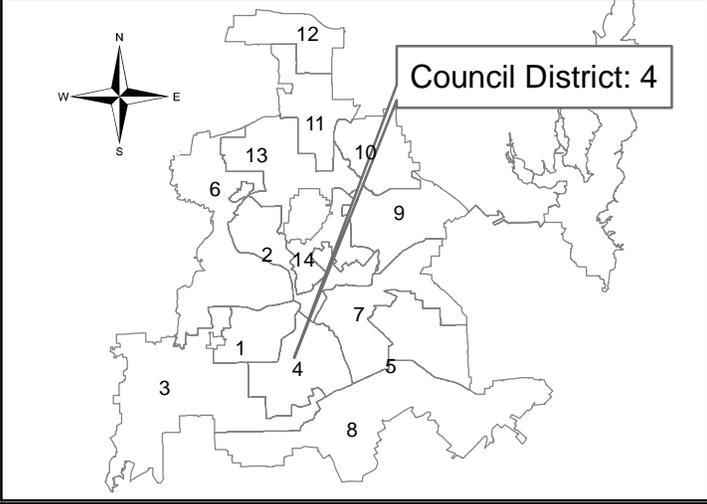


Dallas Water Utilities
Contract No. 18-023/024
Water and Wastewater Main Installations
at 11 Locations

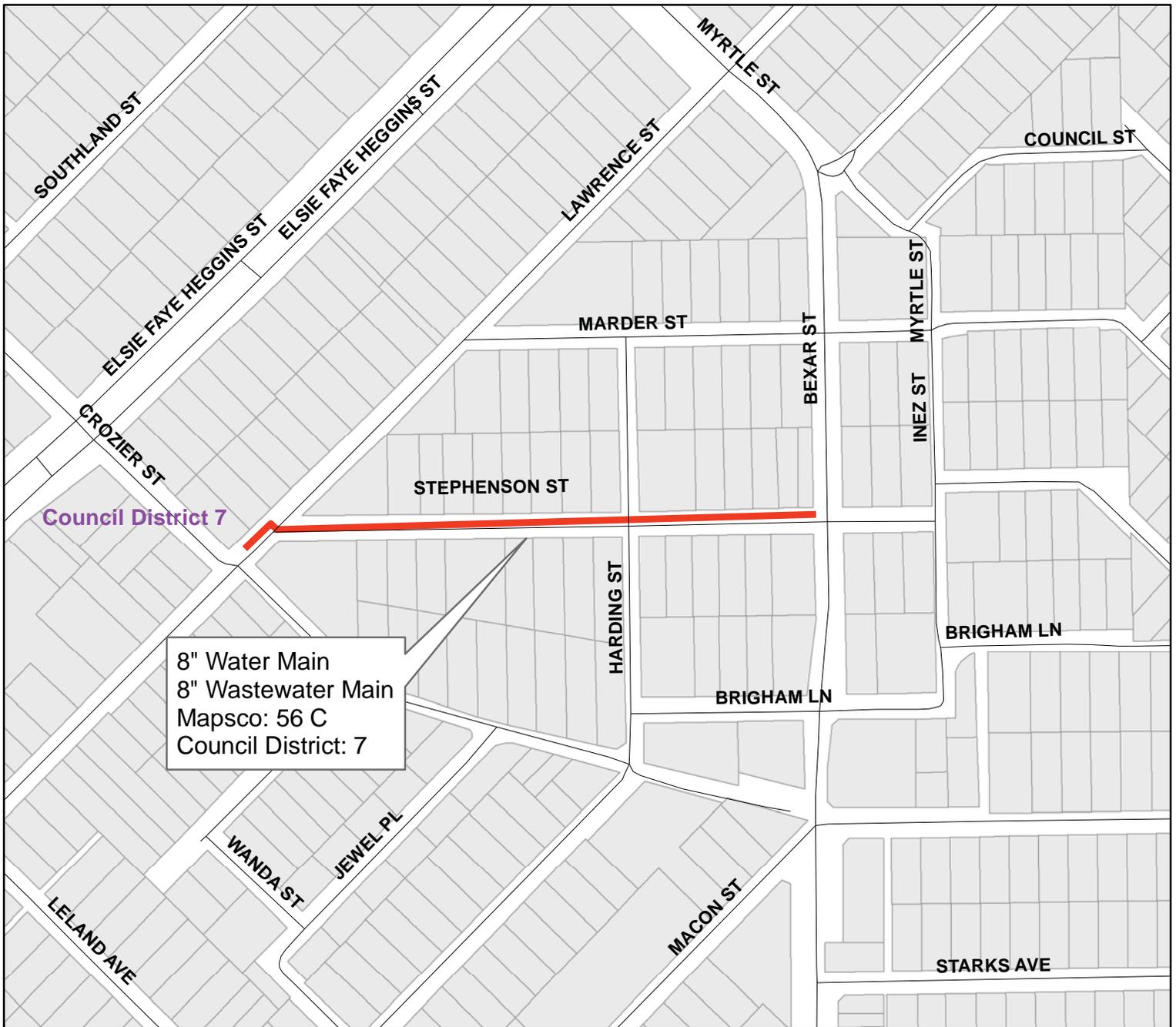


N/A Water Main
 8" Wastewater Main
 Mapsco: 55 N
 Council District: 4

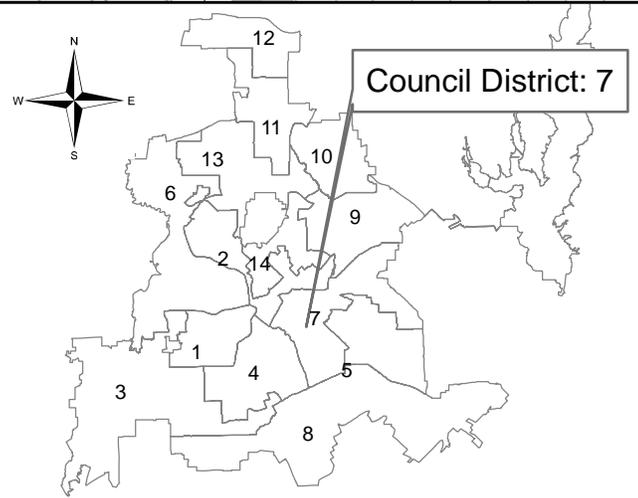
South Ewing Avenue
 from East Louisiana Avenue south to alley
 north of East Woodin Boulevard



Dallas Water Utilities
Contract No. 18-023/024
Water and Wastewater Main Installations
at 11 Locations



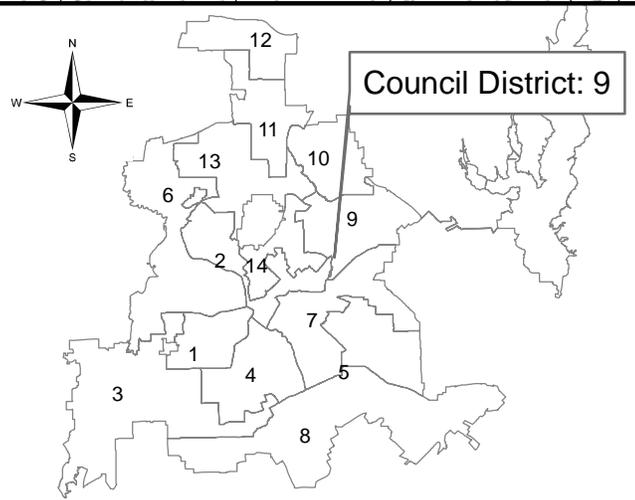
Stephenson Street
 from Lawrence Street to Bexar Street



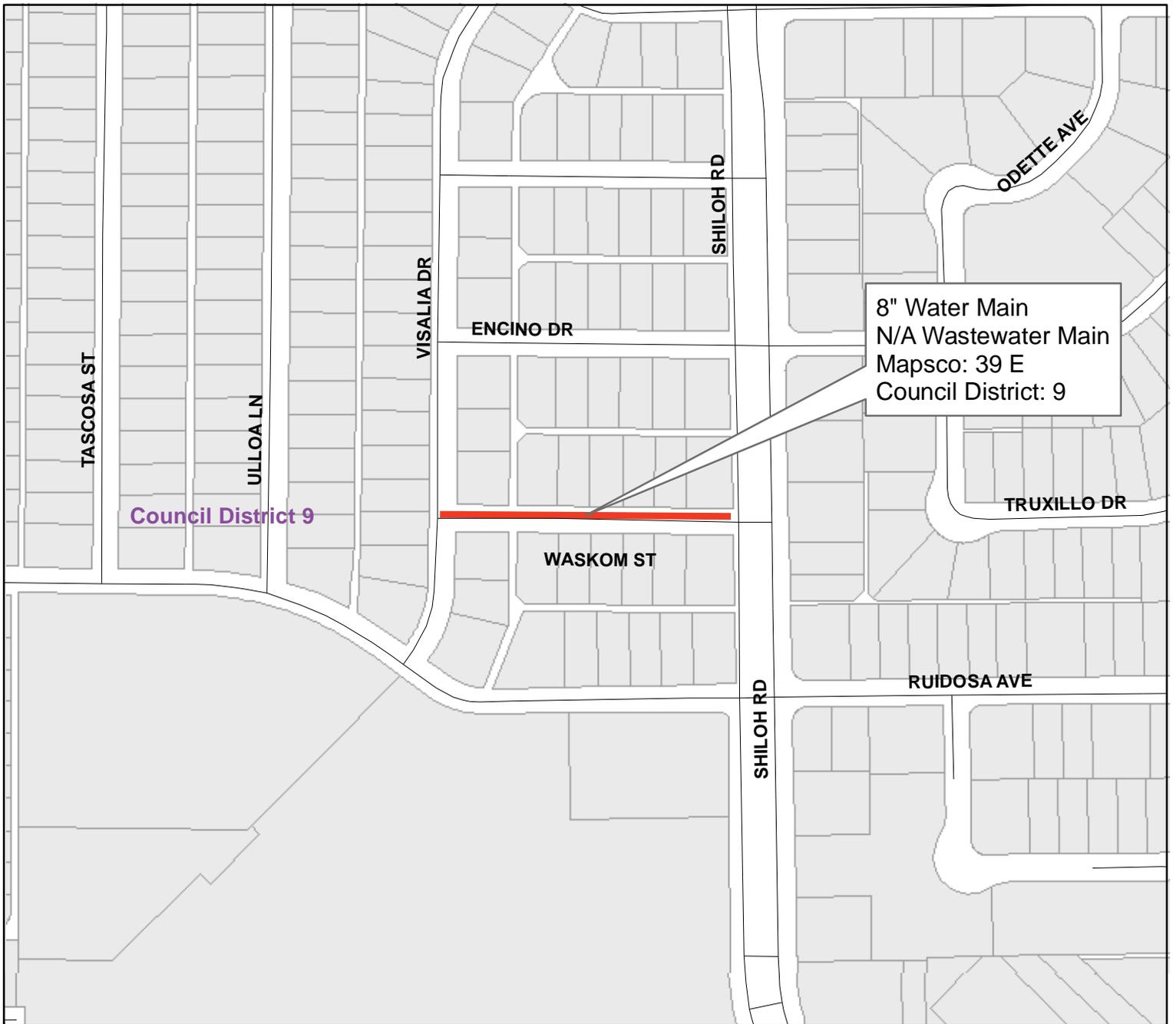
Dallas Water Utilities
Contract No. 18-023/024
Water and Wastewater Main Installations
at 11 Locations



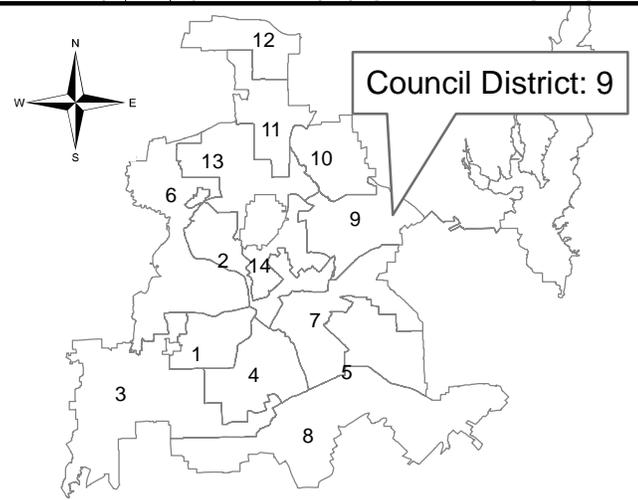
Highland Road
from San Rafael Drive southeast



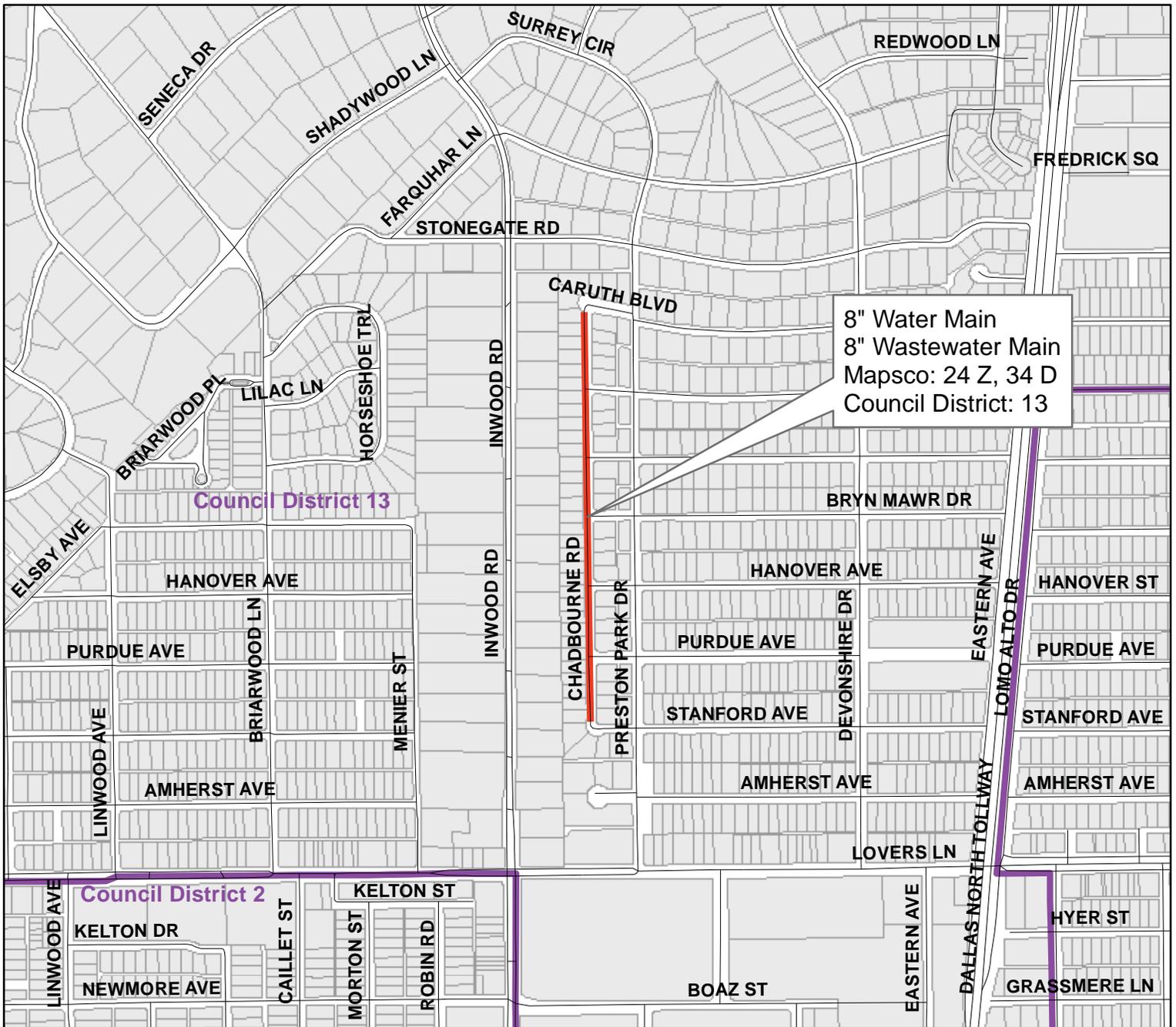
**Dallas Water Utilities
Contract No. 18-023/024
Water and Wastewater Main Installations
at 11 Locations**



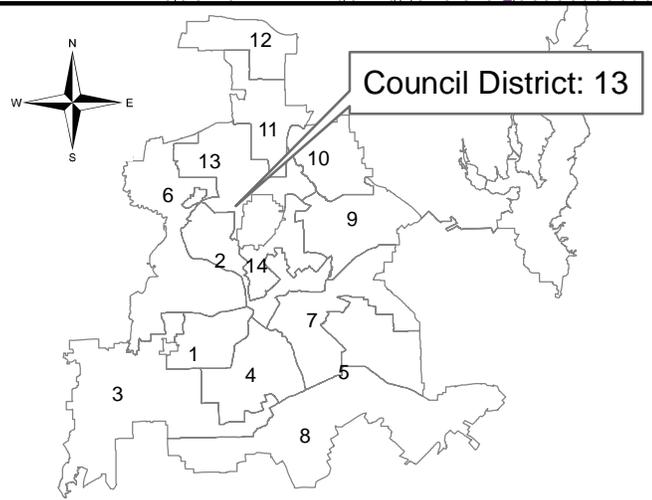
Waskom Street
from Visalia Drive to Shiloh Road



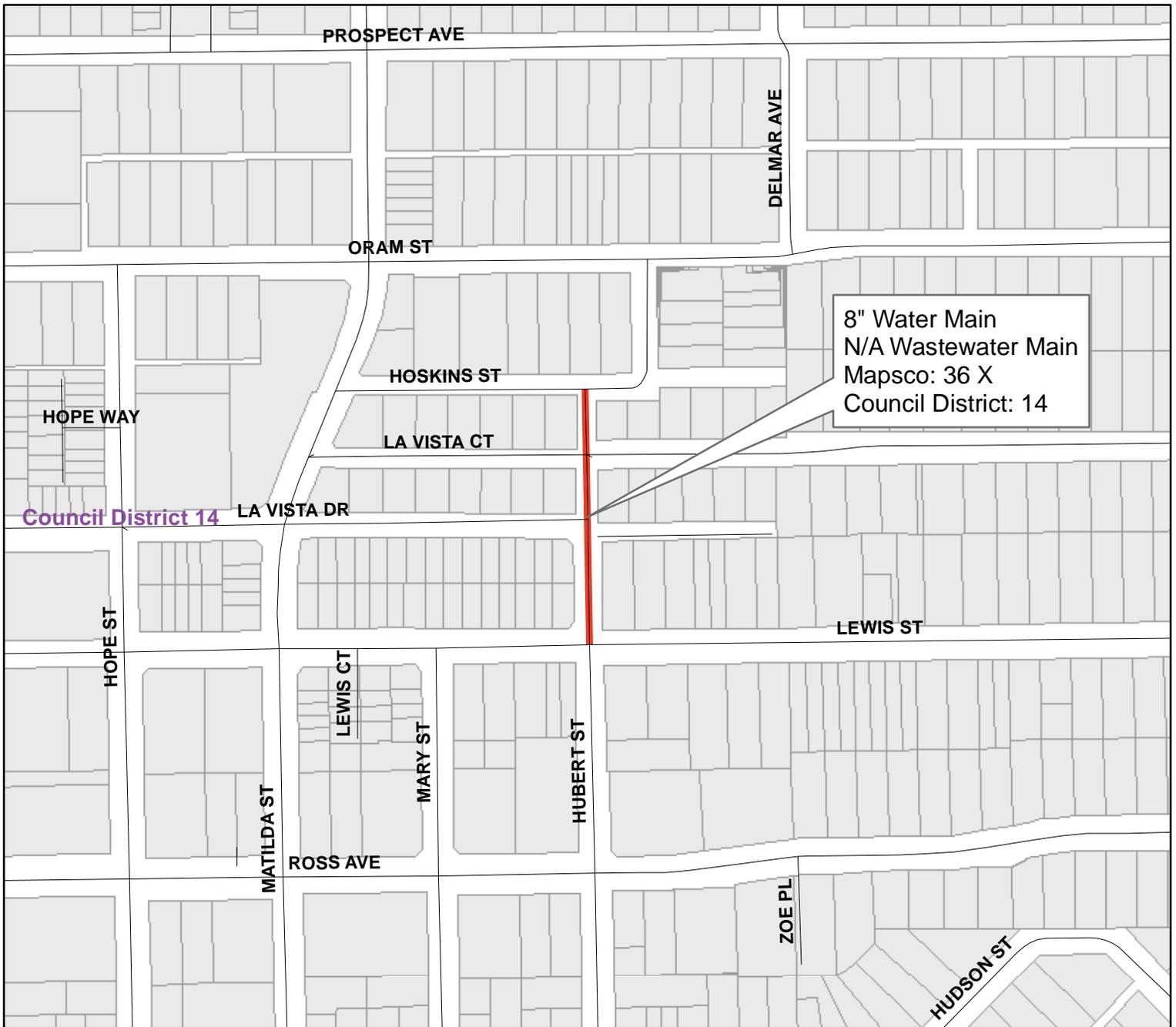
**Dallas Water Utilities
Contract No. 18-023/024
Water and Wastewater Main Installations
at 11 Locations**



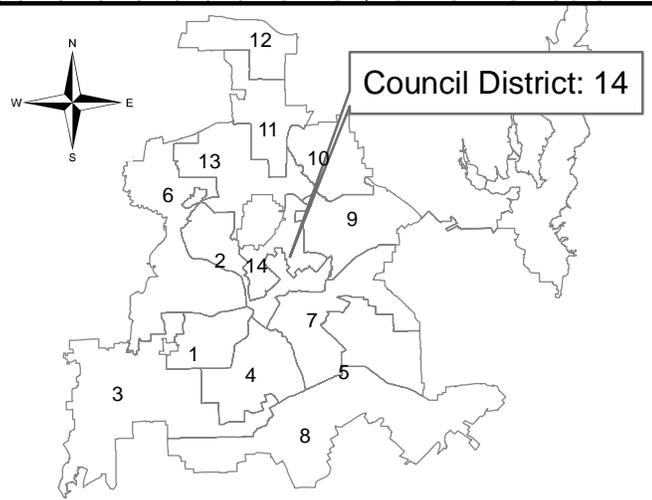
Chadbourne Road
from Caruth Boulevard to Stanford Avenue



Dallas Water Utilities
Contract No. 18-023/024
Water and Wastewater Main Installations
at 11 Locations



Hubert Street
from Lewis Street to Hoskins Street



Dallas Water Utilities
Contract No. 18-023/024
Water and Wastewater Main Installations
at 11 Locations

May 9, 2018

WHEREAS, on February 23, 2018, seven bids were received for the installation of water and wastewater mains at 11 locations, Contract No. 18-023/024, listed as follows:

<u>Bidders</u>	<u>Bid Amount</u>
John Burns Construction Company of Texas, Inc.	\$5,499,773.00
SYB Construction Company, Inc.	\$6,085,236.45
Omega Contracting, Inc.	\$6,127,052.00
Camino Construction, L.P.	\$6,128,502.50
Flow-Line Construction, Inc.	\$6,523,067.00
Ark Contracting Services, LLC	\$6,591,687.00
RKM Utility Services, Inc.	\$7,512,610.75

WHEREAS, the bid submitted by John Burns Construction Company of Texas, Inc., 655 East Main Street, Lewisville, Texas 75057, in the amount of \$5,499,773.00, is the lowest and best of all bids received.

Now, Therefore,

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

SECTION 1. That the bid submitted by John Burns Construction Company of Texas, Inc., in the amount of \$5,499,773.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 18-023/024, be accepted.

SECTION 2. That the City Manager is hereby authorized to sign a construction contract with John Burns Construction Company of Texas, Inc., approved as to form by the City Attorney, for the installation of water and wastewater mains at 11 locations, in an amount not to exceed \$5,499,773.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$5,499,773.00 to John Burns Construction Company of Texas, Inc., as follows:

Water Capital Improvement Fund Fund 2115, Department DWU, Unit PW40 Object 4550, Program 718023, Vendor VS0000000852 Encumbrance/Contract No. CX-DWU-2018-00005797	\$2,591,108.50
---	----------------

Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS40 Object 4560, Program 718024, Vendor VS0000000852 Encumbrance/Contract No. CX-DWU-2018-00005797	\$1,552,801.00
--	----------------

May 9, 2018

SECTION 3. (continued)

Aviation Capital Construction Fund	
Fund 0131, Department AVI, Unit W259	
Object 4151, Activity AV25, Program AVIW259, Vendor VS0000000852	
Encumbrance/Contract No. CX-DWU-2018-00005797	<u>\$1,355,863.50</u>
Total amount not to exceed	\$5,499,773.00

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Water Utilities Department
Department of Aviation

CMO: Majed Al-Ghafry, 670-3302
Jody Puckett, 670-3390

MAPSCO: Various

SUBJECT

Authorize an increase in the construction services contract with John Burns Construction Company of Texas, Inc. for additional work associated with the installation of water and wastewater mains at three locations (list attached) - Not to exceed \$1,036,349, from \$10,528,912 to \$11,565,261 - Financing: Aviation Capital Construction Funds (\$148,000) and Water Utilities Capital Improvement Funds (\$888,349)

BACKGROUND

On September 22, 2015, City Council authorized a contract for the installation of water and wastewater mains at 12 locations to John Burns Construction Company of Texas, Inc. The project consists of the installation and rehabilitation of water and wastewater mains primarily located in the Dallas Love Field Airport Area. After award of the construction contract, the Aviation Department requested that the proposed wastewater mains in Herb Kelleher Way be upsized from what was originally proposed. The increase in pipe size will provide additional capacity for future development expected at Love Field.

In addition, unstable ground and soil conditions along with a high ground water table at Hawes Avenue north of Herb Kelleher Way requires a change in the method of pipe installation from open cut excavation to trenchless methods. Installation by trenchless methods will reduce the amount of additional construction costs for soil hauling and dewatering and greatly reduce impacts to nearby businesses and airport traffic.

Lastly, there is a need to extend the trenchless installation of a 15-inch wastewater main in the vicinity of Lemmon Avenue to avoid impacts to an existing 36-inch water line, airport signage and other communication and electric utility lines.

BACKGROUND (continued)

John Burns Construction Company of Texas, Inc. has submitted an acceptable proposal for the additional construction work, which includes the following items:

- Upsize of approximately 2,994 feet of wastewater main from 15-inch to 18-inch at Herb Kelleher Way
- Additional trenchless pipe installation at Hawes Avenue, including approximately 1,458 feet of 21-inch wastewater main
- Additional 140 feet of trenchless installation for 15-inch wastewater main in the vicinity of Lemmon Avenue

ESTIMATED SCHEDULE OF PROJECT

Begin Construction June 2018
Complete Construction December 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 11, 2013, City Council authorized a professional services contract with Huitt-Zollars, Inc. to provide engineering design services for the renewal of water and wastewater mains at 32 locations by Resolution No. 13-1582.

On September 22, 2015, City Council authorized a contract with John Burns Construction Company of Texas, Inc. for the installation of water and wastewater mains at 12 locations by Resolution No. 15-1781.

Information about this item was provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 23, 2018.

FISCAL INFORMATION

Aviation Capital Construction Funds - \$148,000.00
Water Utilities Capital Improvement Funds - \$888,349.00

Design	\$ 1,398,698.00
Construction Contract	\$10,528,912.00
Change Order No. 1 (this action)	\$ <u>1,036,349.00</u>
 Total Project Cost	 \$12,963,959.00

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:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$1,036,349.00	Construction	25.00%	-1.64%	\$-16,991.28

- Change Order No 1 - (1.64%) M/WBE Participation
- This contract does not meet the M/WBE goal of 25.00%
- Overall goal is 11.07%

OWNER

John Burns Construction Company of Texas, Inc.

William B. O'Malley, President

MAPS

Attached

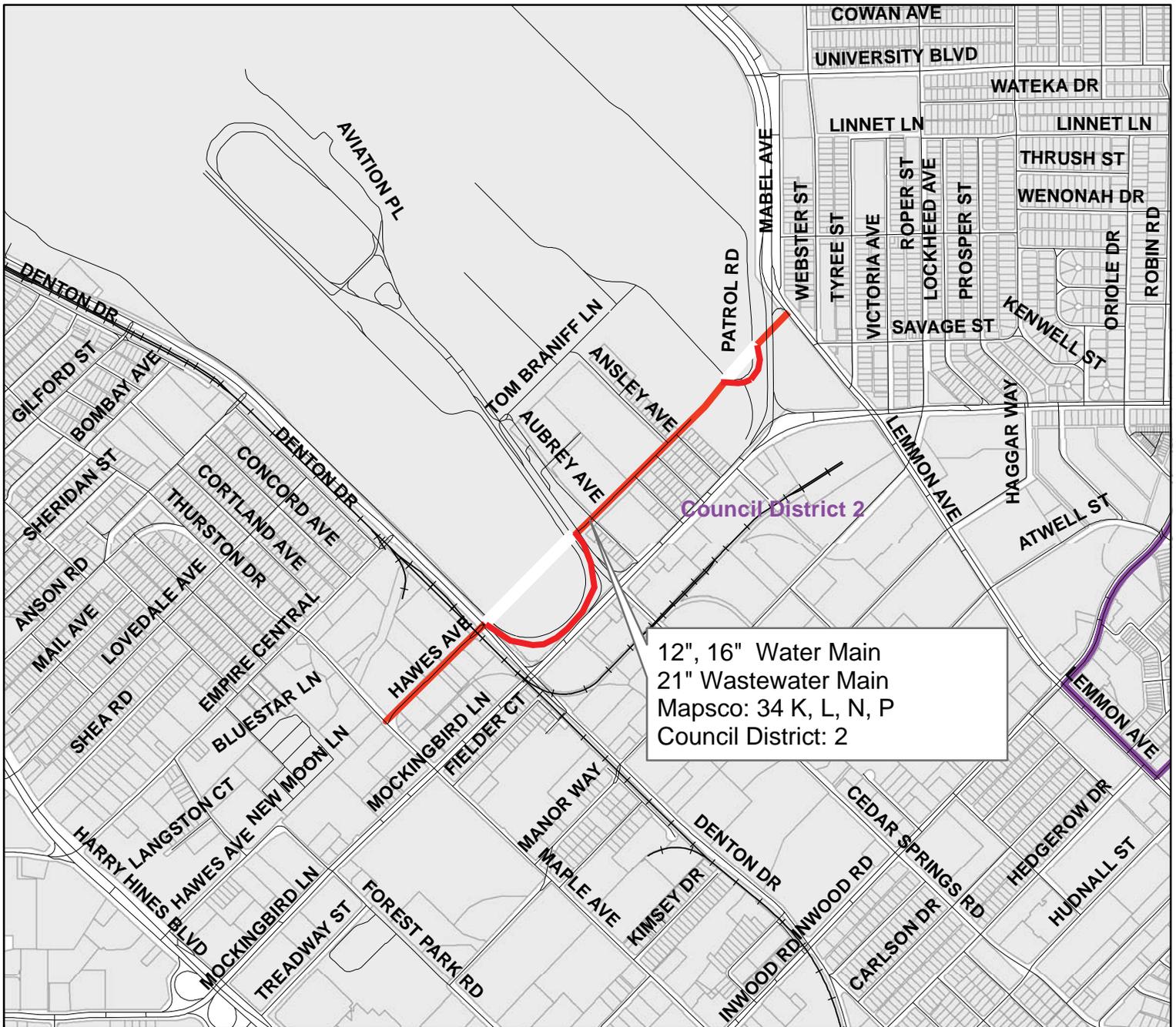
Renewal of Water and Wastewater Mains

District 2

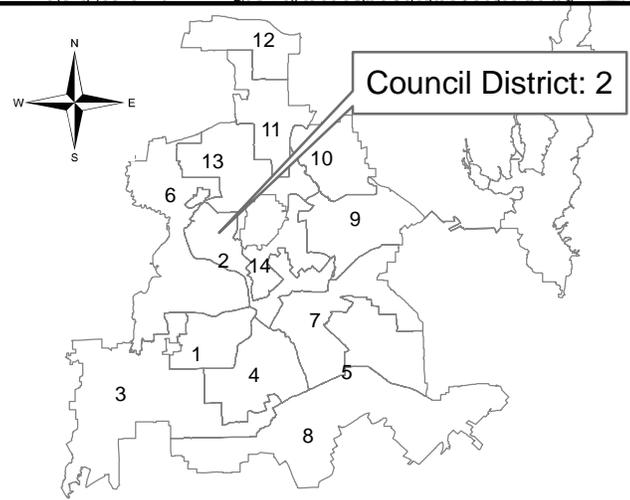
Hawes Avenue from Maple Avenue to Lemmon Avenue

Herb Kelleher Way from Love Field Airport to Tom Braniff Lane

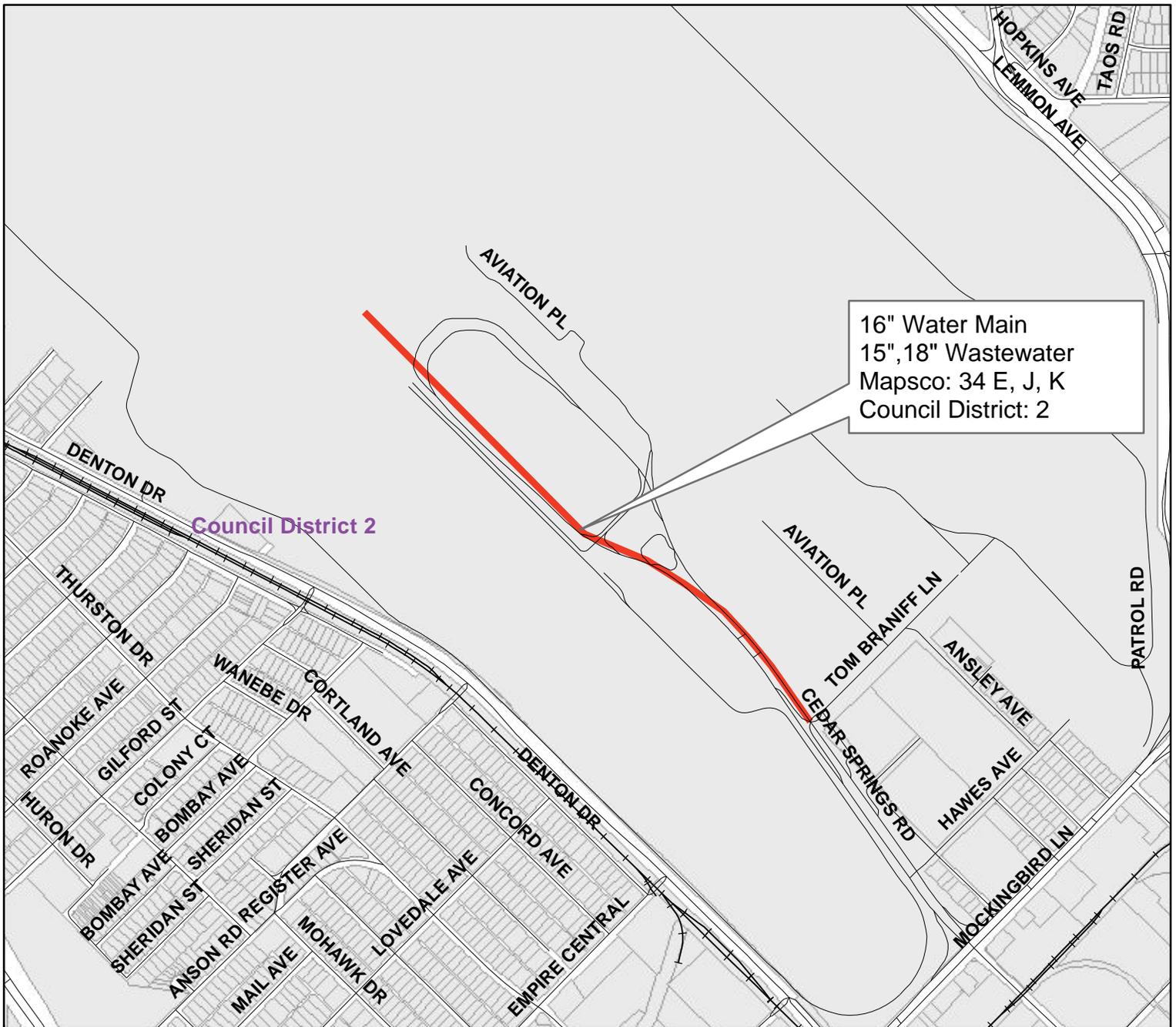
Lemmon Avenue from Love Field Airport southeast



Hawes Avenue
 from Maple Avenue to Lemmon Avenue



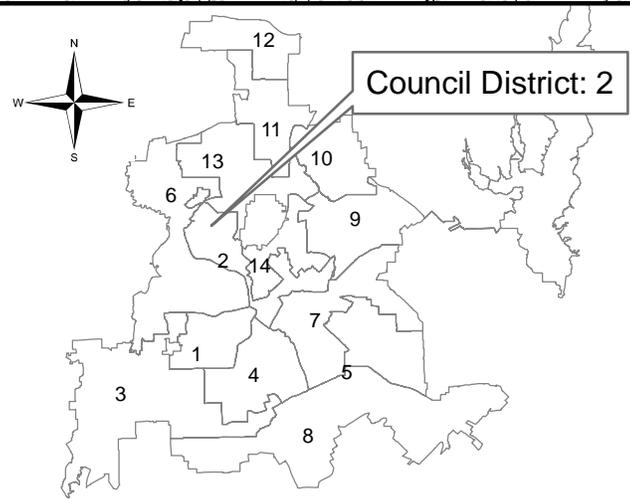
Dallas Water Utilities
Contract No. 15-103/104, Change Order No. 1
Water and Wastewater Main Installations



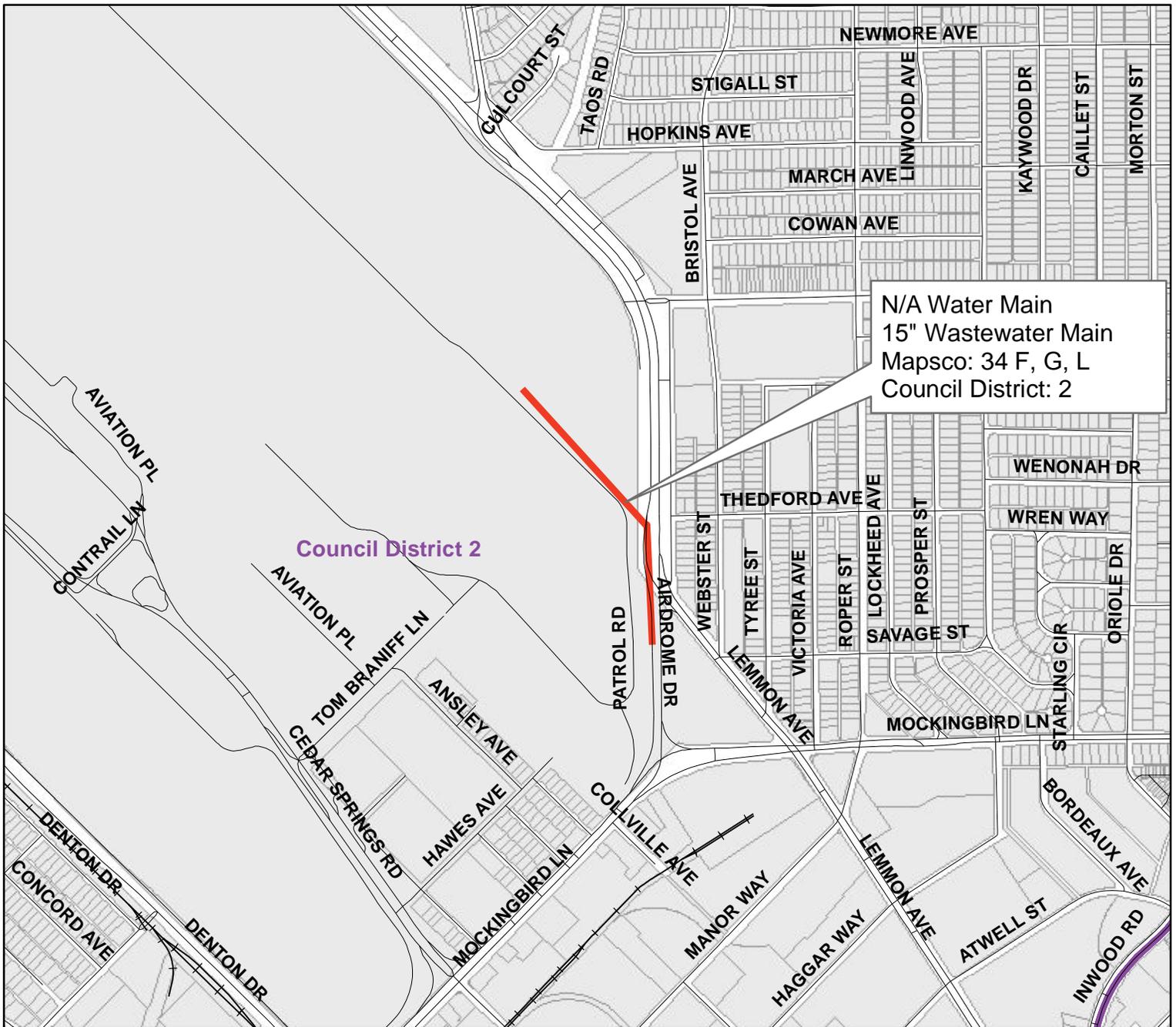
16" Water Main
 15", 18" Wastewater
 Mapsco: 34 E, J, K
 Council District: 2

Council District 2

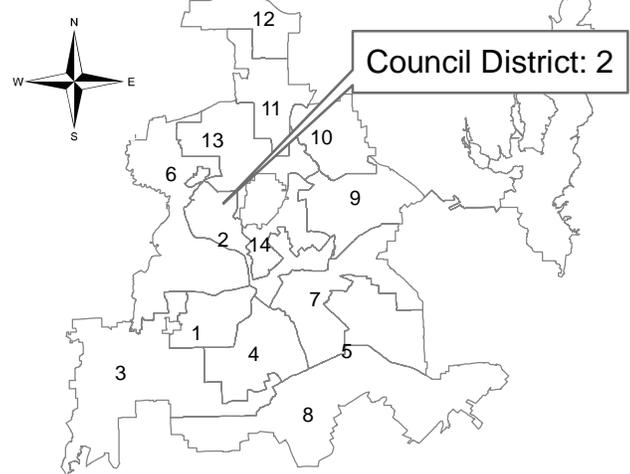
Herb Kelleher Way
 from Love Field Airport to Tom Braniff Lane



Dallas Water Utilities
Contract No. 15-103/104, Change Order No.1
Water and Wastewater Main Installations



Lemmon Avenue
from Love Field Airport southeast



Dallas Water Utilities
Contract No. 15-103/104, Change Order No. 1
Water and Wastewater Main Installations

May 9, 2018

WHEREAS, on September 11, 2013, City Council authorized a professional services contract with Huitt-Zollars, Inc. to provide engineering services for the replacement and rehabilitation of water mains and wastewater mains at 32 locations, in an amount not to exceed \$1,398,698, by Resolution No. 13-1582; and

WHEREAS, on September 22, 2015, City Council authorized a construction contract with John Burns Construction Company of Texas, Inc. for the installation of water and wastewater mains at 12 locations, in an amount not to exceed \$10,528,912.00, by Resolution No. 15-1781; and

WHEREAS, it is necessary to authorize Change Order No. 1 for additional work required to extend and upsize pipes associated with the water and wastewater main installations and to address site conditions in accordance with the City of Dallas standards; and

WHEREAS, John Burns Construction Company of Texas, Inc., 655 East Main Street, Lewisville, Texas 75057, has submitted an acceptable proposal for this additional work; and

WHEREAS, Dallas Water Utilities recommends that Contract No. 15-103/104 be increased by \$1,036,349.00, from \$10,528,912.00 to \$11,565,261.00.

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 John Burns Construction Company of Texas, Inc. (Change Order No. 1) is authorized for additional work to extend and upsize pipes associated with the water and wastewater main installations and to address site conditions in accordance with City of Dallas standards, in an amount not to exceed \$1,036,349.00, increasing the contract from \$10,528,912.00 to \$11,565,261.00.

SECTION 2. That the proposed Change Order No. 1 with John Burns Construction Company of Texas, Inc. be accepted and that Contract No. 15-103/104 be revised accordingly.

May 9, 2018

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,036,349.00 to John Burns Construction Company of Texas, Inc., as follows:

Aviation Capital Construction Fund
Fund 0131, Department AVI, Unit LFMP
Object 4152, Activity LFMP, Program LFMP, Vendor VS0000000852
Encumbrance/Contract No. CT-DWU-2017-00003301 \$ 148,000.00

Wastewater Capital Improvement Fund
Fund 2116, Department DWU, Unit PS40
Object 4560, Program 715104, Vendor VS0000000852
Encumbrance/Contract No. CT-DWU-2018-00003301 \$ 888,349.00

Total amount not to exceed \$1,036,349.00

SECTION 4. That this contract is designated as Contract No. DWU-2017-00003301.

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.

--

DEPARTMENT: City Secretary's Office

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): N/A

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)

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-3309

MAPSCO: N/A

SUBJECT

Authorize the **(1)** adoption of a new comprehensive housing policy (the “Housing Policy”); **(2)** existing housing strategies, tools and programs are incorporated into the comprehensive housing policy; **(3)** approval of any addition to, alteration or deletion of a strategy tool, or program included in the comprehensive housing policy via a resolution to amend the Housing Policy unless such addition, alteration or deletion is purely administrative in form and does not alter the stated goals; **(4)** Community Development Commission shall use the Housing Policy as a guide for developing all recommendations, including those related to the U.S. Department of Housing and Urban Development entitlement grants; **(5)** execute individual loans agreements, which includes loans exceeding \$50,000, without additional Council approval; **(6)** unspent funds from home repair activities (Major Systems Repairs, Emergency System Repair, and Home Rebate Improvement) may be used in the new Home Improvement and Preservation Program; and **(7)** Housing Policy to take effect immediately upon approval - Financing: No cost consideration to the City

BACKGROUND

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

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

BACKGROUND (continued)

The town halls were held both in person and through virtual telephone communications that aired on Spectrum Channel 95 and streamed online. The in-person town halls had a combined participation of 94 individuals, many of whom also participated in the virtual town hall meetings. The virtual telephone town halls had a total of 38,690 participants for all 4 meetings, of which 10,000 participated in more than one town hall. The outcome of public input helped shape 10 policy recommendations presented to the Economic Development and Housing Committee on March 19, 2018. An additional special housing policy forum was held on April 5, 2018 which was attended by 96 individuals, groups, and/or organizations.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development and Housing Committee approved the City of Dallas Housing Policies on March 12, 2017.

The Economic Development and Housing Committee was briefed on the Housing Policy on March 19, 2018.

City Council will be briefed on the Housing Policy on May 2, 2018.

FISCAL INFORMATION

No cost consideration to the City.

May 9, 2018

WHEREAS, the City Council passed a 5-signature memo requesting the development of a comprehensive housing policy; and

WHEREAS, on March 12, 2017, the Dallas City Council Housing Committee established three goals for the development of a comprehensive strategy for housing: (1) create and maintain available and affordable housing throughout Dallas; (2) promote greater fair housing choices; and (3) overcome patterns of segregation and concentrations of poverty through incentives and requirements; and

WHEREAS, the City of Dallas (City) engaged The Reinvestment Fund to conduct a market value analysis, a tool used to assess the residential real estate market; and

WHEREAS, based on the results of the Market Value Analysis, city staff is proposing a geographic prioritization among 3 reinvestment areas - Redevelopment Areas are Midtown, High Speed Rail, Wynnwood, and Red Bird; Stabilization Areas are LBJ Skillman, Vickery Meadow, Casa View, Forest Heights/Cornerstone Heights, East Downtown, The Bottom, West Dallas, and Red Bird North; and Emerging Markets Areas are Southern Gateway, Pleasant Grove, and University Hills; and

WHEREAS, the geographic strategies for overcoming concentrations of poverty and segregation focus on families at various income levels to provide incentives for those families that choose to move to neighborhoods with more opportunity but simultaneously helping those who wish to remain where they live to revitalize their communities with intensive city services to help connect these emerging market areas to transportation, infrastructure and other assets; and

WHEREAS, there is a housing shortage of 20,000 units in Dallas driven by land and development costs; construction costs, including labor and materials shortages; rent growth; the effects of federal, state and local regulation; as well as, the single-family rental market; and

WHEREAS, citywide production goals for homeownership and rental units for the next three years along with respective income bands that will be prioritized within the production goals (**Exhibit A**) will guide the City's efforts in reducing the housing shortage; and

WHEREAS, to be responsive to current market conditions, allocation of funds for new construction or acquisition and substantial rehabilitation of homeownership and rental units shall be conducted through the deployment of Notices of Funding Availability or Requests for Applications; and

WHEREAS, the addition of the Home Improvement and Preservation Program for both single and multi-family rental will help preserve affordable housing; and

May 9, 2018

WHEREAS, the City Council desires to allow unspent funds from home repair activities (Major Systems Repairs, Emergency System Repair, and Home Rebate Improvement) to be used in the new Home Improvement and Preservation Program; and

WHEREAS, the expansion of the owner-occupied rehabilitation program activities to include refinancing of home equity lines of credit and first or reverse mortgages will also preserve affordable housing; and

WHEREAS, the Targeted Homebuyer Assistance Program, which seeks to attract law enforcement, teachers, and fire fighters into Reinvestment Strategy Areas, will improve safety and perception of these areas and encourage additional reinvestment; and

WHEREAS, the designation of Neighborhood Empowerment Zones (NEZ) in Stabilization Areas and the use of specific strategies and tools in the NEZs will preserve affordability or deconcentrate racially and ethnically concentrated areas of poverty (RECAP); and

WHEREAS, the establishment of a Housing Trust Fund (HTF) and dedication of certain funds to the HTF will allow the HTF to originate loans or serve as credit enhancement to support the citywide production goals and create and preserve mixed income communities; and

WHEREAS, the creation of a non-contiguous Tax Increment Financing (TIF) District for areas not already located in an existing TIF District will leverage the use of the tool to support the development of additional for-sale and rental units; and

WHEREAS, the creation of a Housing Task Force to work on legislative issues, including state and federal issues, and to review the Low-Income Housing Tax Credit Qualified Allocation Plan (QAP) will assist the City in implementing the comprehensive housing policy; and

WHEREAS, the City recognizes the importance of having a comprehensive housing policy and desires to align the existing tools and programs with newly proposed strategies, tools, and programs that will ensure consistency amongst them and a baseline for a strategic approach for implementation; and

WHEREAS, the incorporation of existing housing strategies, tools and programs into the comprehensive housing policy, including Land Bank, which is administered by the Dallas Housing and Acquisition Corporation; the sale of lots to qualified non-profits pursuant to House Bill 110; Dallas Tomorrow Fund; Dallas Homebuyer Assistance Program and the Tenant Based Rental Assistance Program, will further the goals of the comprehensive housing policy; and

May 9, 2018

WHEREAS, the Department of Housing and Neighborhood Revitalization is not the only City department responsible for implementing the comprehensive housing policy and it is the desire of the City Council that all departments support the implementation of the comprehensive housing policy by taking all necessary measures to implement the strategies, tools and programs identified in the comprehensive housing policy; and

WHEREAS, the Community Development Commission (CDC) is responsible for submitting to the city manager and city council a recommended list of priorities for the consolidated application for HUD entitlement grant funds, specific recommendations as to the use and allocation of HUD entitlement grant funds, and making recommendations concerning the creation or elimination of projects that affect the HUD entitlement grant fund budget, among other duties, and it is the desire of the City Council that the CDC support the implementation of the comprehensive housing policy by using the comprehensive housing policy as a guide for developing all recommendations, including those related to HUD entitlement grants; and

WHEREAS, it is in the best interest of the of the City of Dallas to adopt a comprehensive housing policy;

Now, Therefore,

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

SECTION 1. That the documents attached hereto and made a part of this Resolution entitled Comprehensive Housing Policy Manual (**Exhibit B**) are hereby adopted as the comprehensive housing policy.

SECTION 2. That existing housing strategies, tools and programs are incorporated into the comprehensive housing policy, including Land Bank, which is administered by the Dallas Housing and Acquisition Corporation; the sale of lots to qualified non-profits pursuant to the City's Land Transfer Program and House Bill 110; Dallas Tomorrow Fund; Dallas Homebuyer Assistance Program and the Tenant Based Rental Assistance Program, and that the Department of Housing and Neighborhood Revitalization, other city departments and the Land Bank (DHADC) shall use the comprehensive housing policy as a guide for administering existing strategies, tools and programs and developing new strategies, tools and programs.

SECTION 3. That the City Council must approve any addition to, alteration or deletion of a strategy, tool, or program included in the comprehensive housing policy via a resolution to amend the comprehensive housing policy, unless such addition, alteration or deletion is purely administrative in form and does not alter the stated goals and foci of the comprehensive housing policy.

May 9, 2018

SECTION 4. That the Community Development Commission (CDC) shall use the comprehensive housing policy as a guide for developing all recommendations, including those related to HUD entitlement grants.

SECTION 5. That the City Manager is hereby authorized to execute individual loan agreements (and other necessary documents), in accordance with the Downpayment Homebuyer Assistance Program and Home Improvement and Preservation Program, which includes loans exceeding \$50,000, without additional Council approval. Funds that support these program activities are encumbered annually pursuant to the Consolidated Plan Budget.

SECTION 6. That unspent funds from home repair activities (Major Systems Repairs, Emergency System Repair, and Home Rebate Improvement) may be used in the new Home Improvement and Preservation Program.

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.

EXHIBIT A

Homeownership	% Total Units		HUD Area Median Income Dallas Metro	% Total Units	Rental
933	55%	Market Rate	120%	40%	587
1120			100%		587
1307	45%	Extremely Low, Very Low, Low Income	80%	60%	733
373			60%		440
			50%		293
			30%		293
Total: 3,733					Total: 2,933



Comprehensive Housing Policy

City of Dallas
Department of Housing and Neighborhood Revitalization

March 19, 2018
(Last amended April 27, 2018)

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BACKGROUND ON DEVELOPMENT OF THE POLICY

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

In August 2017 the City of Dallas engaged The Reinvestment Fund to conduct a Market Value Analysis (MVA), which is an analytical tool used to assess the residential real estate market throughout the entire city to determine with granular detail where market strength, transition and stress exists. After briefing the City Council on the results of the MVA on January 17, 2018, eight (8) public town hall meetings were held to develop the recommendations presented here. The town hall topics were:

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

Each town hall provided stakeholders an opportunity to understand the housing challenges from the perspective of the major stakeholders including: lenders, including foundations and government sources of finance; consumers and neighbors; developers, builders, and contractors; and regulatory officials, such as zoning, building inspections, and code enforcement. The town halls were held both in person and through virtual telephone communications that aired on Spectrum Channel 95 and streamed online. The in-person town halls had a combined participation of ninety-four (94) individuals, many of whom also participated in the virtual town hall meetings. The virtual telephone town halls had a total of 38,690 participants for all four (4) meetings, of which 10,000 participated in more than one town hall.

The outcome of public input helped shape the ten (10) policy recommendations presented to the Economic Development and Housing Committee (Committee) on March 19, 2018 and the strategies, tools and programs included in the Comprehensive Housing Policy.

CITY OF DALLAS PLANS

forwardDallas! Comprehensive Plan

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

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

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

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

Neighborhood Plus Plan

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

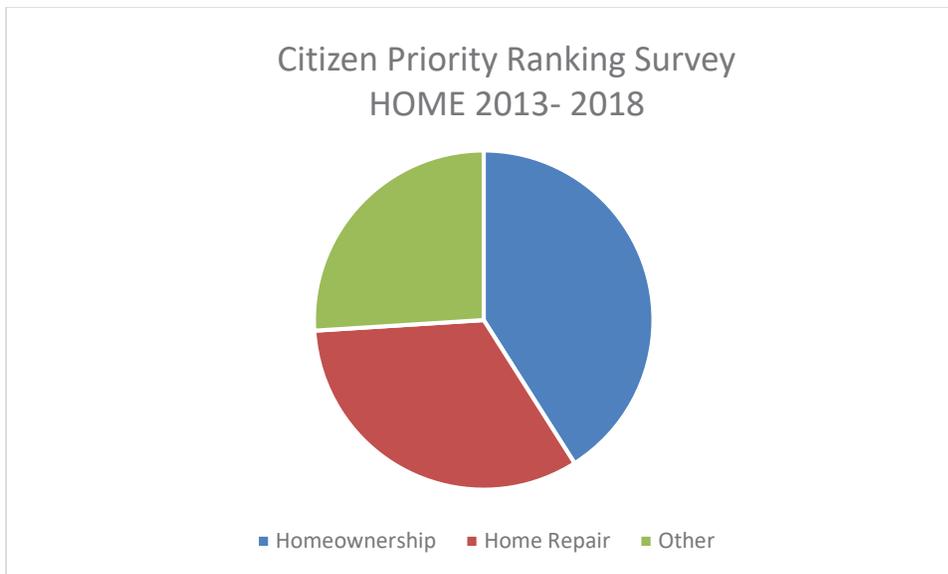
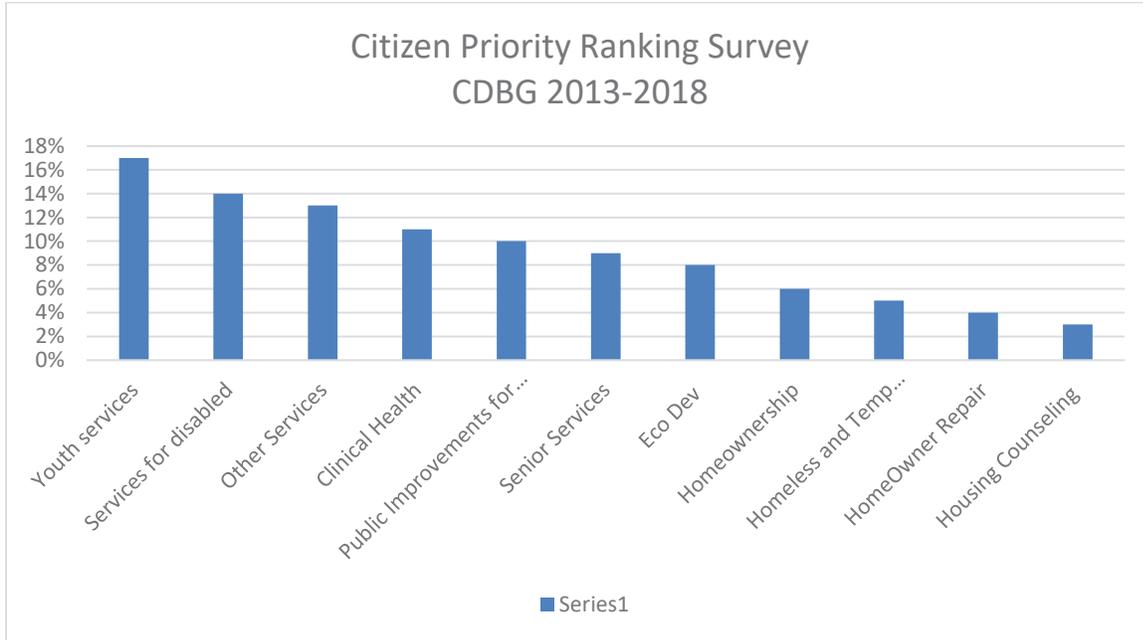
- Creating a Collective Impact Framework
- Alleviating Poverty
- Fighting Blight
- Attracting and Retaining the Middle Class
- Increasing Home Ownership
- Enhancing Rental Options.

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

The Neighborhood Plus Plan can be found at <http://dallascityhall.com/departments/pnv/strategic-planning/DCH%20Documents/Web%20-%20Neighborhood%20Plus%20Plan%20-%20Adopted%2010-07-2015.pdf>.

Consolidated Plan Strategies

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



REINVESTMENT STRATEGY AREAS

The Housing Policy provides for tiered Reinvestment Strategy Areas to address three (3) market types in need of City investment:

Redevelopment Areas:

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

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

Stabilization Areas:

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

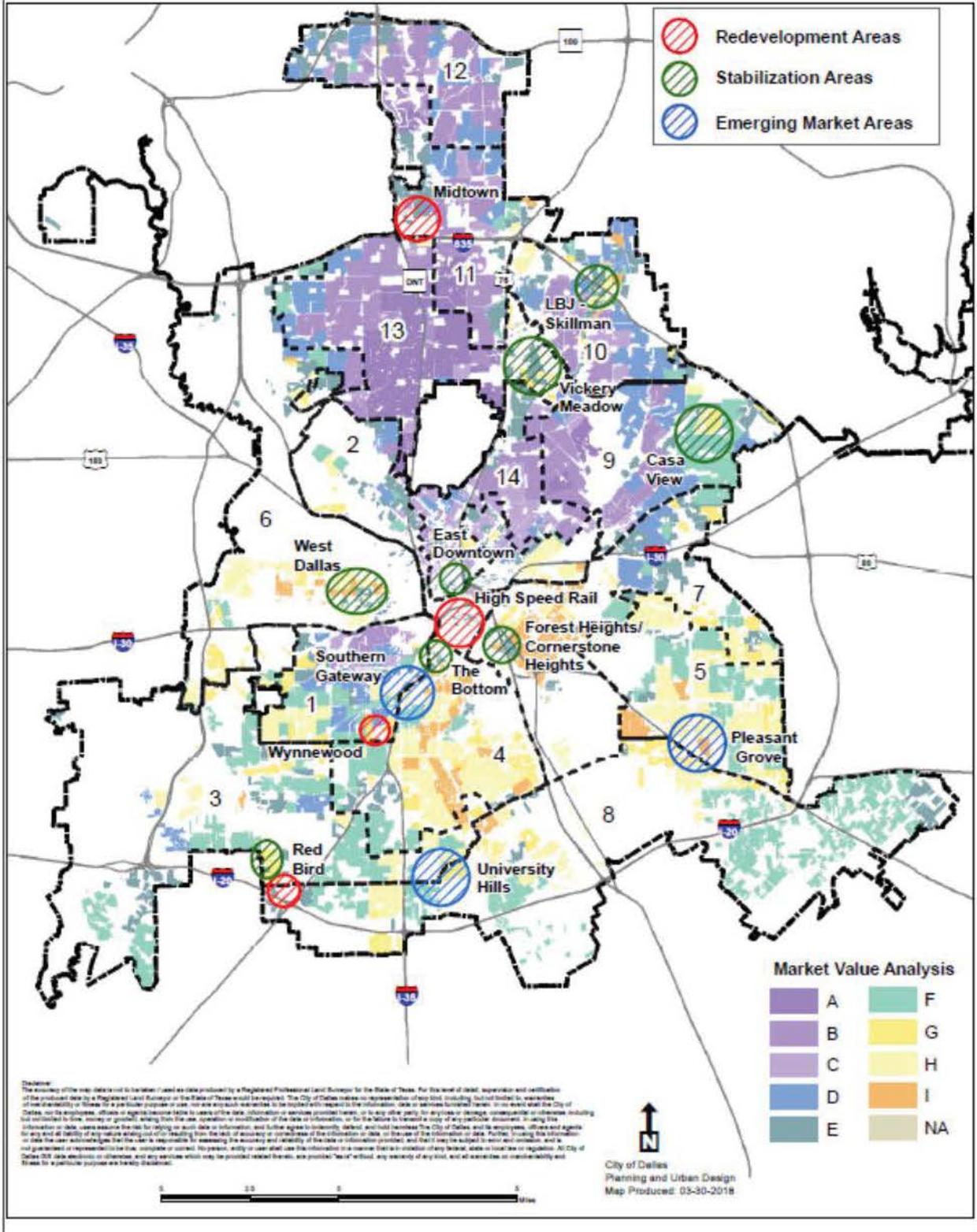
Stabilization Areas: LBJ Skillman, Vickery Meadow, Casa View, Forest Heights / Cornerstone Heights, East Downtown, The Bottom, West Dallas, and Red Bird North.

Emerging Market Areas:

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

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

Reinvestment Areas



PRODUCTION GOALS AND INCOME BANDS TO BE SERVED

Dallas has a housing shortage of approximately 20,000 units. This shortage is driven by the cost of land and land development, labor and materials shortages, federal, state and local constraints, as well as, the single-family rental market which prevents equilibrium in the homeownership market. It is difficult to convert rental homes to homeownership because of the perception of the neighborhood, the condition of the housing stock once it's been in the rental market for a period of time and because income-producing property in a tight market will not be released by landlords until returns are diminished. This shortage is consistent with the overall national trend following the 2009 housing bust. While the housing market has seen a steady but slow recovery, job growth in the Dallas metro area attracted a population growth of about 2.9% that outpaced the growth in the supply of housing. Much of the single-family housing inventory converted to rental following the 2009 bust while 60% or more of the home sales in the three (3) years following were in the price range below \$249,999. In 2014 the housing market was in transition - the number home sales priced under \$249,999 decreased to less than 40% of the market and by 2017 nearly 58% of home sales were priced between \$300,000 and \$1 million. According to the Real Estate Center at Texas A&M University, while the volume of homes in Dallas only grew by 3.6%, the median sales price in Dallas grew by 9.1% in 2017.

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

Beyond unit production, the City supports creating increased availability of housing for people at incomes ranging from 30% - 120% of the HUD Area Median Income, by incentivizing homeownership developments for families at 60% or higher AMI and rental developments that include rent restricted units for families at the full range of 30% - 120% of AMI. These targets area are also outlined in Table 1 below.

Table 1

Homeownership	% Total Units		HUD Area Median Income Dallas Metro	% Total Units	Rental
933	55%	Market Rate	120%	40%	587
1120			100%		587
1307	45%	Extremely Low, Very Low, Low Income	80%	60%	733
373			60%		440
			50%		293
			30%		293
Total: 3,733					Total: 2,933

HOMEOWNER PROGRAMS

Rehabilitation & Reconstruction of Owner-Occupied Homes

Provides an all-inclusive repair and rehabilitation program for single-family owner-occupied housing units. Home Improvement and Preservation Program (HIPP) will be offered as a repayment loan program to low and moderate-income homeowners, with the purpose of making needed improvements and preserving affordable housing. HIPP is designed to finance home improvements and address health, safety, accessibility modification, reconstruction and structural/deferred maintenance deficiencies. HIPP will enable homeowners to improve their housing while creating a positive effect in the community.

Eligibility

1. The property must be a single-family home.
2. The property must reside within the Dallas city limits and Applicant must have occupied the dwelling for at least six (6) months from date of application.
3. Applicant must be a U.S. Citizen or Permanent Resident, have a valid Social Security card and current Texas State issued identification card or Driver License.
4. Applicant must be current with the mortgage company meaning not more than thirty (30) days past due. (Except Accessibility Repair)
5. Property taxes must be current. Property taxes must not be delinquent for any tax year unless the homeowner has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding to the written agreement. (Except Accessibility Repair)
6. Applicant's annual gross income must be at or below the one hundred twenty percent (120%) of the Area Median Family Income (AMFI).
7. Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a floodplain, flood insurance must also be maintained with coverage adequate to insure the City's lien position. (Except Accessibility Repair)
8. Applicant must certify that the home is not for sale and is their primary residence/homestead, as indicated per Dallas County Tax Records and utility records.
9. Title searches are obtained to evidence ownership of the property. (Except Accessibility Repair)
10. Applicants which received a Major Systems Repair loan in the last ten (10) years will be ineligible to participate.

Maximum Assistance Limits

For rehabilitation activities, the maximum amount of assistance provided shall not exceed forty-seven and half percent (47.5%) of the HUD HOME Value Limits for existing properties.

For reconstruction activities, the maximum amount of assistance provided shall not exceed seventy-five (75%) of the HUD HOME Value Limits for new construction. The Chief of Economic Development and Neighborhood Services may on a case by case basis administratively approve (without Economic Development and Housing Committee approval) additional assistance not to exceed ten percent (10%) above the maximum limit for any Owner-Occupied Rehabilitation or Reconstruction 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;
- Unanticipated costs deemed necessary to meet applicable City Codes;
- Unforeseen environmental issues; and
- Addressing issues that threaten life, health, safety and welfare of the public.

It should be noted that the Owner-Occupied Rehabilitation and Reconstruction establishes maximum per unit thresholds below the HUD required maximum per-unit dollar limitations established under HUD Section 234 Condominium Housing Limit. Thus, no individual project under this program can exceed these HOME maximum subsidy limits.

Terms of Assistance

The terms of assistance for the HIPP will be in the form of a loan based on the following schedule: 1) homeowners with incomes at or below sixty percent (60%) AMFI will receive a deferred, zero percent interest (0%) loan, 2) homeowners with sixty-one to eighty percent (61% - 80%) AMFI, will have a combination of deferred, zero percent interest (0%) loan and monthly installment payment plan as permissible through the underwriting, and 3) for homeowners with (81%-120%) AMFI, monthly installment payment with three percent interest (3%) loan will be offered.

If the home is vacated or leased during the term of the loan, then the loan shall be immediately due and payable, subject to the Resale/Recapture Requirement in Appendix 6. If the property is transferred through sale during the term of the loan, the balance shall also be immediately due and payable.

Credit Standards

Following are the credit standards for HIPP: 1) 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 or subrecipient will place a lien securing the loan. 2) Qualifying debt to income ratios are 30% on the front end and 43% on the back end.

Affordability Periods

Eligible rehabilitation and reconstruction activities will include all items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes; including items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. The scope of work must address all major systems that have a remaining useful life for a minimum of 5 years at project completion, or the system must be rehabilitated or replaced as part of the scope of work. Major systems are identified as structural support (foundations); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

Improvements to, or demolition of an accessory structure such as detached garage, work shed, or small residential structure will be made on a case by case basis depending on the available budget, grant requirements, current building codes, health and safety concerns, and minimum occupancy requirements of residents of the property.

Amount of Assistance	Term
Less than \$5,001	5 Years
\$5,001 to \$50,000	10 years

Over \$50,001	15 years
Reconstruction Only	20 years

Assistance to remove of any items from the property that are considered to be dangerous, hazardous, or a violation of local code are eligible in conjunction with the rehabilitation of the property.

Assistance may not be used for the purchase or repairs of appliances (except for energy efficient window units) or renovations not necessary to bring the home up to local code or property standards. Unnecessary renovations include but are not limited to luxury items (granite counter tops, swimming pools, spas, high end fixtures); tree trimming; fences; and landscaping.

Accessibility Repairs

Rehabilitation less than \$10,001 is considered a minor repair and federal funds may be used to perform strictly accessibility modifications. Assistance in the form of a one-time grant not to exceed \$10,000 shall exclude environmental and administrative soft costs necessary to engage the client and property.

Mortgage and Refinancing

Assistance may be provided to an Applicant who has an existing mortgage or equity loan if the total debt, including mortgage/equity loan balance and all rehabilitation costs do not exceed 100% of the after-rehabilitation value of the property. The City deferred loan may be subordinate to the existing mortgage or equity loan.

Refinancing of an existing mortgage, equity loan, or liens from lot clearance/demolition is an eligible refinancing expense up to \$10,000. The total debt, including refinanced amount and rehabilitation costs, cannot exceed 100% of the after-rehabilitation value of the property. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses.

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 whether the loan is still within the period of affordability or not. If the heir(s) do not meet the income requirements of the program, the remaining balance of the loan is due immediately and payable in full if the loan is still within the period of affordability. If the property is not within the period of affordability and the heir(s) are not income qualified or do not utilize the property as their primary residence, the City or Sub-recipient may make payment arrangements with the heir(s) at an interest rate between zero (0) and three percent (3%).

Dallas Homebuyer Assistance Program

Provides homeownership opportunities to low and moderate income homebuyers through the provision of financial assistance when purchasing a home, in accordance with federal, state and local laws and regulations.

Eligibility

Applicants to homebuyer programs must meet the following criteria:

1. Property must be located in the city limits of Dallas.
2. Applicant's projected annual income must be no less than 40% of Area Median Income, but not exceed 120% of the Area Median Income, adjusted for household size, at the time of application to the program.
3. Applicant must have acceptable credit. High cost or sub-prime loans, adjustable rate mortgages, interest only loans are not allowed.
4. Applicant household must be U.S Citizens or legal residents and possess a valid social security card.
5. Property to be purchased must be primary residence of Applicant.
6. Applicant must attend an 8-hour homeownership education class from a HUD certified counseling agency within 12 months of application for assistance.
7. Applicant must make a minimum initial cash investment of \$1,000 toward purchase of home.
8. Home must meet federal and local requirements, including 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 city limits and meet City building codes, lead based paint requirements, and environmental standards at the time of initial occupancy.

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)
- Two to four unit property (Assistance provided for the unit to be occupied as the purchaser's principal residence); or
- Condominium or cooperative unit

All Homebuyer Programs require an appraisal and can be provided by the first mortgage lender. The appraisal value 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

HOME Program Recapture/Resale Requirements

These requirements can be found in Appendix 6.

Eligible Expenses

Homebuyer Programs may include any of the following activities: 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.

Terms of Assistance

The assistance for the Dallas Homebuyer Assistance Program will be offered in the form of a deferred, zero percent interest (0%) loan. If the home is vacated or leased during the term of the loan, then the full loan shall be immediately due and payable in accordance with the Resale/Recapture Requirements in Appendix 6. If the property is transferred through sale during the term of the loan, the balance shall also be immediately due and payable.

Credit Standards

Following are the credit standards for homebuyer programs:

- 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 or subrecipient will place a lien securing the loan.
- Qualifying debt to income ratios are 30% on the front end and 43% on the back end. With compensating factors, the City will allow 33% on the front end and 45% on the back end.
- Maximum loan is up to the 1st lien holder's approval of Complete Loan to Value (CLTV).
- 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.

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 whether the loan is still within the period of affordability or not. If the heir(s) do not meet the income requirements of the program, the remaining balance of the loan is due immediately and payable in full if the loan is still within the period of affordability. If the property is not within the period of affordability and the heir(s) are not income qualified or do not utilize the property as their primary residence, the City or Sub-recipient may make payment arrangements with the heir(s) at an interest rate between zero (0) and three percent (3%).

Refinancing

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

Homebuyer Incentive Programs

Targeted Area Incentive Program Only

Assistance is provided for existing properties to individuals willing to purchase homes within one of the targeted areas, with the requirement of only having to repay 25% of the actual loan amount at 0% interest and the balance is due at the time of resale.

Targeted Homebuyer Incentive Program Only

This program offers further incentives for schoolteachers, police officers, emergency medical technicians, and firefighters. Repayment of loan shall be only upon re-sale or refinance, contingent on meeting a 10-year owner occupancy requirement.

LANDLORD PROGRAMS

Rental Rehabilitation and Reconstruction

Provides an all-inclusive repair and rehabilitation program for single-family (1-4) rental units. The Home Improvement and Preservation Program (HIPP) expands to offer a repayment loan program to landlords which lease to low income household, with the purpose of making needed improvements and preserving affordable housing. HIPP is designed to finance home improvements and address health, safety, accessibility modifications, reconstruction and structural/deferred maintenance deficiencies.

Eligibility

- The property must be a single-family home (1-4 units). Properties with over 5 units are not eligible for rehabilitation assistance under this program.
- The property must reside within the city limits of Dallas.
- Applicant must lease the unit to a household with an annual gross income at or below the eighty percent (80%) of the Area Median Family Income (AMFI).
- Applicant must provide evidence of property ownership. Additionally, City shall require a title search to verify whether liens or deed restrictions exist.
- Applicant and tenants must be a U.S. Citizen or Permanent Resident, have a valid Social Security card, and current Texas State issued identification card or Driver License.
- Applicant must be current with the mortgage company meaning not more than 30 days past due.
- Property taxes must be current. Property taxes must not be delinquent for any tax year.
- Tenant household's annual gross income must be at or below the 80% of the Area Median Income.
- Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a flood plain, flood insurance must also be maintained with coverage adequate to insure the City's lien position.
- Applicant must adhere to the City Code Section 20-A and comply with HUD rent limits.

Maximum Assistance Limits

For rehabilitation activities, the maximum amount of assistance provided shall not exceed 47.5% of the HUD HOME Value Limits for existing properties.

For reconstruction activities, the maximum amount of assistance provided shall not exceed 75% of the HUD HOME Value Limits for new construction. The Chief of Economic and Neighborhood Services may on a case by case basis administratively approve (without Housing Committee approval) additional assistance not to exceed 10% above the maximum limit for any Rental Rehabilitation or Reconstruction 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;
- Unanticipated costs deemed necessary to meet applicable City Codes;
- Unforeseen environmental issues; and
- Addressing issues that threaten life, health, safety and welfare of the public.

It should be noted that the Rental Rehabilitation and Reconstruction establishes maximum per unit thresholds below the HUD required maximum per-unit dollar limitations established under HUD Section 234 Condominium Housing Limit. Thus, no individual project under this program can exceed these HOME maximum subsidy limits.

Terms of Assistance

The terms of assistance to Applicants of Rental Repair and Rehabilitation will be in the form of a three percent (3%) interest rate loan. If the landlord does not comply with the requirements set out in this program, including but not limited, leasing to a household over eighty percent (80%) AMFI, then the full loan shall be immediately due and payable in full. If the property is transferred through sale during the term of the loan, the balance shall also be immediately due and payable in full.

Credit Standards

Following are the credit standards for HIPP:

- 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 or subrecipient will place a lien securing the loan.

Eligible Rehabilitation and Reconstruction Scope

Eligible rehabilitation and reconstruction activities will include all items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes; including items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. The scope of work must address all major systems that have a remaining useful life for a minimum of 5 years at project completion, or the system must be rehabilitated or replaced as part of the scope of work. Major systems are identified as structural support (foundation); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

Improvements to or demolition of an accessory structure such as detached garage, work shed, or small residential structure will be made on a case by case basis depending on the available budget, grant requirements, current building codes, health and safety concerns, and minimum occupancy requirements of residents of the property.

Amount of Assistance	Term
Less than \$5,001	5 Years
\$5,001 to \$50,000	10 years
Over \$50,001	15 years
Reconstruction Only	20 years

Assistance to remove of any items from the property that are considered to be dangerous, hazardous, or a violation of local code are eligible in conjunction with the rehabilitation of the property.

Assistance may not be used for the purchase or repairs of appliances (except for energy efficient window units) or renovations not necessary to bring the home up to local code or property

standards. Unnecessary renovations include but are not limited to luxury items (granite counter tops, swimming pools, spas, high end fixtures); tree trimming; fences; and landscaping.

Refinancing

Refinancing of an existing mortgage, equity loan, or liens from lot clearance/demolition is an eligible refinancing expense up to \$10,000. The total debt, including refinanced amount and rehabilitation costs, cannot exceed 100% of the after-rehabilitation value of the property. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses. Cash out is also not permissible.

TENANT PROGRAMS

Tenant Based Rental Assistance

The purpose of this program is to provide supplemental financial assistance to displaced tenants as a result of the High Impact Landlord Initiative (HILI) 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 serve basis. Only HOME funds can be used to fund Tenant Based Rental Assistance (TBRA) programs. This is not an eligible activity under the Community Development Block Grant (CDBG) Program.

Eligible Uses

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

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

No payments will be made directly to the tenant household.

Prohibited Uses

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

Eligible Units

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

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

Subsidy Amounts and Tenant Contribution

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

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

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

Other Tenant Requirements

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

A legitimate, legal lease is required for program participants.

Income Recertification

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

Payment Standard

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

Termination of Assistance

HOME assistance may be terminated if the following occurs:

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

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

DEVELOPER PROGRAMS

New Construction and Substantial Rehabilitation Program

The purpose of this program is to provide financial assistance to new developments or substantial rehabilitation developments, where such assistance is necessary, and appropriately incentivize private investment for the development of quality, sustainable housing that is affordable to the residents of the City.

Funds may be used for projects to: 1) build new single-family with 5 or more homes, 2) build new multi-family rental housing with 5 or more units, or 3) substantially rehabilitate multi-family rental housing greater than 5 units. The City shall award, when funds are available, through a competitive Notice of Funding Availability (NOFA) or Request for Applications (RFA) process in accordance with the program's scoring policy.

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 with scheduled payments or, if the project involves housing tax credits, a surplus cash loan. The City loan is fully repayable, and the interest rate varies by the type of Borrower. 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 of loan principal and interest should be either:

- Equal monthly installments over a period of up to 300 months if the project does not involve housing tax credits. 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, when the project involves housing tax credits. 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.

The City multi-family rental loan is limited to only the amount necessary to fully fund the required rehabilitation work, not to exceed nine percent (9%) of the annual HUD Section 234 – Condominium Housing Limits in Dallas, Texas for elevator units (by number of bedrooms per unit). In 2018, the annual limits were as follows:

- Efficiency - \$58,787
- 1 Bedroom - \$67,391
- 2 Bedroom - \$81,947
- 3 Bedroom - \$106,013
- 4 Bedroom - \$116,369

Note: The above table is only valid for 2018 and is otherwise provided for illustrative purposes. Contact the City's Housing Department for a schedule of current HUD 234 Limits.

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	Five (5) years
\$15,000 - \$40,000/ Unit	Ten (10) years
Over \$40,000 or rehabilitation involving refinancing	Fifteen (15) years
New construction of Rental Housing	Twenty (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 unforgiving portion, plus interest based on the existing market, will become immediately due and payable;
- The Borrower must maintain the property according to the Dallas Unified Building Code and agrees to allow City personnel to annually inspect the property;
- The Borrower provides evidence of having paid annual property taxes and having secured fire and extended insurance coverage for the property;
- Borrower must annually provide the City of Dallas with the information on rents and occupancy of HOME-assisted units to demonstrate compliance with the affordability rent requirements;
- The Borrower must maintain reserves for maintenance; and
- No further assistance during the affordability period term of the loan, whichever is longer.

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

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

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

Financial Structuring

GAP Financing

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

Balloon Mortgages

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

Surplus Cash Mortgages

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

Eligible Cash shall be defined as:

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

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

Appraisal Requirements

Projects Receiving City First Mortgage Acquisition Financing

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

Developments exempt from the prior to commitment appraisal requirement:

- Acquisition price under \$100,000
- Land only where there is no identity of interest. Identity of interest is used broadly to include non-arm's length transactions, related-party transactions, etc.
- Single family homes (1-4 family structures) that are aggregated under one loan
- The Borrower has provided a Market Study
- The Project is HUD 202 or HUD 811 with a funding reservation

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

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

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

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

An As-Is Appraisal:

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

Acquisition/Rehab:

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

Adaptive Re-Use:

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

Prior to Closing – Scheduled Payment Loans:

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

Two hypothetical values are required:

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

The lesser of the two values will be used to determine loan to value for the City's underwriting. The City will finance no more than 87% of appraised value (85% for loans with \$15,000 per unit or less in rehabilitation). Plans and specifications must be sufficiently complete for the appraiser

to establish the “as completed” value. The appraisal must be conducted no more than six months prior to closing or end loan commitment (or the borrower will be required to pay for an appraisal update).

Prior to Closing- Deferred Loans:

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

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

Loan Conditions

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

- To rent these properties in accordance with Affirmative marking standards and the current HUD Section 8 rental income guidelines for the Period of Affordability and the federal equal housing opportunity requirements in the Fair Housing Act.
- Not discriminate on basis or race, religion or national origin.
- Not discriminate against lower income prospective tenants, solely on the basis of their receipt of Section 8 Housing assistance support.
- Not convert the 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 and secured fire and extended insurance coverage for the property.
- 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-2’s, pay stubs, etc. in order to ensure that their income meets the low-income requirements.
- To a property inspection one (1) year after the rehabilitation and every two (2) 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 pay real property taxes and maintain adequate fire and extended coverage insurance 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 tax payment and insurance coverage on an annual basis.
- To adhere to Lead-Based Paint Abatement guidelines for all properties built 1978 and before.

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.

During the term of the public sector loan, if the property is sold, or ownership transferred through any means, then the balance of the note then owing, including the remaining deferred forgivable portion is immediately due and payable in full.

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 for fire and extended coverage for 80% of the value of the property with City named as co-insured.

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.

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 (5) 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 thirty (30) percent of the adjusted income of a family whose annual income equals 65% of the area median income.

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

OVERVIEW OF EXISTING FUNDING SOURCES

Federal Funding Sources

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

Community Development Block Grant (CDBG)

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

HOME Investment Partnership Program (HOME)

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

HOME Match Requirement

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

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

Neighborhood Stabilization Program (NSP)

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

State and Local Funding Sources

General Obligation Bonds

General Obligation Bonds were authorized under the 2017 bond package to help with infrastructure, economic development and housing, and related expenses as authorized by law. Economic Development and Housing have been allocated approximately \$55 million for the next five (5) years.

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

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

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

Strategies, Tools and Programs that Will Require Additional Action

Housing Trust Fund

Establish a Dallas Housing Trust Fund (DHTF) that allows monies to be used to make loans to support the production goals of the Housing Policy. At a future date, staff will seek Council approval to authorize a one-time transfer of a minimum of \$7 million in unencumbered fund balances from high-performing Tax Increment Financing Districts (TIFs), as well as \$7 million from Dallas Water Utility funding set aside to support developments. Staff will further research potential dedicated revenue sources for the DHTF, including unencumbered fund balances from high-performing TIFs, property tax revenues from developments that have been built on previously City-owned land, proceeds from the sale of properties acquired by the City following non-tax lien foreclosures, among other sources.

Tax Increment Financing

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

Voluntary Inclusionary Zoning

In addition to development subsidies, the City may also incentivize the production of rental units via voluntary inclusionary zoning. Voluntary inclusionary zoning is a strategy by which the City can provide development bonuses to encourage the construction of mixed-income housing in multi-family and mixed-use zoning districts. At a future date, staff will seek council approval to amend the Development Code to allow for by-right development bonuses, including increases in maximum height and lot coverage, for developments that provide mixed-income housing in MF-1, MF-2, MU-1 and MU-2 districts. While these development bonuses would be available regardless of whether the MF-1, MF-2, MU-1 or MU-2 district is in a Reinvestment area, the City could layer in development subsidies for projects in Redevelopment and Stabilization areas to encourage more income stratification or a higher-percentage of affordable units. Furthermore, this strategy, as it has already been briefed to the Dallas Zoning Ordinance Advisory Committee (ZOAC), will encourage such mixed-income housing developments to adopt design principles that encourage walkability, reduce the need for parking, and require the provision of more open space.

Neighborhood Empowerment Zones

At a future date, staff will seek council approval to designate Neighborhood Empowerment Zones (NEZ) in certain Reinvestment Areas. Once a NEZ is established, staff will implement the following programs and strategies to preserve affordability and deconcentrate RECAP:

- a property tax freeze for up to ten (10) years for homeowners if they are making improvements to their property resulting in more than 25% increase in value,
- development fee rebates (permits, planning, zoning, parkland dedication, landscape & tree mitigation),
- encourage Incentive Zoning/Density Bonuses to support the creation of mixed income communities,
- allow Accessory Dwelling Units,
- designate Homestead Preservation District overlay where applicable, and

Sublease Program

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

Resolutions of Support or No Objection

The City of Dallas (the City) has developed a policy for developers requiring Resolutions of Support or No Objection for multi-family rental housing development projects seeking Housing Tax Credits (HTC) through the Texas Department of Housing and Community Affairs (TDHCA). Each year, the TDHCA is required to develop the Qualified Allocation Plan (QAP) to establish the procedures and requirements relating to the allocation of Housing Tax Credits. Once the QAP is submitted and approved by the Office of Governor, which occurs in December of each year, the adopted QAP will be published in the Texas Register.

In the administration of its HTC Program, the TDHCA awards application points for a resolution from a Governing Body of a local municipality on the following basis:

Within a municipality, the application will receive:

- seventeen (17) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports the application or development; or
- fourteen (14) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection to the application or development.

Within the extraterritorial jurisdiction of a municipality, the Application may receive:

- eight and one-half (8.5) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports the Application or Development; or
- seven (7) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection to the Application or Development

The City will issue a Request for Applications for Resolutions of Support or No Objection in December of each year and bring forth recommendations to the Economic Development and Housing Subcommittee and City Council in February of each year. This schedule is in line with the TDHCA program calendar.

Evaluation Criteria

The City has developed a self-scoring application in order to conduct a comprehensive, fair and impartial evaluation of all applications received in response to the Request for Applications process. Each application is analyzed to determine overall responsiveness and qualifications under this policy. Evaluation Criteria are outlined below:

- 1. General Partner and Property Management Experience** – Up to 20 total points (as determined utilizing the below general partner and property manager point tables)

General Partner – up to 10 of the 20 total experience points. To receive experience points under this category, the proposed general partner(s), or a key individual(s) (officer, managing member or principal) within the proposed general partner organization (the “general partner”), must meet one of the following tests for each counted project.

To obtain points for a current project owned by the proposed general partner, the applicant must certify that the development has:

- been in service and continuously operated for three or more years;

- yielded positive operating cash flow from typical residential income alone (e.g. rents, rental subsidies, late fees, forfeited deposits, etc.); and
- held reserves as required by the partnership agreement and any/all applicable loan agreements.

To obtain points for projects previously owned by the proposed general partner, the applicant must certify that:

- the ending date of ownership or participation was no more than 10 years before the deadline associated with the subject application;
- the previously owned development was yielding positive operating cash flow from typical residential income alone (e.g. rents, rental subsidies, late fees, forfeited deposits, etc.) at the time of disposition; and
- the project was holding reserves as required by the partnership agreement and any/all applicable loan agreements at the time of disposition.

Experience of the General Partner – Up to 10 points	Points
1-2 Multi-family rental housing projects in service more than 3 years	1
1-2 Sec. 42/142/HOME projects in service more than 3 years	3
3-6 Multi-family rental housing projects in service more than 3 years	4
3-6 Sec. 42/142/HOME projects in service more than 3 years	6
7 or more Multi-family rental housing projects in service more than 3 yrs.	7
7 or more Sec. 42/142/HOME projects in service more than 3 years	10

“Sec.42/142/HOME” means Internal Revenue Code §42 “Low-income housing credit”, §142 “Exempt facility bond – qualified residential rental project”, and/or 24 CFR Part 92 - HOME Investment Partnerships Program (“HOME”)

“Multi-family housing” means any multi-family rental housing project of 20 units or more that is not subject to IRC §42, IRC §142, or 24 CFR Part 92 requirements.

2. Property Manager – Up to 10 of the 20 total experience points.

To receive experience points under this category, the proposed property management entity must meet one of the following tests for each counted project.

To obtain points for a current project managed by the proposed property management entity, the applicant must certify that the property has:

- been in service and continuously managed by the proposed property management entity for three or more years;
- yielded positive operating cash flow from typical residential income alone (e.g. rents, rental subsidies, late fees, forfeited deposits, etc.); and
- held reserves as required by any/all applicable partnership agreement and loan agreements.

To obtain points for projects previously managed by the proposed property manager, the applicant must certify that:

- the ending date of management agreement was no more than 10 years before the deadline associated with the subject application;
- the previously managed development was yielding positive operating cash flow from typical residential income alone (e.g. rents, rental subsidies, late fees, forfeited deposits, etc.) at the time of termination of the management agreement; and
- the project was holding reserves as required by the partnership agreement and any/all applicable loan agreements at the time of termination of the management agreement.

Experience of Property Manager – Up to 10 points	Points
1-2 Multi-family rental housing projects managed more than 3 years	0
1-2 Sec. 42/142/HOME projects in service more than 3 years	3
3 or more Multi-family rental housing projects in service more than 3 yrs.	4
3-6 Sec. 42/142/HOME projects in service more than 3 years	6
7 or more Multi-family rental housing projects in service more than 3 yrs.	7
7 or more Sec. 42/142/HOME projects in service more than 3 years	10

“Sec. 42/142/HOME” means Internal Revenue Code §42 “Low-income housing credit”, §142 “Exempt facility bond – qualified residential rental project”, and/or 24 CFR Part 92 - HOME Investment Partnerships Program (“HOME”)

“Multi-family housing” means any multi-family rental housing project of 20 units or more that is not subject to §42, §142, or 24 CFR Pat 92 requirements.

3. Nonprofit Organization Participation – 10 points

To receive these points, the nonprofit organization must have controlling interest (e.g., greater than 50 percent ownership in the General Partner) in the project. If ownership is a limited partnership, the Qualified Nonprofit Organization must be the Managing General Partner. If ownership is a limited liability company, the nonprofit organization must be the controlling Managing Member. Additionally, the nonprofit entity or its affiliate or subsidiary must be the developer or a co-developer of the project.

The nonprofit organization is not required to elect to apply under the State’s Nonprofit Set-aside in order to receive these points.

4. Redevelopment Areas – 20 points

Project must be located in one of the four Redevelopment Areas – 1) Midtown, 2) High Speed Rail, 3) Wynnewood, and 4) Red Bird areas.

5. Stabilization Target Areas – 20 points

To receive these points, the Project must be located in one of the eight Stabilization Target Areas – 1) LBJ Skillman 2) Vickery Meadow, 3) Casa View, 4) Forest Heights / Cornerstone Heights, 5) East Downtown 6) The Bottom, 7) West Dallas, and 8) Red Bird North.

6. Emerging Market Area – Up to 10 points.

To receive these points, the Project must be located in one of the three Emerging Target Areas – 1) Southern Gateway 2) Pleasant Grove, and 3) University Hills.

7. Determination of Project Feasibility – Up to 20 points (5 points each, no more than 20 points can be awarded in this category)

- Proposed rent schedule consistent with TDHCA rent limits on rent-restricted units.
- Appropriate vacancy and collection loss assumptions in the project pro forma are consistent with TDHCA HTC requirements.
- Reserves in the pro forma are consistent with TDHCA HTC requirements.
- Completed Market Feasibility Report with conclusions supporting the applicable project pro forma assumptions completed or underway.

8. Project Site Characteristics – Up to 10 points (5 points each)

Project meets land use density and City of Dallas zoning requirements at time of application.

9. Transit Amenities – Up to 28 points (zero to four points each, no more than 28 points can be awarded in this category)

The following transit amenity matrix shall be used in scoring the project:

Amenity	Points		
	1/4 mile or less	>1/4 mile and <1/2 mile	<1/2 mile and up to 1 mile
Bus Station or Stop	5	3	1
Public Park	5	3	1
Full Scale Grocery Store	5	3	1
Community or Senior Center	5	3	1
Aging & Disability Resource Center	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

10. Project Readiness – Up to 10 Points (*5 points each, no more than 10 points can be awarded in this category*)

- Applicant has secured site control per TDHCA HTC definition of site control.
- Environmental Report (s) has/have been completed.

11. Resident Services – Up to 15 points (*5 points each; no more than 15 points can be awarded in this category*)

- The equivalent of one (1) FTE resident service coordinator for every 600 project bedrooms.
- Project provides or has agreements with third party service providers to provide on-site educational, wellness and/or skill building classes
- Project provides on-site, licensed child care or after school program that operates at least 20 hours per week.

140 total points are provided under the above scoring preferences.

To receive a staff recommendation for a **Resolution of Support**, the applicant must score 85 points. Any applicant receiving less than 85 points, shall be eligible to receive a staff recommendation for a Resolution of No Objection, provided the application receives at least 6 experience points under the *I. General Partner and Property Manager Experience* of the above scoring methodology.

Community Housing Development Organizations (CHDOs)

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

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

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

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

Set Aside

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

Operating

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

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

Certification

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

APPENDICES

APPENDIX 1

Single Family Development Underwriting

A. Eligible Developer Applicants

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

Project Location

Projects must be located within the city limits of Dallas.

Project Types

Funds will be provided for new construction projects. In general, the City of Dallas will require that all homes constructed have a minimum square footage of 1,200 sq 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 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. City of Dallas has adopted and enforces the following codes with amendments:

- 2012 International Building Code
- 2012 International Mechanical Code
- 2009 International Energy Conservation Code
- 2012 International Existing Building Code
- 2011 National Electric Code
- Chapter 11 of the 2009 International Residential Code

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

Housing developed with HOME funds must be modest, and 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 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 eligibility criteria set forth in the City of Dallas Homebuyer Assistance Program (DHAP) guidelines.

F. Environmental Review Requirements

Federally-assisted projects are subject to a variety of environmental requirements. Developers should be familiar with these requirements and are strongly encouraged to discuss any questions they have with City of Dallas staff prior to entering into a purchase agreement or submitting an application.

All projects shall be implemented in accordance with environmental review regulations as defined 24 CFR Part 58.

The City of Dallas shall be responsible for conducting the environmental review and completing all necessary public notifications, and the request for release of funds (RROF) from HUD. The applicant is responsible for cooperating with the City of Dallas in the environmental review process and providing information necessary for the City of Dallas to fulfill its responsibilities under Part 58 and other applicable regulations.

Submitting an application for HOME funds triggers environmental review requirements under 24 CFR 58, including the National Environmental Policy Act (NEPA). Once an application for federal funds is submitted, a development proposal is now subject to the environmental review

requirements and requires an environmental clearance and issuance of a Release of Funds (ROF) by the US Department of Housing and Urban Development.

Developers are prohibited from undertaking or committing or expending any funds to (including non-federal funds) any physical or choice-limiting actions on the site prior to an environmental clearance as required by Part 58. Physical and choice limiting actions include, but are not limited to, property acquisition, demolition, movement, rehabilitation, conversion, repair or construction. This prohibition applies regardless of whether federal or non-federal funds are used, and taking a choice limiting action prior to completion of the required environmental clearance process will result in the denial of any HOME funds from the City of Dallas.

G. Other Federal Requirements

Nondiscrimination and Equal Opportunity

The following federal nondiscrimination and equal opportunity guidelines apply to all projects and affect both development and sales of assisted housing:

- The Fair Housing Act (42 U.S.C. 3601-19) and implementing regulations at 24 CFR part 100 et seq.;
- Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652 and 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107;
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d- 2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1;
- The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146;
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at part 8 of this title;
- Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.; 24 CFR part 8; Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135;
- Executive Order 11246, as amended by Executive Orders 11375, [[Page 41]] 11478, 12086, and 12107 (3 CFR, 1964-1965 Comp., p. 339; 3 CFR, 1966- 1970 Comp., p. 684; 3 CFR, 1966-1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively) (Equal Employment Opportunity Programs) and implementing regulations at 41 CFR chapter 60;
- Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971- 1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development); and
- Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise). The nondiscrimination provisions of Section 282 of the National Affordable Housing Act of 1982.

Uniform Relocation Act (URA)

All projects fall under requirements of the URA. Any project resulting in permanent relocation/displacement of households will not be funded by the City of Dallas. Applicants must further document that any purchase of property meets the requirements of URA, including

provision of notices to the seller identifying the transaction as a voluntary sale not under the threat of eminent domain. To ensure compliance with URA, applicants should consult the City of Dallas to understand the requirements of URA and reference the URA forms included in the RFP prior to submitting an application involving an occupied property.

Davis Bacon

Davis Bacon federal prevailing wage requirements shall apply to all projects with 12 or more units assisted with HOME funds.

Excluded Parties

The City of Dallas will not fund projects owned, developed, or otherwise sponsored by any individual, corporation, or other entity that is suspended, debarred, or otherwise precluded from receiving federal awards. Nor may the developer contract with any other entity (including but not limited to builders/general contractors, property management companies, or other members of the development team) that are suspended, debarred, or otherwise so precluded. Similarly, the general contractor will be required to determine that subcontractors are not so precluded.

H. Ongoing Project Requirements

Deadlines

Construction Start- If construction is not started within 12 months of the date the City of Dallas commits funds to a project, the commitment will be subject to cancellation. If the project is cancelled as a result of failure to meet this deadline, the Developer must repay to the City of Dallas any HOME funds disbursed for the project.

Completion Deadline- Project completion occurs when construction is complete, all HOME funds have been disbursed by the City of Dallas and drawn from the US Treasury, title to the property has transferred to an eligible buyer, and required completion data has been entered in HUD's IDIS system. Project completion must occur within 2 years of the date of commitment of funds to the project. If the Developer fails to meet this 2-year deadline, it must repay to the City of Dallas any HOME funds disbursed for the project.

Sales Deadline- Pursuant to 24 CFR 92.254(a)(3), Developers must have a ratified sales contract with an eligible buyer for each HOME-funded unit within nine (9) months of completion of construction or the unsold units must be converted to rental housing or the project will be deemed ineligible and all HOME funds drawn must be repaid to HUD.

If a unit is unsold after six (6) months, the Developer must present an updated sales and marketing plan to the City of Dallas outlining steps being taken to identify buyers. At the City of Dallas option, the Developer may be required to i) take further steps--such as listing the home with a licensed realtor, adjusting the sales price, etc.—as the City of Dallas may require to facilitate the sale of the home or ii) to transfer title to the City of Dallas or to another entity selected by the City of Dallas that can otherwise identify buyers prior to the regulatory deadline.

At the City of Dallas option, if a unit remains unsold after nine (9) months, the developer shall be required i) to repay the entire HOME investment, including any City of Dallas project soft costs; ii) to convert the project to rental housing in accordance with 24 CFR 92.252; or iii) to transfer title to the City of Dallas or to another entity selected by the City of Dallas for conversion to rental housing.

Units converted to rental housing must be rented to eligible tenants in accordance with 24 CFR 92.252, which includes tenant income eligibility and rent limit requirements. Further, any units converted to rental properties shall be operated in compliance with the City of Dallas Rental Housing Program guidelines.

Reporting and Record Keeping

To allow effective oversight of funded projects and document compliance with applicable HOME requirements, all projects must submit periodic reports to the City of Dallas. While this section outlines standard reporting requirements, the City of Dallas reserves the right to require additional reporting or to alter the reporting format or frequency based on future changes to HOME requirements or City of Dallas policy. Additionally the City of Dallas reserves the right to require additional or more frequent reporting for projects with compliance deficiencies.

- Developers are required to report monthly during the development phase and sales phase. During the construction phase, developers must provide monthly reports detailing construction progress and barriers to progress, copies of invoices being paid, and evidence of appropriate lien waivers.
 - During the sales phase, developers are required to provide monthly reports detailing the number of additional sales, total sales, and marketing activity. These reports are required until all units are sold.
 - The City of Dallas may require more frequent reporting due to findings identified during the development and sales phases.
 - At the City of Dallas option, Developers may be required to obtain and submit an audit of project costs (i.e. cost certification) prepared by an independent Certified Public 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.

I. Structure of Transaction

Loan Types and Terms

The City of Dallas will provide HOME funds in the form of a loan to the entity that owns the property. No grants will be awarded, and funding commitments are not transferable without prior written City of Dallas approval.

The City of Dallas HOME Loan may be used for acquisition and construction financing. Proceeds of the HOME loan will only be released following satisfaction of all requirements outlined below.

In all cases, the HOME loan will:

Have a maximum term of 2 years;

- Be repayable in full upon sale, refinancing, or transfer of the property or upon maturity, except that repayment will be limited to the net proceeds of a City of Dallas-approved sale to a low-income buyer. Net sales proceeds will exclude any portion of the sale proceeds used to repay senior construction debt, return of City of Dallas-recognized developer equity, approved sales costs, and any HOME-assistance transferred to the buyer(s) at closing as direct homebuyer assistance.; and
- Secured with a promissory note, mortgage, and appropriate UCC liens. Mortgages will be recorded with the Dallas County Recorder of Deeds and generally may be subordinate only to an approved amortizing first mortgage.

Guarantees

Unless otherwise determined by the City of Dallas, all underlying individuals, corporate entities, partnerships, or limited liability companies with an interest in the project will be required to provide a completion guarantee including provisions guaranteeing construction completion of the project. For nonprofit organizations, including community housing development organizations (CHDOs), a guarantee shall not be required, but in all cases the City of Dallas may require a performance bond or irrevocable letter of credit acceptable to the City of Dallas to ensure project completion.

HOME Agreement

In addition to any financing documents, developers of HOME-financed projects must sign a HOME agreement with the City of Dallas. The HOME agreement will identify requirements for compliance with the HOME regulations and the City of Dallas Single-Family Development Program requirements and will remain in effect in the event of any prepayment of the HOME loan.

J. Underwriting & Subsidy Layering Reviews

Market Demand

Developers must, as part of their application, provide evidence of sufficient demand for the proposed units. Developers shall provide information from the multiple listing service pertaining to recent sales in the neighborhood, average time on the market for recent sales, availability of other product and average “months of supply” currently available, and any known or planned projects.

Additionally, Developers must complete the HOME Sales and Marketing Plan, identifying among other items the profile of typical buyers, relationships with homeownership counseling agencies or other sources of buyer referrals, and plans for marketing the homes.

In some cases, the City of Dallas may only commit to a specific project (or may limit the number of projects under construction by a given developer) upon demonstration that a home has been pre-sold to an identified low-income buyer who has, at least, executed a reservation or initial purchase agreement with the Developer.

Project Underwriting

All HOME applications must include financial statements from all underlying owners and guarantors. Developers must have a net worth equal to 10% of the total development cost with net liquid assets equal to 3% of the total development cost.

Applicant must provide the amounts and terms for any other financing being provided to the project.

Proforma Requirements

The proforma must explicitly show:

- An itemized breakdown of development hard and soft costs by unit including any allowances for soft costs such as architectural fees, carrying costs, etc;
- The hard costs of any stand-alone accessory buildings, including free-standing garages, carports, or storage structures should be specifically itemized in the Development Sources and Uses so that the City of Dallas can complete preliminary HOME cost allocation calculations. (Stand-alone accessory structures like a detached garage may be included in the project but are not HOME-eligible and must be paid for with another funding source.)
- Costs and fees to be paid to the City of Dallas as permitted by the HOME program. The HOME program allows the City of Dallas to include, as project costs, its internal soft costs specifically attributable to the project. These may include consulting, legal, inspection, and staff costs associated with reviewing, processing, and monitoring award of funds to a project. The City of Dallas will notify Developers of the amounts to include in their Development Sources and Uses for “City of Dallas-Lender Due Diligence & Legal Costs.”
- Estimates of the sales transaction to an eligible homebuyer, including a calculation of the proposed buyer’s ability to qualify for a mortgage meeting City of Dallas requirements, the anticipated need to provide direct HOME assistance (e.g. downpayment and closing cost assistance) to the buyer, projected sales costs (e.g. realtor’s commissions), and the distribution of sales proceeds (including toward repayment of private construction financing)

Cost Limitations

All project costs must be reasonable and customary. The City of Dallas reserves the right to review any line-item cost to ensure that total project costs are not excessive. Additionally, HOME projects will be subject to the following specific cost limitations:

- The maximum allowable developer fee is 15% of total development costs less the developer fee itself and seller’s closing costs.
- Acquisition costs are limited to fair market value as determined by a third-party appraisal.
- Unless prior approval has been obtained from the City of Dallas, all project hard costs and all project professional fees should be the result of a competitive bidding process. While developers are not subject to federal procurement rules and may use less formal bid processes, the City of Dallas generally expects developers to seek multiple bids and identify the most advantageous bidder based on cost, track record, and other pertinent factors.

Other Public Funding Sources

Developers must disclose all other public and private sources or applications for funding with their initial HOME Single-Family Development application to the City of Dallas at the time of application and upon receiving any additional commitments of public source funding. The City of Dallas will conduct a subsidy layering review as part of the underwriting process for all projects. Using its underwriting criteria, the City of Dallas will assess the project and may require changes to the transaction to ensure that return to the owner/developer are not excessive. Changes may include a reduction in HOME funds awarded.

The City of Dallas will consider adjusting its underwriting in consultation with other public funders, if applicable, to the project. The City of Dallas retains, at its sole discretion, the power to decide whether to accept alternative standards.

K. Construction Process

City of Dallas Construction Inspections

The City of Dallas must be provided with copies of all contractor invoices and provided reasonable notice of monthly draw inspections during the construction period. City of Dallas staff will participate in all draw reviews whether or not the specific draw is being funded with HOME or other project funds and conduct inspections to ensure that the project is progressing and that work completed is consistent with all applicable HOME requirements.

Davis Bacon

When Davis Bacon applies to a project, the City of Dallas must be provided with compliance documentation throughout the construction period. Prior to commencing construction, the City of Dallas must approve current wage determinations applicable to the project. The contractor will be required to provide weekly payroll forms to the City of Dallas and allow access to the site and workers for the purpose of completing worker interviews.

Drawing City of Dallas HOME Funds

Proceeds of the HOME loan will only be released as reimbursement for eligible project costs following:

- Review and acceptance of appropriate source documentation by the City of Dallas including evidence of appropriate lien waivers and/or title endorsements.
- A determination by the City of Dallas that all HOME requirements pertaining to the development of the Project have been met, including but not limited to monitoring of Davis Bacon compliance.

For nonprofit developers, including CHDOs, the City of Dallas may release payment based upon outstanding invoices for costs incurred and work completed. In such cases, the City of Dallas reserves the right to disburse through a title company, directly to the vendor, or with two-party checks.

Project Closeout

Developers are required to submit homebuyer eligibility packets to the City for approval of the homebuyers. Data shall include elderly status, race, gender, female head of household, number of household members, and income.

The City of Dallas requires a copy of the final project sources and uses statement and, at the City of Dallas option, may require the submission of the project cost certification prepared by an independent Certified Public Accountant following completion of construction and payment of all development costs.

APPENDIX 2

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 Principals (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 to 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.).
- Maximum Limit: Regardless of percentage, the maximum developer fee shall be \$1.5M.
- 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 (3) 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 tenants 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 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 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. Inasmuch 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 PJ, but more generally they are intended to provide clarity to applicants on what the City expects and transparency about the “rules of the road.” However, the City recognizes that it cannot pre-emptively identify every possible special circumstance that may warrant an exception to its general requirements, nor can it identify every possible “loophole” whereby a creative presentation of costs or other projections might subvert the general need to balancing of viability and reasonable returns, risk to the City and public benefit.

Consequently, the City reserves the right to waive specific underwriting criteria for specific projects when, in its judgement, the purposes of the program can be better achieved without taking on undue risk. When waiving any given requirement, the City may impose additional special conditions or business terms that are not otherwise typically applied to all projects.

For administrative ease, the City may also align its underwriting standards with those required by other public funders involved in a given transaction, particularly if those standards are more restrictive or conservative than the City’s. However, the City retains the right, in its sole discretion, to decide whether to accept alternative standards.

The City also reserves the right to reject any element of a transaction that, despite not being specifically prohibited, was not anticipated by these guidelines of such an element or business term otherwise creates unacceptable risks, excessive returns to the owner/developer, or otherwise undermines the public purposes of the City’s program.

Insomuch as is reasonable, the City will update and clarify these guidelines over time to account for exceptions, waivers, or additional restrictions it imposes.

APPENDIX 3 UNIVERSAL DESIGN GUIDELINES

This portion of the manual outlines the City's policy on Universal Design and the minimum design criteria for new affordable housing projects.

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 requirements 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 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 wide and shall be level and ramped or 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 of Sustainable Development or his designee may only grant modifications or an exemption to the requirements of the Ordinance 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; and
- No vehicular access to the back of the house will be available by means of an alley.
- Appeals of orders, decisions of determination made by the Director of Sustainable Development may be made to the Board of Adjustments.

Universal Design Implementation

- Clearly stamp or print "Universal Design" on plans submitted
- Clearly Identify design elements outlined in Ordinance.
- Certify that the plans comply with the requirements of the Ordinance.
- Plan checking, construction inspections and enforcement shall be accomplished by the Development Services Department in accordance with existing procedures.

Design Guidelines

All builders and developers of infill housing are strongly encouraged to incorporate the defining features of a neighborhood into newly constructed infill houses. Those defining features of older inner city 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 plans. Additionally, All projects must advance the principles and policies contained in the City of Dallas Complete Streets Design Manual. Site plans and building designs should contribute towards safe and convenient pedestrian, bicycle, transit and automobile access to the extent possible within the project site and the adjacent public right-of-way frontage.

For infill projects supported with CDBG and/or HOME funds, developers will be required to demonstrate that the neighborhood association near the land to be developed has been consulted on the design issues. Developers should obtain input and feedback from neighborhood residents and work with them to ensure that designs are compatible with existing housing and development patterns.

In extreme cases where an agreement cannot be reached between the developer and local neighborhood groups, CDBG and/or HOME funding may be pulled from the project.

Specific design guidelines may be developed for certain City sponsored projects. Historic and neighborhood conservation district requirements must also be met for all projects.

For rehabilitation projects, builders and developers are strongly encouraged to retain the defining features of older structures. This applies to multi-family and single-family projects.

APPENDIX 4

City of Dallas Income Limits and Part 5 Requirements

Per 24 CFR Part 92.203(b)(1), the City has elected to utilize the 24 CFR Part 5 definition for determining annual income which is commonly referred to as the “Section 8 Low-Income Limit”. To be eligible for HOME or CDBG funds, households must have annual (gross) incomes at or below 80% of area median income, adjusted by household size and determined annually by the U.S. Department of Housing and Urban Development (HUD).

The *Technical Guide for Determining Income and Allowances for the HOME Program* should be utilized as a resource and the standard for the following determinations:

- Whose Income to Count
- Types of Income to Count
- Treatment of Assets
- Income Inclusions and Exclusions
- Verifying Income
- Comparing Annual Income to Published Income Limits
- Determining Household Size
- Source Documentation
- Timing of Income Certifications

The annual income limits are published by HUD each year at the webpage below.
<http://www.huduser.gov/portal/datasets/il/il15/index.html>

APPENDIX 5

Community Housing Development Organization (CHDO) Policy, Procedure, and Standards

WHAT IS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO)?

A CHDO (pronounced cho'doe) is a private nonprofit, community-based service organization that has significant capacity, and whose **primary** purpose is, to develop affordable housing for the community it serves. Certified CHDOs receive special designation from the City of Dallas (City). The HOME Investment Partnership (HOME) Program definition of a CHDO is found at 24 CFR Part 92.2.

WHAT SPECIAL BENEFITS ARE AVAILABLE TO CHDOs?

HOME regulations require that the City set aside **15%** of its annual HOME allocation exclusively for qualified, eligible CHDO projects. If an organization becomes a certified CHDO, it is eligible to take advantage of the HOME funds set-aside just for CHDOs, as well as financial support for a portion of its operating expenses (Operating Assistance Grants) associated with CHDO projects. The City's CHDOs also have first right of purchase on land bank lots and as a nonprofit they are eligible to purchase HB110 lots.

REGULATORY REQUIREMENTS FOR CHDO CERTIFICATION

The U.S. Department of Housing and Urban Development (HUD) has established standard criteria for organizations to be eligible to become a certified CHDO:

1. **Organized Under State/Local Law.** A nonprofit organization must show evidence in its Articles of Incorporation that it is organized under state or local law.
2. **Nonprofit Status.** The organization must be conditionally designated or have a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501(c) of the Internal Revenue Code of 1986. A 501(c) certificate from the IRS must evidence the ruling.
3. **Purpose of Organization.** Among its primary purposes, the organization must have the provision of decent housing that is affordable to low- and moderate-income people. This must be evidenced by a statement in the organization's Articles of Incorporation and/or Bylaws.
4. **Board Structure.** The board of directors must be organized to contain no more than one-third representation from the public sector and a minimum of one-third representation from the low-income community.
5. **No For-Profit Control.** The organization may not be controlled by, nor receive directions from, individuals or entities seeking profit from or that will derive direct benefit from the organization.
6. **No Individual Benefit.** No part of a CHDO's net earnings (profits) may benefit any members, founders, contributors, or individuals. This requirement must also be evidenced in the organization's Articles of Incorporation.
7. **Clearly Defined Service Area.** The organization must have a clearly defined geographic service area outlined in its Articles of Incorporation and/or Bylaws. CHDOs may serve individual neighborhoods or large areas. However, while the organization may include an entire community in their service area (such as a city, town, village, county, or multi-county area), they may not include the entire state.
8. **Low-Income Advisory Process.** A formal process must be developed and implemented for low-income program beneficiaries and low-income residents of the organization's service area to advise the organization in all of its decisions regarding the design, location, development and management of affordable housing projects.
9. **Capacity/Experience.** The key staff and board of directors must have significant experience and capacity to carry out CHDO-eligible, HOME-assisted projects in the community where it intends to develop affordable housing (key staff and board of directors have successfully completed HOME-funded, CHDO-eligible projects in the past).
10. **Community Service.** A minimum of one year of relative experience serving the community(ies) where it intends to develop affordable housing must be demonstrated.

11. **Financial Accountability Standards.** The organization must meet and adhere to the financial accountability standards as outlined in 2 CFR 200 Subpart D, "Standards for Financial and Program Management."

CITY REQUIREMENTS FOR CHDO CERTIFICATION

In addition to the regulatory requirements, the City has established additional criteria for CHDO designation. To be eligible for CHDO designation, an organization must also:

1. Maintain a record of good standing with the Texas Secretary of State's office.
2. Maintain a staffed, physical office location in the proposed service area that is open for business and accessible by potential program applicants during generally-accepted customary business hours.
3. Have established a minimum **3-year** strategic business plan, which must include CHDO- related production and community involvement goals.
4. Maintain a history of no significant compliance findings on its City funded projects.

The City will accept applications from new CHDOs year-round; however, CHDO certifications will not be provided until a project is identified for funding and prior to execution of a written agreement. Please note that the criteria noted above is not intended to be all-inclusive and the City may require additional information prior to making a determination for CHDO designation. Meeting the above requirements does not guarantee that the organization will be granted CHDO designation. City reserves the right to deny or revoke CHDO designation based upon its evaluation of the nonprofit organization's performance. Designated CHDOs will be evaluated periodically for production and other benchmarks as established by City.

ORGANIZATIONAL STRUCTURE REQUIREMENTS FOR CHDO CERTIFICATION

The HOME Program establishes requirements for the organizational structure of a CHDO to ensure that the governing body of the organization is **controlled by the community it serves**. These requirements are designed to ensure that the CHDO is capable of decisions and actions that address the community's needs without undue influence from external agendas.

There are four specific requirements related to the organization's board, which must be evidenced in the organization's Articles of Incorporation and/or Bylaws. These are:

1. **Low Income Representation.** At least one-third of the organization's board must be representatives of the low-income community served by the CHDO. There are three ways a board member can meet the definition of a low-income representative:

- The person lives in a low-income neighborhood where **51%** or more of the residents are low-income. This person need not necessarily be low-income.

or

- The person is a low-income (below **80%** area median income) resident of the community.

or

- The person was elected by a low-income neighborhood organization to serve on the CHDO board. The organization must be composed primarily of residents of the low-income neighborhood and its primary purpose must be to serve the interests of the neighborhood residents. Such organizations might include block groups, neighborhood associations, and neighborhood watch groups.

The CHDO is required to certify the status of low-income representatives.

2. **Public Sector Limitations.** No more than one-third of the organization's board may be representatives of the public sector, including elected public officials, appointees of a public official, any employees of a local government or public school system, or employees of City or

the State of Texas. If a person qualifies as a low-income representative **and** a public-sector representative, their role as a public-sector representative supersedes their residency or income status. Therefore, this person counts toward the one-third public sector limitation.

3. **Low-Income Advisory Process.** Input from the low-income community is not met solely by having low-income representation on the board. The CHDO must provide a formal process for low-income program beneficiaries to advise the CHDO on design, location of sites, development and management of affordable housing. The process must be described in writing in the Articles of Incorporation and/or Bylaws. Each project undertaken by the CHDO should allow potential program beneficiaries to be involved and provide input on the entire project from project concept, design and site location to property management. One way to accomplish this requirement is to develop a project advisory committee for each project or community where a HOME assisted project will be developed. Proof of input from the low-income community will be required at the CHDO's annual recertification.
4. **For-Profit Limitations.** If a CHDO is sponsored by a for-profit entity, the for-profit may not appoint more than one-third of the board. The board members appointed by the for-profit may not appoint the remaining two-third of the board members.

EXPERIENCE, CAPACITY AND ROLES (24 C.F.R. 92.300-92.303)

To be certified as a CHDO, the HOME Program requires organizations to demonstrate sufficient experience, capacity, and financial accountability.

Experience & Capacity: A CHDO must certify to City that it has the capacity, demonstrated by having paid staff with demonstrated capacity to perform the specific role for which is it being funded. CHDO staff can be full-time or part-time and can be contract employees. The CHDO cannot count the experience of board members, donated staff, parent organization staff, or volunteers to meet the capacity requirement. The CHDO can only count capacity brought to the table by a consultant in the first year of participation. Afterward, the CHDO must demonstrate capacity based upon paid staff.

The CHDO must demonstrate experience and capacity relevant to the project and its role as owner, developer, or sponsor. If the CHDO is the owner, its staff must have the capacity to act as the owner (this may mean the ability to oversee development.) If the CHDO is the developer or sponsor, its staff must have development experience on projects of similar scope or complexity.

CHDOs must demonstrate a history of serving the community where the housing to be assisted with HOME funds will be located. HUD requires that organizations show a history of serving the community by providing:

- A statement that documents at least one year of experience serving the community.
- For newly created organizations, provide a statement that the parent organization (if applicable) has at least 1-year experience serving the community.

CHDOs must provide resumes and/or statements of key staff members that describe their experience of successfully completed projects similar to those proposed.

CHDO SERVICE AREA

While the City does not limit the number of counties is a CHDO's service area, the very definition of a CHDO is that it be community-based. Therefore, an organization proposing a large or regional service area must demonstrate that it is taking the appropriate steps to achieve the community-based component. Some of the ways this can be achieved is by having an active community (nonpublic) representative from each of the counties on the CHDO's board of directors; establishing local advisory councils to advise the CHDO board on topics relative to the organization's activities; hosting "town hall" meetings in the proposed project areas, etc. the City will consider other methods suggested by the CHDO. CHDOs will be required to provide updates on how it is ensuring that it is active and visible in the communities included in its

service area.

The City reserves the right to limit CHDOs going into a service area where an existing CHDO is already providing service. Unless a CHDO is already approved to serve a particular territory, the City will not approve CHDOs to serve overlapping territory.

CHDO RECERTIFICATION

To ensure compliance with the HOME regulations, the recertification process will apply to CHDOs with active development projects including those under development and within the affordability period. Each CHDO will be required to submit specific information to City on an annual basis in conjunction with annual monitoring and compliance audits, including, but not limited to:

- The response to questions, numbered exhibits, and attachments listed in the City's CHDO certification application
- An updated **3-year** business plan and a description of how the low-income advisory process was implemented. If no HOME funds were used within the reporting period, a detailed description of all other affordable housing initiatives undertaken will be requested.

Recertification will be required **ANNUALLY WHEN THE CITY MONITORS THE CHDO FOR COMPLIANCE**. The CHDO must recertify as to its continued qualifications as a CHDO and its capacity to own, sponsor, or develop housing.

CHDOs that have not been allocated project funds from the HOME CHDO set-aside for **3** consecutive years will be deemed inactive. At its discretion, the City may revoke the designation of inactive CHDOs based upon a review of other non-CHDO housing activities the organization has undertaken (if any), as well as other factors deemed appropriate by City.

CHDO SET-ASIDE

The HOME requirements at 24 CFR Part 92.300 require City to set aside at least **15%** of its annual HOME allocation for projects owned, developed or sponsored by CHDOs. A certified CHDO must serve as the owner, developer or sponsor of a HOME-eligible project when using funds from the **15%** percent CHDO set-aside. A CHDO may serve in one of these roles or it may undertake projects in which it combines roles, such as being both an owner and developer. The CHDO must be certified for each type of activity it plans to undertake.

FINANCIAL ACCOUNTABILITY

CHDOs must have financial accountability standards that conform to the requirements detailed in 2 CFR 200 – Subpart D, “Standards for Financial and Program Management.” This can be evidenced by:

- A notarized statement by the president or chief financial officer of the organization.
- Certification from a certified public accountant.
- Audit completed by CPA.
- City reserves the right to request additional audited financial statements at any time.

ELIGIBLE AND INELIGIBLE USES OF HOME CHDO SET-ASIDE FUNDS

ELIGIBLE ACTIVITIES - OWNERS, SPONSORS, DEVELOPERS

Using the **15%** set-aside, a CHDO acting as an owner, sponsor, or developer may undertake any of the following activities:

- Acquisition and/or rehabilitation of rental property;
- New construction of rental housing;

- Acquisition, rehabilitation and resale of existing, vacant homebuyer property;
- New construction of homebuyer property;
- Direct financial assistance to purchasers of HOME-assisted housing developed by a CHDO with HOME CHDO set-aside funds.

Please note that to be considered a CHDO-eligible project, CHDO set-aside HOME funds must be used during the construction or rehabilitation of the project.

INELIGIBLE CHDO ACTIVITIES

Using the **15%** set-aside, a CHDO may not undertake any of the following activities:

- Rehabilitation of existing homeowners' properties;
- Tenant-based rental assistance (TBRA); or
- Down payment and/or closing cost assistance to purchasers of housing not developed with HOME CHDO set-aside funds.

ELIGIBLE ACTIVITIES – SUBRECIPIENTS

CHDOs may also act as subrecipients with non-set-aside funds by undertaking other HOME-eligible activities such as:

- Tenant-Based Rental Assistance (TBRA);
- Owner-occupied rehabilitation of single-family dwellings; and
- Down payment or closing cost assistance in the acquisition of single-family units.

OPTIONAL OPERATING EXPENSES

From time to time, funds may be available to provide general operating assistance to CHDOs receiving CHDO set-aside funds for activities. When funds are available, certified CHDOs that are administering an eligible project funded from the CHDO set-aside may be eligible to receive funds to be used for operating expenses. The regulations allow the City to allocate no more than **5%** of its HOME allocation for CHDO operating expenses (Operating Assistance Grants). However, the City reserves the right to further restrict the amount of funds an entity may receive for CHDO operating funds. This allocation does not count toward the required **15%** CHDO set-aside funds that are to be used by CHDOs for projects.

The amount of the optional Operating Assistance Grants awarded will be based on, but not limited to, the following factors:

1. The total amount of HOME funds City has available to allocate for reimbursable CHDO operating expenses;
2. The anticipated completion date and size of your current CHDO set-aside project(s); and
3. The CHDO's past performance as a CHDO developer.
4. The CHDO's capacity to complete the project in a timely manner.
5. The ability of the CHDO to retain CHDO proceeds.

The City will allocate Operating Assistance Grants on annually. Operating Assistance Grants will be provided on a fiscal year basis (October 1 – September 30) provided funds are available and the CHDO has demonstrated acceptable performance.

Although the disbursement of CHDO operating funds is not tied directly to the drawdown of the CHDO project funds, the City reserves the right to delay disbursement of operating funds if it is evident that the CHDO project is experiencing excessive delays.

City reserves the right to reduce the amount of, or not award, operating funds based upon its evaluation of the CHDO's production and overall performance.

Eligible operating expenses for which CHDOs may use operating funds include:

- Salaries, wages, benefits, and other employee compensation
- Employee education, training and travel
- Rent and utilities
- Communication costs
- Taxes and insurance
- Equipment, materials and supplies

Because the purpose of providing CHDO operating support is to nurture successful CHDOs and ensure their continued growth and success, the City will periodically evaluate the performance of any CHDO wishing to receive CHDO operating funds.

CHDO PROCUREMENT

As noted in HUD CPD Notice 97-11, CHDO organizations are not subject to the requirements of 2 CFR, Part 200 in regard to the procurement of goods and services. However, the City strongly encourages organizations to ensure that costs are reasonable and equitable. This exemption is only applicable to procurement associated with CHDO-eligible projects; CHDOs must still follow appropriate procurement procedures compliant with Part 200 for its non-CHDO projects. City may request a copy of the CHDO's procurement policy for any non-CHDO project funding proposals.

EFFECTIVE PERIOD OF CHDO CERTIFICATION

To maintain its CHDO certification, the CHDO must submit at least **30** days prior to its annual compliance and monitoring audit a copy of the most recent audit financial statements along with all required attachments listed in the City's CHDO Certification Application, which is attached to this manual as **Exhibit "A" – City CHDO Application**. If the CHDO fails to submit the recertification packet, the CHDO may no longer qualify as a CHDO. Prior to awarding any City CHDO funds, the CHDO must recertify that no changes have occurred within the agency that would disqualify the entity as a CHDO for the specific type of activity being undertaken.

HOW TO APPLY FOR CHDO CERTIFICATION

Complete the City's CHDO Certification Application including all requested attachments, documentation, and forms. The applicant has **30** days to respond to any request for additional information. If information is not received within **30** days, the CHDO certification application will be denied.

Exhibit “A” – City CHDO Application



A Community Housing Development Organization (CHDO) is a private, nonprofit, community-based service organization that has obtained staff with the capacity to develop affordable housing in the community it serves.

The following application details the requirements that nonprofit corporations must satisfy to be certified as a CHDO by the City of Dallas Housing and Neighborhood Revitalization Department (HNR). Please refer to the CHDO Manual which provides details and additional requirements HNR will use in reviewing your application submission. The CHDO Manual can be found on the City of Dallas (City) website at www.dallascityhall.com/departments/housing-neighborhood-revitalization.

Please fully complete the application and supply all requested documentation. An incomplete application package will significantly delay the consideration of your application.

We are here to help if you have any questions in completing the application. Please do not hesitate to contact Cynthia Rogers-Ellickson (214) 670-3601 for assistance.

We look forward to receiving your application!

Submit Original Certification Application Package to:



Cynthia Rogers-Ellickson
Housing Development Manager
Housing and Neighborhood
Revitalization
1500 Marilla Street, 6DN
Dallas, TX 75201



I. LEGAL STATUS

1. **ORGANIZED:** To receive certification, your organization must be organized under state or local laws and must provide evidence of your legal status. Organization must Maintain a record of good standing with the Texas Secretary of State's office. Which of the following have you supplied?
- Charter
 - Articles of Incorporation along with confirmation from the Secretary of State; and
 - Certificate of Good Standing or comparable document from the Secretary of State.

Provided in Exhibit # _____(please specify Exhibit #)

2. **PURPOSE OF ORGANIZATION:** An organization must have among its purposes the provision of decent housing that is affordable to low and moderate-income persons'. Which of the following have you included that demonstrate compliance with this requirement?
- Charter
 - By-laws signed by the board Secretary
 - Articles of Incorporation

Provided in Exhibit # _____(please specify Exhibit #)

3. **NO INDIVIDUAL BENEFIT:** No part of your organization's net earnings can inure to the benefit of any member, founder, contributor or individual. Which of the following have you included that demonstrate compliance with this requirement?
- Charter
 - By-laws signed by the board Secretary
 - Articles of Incorporation

Provided in Exhibit # _____(please specify Exhibit #)

4. **SERVICE AREA:** To receive certification an organization must have a clearly defined geographic service area. The service area can be an area larger than a single neighborhood but must be an area smaller than an entire state. CHDO must maintain a staffed, physical office location in the proposed service area that is open for business and accessible by potential program applicants during generally-accepted customary business hours. If you will be serving a special population the geographic boundaries and your service area must also be defined. Which of the following have you included to demonstrate that your organization has a clearly defined geographic service area?
- Charter
 - By-laws signed by the board Secretary
 - Articles of Incorporation

Provided in Exhibit # _____(please specify Exhibit #)

5. **TAX EXEMPT RULING:** Your organization must have a tax-exempt ruling from the Internal Revenue Service (IRS), under section 501 (c) (3), 501 (c) (4) or a Section 905 of the Internal Revenue Code of 1986. Which of the following have you provided to indicate receipt of such a ruling?
- A 501 (c) (3) Certificate Letter from the IRS
 - A 501 (c) (4) Certificate Letter from the IRS
 - A group exemption letter, that is dated 1986 or later, from the IRS that includes the agency seeking certification as a CHDO (acceptable for Section 905 organizations only)

Provided in Exhibit # _____(please specify Exhibit #)

II. ORGANIZATIONAL STRUCTURE

6. **BOARD COMPOSITION:** To be certified a CHDO, an organization must structure the board of directors to consist of **at least** one-third representatives of the low-income community and no more than one-third representatives of the public sector. These provisions and examples are as follows:
- a) An applicant organization must ensure that at all times **at least** one-third of its governing board consists of representatives of the low-income community. There are three ways to meet this requirement: 1) Individuals can be residents of a low-income neighborhood in the organization's service area (but do not necessarily have to earn a low income themselves), 2) they can be low-income residents of the community, or 3) they can be appointed representatives to the board from a low-income neighborhood association. Which of the following documents have you provided that demonstrate that the one-third requirement will be maintained?
- Charter
 - By-laws signed by the board Secretary
 - Articles of Incorporation

Provided in Exhibit # _____ (please specify Exhibit #)

- b) An organization's board of directors may consist of no more than one-third representatives of the public sector. Representatives of the public sector include: 1) **elected officials** such as council members, 2) **appointed public officials** such as planning or zoning commission, regulatory or advisory boards, 3) **public employees** which include employees of public agencies or departments of the City such as fire and police, and 4) any individual who is not necessarily a public official, but has been **appointed by a public official** to serve on the organization's Board of Directors. Which of the following have you provided that demonstrate that the one-third cap on public representation will be met?
- Charter
 - By-laws signed by the board Secretary
 - Articles of Incorporation

(Under the HOME Program, "community" is defined as one or several neighborhoods or the city at large)

In order to verify that your current board meets both the low-income requirement and the limits on public-sector representation above, please complete the worksheet included as **Attachment B** to this application. In order to complete the worksheet, you will need to know whether the board member resides in a 'low-income' neighborhood or whether the board member qualifies as a low-income resident. An individual residing in a household earning **80%** of the area median family income or less meets the "low-income" designation. **Attachment E** provides the dollar amount of that income cap by

7. **LOW-INCOME INPUT:** To be certified a CHDO, an organization must provide a specific formal process for low-income program beneficiaries to advise the organization in all of its decisions regarding the design, location of sites, development and management of affordable housing projects. Specifically, a detailed plan for ensuring that input from low-income program beneficiaries will be solicited and integrated into the decision-making and project development processes of the organization. Which of the following has your organization provided, that detail the systems you will use to gather community involvement/input from those affected by your projects?
- By-laws signed by the board Secretary
 - A Board Resolution, (written statement of operating procedures approved by the governing body).

Provided in Exhibit # _____ (please specify Exhibit #)

III. RELATIONSHIP WITH OTHER ENTITIES

RELIGIOUS ORGANIZATION SPONSORSHIP:

8. Is your nonprofit organization sponsored or created by a religious organization?

- Yes, (please continue with the following)
- No, (if no, skip to # 9)

A religious organization cannot qualify as a CHDO, but they may sponsor the creation of a wholly secular nonprofit. The developed housing must be used exclusively for secular purposes. It must also be ensured that housing will be made available to all persons, regardless of religious affiliation or belief. The religious organization can appoint an unlimited number of board members to the housing organization's board, but the religious organization cannot control the housing organization. Which of the following has been provided to demonstrate that all of these provisions will be met in the operation of the organization?

- By-laws
- Charter
- Articles of Incorporation

Provided in Exhibit # _____ (please specify Exhibit #) PUBLIC ENTITY SPONSORSHIP:

9. Was your organization chartered by a state or local government?

- Yes, (please continue with the following)
- No, (If no, skip to # 10)

The state or local government may not appoint more than one-third of the organization's governing body, and the board members appointed by the state or local government may not, in turn, appoint the remaining two-thirds of the board members. Which of the following has been provided that demonstrate compliance with these requirements?

- By-laws signed by the board Secretary
- Charter
- Articles of Incorporation

Provided in Exhibit # _____ (please specify Exhibit #) FOR-PROFIT RELATIONSHIPS:

10. Is the nonprofit organization being sponsored by or was it created by a for-profit entity?

- Yes, (please continue with the following, # 11-14)
- No, (If no, skip to # 15)

11. A CHDO cannot be controlled by, nor receive direction from individuals or entities seeking profit from the organization. Which of the following has been provided to address compliance with this requirement?

- By-laws signed by the board Secretary
- A Memorandum of Understanding (MOU)

Provided in Exhibit # _____ (please specify Exhibit #)

III. RELATIONSHIP WITH OTHER ENTITIES, Continued...

12. An organization may be sponsored or created by a for-profit entity, however; the for-profit entity's primary purpose may not include the development or management of housing. Please provide the following to evidence compliance:

- The By-laws of the for-profit entity

Provided in Exhibit # _____(please specify Exhibit #)

13. The nonprofit organization is free to contract for goods and services from vendor(s) of its own choosing. Which of the following items has been provided to demonstrate that the nonprofit is free to do this?

- By-laws signed by the board Secretary
- Charter
- Articles of Incorporation

Provided in Exhibit # _____(please specify Exhibit #)

14. If the nonprofit is sponsored by a for-profit entity, the for-profit entity may not appoint more than one-third of the organization's governing body, and the board members appointed by the for-profit entity may not, in turn, appoint the remaining two-thirds of the board members. Which of the following items has been provided to demonstrate that the nonprofit is free to do this?

- By-laws signed by the board Secretary
- Charter
- Articles of Incorporation

Provided in Exhibit # _____(please specify Exhibit #)

IV. EXPERIENCE and CAPACITY

- 15. **FINANCIAL ACCOUNTABILITY:** The organization must have financial accountability standards that conform to 2 CFR 200 Subpart D, “Standards for Financial and Program Management”, which is included as **Attachment A** to this application. These standards are a variation on OMB Circular A-133 but are an updated version to that circular. The organization must certify that its financial management and internal controls comply with this specific standard. Which of the following have you provided to evidence compliance with this federal requirement?
 - A notarized statement by the Treasurer or Chief Financial Officer of the organization
 - Certification from a Certified Public Accountant
 - HUD approved audit summary

Provided in Exhibit # _____(please specify Exhibit #)

- 16. **AUDIT REQUIREMENT:** The City of Dallas requires that your organization submit audited financial statements for the organization’s most recent program year. The audits financials should include all components conducted, including any A-133 analysis of compliance with federal grants, analysis of internal controls, letter to the Board of Directors or management letters. If your organization does not have audited financial statements because it has been operating for less than one year, you must submit the audited financial statements of the parent or sponsor organization, along with your organization’s current unaudited financial statements.

Provided in Exhibit # _____(please specify Exhibit #)

NOTE: No nonprofit organization shall be certified as a CHDO if the organization’s most recent audit reflects an outstanding finding, material weakness or other unresolved matter, which would prevent the City of Dallas from certifying the capacity of that organization to successfully develop a CHDO project.

- 17. **EXPERIENCE:** To become a certified CHDO, the organization must demonstrate a capacity for carrying out housing projects assisted with HOME funds. A designated organization undertaking development activities as a developer or sponsor must satisfy this requirement by having paid employees with housing development experience who will work on projects assisted with HOME funds or by contract with a consultant who has housing development experience to train appropriate key staff of the organization. The organization must have **at least** one year of experience serving the community where the housing to be assisted with HOME funds is to be located. The year of service does **not** have to be directly related to housing. Newly created organizations wishing to become CHDOs can meet the requirement if the parent (or sponsoring) organization is a nonprofit and has provided services to the community for at least one year. These are the two forms in which capacity may be documented and accepted. Which of the two have you provided to demonstrate compliance with this requirement?
 - A statement signed by the Executive Director that documents at least **1** year of experience serving the community prior to seeking CHDO certification plus details the type of service provided; and have paid employees or a consultant with housing development experience working on projects assisted with HOME funds **OR,**
 - A statement signed by the Executive Director that documents that its parent or sponsoring organization has at least **1** year of experience serving the community prior to seeking CHDO certification plus details the type of service provided; and have paid employees or a consultant with housing development experience working on projects assisted with HOME funds

Provided in Exhibit # _____(please specify Exhibit #)

- 17a. **3-Year Business Plan:** To be eligible for CHDO designation, an organization must also have established a minimum 3-year strategic business plan, which must include CHDO- related production and community involvement goals.

Provided in Exhibit # _____(please specify Exhibit #)

18. **PROJECT DETAIL:** As a next step toward assessing your organization’s capacity, please provide the following information about the type of project(s) your organization is currently developing or expects to develop in the next 6 months:

NUMBER OF UNITS IN FIRST PROJECT: _

BUILDING TYPE:	EXPECTED USE:	CONCENTRATION:	CONSTRUCTION ACTIVITY
<input type="checkbox"/> Single Family buildings	<input type="checkbox"/> Rental	<input type="checkbox"/> Single Site	<input type="checkbox"/> Acquisition
<input type="checkbox"/> Multi-family buildings	<input type="checkbox"/> Homeownership	<input type="checkbox"/> Scattered Site	<input type="checkbox"/> New Construction
			<input type="checkbox"/> Rehabilitation
FOR RENTAL ONLY:		FOR HOMEOWNERSHIP ONLY:	
<input type="checkbox"/> CHDO will do Property Management		<input type="checkbox"/> CHDO will do Homeownership Counseling	
<input type="checkbox"/> CHDO will contract out for Property Management		<input type="checkbox"/> CHDO will work with established Homeownership Counseling or replace homeowners	

Additional comments about the project?

19. **STAFF AND CAPACITY:** To be certified as a CHDO, the organization must have paid staff *. HUD defines CHDO staff as paid employees who are responsible for the day-to-day operations of the CHDO; this does not include volunteers, board members or consultants. Additionally, the organization must demonstrate the capacity of its key staff to carry out the activities it is planning to undertake. Specifically, the key staff who will be responsible for the project must have successfully completed projects **similar to those the organization expects to undertake**. Please submit the following to evidence staff capacity:

- Resumes of key staff members who have successfully completed projects similar to that being proposed, (include project descriptions of relevant completed projects)

Provided in Exhibit # _____(please specify Exhibit #)

** HUD’s Definition of a paid employee is a person whose salary, payroll taxes, and unemployment insurance are paid by the organization and from whom the organization withholds payroll and income taxes. Receipt of a W-2 is sufficient evidence that an individual is a ‘paid employee’. The employee must be paid by the CHDO and, therefore cannot be contracted through, shared with, or cost-allocated through another entity. Employees of a for-profit organization that created a CHDO cannot also be employees of that CHDO.*

Please submit a roster of the organizations current board composition and their positions on the board.

Please describe the organization's current staffing by completing Attachment C

PLEASE REVIEW THE FOLLOWING CHECKLIST TO BE SURE YOUR APPLICATION SUBMISSION INCLUDES ALL OF THE ITEMS LISTED BELOW:

- All questions have been answered, exhibit numbers indicated, and the Executive Director has signed the certification statement on page one.
- Attachment B, Board information has been completed for every board member and is enclosed.
- Attachment C, Staff information has been completed for every staff person and is enclosed.
- All exhibits referenced in the application are numbered and enclosed.

Thanks very much for applying for CHDO Certification with the City of Dallas's Housing and Neighborhood Revitalization Department. We will work diligently to provide you with a quick response to your application.

ATTACHMENT A TO CHDO CERTIFICATION APPLICATION
HUD—Required Standards for Financial Management and Internal Controls

Code of Federal Regulations, Title 2, Volume 200, Parts 302 and 303

Revised as of December 19, 2014

From the U.S. Government Printing Office via GPO Access

[CITE: 2CFR200.302, 2CFR200.303], Page 107-108

TITLE 2-- GRANTS AND AGREEMENTS

Subpart D--Post Federal Award Requirements

Sec. 200.302-- **Financial management.**

- (a) Each state must expend and account for the Federal award in accordance with state laws and procedures for expending and accounting for the state's own funds. In addition, the state's and the other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award. See also §200.450 Lobbying.
- (b) The financial management system of each non-Federal entity must provide for the following (see also §§ 200.333 Retention requirements for records, 200.334 Requests for transfer of records, 200.335 Methods for collection, transmission and storage of information, 200.336 Access to records, and 200.337 Restrictions on public access to records):
 - (1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any.
 - (2) Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in §200.327 Financial reporting and 200.328 Monitoring and reporting program performance. If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. This recipient may develop accrual data for its reports on the basis of an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand.
 - (3) Records that identify adequately the source and application of funds for federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.
 - (4) Effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. See §200.303 Internal controls.
 - (5) Comparison of expenditures with budget amounts for each Federal award.
- (6) Written procedures to implement the requirements of §200.305 Payment.
- (7) Written procedures for determining the allowability of costs in accordance with Subpart E—Cost Principles of this part and the terms and conditions of the Federal award.

ATTACHMENT A TO CHDO CERTIFICATION APPLICATION
HUD–Required Standards for Financial Management and Internal Controls

Code of Federal Regulations, Title 2, Volume 200, Parts 302 and 303

Revised as of April 1, 2000

From the U.S. Government Printing Office via GPO Access

[CITE: 2CFR200.302, 2CFR200.303], Page 107-108

TITLE 2-- GRANTS AND AGREEMENTS

Subpart D--Post Federal Award Requirements

Sec. 200.303-- **Internal controls.**

The non-Federal entity must:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- (b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
- (c) Evaluate and monitor the non-Federal entity’s compliance with statutes, regulations and the terms and conditions of Federal awards.
- (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- (e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

ATTACHMENT B - BOARD MEMBER REQUIREMENTS

Org Name Here:

BOARD MEMBER INFORMATION: PLEASE CHECK THE APPROPRIATE BOX BELOW:

1

Name:			Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:								
Address:								
City:								
State:			Yes					Included
Zip:		Phone:	No					N/A
Place of Employment:			Additional Comment:					
Position:								

2

Name:			Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:								
Address:								
City:								
State:			Yes					Included
Zip:		Phone:	No					N/A
Place of Employment:			Additional Comment:					
Position:								

3

Name:			Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:								
Address:								
City:								
State:			Yes					Included
Zip:		Phone:	No					N/A
Place of Employment:			Additional Comment:					
Position:								

4

Name:			Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:								
Address:								
City:								
State:			Yes					Included
Zip:		Phone:	No					N/A
Place of Employment:			Additional Comment:					
Position:								

ATTACHMENT B - BOARD MEMBER REQUIREMENTS

Org Name Here:

BOARD MEMBER INFORMATION:

5

PLEASE CHECK THE APPROPRIATE BOX BELOW:

Name:											* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:											Elected rep of low-income neighborhood organization?
Address:											Resident of the low-income neighborhood in service area?
City:											* Low-income resident of the community?
State:											Public Employee?
Zip:											Elected or appointed Public Official?
Place of Employment:											Yes
Position:											No
	Additional Comment:										Included
											N/A

6

Name:											* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:											Elected rep of low-income neighborhood organization?
Address:											Resident of the low-income neighborhood in service area?
City:											* Low-income resident of the community?
State:											Public Employee?
Zip:											Elected or appointed Public Official?
Place of Employment:											Yes
Position:											No
	Additional Comment:										Included
											N/A

7

Name:											* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:											Elected rep of low-income neighborhood organization?
Address:											Resident of the low-income neighborhood in service area?
City:											* Low-income resident of the community?
State:											Public Employee?
Zip:											Elected or appointed Public Official?
Place of Employment:											Yes
Position:											No
	Additional Comment:										Included
											N/A

8

Name:											* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:											Elected rep of low-income neighborhood organization?
Address:											Resident of the low-income neighborhood in service area?
City:											* Low-income resident of the community?
State:											Public Employee?
Zip:											Elected or appointed Public Official?
Place of Employment:											Yes
Position:											No
	Additional Comment:										Included
											N/A

ATTACHMENT B - BOARD MEMBER REQUIREMENTS
Org Name Here:

BOARD MEMBER INFORMATION:

PLEASE CHECK THE APPROPRIATE BOX BELOW:

Name:			Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:								
Address:								
City:								
State:			Yes					Included
Zip	Phone:		No					N/A
Place of Employment:			Additional Comment:					
Position:								

9

Name:			Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:								
Address:								
City:								
State:			Yes					Included
Zip	Phone:		No					N/A
Place of Employment:			Additional Comment:					
Position:								

10

Name:			Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:								
Address:								
City:								
State:			Yes					Included
Zip	Phone:		No					N/A
Place of Employment:			Additional Comment:					
Position:								

11

Name:			Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:								
Address:								
City:								
State:			Yes					Included
Zip	Phone:		No					N/A
Place of Employment:			Additional Comment:					
Position:								

12

ATTACHMENT C

Staff Member Information

(Please make additional copies as needed to include *all* staff members)

PLEASE NOTE: A paid employee is a person whose salary, payroll taxes, and unemployment insurance are paid by the organization and from whom the organization withholds payroll and income taxes. Receipt of a W-2 is sufficient evidence that an individual is a 'paid employee'. The employee must be paid by the CHDO and, therefore cannot be contracted through, shared with, or cost-allocated through another entity. Employees of a for-profit organization that created a CHDO cannot also be employees of that CHDO.

STAFF INFORMATION:

Name:		Please indicate if this position is: <input type="checkbox"/> Paid Unpaid Resume Included? Yes No (Required)
Title:		
Position:		
Hours of work:		
Duties and Responsibilities		

Name:		Please indicate if this position is: Paid Unpaid Resume Included? Yes No (Required)
Title:		
Position:		
Hours of work:		
Duties & Responsibilities		

Name:		Please indicate if this position is: Paid Unpaid Resume Included? Yes No (Required)
Title:		
Position:		
Hours of work:		
Duties & Responsibilities		

ATTACHMENT D TO CHDO CERTIFICATION APPLICATION



To be certified as a Community Housing Development Organization (CHDO), an organization must meet the minimum certification criteria as required by the U.S. Department of Housing and Urban Development. Additionally, the organization must comply with the following policies in order to receive CHDO certification from the Housing and Neighborhood Revitalization Department (HNR).

NO DISTRIBUTIONS

An applicant organization's charter or the articles of incorporation must specify that no net earnings of the corporation can inure to the benefit of any member, founder, contributor or individual. All net income must be reinvested in the projects developed by the organization or in subsequent affordable housing projects.

BOARD COMPENSATION

Board members may receive a reasonable fixed sum and expenses for each board meeting he/she attends. However, board members cannot receive a salary for their service as a board member. For HNR staff to verify the reasonableness of compensation, CHDO applicants are required to submit all financial statements and, upon request, any other documents necessary for HNR to verify the amount of compensation provided to board members and the services for which the sum was paid.

SPONSORSHIP OR CREATION BY A RELIGIOUS ORGANIZATION

A religious organization cannot become a CHDO but can create a wholly secular nonprofit housing organization. The sponsoring organization can appoint an unlimited number of board members to the board of the housing organization. Beyond that, however, the housing organization cannot be controlled by the religiously-based sponsor organization. That is, the housing organization must be free to select its projects, to procure its goods, services and financing, and to otherwise operate the organization without influence or intervention by the religiously based sponsor. Additionally, the housing developed by the housing organization must be made available to all persons, regardless of religious belief or affiliation. The by-laws of the housing organization must include language that ensures compliance with all of the above requirements.

REPRESENTATIONS AND WARRANTIES

Any applicant who submits fabricated information, documentation or signatures as part of or along with its CHDO application, or any applicant who misrepresents any aspect of the board, staff or organizational accomplishments, experience or expertise shall be disqualified from the CHDO certification process for a period of 1 year. The 1-year disqualification period will begin at the time the misrepresentation is made by the HNR Department and is reported in writing by HNR staff to the applicant organization. If an applicant believes the HNR determination of misrepresentation is in error, the applicant organization may appeal the decision in writing to the Director of the Housing and Neighborhood Revitalization.

AUDIT

The Housing and Neighborhood Revitalization Department requires that your organization submit audited financial statements for the organization's most recent program year. If your organization does not have audited financial statements because it has been operating for less than one year, you must submit the audited financial statements of the parent or sponsor organization, along with your organization's current unaudited financial statements. No nonprofit organization shall be certified as a CHDO if the organization's most recent audit has an outstanding finding, material weakness or other unresolved matter which would prevent the Housing and Neighborhood Revitalization from certifying the capacity of that organization to successfully develop a CHDO project. The audit will also be used in assessing the organization's financial capacity for executing the affordable housing activities it intends to pursue.

VERIFICATION OF COMPLIANCE WITH BYLAWS

As part of the certification process, the Housing and Neighborhood Revitalization may do all necessary due diligence to verify that the operations of an applicant organization are being conducted in keeping with the by-laws submitted in the CHDO Certification application.



City of Dallas, Housing and Neighborhood Revitalization Department

1500 Marilla Street, Dallas, Texas 75201

(214) 670-5988 Fax (214) 670-0156

www.dallascityhall.com/departments/housing-neighborhood-revitalization

ATTACHMENT E TO CHDO CERTIFICATION APPLICATION

HUD Income Limits by Household Size Effective Date: April 14, 2017

FY 2017 Area Median Family Income Dallas, Texas

\$73,400 (4-person household)

Number of Persons in Households

Eligibility Standard	1	2	3	4	5	6	7	8	9
80%¹	\$41,100	\$47,000	\$52,850	\$58,700	\$63,400	\$68,100	\$72,800	\$77,500	\$82,200
67%	\$34,425	\$39,342	\$44,260	\$49,178	\$53,112	\$57,046	\$60,981	\$64,915	\$68,849
65%	\$33,397	\$38,168	\$42,939	\$47,710	\$51,527	\$55,344	\$59,160	\$62,977	\$66,794
60%	\$30,828	\$35,232	\$39,636	\$44,040	\$47,563	\$51,086	\$54,610	\$58,133	\$61,656
50%¹	\$25,700	\$29,400	\$33,050	\$36,700	\$39,650	\$42,600	\$45,500	\$48,450	\$51,400
30%¹	\$15,400	\$17,600	\$19,800	\$22,000	\$23,800	\$25,550	\$27,300	\$29,050	\$30,850
Size adjustment:	70%	80%	90%	100%	108%	116%	124%	132%	140%

¹Income for the 80%, 50% and 30% categories are HUD's estimated figures rounded to the nearest \$50.

ATTACHMENT F TO CHDO CERTIFICATION APPLICATION

**Community Housing Development Organization
SELF-CERTIFICATION FORM**

For the purpose of determining income eligibility, I,_(print name), do hereby understand that in order to qualify as a representative of the low-income community, my total household income cannot exceed **80%** of the Median Family Income for the Dallas area as established by the Federal Government. Currently, the amounts are:

HUD Income Limits by Household Size

Effective Date: April 14, 2017

2017 Area Median Family Income for Dallas, Texas

1	2	3	4	5	6	7	8
PERSON							
\$41,100	\$47,000	\$52,850	\$58,700	\$63,400	\$68,100	\$72,800	\$77,500

The following is a list of all persons who are currently occupying this household:

Name Age Relationship Gross Monthly Income

(Before Taxes)

Signature

Date

WARNING: Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.

FOR CITY STAFF ONLY:

Based on the information provided above, the information has been verified by HNR Staff to reflect that the person named above

DOES **DOES NOT**

qualify as a representative of the low-income community as defined by HUD.

HNR Staff Name:

Date:

CHDO Certification Application, **Attachment F**, CHDO Board Self-Certification Form

APPENDIX 6
Recapture/Resale Requirements for Homebuyer Activities

To ensure that HOME investments yield affordable housing over the long term, HOME regulations impose occupancy requirements over the length of an affordability period. If a house purchased with HOME funds is sold during the affordability period, recapture or resale provisions as per 24 CFR 92.254 shall apply to ensure the continued provision of affordable homeownership.

Definitions

Affordability Period: Occupancy restrictions for varying lengths of time for those homeowners assisted with HUD HOME funds. The affordability period affects the terms of the resale/recapture of the property if sold during the affordability period.

HOME Affordability Periods	
HOME subsidy/unit	Minimum Period of Affordability in Years
Under \$15,000	5
\$15,000 to \$40,000	10
Over \$40,000	15

Direct Homebuyer Subsidy: A direct subsidy consists of any financial assistance that reduces the purchase price from fair market value to an affordable price, or otherwise directly subsidized the purchase (e.g., down payment or closing cost assistance, subordinate financing, etc.).

Development subsidy: A development subsidy is the difference between the cost to develop housing and the market price. For example, the PJ might provide a \$50,000 construction loan to a developer. The appraised value after construction will be \$45,000 because of neighborhood and the market conditions. The \$5,000 difference between the \$45,000 sale price and \$50,000 construction loan is not repaid to the PJ and represents a development subsidy provided to the developer. While the subsidy does not go directly to the homebuyer, it helps make development of an affordable home feasible.

Summary of Provisions for the City of Dallas by Subsidy Type:		
Direct Homebuyer Subsidy (DHS)	DHS + Development Subsidy	Development Subsidy
Recapture provisions shall apply	Recapture provisions shall apply	Resale provisions shall apply

Net Proceeds: The sales price minus loan repayment (other than HOME funds) and closing costs.

Recapture Requirements

Pursuant to HOME regulations at 24 CFR 92.254(a)(5) each HOME-funded homebuyer unit must be subject to either resale or recapture requirements during the affordability period. The City of Dallas exclusively uses the recapture provisions as defined herein and does not intend to use resale restrictions.

The City of Dallas provides HOME-funded direct buyer assistance to income eligible buyers based on need as dictated by the City of Dallas Homebuyer Assistance Program Underwriting Guidelines.

The level of HOME assistance provided to a buyer is based on an evaluation of the buyer's individual need taking into account their specific income, debts, etc. according to the City's underwriting policies for homebuyer assistance. Depending on the level of homebuyer assistance provided, the affordability period may be five (5) years (less than \$15,000 in direct assistance), ten (10) years (\$15,000 or more but less than \$40,000 in direct assistance), or fifteen (15) years (\$40,000 or more in direct assistance). Based on the City's program design, most projects trigger a 5- or 10-year affordability period.

All buyers sign a HOME written agreement with the City outlining the affordability period and recapture provisions. HOME assistance is provided in the form of a deferred loan secured by a second-position deed of trust which is due and payable upon sale or transfer of title. In the event buyers remain in the unit beyond the end of the affordability period, the HOME loan remains outstanding until sale or transfer of title while the term of the HOME written agreement expires.

Any sale or transfer of title during the affordability period results in recapture by the City of the lesser of the:

- a) Entire amount of direct HOME assistance originally provided to the buyer (less any voluntary prepayments previously made); or
- b) Net proceeds of sale (sales price minus senior secured debt minus reasonable seller's closing costs).

When the net proceeds are inadequate to fully repay the City's HOME loan, the City accepts the net proceed as full and final payoff of the note. The City reserves the right to determine that the sales price reflects an arms-length transaction at fair market value. Receipts received as a result of a sale within the affordability period are recorded as "recaptured funds." When net sales proceeds exceed the HOME assistance, buyers retain all remaining net proceeds after repaying the HOME loan balance.

After the expiration of the affordability period, any sale or transfer requires the HOME loan balance be repaid, and the City similarly limits the payoff to the net proceeds of sale. Receipts collected after the affordability period has expired are recorded as "program income." Net proceeds in excess of the City's HOME loan balance are retained by the original homebuyer.

Resale Requirements

The City of Dallas shall require that Resale provisions be used in the event that only a Development Subsidy is used to make the home affordable (i.e. funding construction to the developer). In a project where both Development and Direct subsidies are provided, recapture provisions apply.

Resale provisions require the homeowner to sell to another low-income homebuyer. The resale requirement must ensure that the price at resale provides the original HOME-assisted owner a fair return on investment and ensure that the housing will remain affordable to a reasonable range of low-income homebuyers as defined below:

Affordable to range of low-income homebuyers (As it relates to the Resale Provision only): That which is affordable to a family earning 80% AMI and below and that who not pay any more than 30% their gross income for PITI (Principle, Interest, Tax, and Insurance).

Fair Return on Investment (As it relates to the Resale Provision only): A Homeowner can sell the home during the affordability period according to the following chart:

Fair Return on Investment (as it relates to Resale Provision only)		
Years	Lower Range	Max Limit
Year 1-5 of Affordability Period	A Homeowner can sell the home during the affordability period for no more than 15% over DCAD's most recent appraisal value	Current (as of date of sale) Affordable Home Price asset forth in the City of Dallas Housing Policy
Year 6-15 of Affordability Period	No Cap on appreciation rate	Current (as of date of sale) Affordable Home Price asset forth in the City of Dallas Housing Policy

Homeownership projects undertaken using the resale provision shall use deed restrictions, covenants running with land, or other similar mechanisms per 92.254(a)(5)(i)(A) to ensure the resale requirements. The period of affordability specified in the mortgage will be the minimum period for the project as specified above. The period of affordability is based on the total amount of HOME funds invested in the housing.

Either recapture or resale provisions must be detailed and outlined in accordance with 24 CFR in marketing brochures, written agreements and all legal documents with homebuyer. Either recapture or resale may be used within a project, not both. Combining provisions to create "hybrids" is not allowed.

APPENDIX 7

City of Dallas Affirmative Fair Housing Marketing Policy

The Affirmative Fair Housing Marketing (AFHM) Plan is a marketing strategy or approach designed to attract renters and buyers that would be least likely to apply to assisted multi-family or single-family developments. The City of Dallas requires that all recipients and sub-recipients of HOME, CDBG or NSP funds, for all projects resulting in five (5) or more assisted housing units, implement affirmative 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 market to such groups and requires that recipients of HOME/CDBG funds to submit an AFHM Plan using HUD Form 935.2B for single-family developments and HUD Form 935.2A for multi-family developments, prior to expending any funds on a project.

In developing an Affirmative Marketing Plan, the recipient/managing agent shall abide by the following:

I. Regulations

HOME: The recipient/managing agent shall adopt the affirmative marketing procedures and requirements as specified in the HOME Final Rule 92.351 for all projects resulting in five (5) or more HOME-assisted housing units.

CDBG: The Housing and Community Development Act of 1974, as amended, requires from each federal grantee, through the Consolidated Plan certify the following:

- (1) Examine and attempt to alleviate housing discrimination with their jurisdiction;
- (2) Promote fair housing choice for all persons;
- (3) Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin;
- (4) Promote housing that is accessible to and usable by persons with disabilities;
- (5) And comply with non-discrimination requirements of the Fair Housing Act.

II. 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.

III. Training

1. The recipient/managing agent shall provide property management staff with all relevant regulations and Fair Housing provisions. All property management staff shall be required to follow the procedures and policies adopted by the recipient/managing agent. In the event that

property management staff requires fair housing technical assistance, staff is to call the **City of Dallas Office of Fair Housing and Human Rights 214-670-FAIR (3247)**.

2. Regular training programs shall including 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.

IV. Marketing and Outreach

1. All advertising shall display the Equal Housing Opportunity logo or the phrase "Equal Housing Opportunity" and the accessibility logo when appropriate, as shown below:



2. Consistent with resident population the development is designed to serve, the marketing of the project will ensure equal access to appropriate size units for all persons in any category protected by federal, state, and local laws governing discrimination. There will be no local residency requirements nor will preference be given to local residents for the project. Special marketing outreach consideration shall be given to the following traditionally underserved populations:
 - a. African-Americans
 - b. Native Americans
 - c. Hispanics
 - d. Asians and Pacific Islanders
 - e. Disabled Persons
3. 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.
4. 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.

V. 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.

VI. Compliance Assessment

1. 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.
2. 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.

VII. Record Keeping

1. 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.

2. Recipient/managing shall keep up-to-date records based on census data, applications, and surveys about community residents, recipients and sub-recipients, residents of the project, and records about tenant selection or rejection.
3. The recipient/managing agent shall provide City staff provide City staff access to any pertinent books, documents, papers or other records of their properties, as necessary, for determining compliance with civil rights and nondiscrimination requirements.

APPENDIX 8

Residential Anti-Displacement and Relocation Assistance Plan (RARAP)

This Residential Anti-Displacement and Relocation Assistance Plan (RARAP) is prepared by the City of Dallas Housing & Neighborhood Revitalization Department (City) in accordance with the Housing and Community Development Act of 1974, Section 104(d) as amended and HUD regulations at 24 CFR 42.325 and is applicable to CDBG, CDBG-R, Section 108 Loan Guarantee Program, NSP and/or HOME-assisted projects.

Plan to Minimize Displacement of Low/Mod-Income Families as a Result of Any HUD Assisted Activities

Consistent with the goals and objectives of activities assisted under the Act, the City will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Support the Redevelopment and Stabilization Target Areas through this policy
- Ensure the staging of rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Ensure for the arrangement of facilities to house persons who must be relocated temporarily during rehabilitation.
- Identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, allow for demolition or conversion of only dwelling units that are not occupied or vacant occupied dwelling units (especially those units which are “lower- income dwelling units” (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.

Relocation Assistance to Displaced Persons

The City will ensure relocation assistance for lower-income tenants who, in connection with an activity assisted under the above-mentioned Programs, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350.

A displaced person who is not a lower-income tenant, shall be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970m Section 104(d) as amended, and implementing regulations at 49 CFR Part 24.

One-for-One Replacement of Lower-Income Dwelling Units

The City will ensure replacement of all occupied and vacant occupied lower-income dwelling units demolished or converted to use other than lower-income housing in connection with a project assisted with funds provided under the above-mentioned programs in accordance with 24 CFR 42.375.

Before entering into a contract committing the City to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City will ensure publication of such project in a newspaper of general circulation and submit to HUD the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of assisted project;
3. A time schedule for the commencement and completion of the demolition or conversions;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 420.75(d).
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specified location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the general location of such dwelling units will be identified on a map and the City will ensure that the disclosure and submission requirements are completed as soon as the specific data is available.

Replacement not required Based on Unit Available

Under 24 CFR 42.375(d), the City may submit a request to HUD for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard

condition available on a non-discriminatory basis within the area.

Responsible Entity

The City is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period. This City will also ensure that relocation payments and other relocation assistance are provided to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

**APPENDIX 9
Other Federal Requirements**

Other Federal Requirements	Apply to Owner Occupied Rehabilitation?	Apply to Homebuyer Programs?	Applies to Rental Housing Programs?
<i>Non-Discrimination and Equal Access Rules</i>			
Fair Housing and Equal Opportunity	Yes. Must affirmatively further Fair Housing	Yes	Yes.
Affirmative Marketing	Yes.	Yes, for all projects of five or more HOME-assisted units.	Yes; for projects containing five or more Home-assisted units.
Accessibility for Disabled Persons	Accessibility features must be part of rehabilitation, if needed by owner/occupant and the overall unit is brought up to the PJ's property standard. (Note: Accessibility improvements are eligible costs.)	Yes.	Yes.
<i>Employment and Contracting Rules</i>			
Equal Opportunity Employment	Yes.	Yes.	Yes.
Section 3 Economic Opportunity		Yes, if amount of assistance exceeds \$200,000 or contract or subcontract exceeds \$100,000.	Yes, if amount of assistance exceeds \$200,000 or contract or subcontract exceeds \$100,000.
Minority/Women Business Enterprises	No.	Yes.	Yes.
Davis-Bacon & other Labor	No.	Yes, if construction contract includes 12 or more units that are HOME-assisted	Yes, if construction contract includes 12 or more units that are HOME-assisted
Conflict of interest	Yes.	Yes.	Yes.
Excluded Parties (e.g., Debarred Contractors)	Yes.	Yes	Yes.
<i>Other Federal Requirements</i>			
Environmental Reviews	Yes.	Yes	Yes.
Flood Insurance	Yes for PJs that are cities/counties. No for State programs.	Yes if city or county. No if state program	Yes for PJs that are cities/counties. No for State PJs.

Site and Neighborhood Standards	No.	No.	Yes; for rental new construction only
Lead-Based Paint	Yes for pre-1978 units	Yes for pre-1978 units.	Yes for rehabilitation of pre-1978 units. Applies to HOME and non-HOME assisted units. Requirements differ depending on whether rehabilitation work is performed.
Relocation	Yes.	Yes	Yes.

APPENDIX 10

Lead-Based Paint Requirements

This portion of the manual outlines the requirements in relation to Lead-Based Paint.

The U.S. Department of Housing and Urban Development recently adopted new regulations in relation to the treatment of Lead Based Paint in properties built before 1978 that are assisted with HUD funding. The requirements are outlined below based on the activity undertaken. To obtain a copy of the rules from HUD, go to the HUD website at: www.hug.gov/lead and download the regulation.

The section does not outline the City programs that are available to provide financial assistance in relation to lead abatement. Please note, however that any financial assistance provided by the City to address lead based paint will be in the form of a GRANT to the homeowner to developer.

Down-payment Assistance Programs:

The following are HUD's requirements See 24 CFR part 35 (subpart K):

- Distribute Lead Hazard Information Pamphlet and Disclosure to buyers of homes built prior to 1978.
- Perform Visual Assessment of all painted surfaces.
- If Visual Assessment reveals deteriorated paint, action must be taken to stabilize each deteriorated paint surface.
 - At this point, one will have to assume every component has lead since the Visual Assessment does not determine where lead is present. Safe work practices must be used by trained worker in this field. Paint stabilization works will on non-friction surfaces such as walls (interior/exterior). When dealing with friction points such as windows and doors, abatement procedures (removal, replacement, enclosure) are recommended.
- After paint stabilization, clearance must be performed by a certified Risk Assessor or Lead Inspector. HUD has established lead levels that meet clearance requirements.
- Notify the homebuyer within 15 days of results of clearance exam.

At the Visual Assessment Stage, the homebuyer *may opt* for a lead test. This will reveal the levels of lead present in the home. A lead inspection will not tell you the risk involved, but only where the lead is located. This is when a buyer may request a Risk Assessment to outline the necessary Lead Hazard Reduction methods needed to insure a lead safe residence.

Following are some options (NOT REQUIREMENTS) to consider in relation to your program design for down payment assistance programs:

- If the visual assessment reveals defective paint in which stabilization and clearance is required then this cost can be funded by the nonprofit or the homebuyer or seller.
- If visual assessment shows no deterioration of a painted surface, the homebuyer can sign a waiver stating that they are aware of the potential presence of lead paint and they choose not to address it.
- A qualified consultant should advise on any lead inspection, lead hazard screen or risk assessments.

For Rehabilitation Programs (Owner-Occupied, Homebuyer, and Rental Property Rehabilitation Programs and Historic Preservation Residential Programs):

See 24 CFR Part 35 (subpart J)

If you are implementing a rehabilitation program, HUD's requirements are a bit more stringent in relation to lead based paint. The following describes HUD's requirements:

For HUD funded rehabilitation activities, lead hazard evaluation and reduction activities must be carried out for all projects constructed before 1978.

In all case, notification must be made to the homeowner/buyer in the form of the HUD Lead Hazard Information Pamphlet and Disclosure or an acceptable alternative pamphlet.

The required evaluation and reduction activity is dependent upon the amount of HUD funding used for the project.

For cases where less than or equal to \$5,000 will be spent on the rehabilitation: *Testing:* Paint Testing of surfaces to be disturbed by the rehabilitation activities must occur.

Lead Hazard Reduction: Surfaces, which are disturbed during rehabilitation, must be re paired. Safe work practices must be used. After the rehabilitation activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

For cases where \$5,001 to \$25,000 will be spent on the rehabilitation:

Testing: Paint testing of surfaces to be disturbed by rehabilitation must occur. In addition, a risk assessment must be performed.

Lead Hazard Reduction: Interim controls must be used. This means that the friction and impact surfaces would be addressed. Interim controls include paint stabilization and cleaning. Safe work practices must be used. After the rehabilitation activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

For cases where more than \$25,000 will be spent on the rehabilitation:

Testing: Paint testing of surfaces to be disturbed by rehabilitation must occur. In addition, a risk assessment must be performed.

Lead Hazard Reduction: abatement of hazards is the required approach. Abatement involves permanently removing lead based hazards, often through paint and component removal, replacement, encapsulation and enclosure. Interim controls and paint stabilization may be used on the home's exterior if it is not involved in the rehabilitation. Safe work practices must be used. After the lead hazard reduction activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

Calculating the level of rehabilitation assistance:

When calculating how much HUD funding will be used on a rehabilitation project, the following costs are counted: soft costs, administrative costs, relocation costs, environmental reviews, acquisition of property, and lead hazard evaluation and reduction costs.

Lead-Based Paint Requirements

For HUD funded rehabilitation activities, lead hazard evaluation and reduction activities must be carried out for all projects constructed before 1978.

Less than or equal to \$5,000 spent on the rehabilitation:

Projects where the level of rehabilitation assistance is less than or equal to \$5,000 per unit must meet the following requirements. All work must be conducted using lead safe work practices and workers/contractors must be trained in lead safe work practices. It is presumed that painted surfaces being worked on contain lead-based paint. All disturbed paint must be repaired. Clearance is required by a State of Texas Certified Risk Assessor or Inspector if paint is disturbed. Safe work practices are NOT required when lead hazard reduction activities do not disturb (De Minimis Levels) painted surfaces that total more than 20 sq ft on exterior surfaces, 2 sq ft in any one interior room, or space or 10% of the total surface on an interior or exterior type of component.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

Where \$5,001 to \$25,000 spent on the rehabilitation:

A risk assessment is required to identify lead hazards and identified hazards must be addressed by interim controls. A risk assessment must be conducted by a qualified professional prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation. If the risk assessment identifies lead-based paint hazards, interim controls must be implemented to address lead-based paint hazards. Interim controls must be performed by qualified professionals using safe work practices. Clearance, conducted by a State of Texas Certified Risk Assessor or Inspector, is required when lead hazard reduction activities are complete.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

Where more than \$25,000 will be spent on the rehabilitation:

A risk assessment is required to identify hazards and any identified hazards must be abated by a qualified professional. A risk assessment must be conducted prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation.

To address hazards identified:

- Abatement must be conducted to reduce all identified lead-based paint hazards except those described below. Abatement must be conducted by a certified abatement contractor.

If lead-based paint hazards are detected during the risk assessment on the exterior surfaces that are not to be disturbed by rehabilitation, interim controls may be completed instead of abatement to reduce these hazards.

- Clearance is required when lead hazard reduction activities are complete.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

	<\$5,000	\$5,000 to \$25,000	>\$25,000
Approach to Lead Hazard Evaluation and Reduction	Do no harm	Identify and control lead hazards	Identify and abate lead hazards
Notification	Yes	Yes	Yes
Lead Hazard Evaluation	Paint Testing	Paint Testing and Risk Assessment	Paint Testing and Risk Assessment
Lead Hazard Reduction	Repair surfaces disturbed during rehabilitation	Interim Controls	Abatement (Interim controls may be used on exterior surfaces not disturbed by rehabilitation)

APPENDIX 11
Environmental Review Policy, Procedures, and Standards

For every project, an Environmental Review must be completed in accordance with 24 CFR Part 58 prior to executing an agreement with a sub-recipient, developer or CHDO. The City has developed the "Environmental Review Policy, Procedures, and Standards" document to outline the process and requirements of completing an Environmental Review.

APPENDIX 12

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.

APPENDIX 13
MINORITY BUSINESS ENTERPRISE & WOMEN BUSINESS ENTERPRISE

Developers must maintain a MBE/WBE plan that demonstrates marketing and solicitation of MBE/WBE businesses and contractors for the construction of the project.

APPENDIX 14 Regulatory References

You may be interested in reading the actual regulations published by the U.S. Department of Housing and Urban Development for CDBG and HOME and the applicable federal requirements. A copy of the regulations may be obtained by contacting the Department of Housing and Neighborhood Revitalization or downloading the information from the HUD website at www.hud.gov.

The regulations for CDBG are located at 24 CFR Part 570: Part 570 – Community Development Block Grants

Subpart A – General Provisions

Section	Title
570.1	Purpose and Primary Objective
570.2	Removed
570.3	Definitions
570.4	Allocations of Funds
570.5	Waivers

Subpart C – Eligible Activities

Section	Title
570.200	General Policies
570.201	Basic eligible activities
570.202	Eligible rehabilitation and preservation activities
570.203	Special economic development activities
570.204	Special activities by Community-Based Development Organizations (CBDO's)
570.205	Eligible planning, urban environmental design and policy-planning- management- capacity building activities
570.206	Program administration costs
570.207	Ineligible activities
570.208	Criteria for national objectives
570.209	Guidelines for evaluating and selecting economic development projects

The regulations for HOME are located at 24 CFR Part 92: Home Investment Partnerships Program

Section	Title
n	SUBPART A - GENERAL
92.1	Overview
92.2	Definitions
92.4	Waivers and Suspensions of Requirements for Disaster Areas

SUBPART B – ALLOCATIONS FORMULA

- 92.50 Formula Allocations
- 92.60 Allocation Amounts for Insular Areas
- 92.61 Program Description
- 92.62 Review of Program Description and Certifications
- 92.63 Amendments to Program Description
- 92.64 Applicability of Requirements to Insular Areas
- 92.65 Funding Sanctions
- 92.66 Reallocations

SUBPART C – CONSORTIA; DESIGNATION AND REVOCATION OF DESIGNATION AS A PARTICIPATING JURISDICTION

- 92.101 Consortia
- 92.102 Participation Threshold Amount
- 92.103 Notification of Intent to Participate
- 92.104 Submission of a Consolidated Plan
- 92.105 Designation as a Participating Jurisdiction
- 92.106 Continuous Designation as a Participating Jurisdiction
- 92.107 Revocation of Designation as a Participating Jurisdiction

SUBPART D – SUBMISSION REQUIREMENTS

- 92.150 Submission Requirements

SUBPART E – PROGRAM REQUIREMENTS

- 92.200 Private-Public Partnership
- 92.201 Distribution of Assistance
- 92.202 Site and Neighborhood Standards
- 92.203 Income Determinations
- 92.204 Applicability of Requirements to Entities that Receive a Reallocation of HOME Funds, other than Participating Jurisdictions
- 92.205 Eligible Activities: General
- 92.206 Eligible Project Costs
- 92.207 Eligible Administrative and Planning Costs
- 92.208 Eligible Community Housing Development Organization (CHDO) Operating Expense and Capacity Building Costs
- 92.209 Tenant-Based Rental Assistance: Eligible Costs and Requirements

Lead Based Paint Regulations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 35, 91, 92, 200, 203, 206, 280, 291, 511, 570, 572, 573, 574, 576, 582, 583, 585,

761, 881, 882, 883, 886, 891, 901, 906, 941, 965, 968, 670, 982, 983, 1000, 1003, and 1005

Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance.

AGENCY: Office of the Secretary – Office of Lead Hazard Control, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to ensure that housing receiving Federal assistance and federally owned housing that is to be sold does not pose lead-based paint hazards to young children. It implements sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992.

The requirements of this rule are based on the practical experience of cities, states and others who have been controlling lead-based paint hazards in low-income privately-owned housing and public housing through HUD assistance. It also reflects the results of new scientific and technological research and innovation on the sources, effects, costs, and methods of evaluating and controlling lead hazards. With today's action, HUD's lead-based paint requirements for all Federal programs are now consolidated in one part of title 24 of the Code of Federal Regulations.

DATES: Effective Dates: Section 35.140 is effective on November 15, 1999. All other provisions of the rule are effective on September 15, 2000.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, call (202) 755-1785, ext. 104 (this is not a toll-free number) or e-mail your inquiry to lead_regulations@hud.gov. For lead-based paint program information, contact the Office of Lead Hazard Control, Department of Housing and Urban Development, 451 7th Street, SW, Room B-133, Washington, DC 20410-0500. For legal questions, contact the Office of General Counsel, Room 9262, Department of Housing and Urban Development. Hearing and speech-impaired persons may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

Subpart A – Disclosure of Known Lead-Based Paint Hazards upon Sale or Lease of Residential Property.

Subpart B – General Lead-Based Paint Requirements and Definitions for All Programs

- a. Definitions
- b. Exemptions
- c. Options
- d. Notice of Evaluation and Hazard Reduction Activities

- e. Lead Hazard Information Pamphlet
- f. Use of Paint Containing Lead
- g. Prohibited Methods of Paint Removal
- h. Compliance with Other, State, Tribal, and Local Laws
- i. Minimum Requirements
- j. Waivers
- k. Prior Evaluation or Hazard Reduction
- l. Enforcement
- m. Records

Subpart C – Disposition of Residential Property Owned by Federal Agency Other Than HUD
Subpart D – Project-Based Assistance Provided by a Federal Agency Other than HUD
Subpart E - Reserved

Subpart F – HUD-Owned Single-Family Property
Subpart G – Multifamily Mortgage Insurance
Subpart H – Project-Based Rental Assistance

Subpart I – HUD – Owned and Mortgagee-in-Possession Multifamily Property

Subpart J – Rehabilitation

Subpart K – Acquisition, Leasing, Support Services, or Operation

Subpart L - Public Housing Programs

Subpart M – Tenant-Based Assistance

Subpart N-Q – Reserved

Subpart R – Methods and Standards for Lead-Based Paint Hazard Evaluation and Reduction Activities

- a. Standards
- b. Adequacy of Dust-Lead Standards
- c. Summary Notice Formats
- d. Interim Controls
- e. Standard Treatments
- f. Clearance
- g. Occupant Protection and Worksite Preparation
- h. Safe Work Practices
- i. Ongoing Lead-Based Paint Maintenance and Reevaluation

APPENDIX 15

**OWNER-OCCUPIED HOUSING REHABILITATION / RECONSTRUCTION PROGRAM
GENERAL CONTRACTOR / HOMEBUILDER APPLICATION**

A. **COMPANY NAME:** (Print) _____
Address _____
City, State, & Zip _____
Office Telephone No. _____ Employer's Tax No. _____
Cell No. _____ Fax No. _____

B. **BUSINESS OWNER(S) / PRINCIPAL(S):**

1. Name _____ Title _____
Home Address _____
City, State, & Zip _____
Telephone No. () _____ Fax No. () _____

2. Name _____ Title _____
Home Address _____
City, State, & Zip _____
Telephone No. () _____ Fax No. () _____

3. Name _____ Title _____
Home Address _____
City, State, & Zip _____
Telephone No. () _____ Fax No. () _____

C. **HISTORY OF COMPANY:**

1. How long has your company been under the present company name? If less than 2 years, please list previous company name, if any _____

2. Are you a member of any trade or professional association? Yes _____ No _____

If yes, please indicate name and number of years as member: _____

-

3. Number of Employees: Office/Admin _____ Trades _____ (Give averages if number fluctuates)

4. Contractor's and/or Homebuilder's License Number _____

Where Licensed _____

5. Have you ever had your Contractor's License revoked? Yes _____ No _____

If yes, provide year revoked and justification. _____

6. Have you ever defaulted on a contract? Yes _____ No _____

7. Are you on any debarment or suspension lists or have been declared ineligible to participate in any Federal Assistance Programs? Yes _____ No _____

8. Have any members of the firm been sued within the past 2 years by sub-contractors, suppliers, customers, or other persons? Yes _____ No _____

If yes, give details: _____

9. Do you have working capital to start a home improvement job of \$50,000.00? Yes _____
No _____

10. How do you finance your work? _____

11. If this application is approved, how do you plan on financing these public projects?

12. If you intend on using interim financing from a lending institution to finance these public projects, please provide a commitment letter from your lending institution or other financial resources.

D. CONTRACTOR'S INFORMATION AND BACKGROUND:

1. Principal Contractor's Social Security Number: _____

2. How long have you been in business? _____

3. Describe your construction background and specific trades: _____

If you have no construction background, who in your company does? _____

4. In what areas and trades are you licensed by the City of Dallas? _____

5. Who is responsible for jobsite day-to-day activities such as: scheduling, supervision, Coordination, quality control, clients concerns and complaints, etc.?

Name: _____

Title: _____ Years w/Company _____

6. Please list full-time employees and the trades they cover? List names, trades and licenses, if any, and years with the company.

7. What kind of warranty do you provide your customers upon completion of the construction work and how long is the warranty period?

8. How long does it take you to build a new 1,900 square foot home?

9. How long does it take you to complete a FULL rehab of a 1,900 square foot home on pier and beam? _____

E. CONSTRUCTION WORK PREFERENCE:

1. What type of construction work program do you want to participate in?

Reconstruction (New construction) Yes_____ No_____

Single family units Yes_____ No_____

Multi-family developments Yes_____ No_____

Rehabilitation (Existing homes) Yes_____ No_____

Single family units Yes_____ No_____

Multi-family developments Yes_____ No_____

E. EXPERIENCE WITH PUBLIC AGENCIES:

1. Have you participated or worked with similar federally-funded housing construction programs with other entities, i.e., Dallas Housing Authority (DHA), other housing non-profit organizations, etc.? Yes _____ No _____

If yes, please complete the following information:

(a) Agency Name _____ Phone No. _____

Address _____ City, State, and Zip _____

Type of Work _____

Contract Amount \$ _____ Units Completed _____ Date: _____

(b) Agency Name _____ Phone No. _____

Address _____ City, State, and Zip _____

Type of Work _____

Contract Amount \$ _____ Units Completed _____ Date: _____

(c) Agency Name _____ Phone No. _____

Address _____ City, State, and Zip _____

Type of Work _____

Contract Amount \$ _____ Units Completed _____ Date: _____

(d) Agency Name _____ Phone No. _____

Address _____ City, State, and Zip _____

Type of Work _____

Contract Amount \$ _____ Units Completed _____ Date: _____

G. CURRENT CONTRACT AGREEMENTS:

Presently, do you have any contracts under construction? Yes _____ No _____

If yes, provide the following information:

Project Address	Contract Amount	Client's Name	Client's Phone No.	Construction Start and Expected Completion
1				

2				
3				
4				

H. INSURANCE REQUIREMENTS (See Attachment A): If your application is approved, you will be required to provide proof of insurance as outlined in Attachment A.

I. EXPERIENCE: REHABILITATION AND/OR RECONSTRUCTION WORK DURING THE PAST YEAR:

1. Name _____ Phone No. _____
 Address _____ City, State, Zip _____
 Type of Work _____
 Contract Amount \$ _____ Completed _____

2. Name _____ Phone No. _____
 Address _____ City, State, Zip _____
 Type of Work _____
 Contract Amount \$ _____ Completed _____

3. Name _____ Phone No. _____
 Address _____ City, State, Zip _____
 Type of Work _____
 Contract Amount \$ _____ Completed _____

4. Name _____ Phone No. _____
Address _____ City, State, Zip _____
Type of Work _____
Contract Amount \$ _____ Completed _____
Contract Amount \$ _____ Completed _____

J. REQUIRED DOCUMENTS:

1. The following documents must accompany this General Contractor / Homebuilder Application before this application is accepted and processed.
 - Copy of Current Picture I.D. (Texas Driver's License) of Owners
 - Copy of Current General Contractor's License
 - Copy of Current Homebuilder's License
 - Copy of commitment letter from financial resource if applicable
 - Copy of Current Certificate of Liability Insurance to include General Liability & Workers compensation and employers' Liability
 - 2007/2008 Tax Returns for Business or Owners

K. PENALTY FOR FALSE OR FRAUDULENT STATEMENT:

USC Title 18, Sec. 1001, states: "Whomever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

The undersigned certifies that all information provided in this CONTRACTOR INFORMATION APPLICATION, and all information in support of said form, is true and complete to the best of the undersigned's knowledge and belief. Further, the undersigned hereby authorizes and requests any person, firm or corporation to furnish any information requested by the City of Dallas, Housing & Neighborhood Revitalization Department, in verification of the recitals comprising this statement of contractor's qualifications.

SIGNED this _____ day of _____, 2008.

Name of Business

By: _____

Print Name

Title: _____

Owner, Partner, President, Agent or Representative

STATE OF TEXAS

§

§

DALLAS COUNTY §

BEFORE ME, the undersigned authority, on this day personally appeared

_____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledges to me that the answers to the foregoing questions and all statements therein contained are true and correct.

GIVEN UNDER my hand and seal of office this ____ day of, _____, 2008.

NOTARY PUBLIC, STATE OF TEXAS

Please Return Completed Application to:

City of Dallas
Housing & Neighborhood Revitalization Department
Attention: Inspections Manager
1500 Marilla Street,
Dallas, Texas 75201

For Questions, please contact:

EXHIBIT “A”

INSURANCE REQUIREMENTS

Prior to the commencement of the Project or any other work under this Agreement, BORROWER shall furnish an original completed Certificate(s) of Insurance or the City’s Standard Certificate of Insurance form to the City’s Housing & Neighborhood Revitalization Department and City’s Risk Management Division, and shall be clearly labeled with Agreement name, which shall be completed by an agent authorized to bind the named underwriter(s) and their company to the coverage, limits, and termination provisions shown thereon. The original certificate(s) of form must have the agent’s original signature, including the signer’s company affiliation, title and phone number, and be mailed directly from the agent to the City. The City shall have no duty to pay or perform under this Agreement or under any of the other Loan Documents until such certificate(s) shall have been delivered to the City’s Housing & Neighborhood Revitalization Department and the City’s Risk Management Office, and no officer or employee, other than the City’s Risk Manager, shall have authority to waive this requirement.

The City reserves the right to review the insurance requirements of this section during the effective period of this Agreement and of the other Loan Documents, including the term of the Note, and any extension of renewal thereof and to modify insurance coverage and their limits when deemed necessary and prudent by the City’s Risk Manager based upon changes in statutory law, court decisions, or circumstances surrounding the Project, this Agreement or any of the other Loan Documents, but in no instance will the City allow modification whereupon the City may incur increased risk.

A BORROWER’s financial integrity is of interest to the City; therefore, subject to BORROWER’s right to maintain reasonable deductibles in such amounts as are first approved in writing by the City, BORROWER shall obtain and maintain in full force and effect for the duration of this Agreement and the other Loan Documents, and any extension thereof, at BORROWER’s sole expense, insurance coverage written on an occurrence basis, by companies authorized and admitted to do business in the State of Texas and rated A- or better by A.M. Best Company and/or otherwise acceptable to the City, in the following types and amounts:

TYPE	AMOUNTS
1. Workers' Compensation ** Employers' Liability **	Statutory \$1,000,000/\$1,000,000/\$1,000,000
2. Commercial General (public) Liability Insurance to include coverage for the following: a. Premises operations *b. Independent contractors c. Products/completed operations d. Personal Injury e. Contractual Liability *f. Explosion, collapse, underground g. Broad form property damage, to include fire legal liability	For Bodily Injury and Property Damage of \$1,000,000 per occurrence; \$2,000,000 General Aggregate, or its equivalent in Umbrella or Excess Liability Coverage
3. Business Automobile Liability a. Owned/leased vehicles b. Non-owned vehicles c. Hired Vehicles	Combined Single Limit for Bodily Injury and Property Damage of \$1,000,000 per occurrence
4. Professional Liability (Claims Made Form)	\$1,000,000 per claim to pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages by reason of any act, malpractice, error or omission in professional services.
*5. Payment/Performance Bond	\$125,000.00
*6. Builder's Risk	\$125,000.00
*7. Pollution of Fuel Storage Tank	\$125,000.00
*8. Environmental	\$125,000.00
*9. Commercial Crime/Fidelity Bond, etc.	\$125,000.00
*10. Liquor Legal Liability	\$125,000.00
* If Applicable	
** Alternate Plans Must Be Approved by Risk Management	

11. BORROWER must provide to City proof of continuous and renewed professional liability insurance having been obtained by all professional persons performing work or services in connection with the Project, such insurance policy having an extended discovery period of two (2) years, with such insurance policy being maintained in the same manner as set forth herein.

12. Upon completion of construction of the Project, BORROWER must carry insurance to the extent of 80% of A.C.V., fire and extended coverage policy.

13. BORROWER must provide insurance in the manner set forth herein protecting City with a standard mortgage clause naming City as loss payee for a sum equal at least to BORROWER's indebtedness to City.

BORROWER shall contractually require all third-party contractors associated with the Project to obtain the foregoing types of insurance, in the amounts and in the manner as specified herein.

The City shall be entitled, upon request and without expense, to receive copies of the policies and all endorsements thereto as they apply to the limits required by the City, and may make a reasonable request for deletion, revision, or modification of particular policy terms, conditions, limitations or exclusions (except where policy provisions are established by law or regulation binding upon either of the parties hereto or the underwriter of any such policies). Upon such request by the City, BORROWER shall exercise reasonable efforts to accomplish such changes in policy coverage and shall pay the cost thereof.

BORROWER agrees that with respect to the above-required insurance, all insurance contracts and Certificate(s) of Insurance will contain the following required provisions:

- Name City and its officers, employees, volunteers and elected representatives as additional insureds as with respect to operations and activities of, or on behalf of, the named insured performed under contract with the City, with the exception of the workers' compensation (and professional liability, if required) policies;

- BORROWER's insurance shall be deemed primary with respect to any insurance or self insurance carried by the City for liability arising out of operations under this agreement with the City or under any of the other Loan Documents; and
- Workers' compensation and employers' liability policy will provide a waiver of subrogation in favor of City.

BORROWER shall notify the City in the event of any notice of cancellation, non-renewal or material change in coverage and shall give such notices not less than thirty (30) days prior to the change, or twenty (20) days notice for cancellation due to non-payment of premiums, which notice must be accompanied by a replacement Certificate of Insurance. All notices shall be given to the City at the following address:

City of Dallas
Housing & Neighborhood Revitalization Department
Attn: Director
1500 Marilla St.
Dallas, Texas 75201

and

City of Dallas
Risk Management Division
P.O. Box 839966
Dallas, Texas 78283-3966

If BORROWER fails to maintain the aforementioned insurance, or fails to secure and maintain the aforementioned endorsements, the City may obtain such insurance, and deduct and retain the amount of the premiums for such insurance from any sums due under any of the Loan Documents; however, procuring of said insurance by the City is an alternative to other remedies the City may have, and is not the exclusive remedy for failure of BORROWER to maintain said insurance or secure such endorsement. In addition to any other remedies the City may have upon BORROWER's failure to provide and maintain any insurance or policy endorsements to the extent and within the time herein required, the City shall have the right to (a) withdraw from the Project, (b) withhold any and

all Loan monies until BORROWER demonstrates compliance with the requirements hereof, (c) declare a default under the Note and/or (d) terminate any and all Loan Documents.

Nothing herein contained shall be construed as limiting in any way the extent to which BORROWER may be held responsible for payments of damages to persons or property resulting from BORROWER's or its subcontractors' performance of the work covered hereunder or under any of the other Loan Documents.

APPENDIX 16

INTERVENTIONS BY STRATEGY AREA

IMPLEMENTATION REQUIREMENTS					
	Requires an ordinance change	Authorized by Resolution	Policy Decision	Available through NEZ	Non-City Action
Accessory Dwelling Units	X				
Building Code Fee Waivers	X			X	
Community Court			X		
Code Lien Foreclosures			X		
Community Land Trust	X				
Contractor Training Program		X	X		
Development Code Fee Waivers	X				
Employer-Assisted Housing Program					X
Envision Centers					X
Expedited Processing			X		
Home Improvement Preservation Program		X	X		
Homestead Preservation Districts			X		
Housing Trust Fund		X			
Incentive Zoning/Density Bonuses	X				
Lien Releases	X				
Multi-Family Rehab Program		X			
Neighborhood Empowerment Zones		X			
Opportunity Zones					
Park Land Dedication Fees					
Property Tax Abatement		X		X	
Rental/Homeowner Maintenance Education Program	X				
Tax Increment Financing (TIF)		X			
Voucher Sublease Program		X	X		

	Proposed Type of Activities	Redevelopment Areas	Stabilization Areas	Emerging Markets	Citywide	
1	Notice of Funding Availability: New Development (for-sale and rental) or Substantial Rehabilitation	P	P	N	Y	P= Priority Y=Yes N=No
2	Preservation of owner-occupied housing: Home Improvement & Preservation Program	P	P	Y	Y	
3	Preservation of Single-Family rental housing: Home Improvement & Preservation Program	P	P	Y	Y	
4	Preservation of Multi-Family rental housing: Home Improvement & Preservation Program	P	P	Y	Y	
5	Landbanking	N	P	P	N	
6	Code Lien Foreclosures	N	P	P	N	
7	Neighborhood Empowerment Zones (unlocks development fee waivers including landscape and tree mitigation and parkland dedication fees & property tax freeze)	N	Y	N	N	
8	City's Second Mortgage Assistance Program (DHAP)	Y	Y	Y	Y	
9	Neighborhood Revitalization Strategy Area Designation	P	P	P	N	
10	Dallas Tomorrow Fund (Dept. of Code Compliance home repair fund through fee assessment)	Y	Y	Y	Y	
11	Code Academy	Y	Y	P	Y	
12	Tax Increment Reinvestment Zone designation - If one doesn't already exist	Y	Y	Y	N	
13	Create Neighborhood Association	Y	Y	P	Y	
14	Neighborhood Sweep - 2 week intensive; minor street repair, code inspections, signage, beautification projects, neighborhood plan)	Y	Y	P	N	
15	Neighborhood Beautification Projects	Y	Y	P	Y	
16	Low Income Housing Tax Credit City support - with scoring criteria	N	Y	N	Y	
17	Voucher Sublease Agreements	Y	Y	Y	Y	
18	Accessory Dwelling Units	See Citywide	Y	see Citywide	Y-opt in	
19	Incentive Zoning	P	P	N	Y	
20	Homestead Preservation District designation	N	P	N	N	
21	Community Land Trust	Y	P	N	N	
22	Tenant Based Rental Assistance Program (HILI)	-	-	-	Y	
23	Express Plan Review	P	P	N	N	

AGENDA ITEM # 33

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018
COUNCIL DISTRICT(S): 11
DEPARTMENT: Department of Sustainable Development and Construction
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 16 S

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 615, on the northeast corner of Park Central Drive and Banner Drive
Recommendation of Staff and CPC: Approval, subject to a revised development/landscape plan
Z178-148(WE/PD)

FILE NUMBER: Z178-148(WE/PD) **DATE FILED:** December 11, 2017
LOCATION: Northeast corner of Park Central Drive and Banner Drive
COUNCIL DISTRICT: 11 **MAPSCO:** 16 S
SIZE OF REQUEST: Approx. 12.53 acres **CENSUS TRACT:** 132.00

APPLICANT/OWNER: McKnight Park Central, LLC

REPRESENTATIVE: Tommy Mann/David Martin - Zone Systems, Inc.

REQUEST: An application for an amendment to Planned Development District No. 615.

SUMMARY: The purpose of the request is to amend the development site plan and landscape plan to accurately reflect the existing number of off-street parking spaces.

CPC RECOMMENDATION: Approval, subject to a revised development/landscape plan.

STAFF RECOMMENDATION: Approval, subject to a revised development/landscape plan.

BACKGROUND INFORMATION:

- PDD No. 615 was approved by the City Council on November 14, 2001, for office and restaurant uses.
- The 12.53-acre site is developed with a mix of office uses, restaurant uses, a data center, two parking structures and surface parking.
- In 2006, the applicant purchased the request site based on a previous survey showing that the Property provided the 2,689 parking spaces shown on the approved development plan.
- In April of 2017, a survey of the request site was performed and indicated 2,359 spaces located on the Property.
- The off-street parking requirement for PDD No. 615 consists of the entire request site.
- The applicant is proposing to modify the off-street parking requirements reflected on the original development site plan and landscape plan. The original development site plan and landscape plan reflect 2,689 required off-street parking spaces while only 2,359 off-street parking spaces ever existed. This leaves the request site at a deficit of 330 off-street parking spaces.
- The applicant has submitted a parking study to justify the parking decrease but the study indicates that a parking supply count was not performed. The parking study is provided in the report for further review.

Zoning History: There has been one zoning change request in the area within the past five years.

1. Z145-206 On September 22, 2015, the City Council approved Specific Use Permit No. 2159 for a mini-warehouse use on property zoned an MU-3 Mixed Use District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Park Central Drive	Collector	80 ft.	80 ft.
Banner Drive	Collector	100 ft.	100 ft.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.

Land Use:

	Zoning	Land Use
Site	PDD No. 615	Office, Restaurant, Parking Structures
North	MU-3	Offices, Senior Living facility, Hotel, Church
South	MU-3	Multifamily, Surface parking
East	Subarea 1 of PDD No. 585	Church
West	R-10(A)	Park

STAFF ANALYSIS:

COMPREHENSIVE PLAN:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

The request is consistent with the following policies.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote a Sense of Place, Safety and Walkability

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility:

The 12.53-acre request site is developed with a mix of office and restaurant uses; two parking structures, and surface parking. A senior living facility, hotel, church, and office uses are located to the north, a park is located to the west across Park Central Drive with surface parking and multifamily use located to the south and a church use immediately adjacent to the east. The applicant is requesting to amend the development site plan and landscape plan to accurately reflect the existing 2,359 off-street parking spaces rather than the 2,689 spaces required by the established ordinance.

The request is zoned PDD No. 615. The Planned Development District was established by Ordinance No. 24775 and passed by the Dallas City Council on November 14, 2001. Exhibit "A", attached, indicates that two office buildings and two parking structures were constructed in 1974 that have a combined total floor area of approximately 732,820 square feet. The parking ratio in Chapter 51 at that time was 1 off-street parking space for every 300 square feet of floor area. Based on approved Certificate of Occupancies found in city records, and the attached site plan, the site was required to provide 2,362 off-street parking spaces but provided 2,419. In 1987, the Dallas City Council approved Chapter 51A, which increased the parking ratio for office uses to 1 off-street parking space for every 333 square feet of floor area. As stated above PDD No. 615 was approved by Dallas City Council in 2001. The total number of required off-street parking within this planned development reflects a total required parking number of 2,689.

Additionally, the Building Inspections Division determined that the request site is entitled to 270 delta credits. These are hypothetical non-conforming parking rights afforded to the request site by Section 51A-4.704(b)(4)(A) of the Dallas Development Code for the existing office uses. Therefore, the actual existing 2,359 off-street parking spaces with the 270 delta credits provides a total of 2,629 off-street parking spaces existing.

However, the Code addresses delta credits in two different approaches:

Sec.51A-4.704(a)(4)(A) details nonconformity as to parking and loading.

(A) Increased requirements. A person shall not change a use that is nonconforming as to parking or loading to another use requiring **more** off-street parking or loading unless the additional required off-street parking and loading spaces are provided.

This provides a safeguard if the intent is to convert existing office space to a restaurant use or any other use that has a higher parking ratio than the office ratio. This will require actual physical parking spaces that must be provided for this increase in parking ratio.

Sec.51A-4.704(a)(4)(C) details how delta credits can be lost.

(C) Decreased requirements. When a use is converted to a new use having a lesser parking or loading requirement, the rights to any portion of the nonconforming parking or loading that are not needed to meet the new requirements are lost.

This means that if the use does not need the delta credits to meet the off-street parking requirement because the parking ratio is now less, the use will not be permitted to retain the deltas to use later.

In summary, when a use is converted to a new use having lesser parking requirements, the rights to any portion of the nonconforming off-street parking that is not needed to

meet the new requirements are lost. Conversely, to ultimately convert an office use to a more intensive use such as a restaurant use, the site will lose the delta credits and be required to provide actual physical off-street parking spaces to satisfy the increase in the parking requirement.

Staff supports the request to amend the development site plan and landscape plan to accurately reflect the existing number of off-street parking spaces; as the approval will only ensure that the existing uses comply with the off-street parking provided, today. Additionally, new uses and/or converting existing office space to a restaurant or any use with a higher parking ratio than the office ratio will result in the loss of delta credits and trigger compliance of the off-street parking requirement per Code.

Landscaping:

Landscaping of any development will be in accordance with Article X, as amended.

Parking:

The approximately 736,986 square foot existing structures will require 2,359 off-street parking spaces, as provided. The required parking for any additional square footage or conversion of office space to a more intense use such as a restaurant will trigger the required off-street parking ratio per Code.

LIST OF OFFICERS & DIRECTORS

- Bill Rudolph
- Chuck Perlow
- Yarone Zober
- Andrew Raynovich

Z178-148(WE/PD)

CPC ACTION:

April 5, 2018

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 615, subject to a revised development/landscape plan on the northeast corner of Park Central Drive and Banner Drive.

Maker: Murphy
Second: Rieves
Result: Carried: 11 to 0

For: 11 - West, Rieves, Davis, Shidid*, Carpenter, Mack,
Jung, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - Houston, Schultz
Vacancy: 1 - District 8
Conflict: 1 - Housewright

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 15

Replies: For: 0 Against: 0

Speakers: For: Tommy Mann, 500 Winstead Building, Dallas, TX, 75201
Against: None

Parking Study



MEMORANDUM

To: Mr. Andy Raynovich
McKnight Park Central, LLC

From: Scot A. Johnson, P.E., PTOE
Jake Halter, EIT
Kimley-Horn and Associates, Inc.

Date: December 6, 2017

Subject: Park Central Three and Four Parking Study



Introduction

Kimley-Horn and Associates, Inc. (KH) was retained by McKnight Park Central (McKnight) to conduct a parking study to examine the effects of the updated site plan for PD 615. The study made observations of the actual parking demand on the site from the current land uses before drawing conclusions about potential full occupancy with the site's parking supply.

PD 615 is located at 12700 Park Central Drive, on the north side of Banner Drive between Park Central Drive and Merit Drive. It is developed with commercial areas located in two towers. The latest rent roll shows leasable area totaling 685,895 SF, with 78% occupancy, with the total building area being approximately 736,986 SF. Tenants are primarily office users, with small areas of restaurant and data center. It uses two parking garages, one of which provides surface parking in front of Park Central Three.

Parking Supply

The two parking garages are shown in **Exhibit 1**. The two garages are described below. A parking supply count was not performed. Per the site plan provided by McKnight, the two-story garage contains 581 spaces, and the five-story garage contains 1,774 spaces for a total of 2,359 spaces. The Exhibit 615B site plan for PD 615 from 2001 identifies 2,689 spaces on the property.

Two-Level Parking Garage

The two-level parking garage is located on the south side of the site along banner drive and is divided into a surface parking lot and an underground parking area. All spaces are generally angled, head-first parking. The underground parking is restricted by a gate, but the surface parking is not. There are a number of spaces specifically labeled for visitors in the surface lot.

Five-Level Parking Garage

The five-level parking garage is located on the east side of the site. The bottom two levels have access from Banner Drive, and the top three levels have access from a driveway that extends north from Banner Drive on the east boundary of the property.

When entering the levels one and two, the two lower levels, vehicles turn from Banner Drive and may either go up a ramp to level two or go down a ramp to level one. Each ramp has its own gate to restrict access.

When entering level three of the garage, drivers turn from the driveway, which is at grade with level three, and enter through the gate for level three.

To access level four, drivers may turn from the driveway up a ramp. From the ramp, they may use the gate for level four of the garage. Level five has no gate to restrict access and is also marked as Visitor Parking.

Parking Demand Observations

The existing site was observed on October 26, 2017 for parking occupancy. An observer recorded parking occupancy on the surface and in the garages at 10:00 am, 12:00 pm (noon), and 2:00 pm.

The observations were conducted on a typical Thursday and covered the morning, lunchtime, and afternoon parking demands. Combined, Park Central Three and Four are currently at 78% occupancy. The observations are summarized in **Exhibit 2**, showing the number of parked vehicles in each area at each observation. Subtotals for each level of each garage and the overall total are shown.

The highest parking demand occurred at 10:00 am, with a total of 1,127 vehicles parked on the site. This higher parking demand in the morning is consistent with national research of parking demand at other office sites. This total demand represents an occupancy of 48% of the 2,359 spaces reported by McKnight's provided site plan.

If the buildings were to fill every tenant vacancy at the observed rate of parking generation, the parking demand would be 1,445 vehicles parked on the site, as shown in **Exhibit 3**. This total would represent 61% of the total 2,359 spaces provided on the site.

Parking Rate Recommendation

Adjusted for occupancy, the current uses on the site are generating parking demand at a rate of 1 space for every 510 SF of building area. This is much lower than the default code requirements of 1 per 333 SF of office space or the higher rates for restaurant or retail uses. With the buildings 78% occupied with a variety of tenants, this is not the effects of one atypical user, the buildings operate as a whole with much less parking than would normally be required.

To generate a required parking supply for the site, the use of the following parking rates are recommended:

1. Office Uses: 1 space per 400 SF
2. Restaurant Uses: 1 space per 120 SF
3. Retail or Personal Service Uses: 1 space per 240 SF

These reduced parking rates are still significantly higher than the observed parking demand on the site, so there will be a comfortable parking surplus at all times. Other uses not listed should be parked at the default code requirements.

Summary

The proposed 2,359-space parking supply within the Park Central Three and Four site is ample to accommodate the parking demand from the current and potential uses. The site plan can be updated to show the current parking supply without affecting the site's ability to satisfy the existing and potential parking demands. The recommended parking rates reflect the site's observed characteristics while providing a conservatively high parking requirement that will ensure a parking surplus above the functional demand.

END

- Attachments: Exhibit 1 – Parking Supply Map
Exhibit 2 – Observed Vehicle Occupancy
Exhibit 3 – Parking Demand Comparison: Existing and Full Building Occupancy



Exhibit 1 – Site Plan with Parking Supply

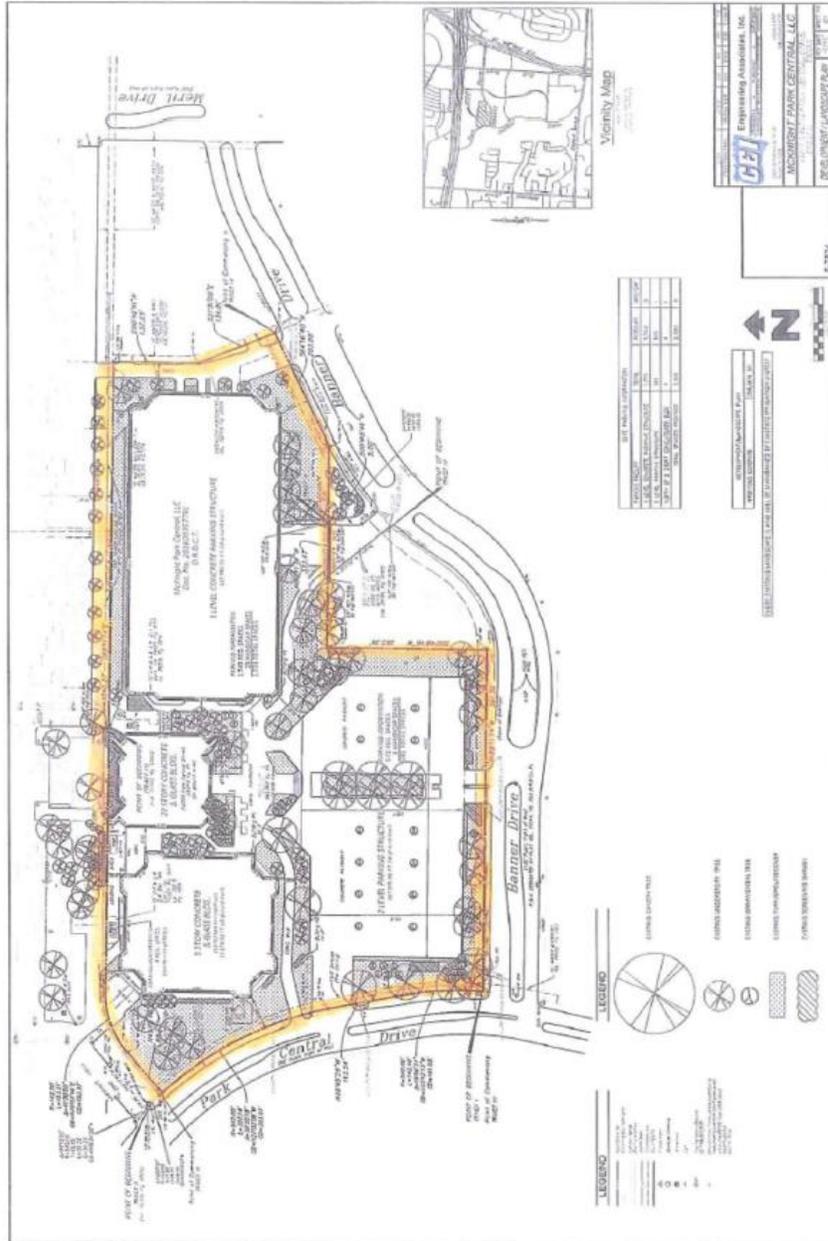




Exhibit 2 – Observed Vehicle Occupancy

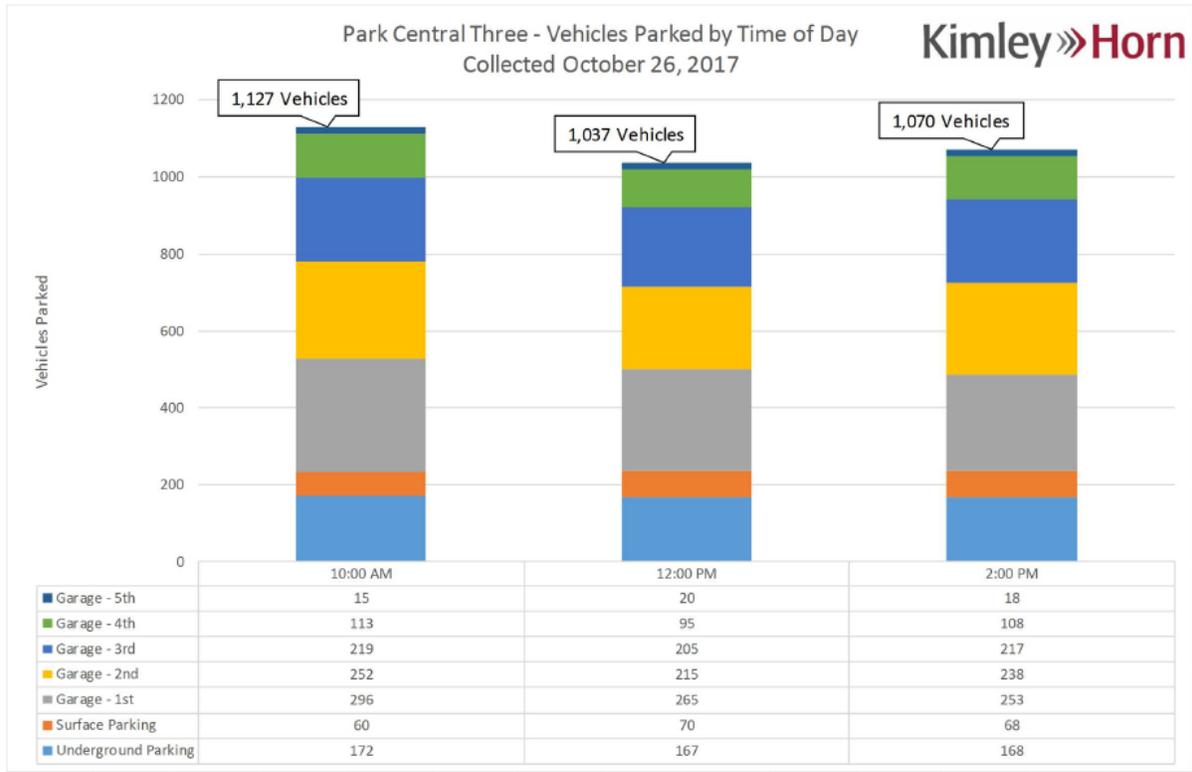
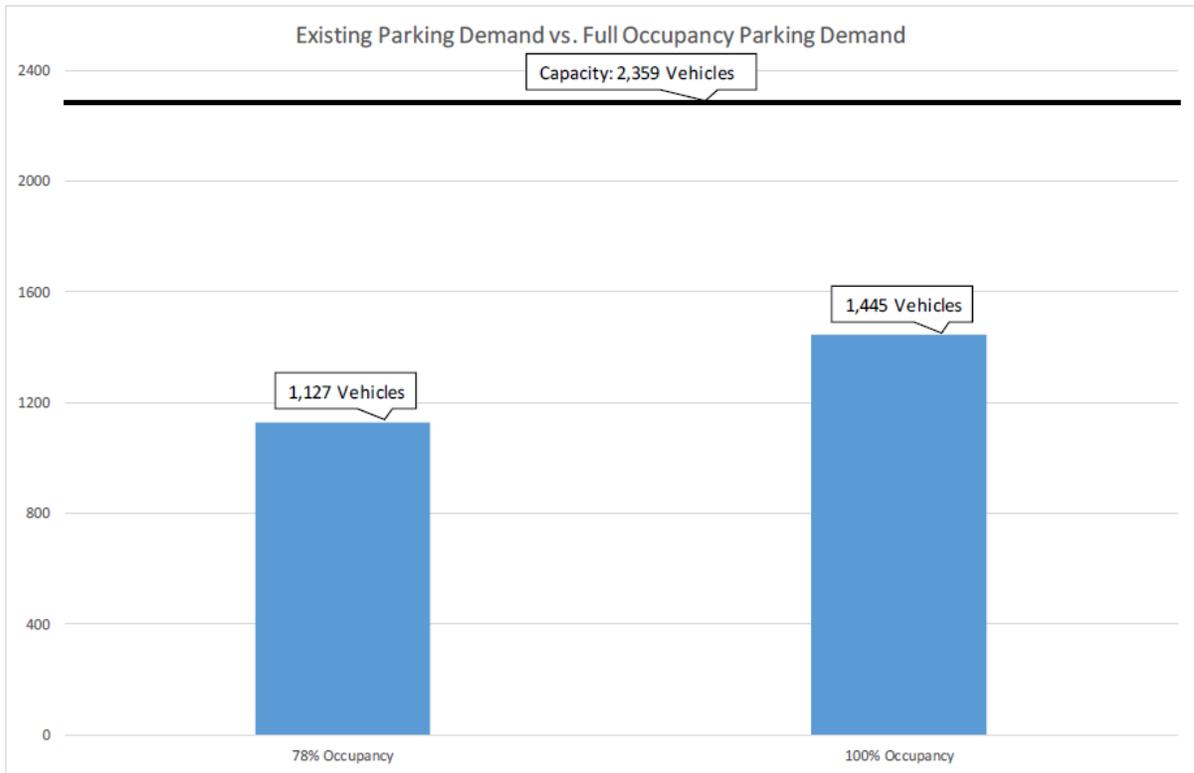


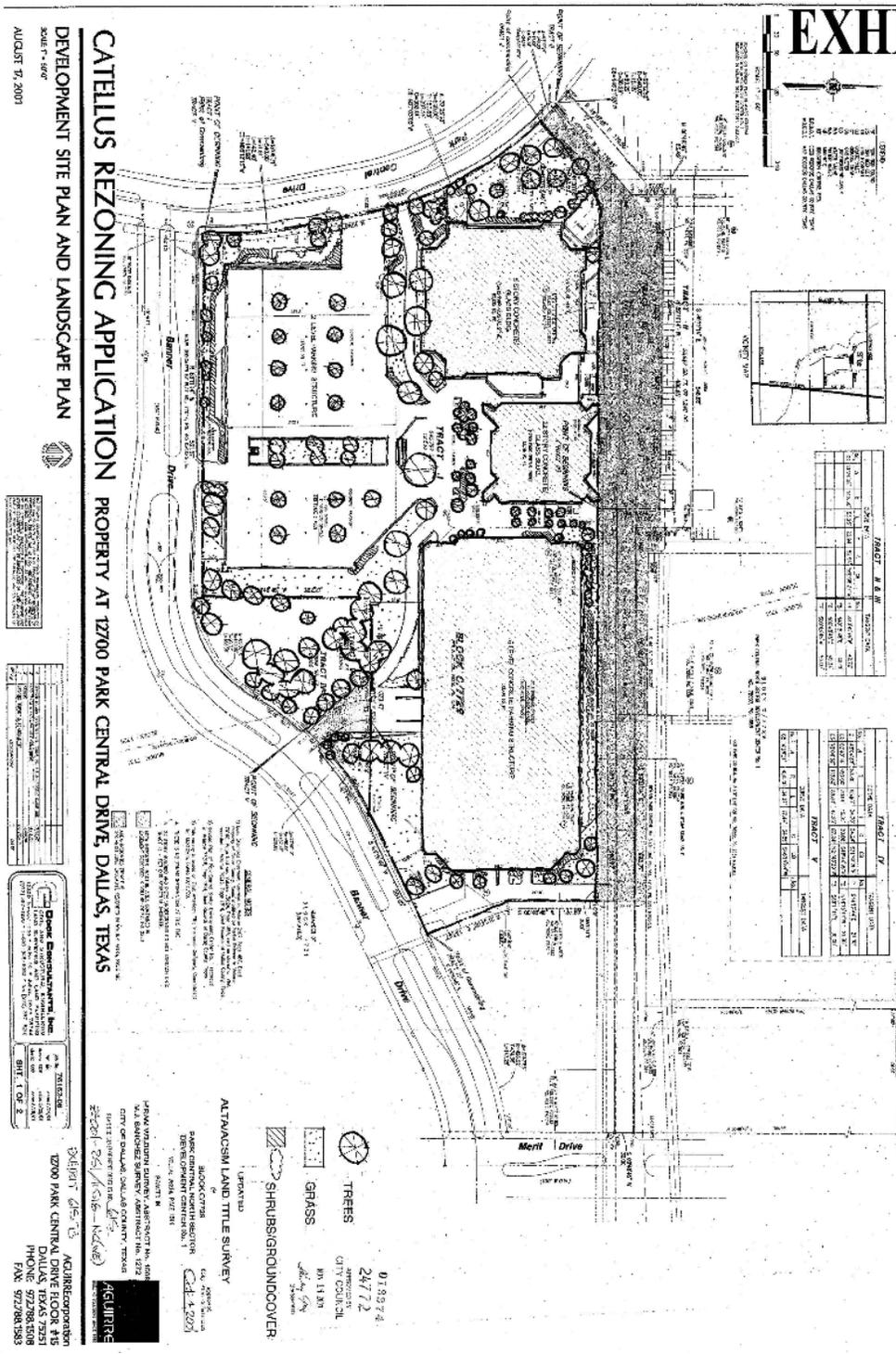


Exhibit 3 – Existing Peak Parking Demand vs. Full Capacity Peak Parking Demand

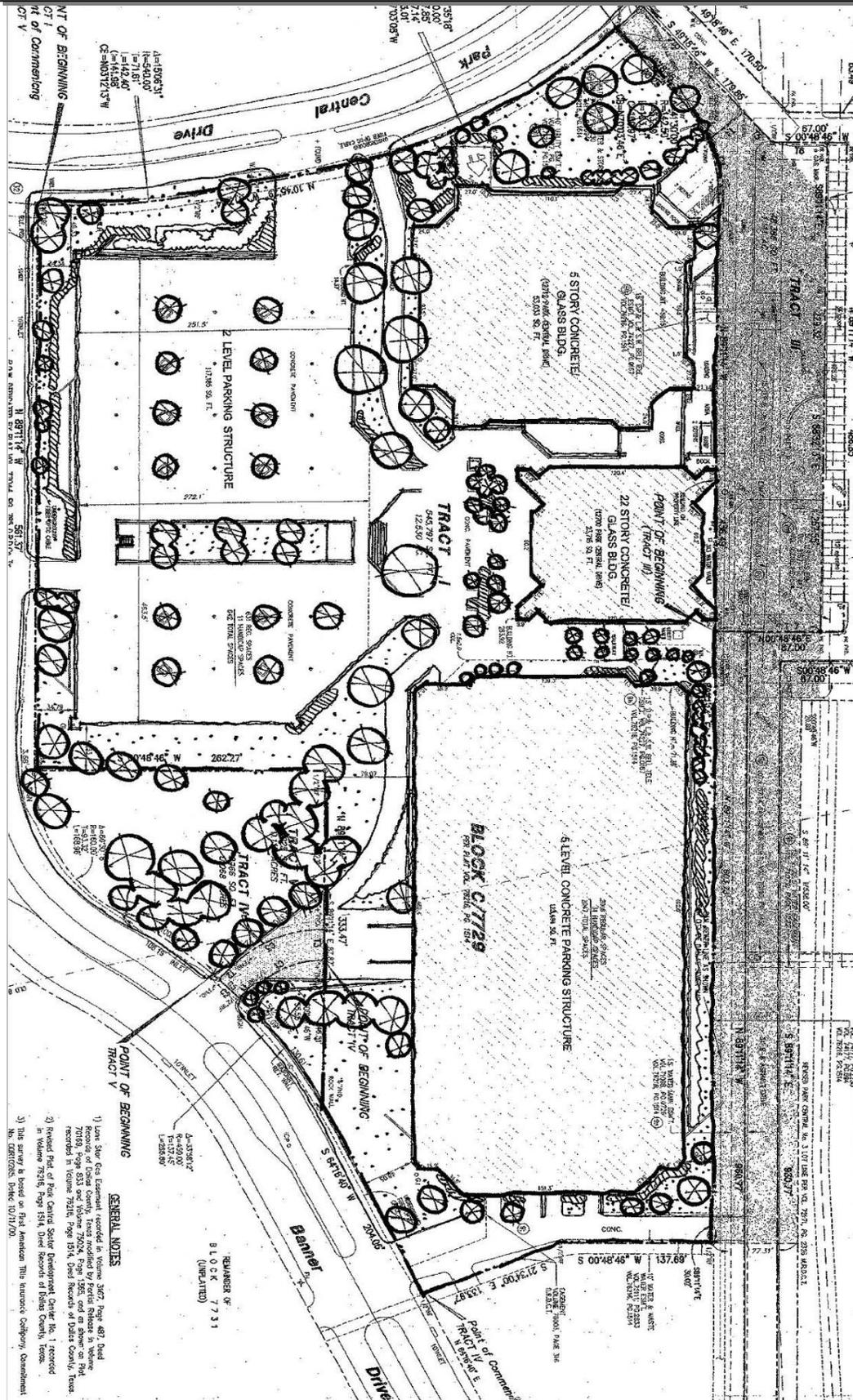


EXISTING DEVELOPMENT/LANDSCAPE PLAN

EXHIBIT 615B

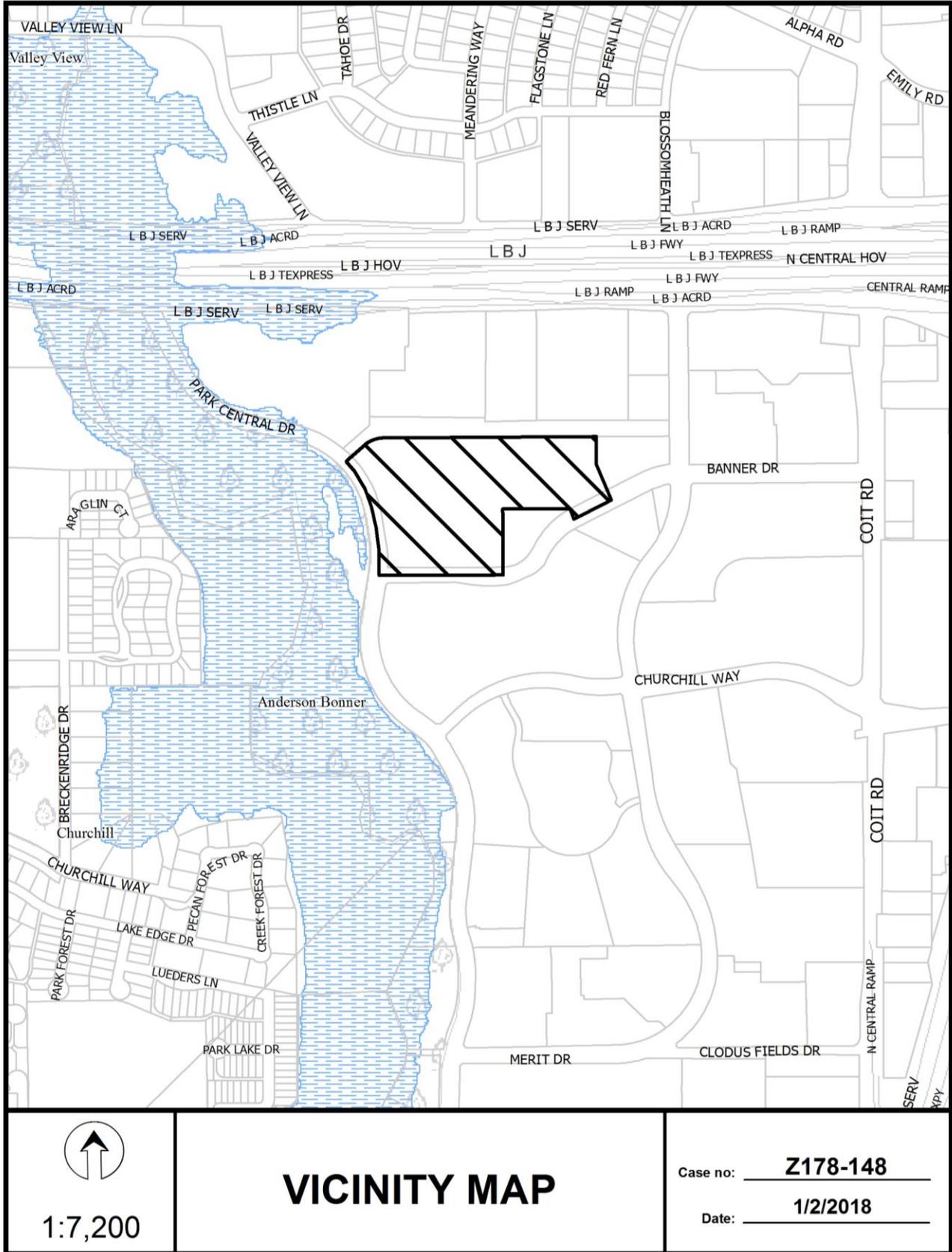


ENLARGED EXISTING DEVELOPMENT/LANDSCAPE PLAN



GENERAL NOTES

- 1) See Site Plan Enclosure provided in Volume 3477 Page 487. Final Records of Deeds County, Texas modified by Permit Release in Volume 70169, Page 633 and Volume 72024, Page 1585, and as shown on Plot records in Volume 72316, Page 574. Deed Records of Deeds County, Texas.
- 2) Revised Plat of Four Central State Development, Case No. 1 recorded in Volume 72316, Page 1514. Deed Records of Deeds County, Texas.
- 3) This survey is based on First Meridian. This survey complies, in accordance with the provisions of Public Law 94-172, with the provisions of the Survey Act of 1929.



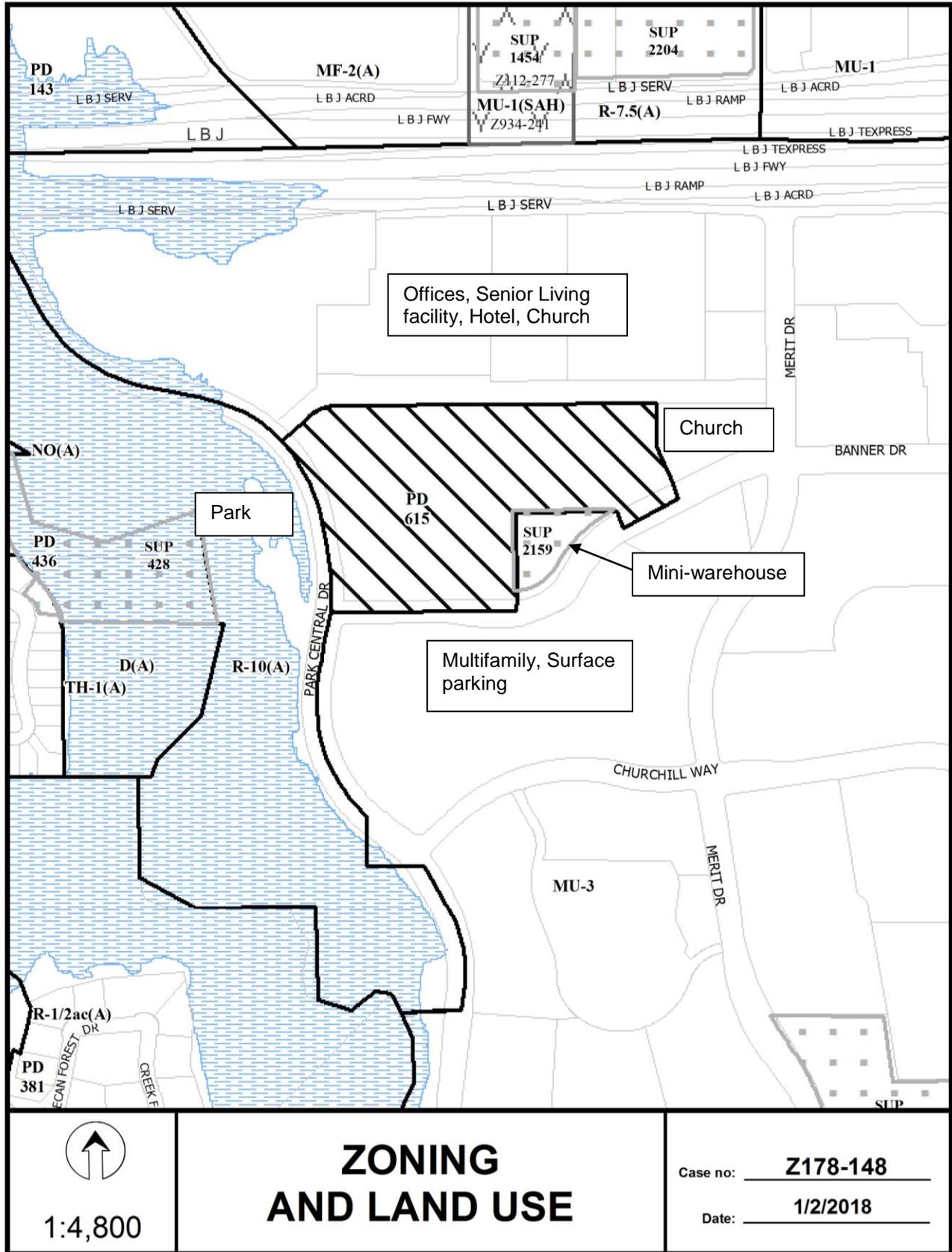


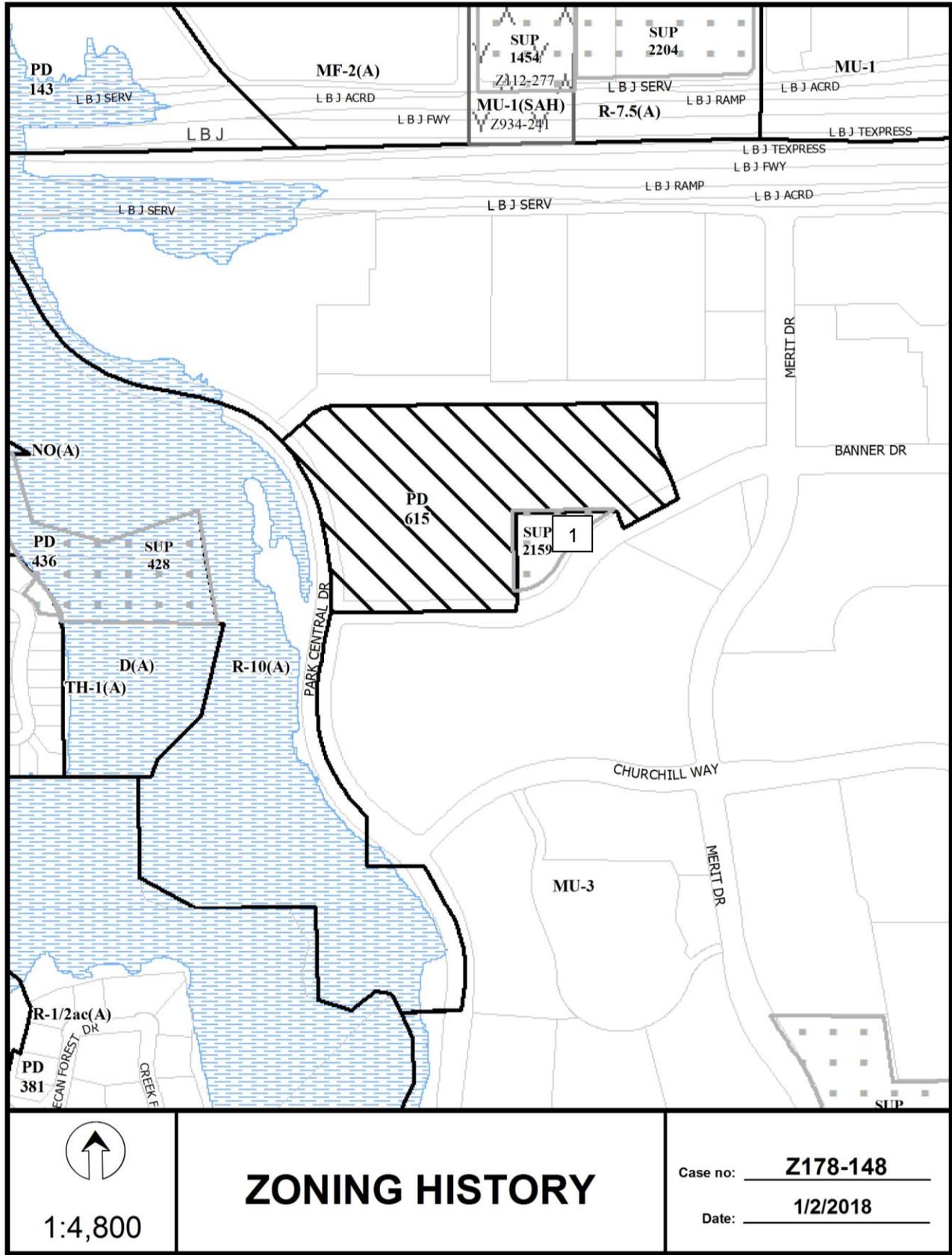
1:4,800

AERIAL MAP

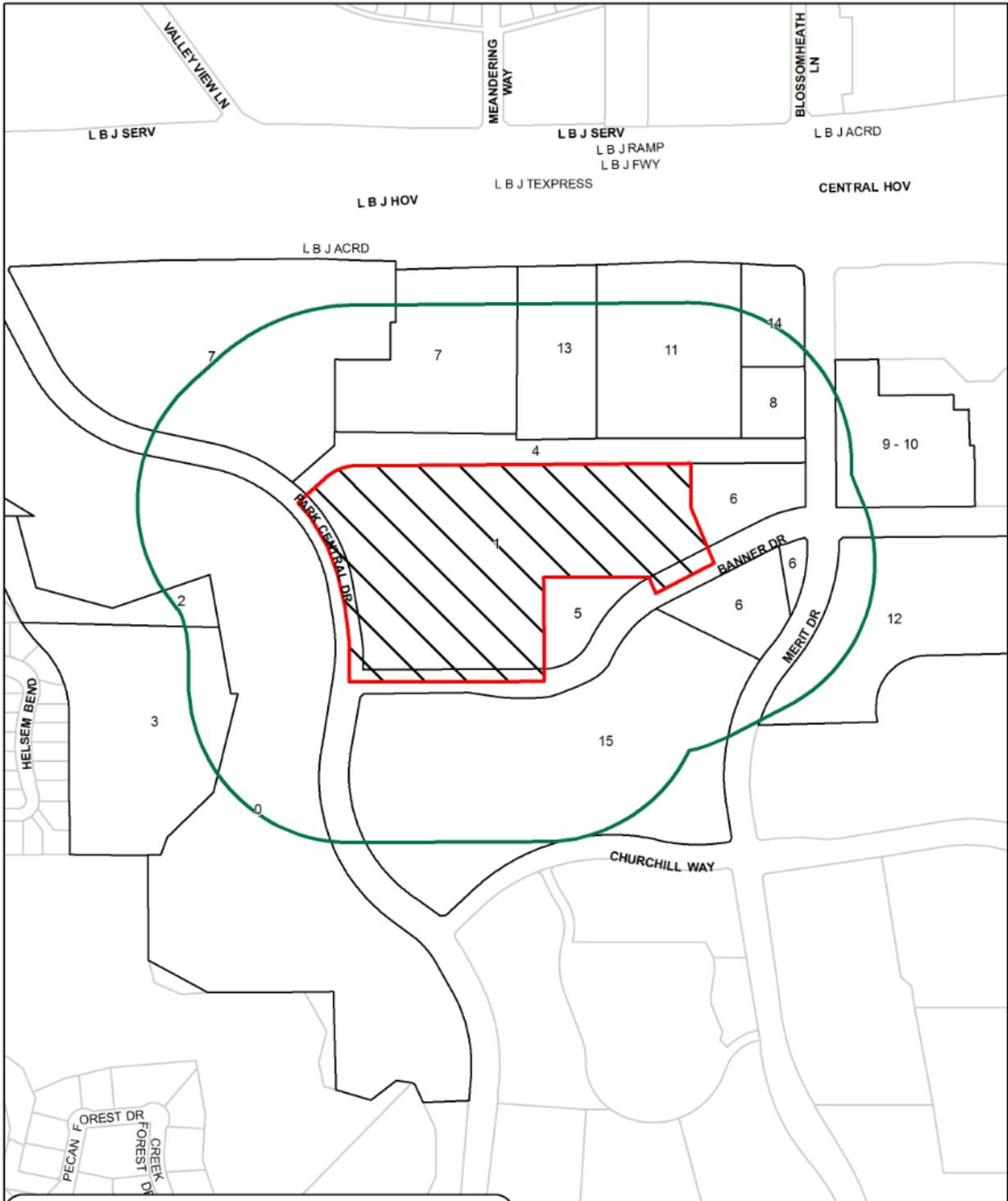
Case no: Z178-148

Date: 1/2/2018





CPC RESPONSES



<u>15</u>	Property Owners Notified (18 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>500'</u>	Area of Notification
<u>4/5/2018</u>	Date

Z178-148
CPC



1:4,800

04/04/2018

Reply List of Property Owners

Z178-148

15 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	12700	PARK CENTRAL DR	MCKNIGHT PARK CENTRAL LLC
2	12603	HILLCREST RD	ROCK CREEK RECREATIONAL
3	7100	HELSEM BEND	ROCK CREEK RECREATIONAL
4	12804	PARK CENTRAL DR	WATERMARK COMMUNITY CHURCH
5	7701	BANNER DR	BANNER DRIVE STORAGE LLC
6	7775	BANNER DR	COLE BN DALLAS TX LLC
7	7616	LBJ FWY	WATERMARK COMMUNITY CHURCH
8	12741	MERIT DR	12741 MERIT LAND CO LLC
9	12720	MERIT DR	AWH DALLAS PC HOTEL LP
10	12740	MERIT DR	LMF CLUB, LLC
11	7750	LBJ FWY	NIC 17 WINDSOR OWNER LLC
12	7800	BANNER DR	LMI PARK CENTRAL TWO LLC
13	7642	LBJ FWY	IHP DALLAS TX OWNER LLC
14	12777	MERIT DR	SUMMIT PARQUE LLC
15	7601	CHURCHILL WAY	CHURCHILL ON THE PARK

AGENDA ITEM # 34

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018
COUNCIL DISTRICT(S): 2
DEPARTMENT: Department of Sustainable Development and Construction
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 45 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest corner of Main Street and Pryor Street
Recommendation of Staff and CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions Z178-175(JM)

FILE NUMBER: Z178-175(JM)

DATE FILED: February 2, 2018

LOCATION: Southwest corner of Main Street and Pryor Street

COUNCIL DISTRICT: 2

MAPSCO: 45 M

SIZE OF REQUEST: ±0.11 acres

CENSUS TRACT: 204.00

APPLICANT: Trinity Cider, LLC-Bryan Meyer

OWNER: AP Deep Ellum, LLC

REPRESENTATIVE: Audra Buckley, Permitted Development

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

SUMMARY: The purpose of this request is to allow the applicant to operate a microbrewery, microdistillery, or winery in a 1,156-square-foot suite within an existing one-story, 5,000-square-foot structure.

STAFF RECOMMENDATION: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

CPC RECOMMENDATION: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- On April 29, 1987, City Council approved Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, containing approximately 273 acres.
- PD No. 269 contains three tracts. The subject site is located within Tract A, where an alcoholic beverage establishment including a microbrewery, distillery, or winery use requires a specific use permit.
- The site contains a recently renovated one-story structure with 5,000 square feet of floor area and four suites. The current request is to operate a winery in a 1,156-square-foot suite. The remaining suites are currently unoccupied. According to POSSE records, two suites are currently under review for Certificates of Occupancy for restaurant uses.
- According to PD No. 269, no parking is required for the first 5,000 square feet of floor area in an original building for a microbrewery, distillery, or winery use with a separate certificate of occupancy.

Zoning History: There have been 21 zoning requests at 15 locations in the surrounding area in the past five years:

1. **Z134-126:** On February 24, 2014, the City Council approved an application for Specific Use Permit No. 2076 for an inside commercial amusement use limited to a live music venue and a dance hall on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the north side of Canton Street, east of Henry Street.
2. **Z134-222:** On August 13, 2014, the City Council approved the renewal of Specific Use Permit No. 1757 for an alcoholic beverage establishment use limited to a bar, lounge or tavern and an inside commercial amusement use limited to a live music venue on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the north of Elm Street and west of North Crowdus Street.
3. **Z145-121:** On February 11, 2016, the City Council approved the renewal of Specific Use Permit No. 1783 for a bar, lounge or tavern on property within the Tract A portion of Planned Development District No. 269, the Deep Ellum/Near East Side District, located on the south line of Elm Street, west of Crowdus Street.
4. **Z156-230:** On June 22, 2016, the City Council approved the renewal of Specific Use Permit No. 1913 for a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, located on the south line of Elm Street, east of North Good Latimer Expressway.

5. **Z156-295:** On October 26, 2016, the City Council approved an application for the renewal of Specific Use Permit No. 1767 for a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located north of Commerce Street, east of South Good Latimer Expressway.
6. **Z156-303:** On September 2, 2016, Specific Use Permit No. 1651 for a tattoo & body piercing studio was automatically renewed for an additional five-year period on property zoned Planned Development District No. 269, the Deep Ellum Special Purpose District, located on the south side of Main Street, east of Good Latimer Expressway.
7. **Z167-142 & Z145-114:** On January 28, 2015, & April 12, 2017, the City Council approved the renewal of Specific Use Permit No. 2122 for a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, located on the south side of Elm Street, west of North Crowds Street.
8. **Z167-154 & Z134-224:** On December 10, 2104, the City Council approved Specific Use Permit No. 2122 for a bar, lounge or tavern use on property zoned Tract A within Planned Development District No. 269 Tract A, located on the south side of Elm Street, west of North Crowds Street. *Renewed on 9/27/17.*
9. **Z167-274 & Z145-160:** On April 22, 2015, the City Council approved a Specific Use Permit No. 2144 for a bar, lounge, or tavern on property zoned Tract A within Planned Development No. 269, the Deep Ellum/Near East Side District located on the north side of Main Street, west of North Crowds Street. *Renewed on 8/09/17.*
10. **Z167-275 & Z145-249:** On August 12, 2015, and August 9, 2017, the City Council approved the renewal of Specific Use Permit No. 2050 for an alcoholic beverage establishment use limited to a bar, lounge, or tavern on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, located on the south line of Elm Street, west of Crowds Street.
11. **Z167-277:** On August 9, 2017, the City Council approved Specific Use Permit No. 2252 for an alcoholic beverage establishment use limited to a bar, lounge or tavern and an inside commercial amusement use limited to a live music venue on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the north side of Elm Street, west of North Crowds Street.
12. **Z167-328 & Z134-307:** On December 13, 2014, and August 27, 2017, the City Council approved the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall on property zoned Planned Development District No. 269, Tract A, the Deep Ellum/Near East Side Special Purpose District on the south line of Elm Street, west of North Crowds Street.

- 13.Z167-392:** On January 10, 2018, the City Council approved the renewal of Specific Use Permit No. 1694 for a bar, lounge, or tavern use and commercial amusement (inside) limited to a live music venue use on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the southeast line of Elm Street, west of North Crowdus Street.
- 14.Z178-101:** On March 28, 2018, the City Council approved the renewal of Specific Use Permit No. 1687 for a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, located on the south side of Commerce Street, west of Henry Street.
- 15.Z178-125 & Z145-176:** On May 13, 2015, the City Council approved the renewal and amendment of Specific Use Permit No. 1696 for an alcoholic beverage establishment use limited to a bar, lounge, or tavern on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District on the south side of Elm Street, west of North Crowdus Street. *Current renewal pending City Council on April 25, 2018.*

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Main Street	Community Collector	80 feet	80 feet
Pryor Street	Local	33.5 feet	33.5 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 269, Tract A	Vacant Structure
North	PD No. 269, Tract A	Bar, lounge, or tavern; retail; and, personal service—barber shop.
East	PD No. 269, Tract A	Restaurant
South	PD No. 269, Tract A	Surface parking; restaurant; office; and, bar, lounge, or tavern
West	PD No. 269, Tract A	Bar, lounge, or tavern; retail; and, personal service—tattoo studio.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The applicant's request is consistent with the following goals and policies of the comprehensive plan.

ECONOMIC ELEMENT

GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN

Policy 2.3.3 Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

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 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility:

The request site is within Deep Ellum, an area which provides for a healthy balance of housing, jobs, and shopping that permits residents to live, work, shop, and play in the same neighborhood. Wide sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses. Considered to be one of Dallas' first commercial districts, Deep Ellum is within close proximity to two major highways, Fair Park, the Baylor Medical District, and Downtown.

The request site consists of a one-story, 5,000-square-foot structure fronting on the south line of Main Street, west of Pryor Street. The structure was recently renovated and now has four vacant suites. The current request is to allow for a cider shop, including the fermentation of cider on-site. This falls into the microbrewery, distillery, or

winery use category as defined in Sec.51P-269.104.(c)(24) and requires a Specific Use Permit within Tract A.

Surrounding land uses include an eclectic mix of bar, lounge, or tavern; retail; and, personal service—barber shop uses to the north; restaurant uses to the east; surface parking; restaurant; office; and, bar, lounge, or tavern uses to the south; and, bar, lounge, or tavern; retail; and, personal service—tattoo studio uses to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The 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 proposed alcoholic beverage establishment limited to a microbrewery, distillery, or winery or “cidery,” as the applicant calls it, will contribute to the character of the neighborhood and promote further tourism and reinvestment in the area. Staff supports the request for a three-year time period with eligibility for automatic renewals for additional five-year periods. This has been the standard for the proposed use within the general area and allows for review of the use after the initial three-year period.

Parking:

PD No. 269 does not require off-street parking for the first 5,000 square feet of floor area for a microbrewery, distillery, or winery use with a separate certificate of occupancy in an original building. Sec.51P-269.104.(c)(27) defines an original building as meaning 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:

- (a) 150 percent if the increase is 5,000 square feet or less; or
- (b) 100 percent if the increase is more than 5,000 square feet. An original building damaged or destroyed on or before June 27, 1984, other than by the intentional act of the owner or his agent, may be restored after that date without losing its original building status.

According to the site plan submitted with this request, the suite contains 1,156 square feet, and the original building has a total of 5,000 square feet. DCAD records state that the existing structure was built in 1935 and there have been no additions. No parking is required or provided.

Z178-175(JM)

Landscaping:

The request will not trigger landscaping per PD No. 269 and Article X of the Dallas Development Code, as amended.

List of Partners/Principals/Officers

Applicant:

Trinity Cider, LLC:

Bryan Meyer, Managing Member
Evan Kalstad, Managing Member

AP Deep Ellum, LLC

Asana Partners, LP

Terry S Brown, Managing Partner
Jason K. Tompkins, Managing Partner
Sam E. Judd, Managing Partner
R. Seth Black, Managing Director
Brian R. Purcell, Managing Director
Reed Kracke, Managing Director
Chris R. Dalton, Director
Katie Grissom, Director
G. Welch Liles, Associate - Development

Z178-175

**CPC Action
April 5, 2018**

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, distillery, or winery for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the southwest corner of Main Street and Pryor Street.

Maker: Murphy
Second: Rieves
Result: Carried: 12 to 0

For: 12 - West, Rieves, Davis, Shidid, Carpenter, Mack,
Jung, Housewright, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 2 - Houston, Schultz
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 16
Replies: For: 5 Against: 0
Speakers: None

<p style="text-align: center;">CPC APPROVED SUP CONDITIONS Z178-175</p>

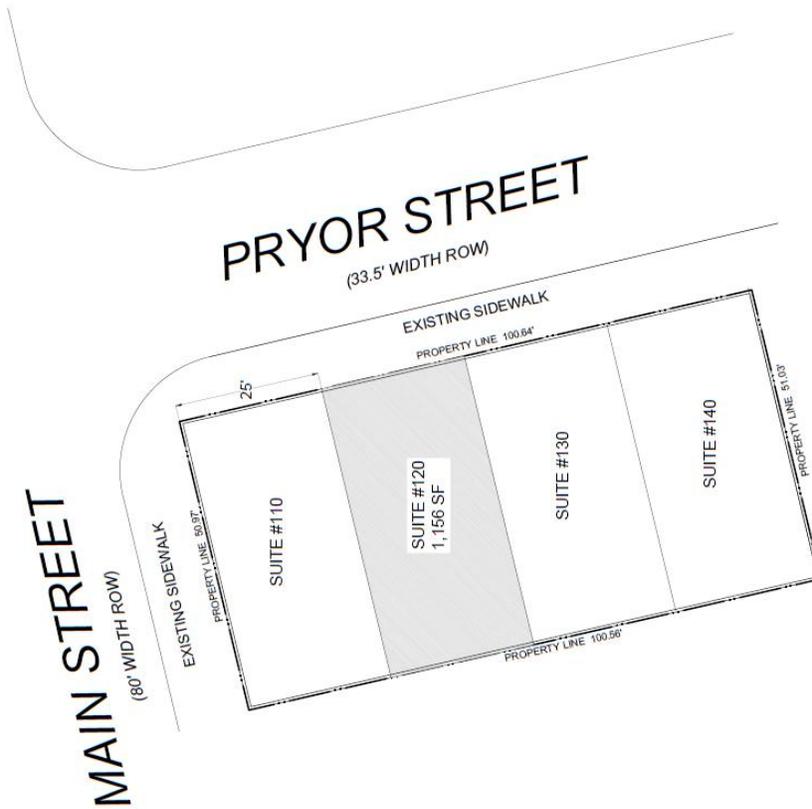
1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (three years from 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. FLOOR AREA: The maximum floor area allowed for the alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery is 1,156 square feet.
5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a microbrewery, micro-distillery, or winery may only operate between 11:00 a.m. and 12:00 a.m. (midnight), Monday through Sunday.
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.

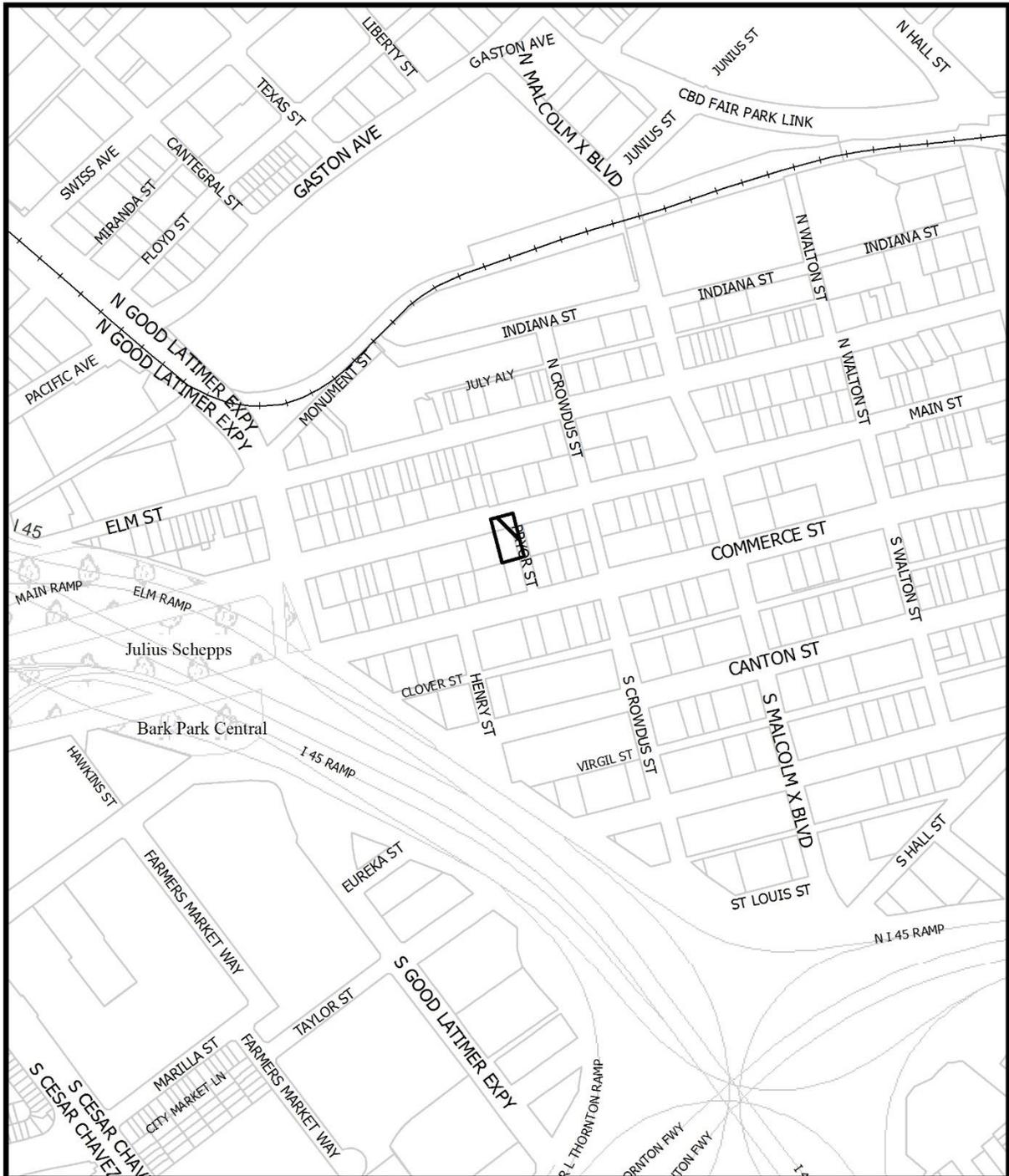
Proposed Site Plan



VICINITY MAP
NTS

Use: Alcoholic Beverage Establishment - Microbrewery, Distillery or Winery	
Zoning: PDD 269	
Site Information:	
Total Existing Building Square Footage	5000
Suite 120 Covered Common Area *	374
Suite 120 Interior Square Footage*	782
SUP Lot Area (SF):	5,000
Lot coverage:	100%
Parking to be provided in accordance with PDD 269	
*Demising walls between units are approximate	





 1:4,800	<h2>VICINITY MAP</h2>	Case no: <u> Z178-175 </u> Date: <u> 2/13/2018 </u>
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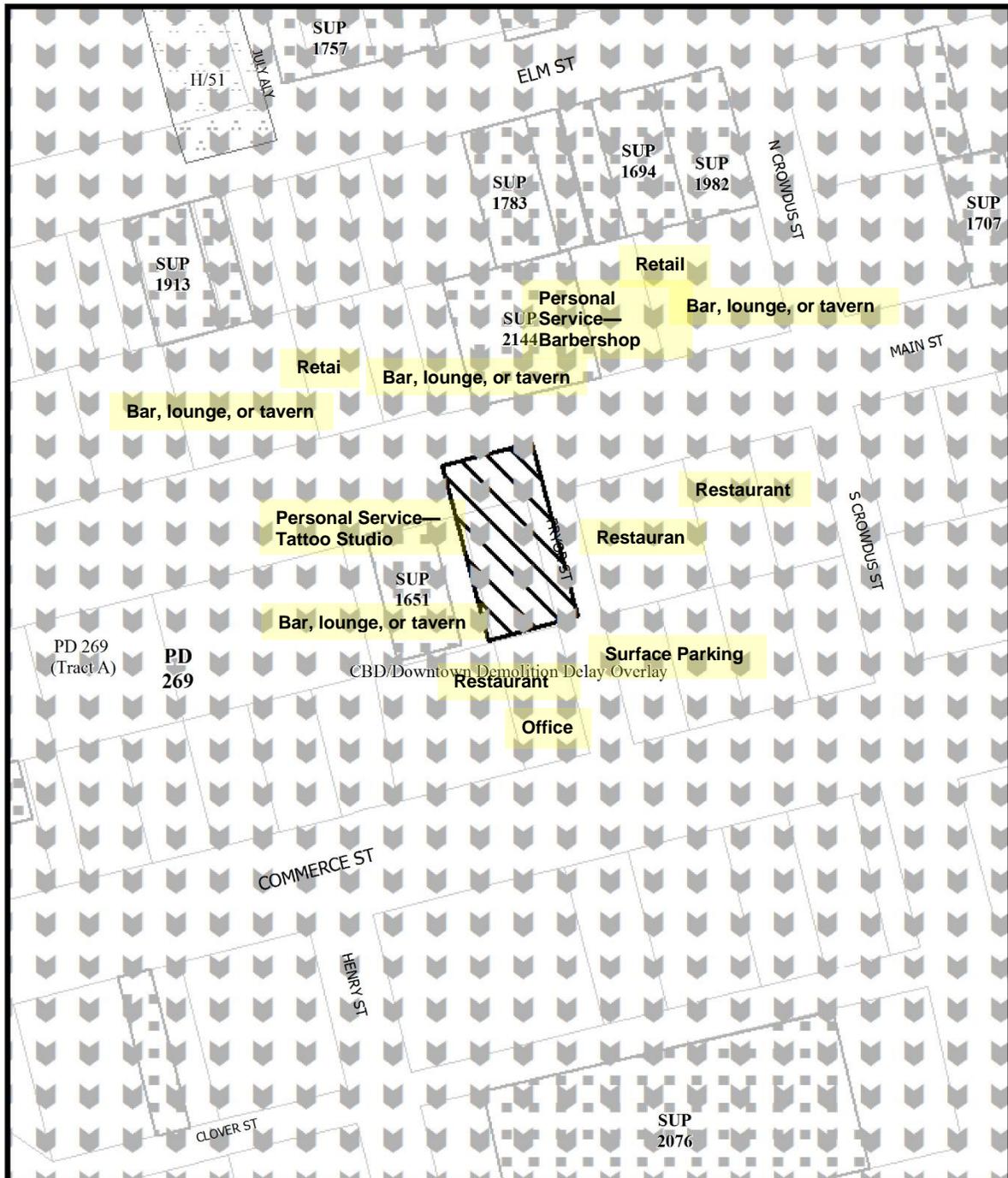


1:1,200

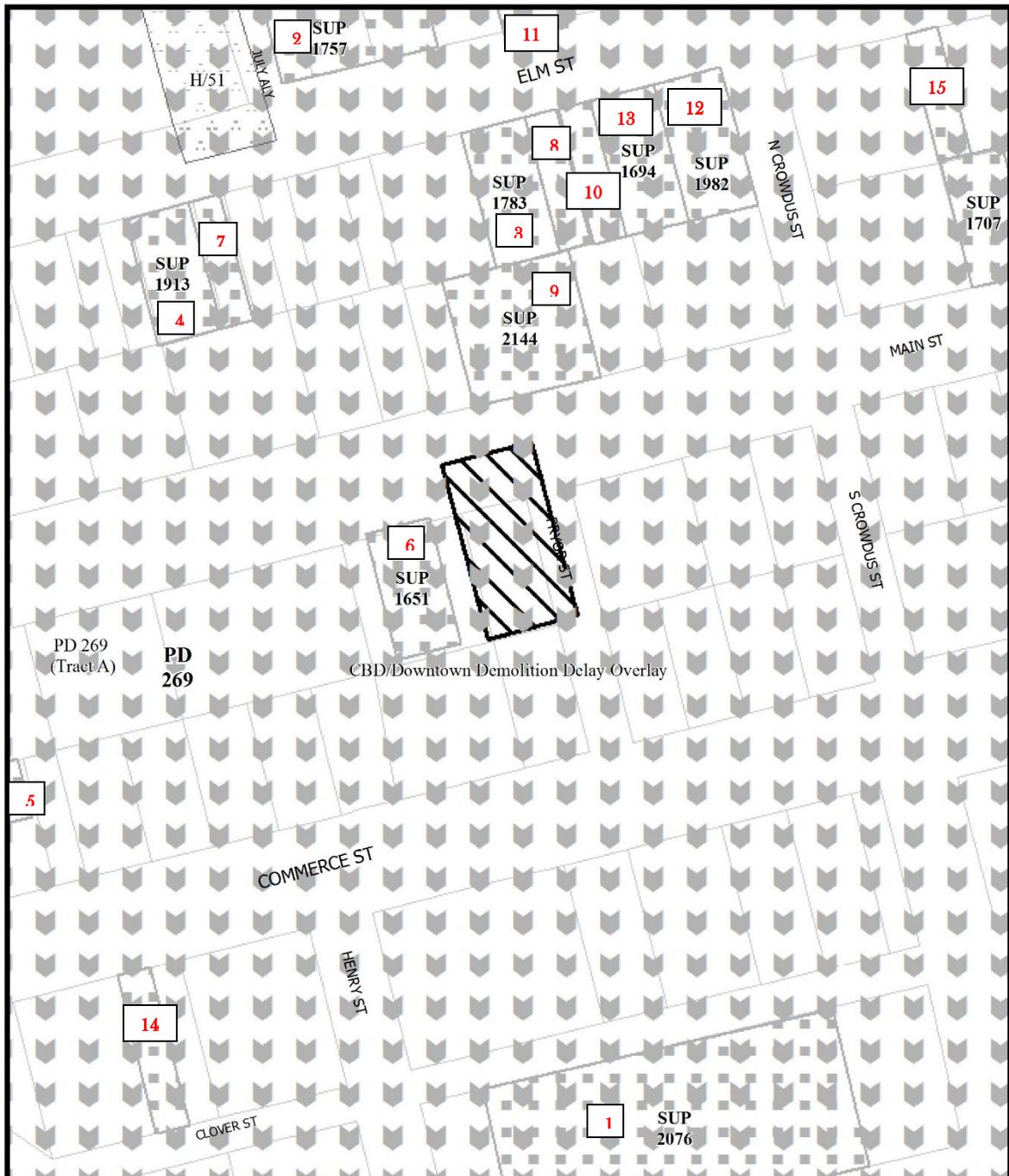
AERIAL MAP

Case no: Z178-175

Date: 2/13/2018



 1:1,200	ZONING AND LAND USE	Case no: <u> Z178-175 </u> Date: <u> 2/13/2018 </u>
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 1:1,200	<h1>ZONING HISTORY</h1>	Case no: <u> Z178-175 </u> Date: <u> 2/13/2018 </u>
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Z178-175(JM)

04/04/2018

Reply List of Property Owners

Z178-175

16 Property Owners Notified

5 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2649 MAIN ST	42 DEEP ELLUM LP
	2	2656 MAIN ST	SCHWARTZ HYMIE TRUST &
	3	2644 ELM ST	CAMERON PAUL DARREN
	4	2638 ELM ST	MGP HOLDINGS LLC
	5	2642 ELM ST	LALCO INC
	6	2650 ELM ST	ELM ELM LLC
	7	2712 MAIN ST	CASS DON E TR
	8	2703 COMMERCE ST	SCHWARTZ JEANNETTE TRUST
O	9	2713 COMMERCE ST	WESTDALE PPTIES AMERICA I
	10	2724 COMMERCE ST	SDL PARTNERS INC
O	11	2718 COMMERCE ST	2713 CANTON LTD
O	12	2712 COMMERCE ST	2713 CANTON LTD
O	13	2700 COMMERCE ST	WESTDALE PROPERTIES
O	14	2720 ELM ST	ELM STREET REALTY LTD
	15	2715 MAIN ST	MAIN PROPERTIES LLC
	16	2707 MAIN ST	CCD PROPERTIES NUMBER 2 LLC

AGENDA ITEM # 35

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018
COUNCIL DISTRICT(S): 3
DEPARTMENT: Department of Sustainable Development and Construction
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 52 Z

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1842 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of West Kiest Boulevard and South Cockrell Hill Road
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Z178-179(MB)

FILE NUMBER: Z178-179(MB)

DATE FILED: February 9, 2018

LOCATION: West Kiest Boulevard and South Cockrell Hill Road, northwest corner

COUNCIL DISTRICT: 3

MAPSCO: 52 Z

SIZE OF REQUEST: Approx. 0.715 acres

CENSUS TRACT: 108.05

OWNER/APPLICANT: Kiest Kwik Mart, LLC

REPRESENTATIVE: Santos T. Martinez

REQUEST: An application for the renewal of Specific Use Permit No. 1842 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the continuation of the sale of alcohol for off-premise consumption in conjunction with a general merchandise or food store (Kiest Shell).

CPC RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

STAFF RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

BACKGROUND INFORMATION:

- The 0.715-acre site is developed with a one-story, 3,185-square-foot general merchandize or food store (Kiest Shell).
- The general merchandise use is permitted by right. The sale of alcoholic beverages requires a Specific Use Permit in the D-1 Liquor Control Overlay.
- In April 2011, City Council approved a zoning request to amend the D overlay to D-1 overlay with a Specific Use Permit No. 1842 to sell alcohol for off premise consumption. This Specific Use Permit was permitted for a two-year time period and was subsequently renewed in April 2013.

Zoning History: There have been four zoning changes requested in the area.

1. Z045-199 On Wednesday, June 8, 2005, the City Council approved a Specific Use Permit for an Accessory Community Center (private) and a pool facility on property zoned a CH Clustered Housing District.
2. Z045-205 On Wednesday, June 8, 2005, the City Council approved an R-10(A) Single Family District with retention of the D Liquor Control Overlay on the south line of W. Kiest Boulevard, east of S. Cockrell Hill Road. (not shown on map)
3. Z101-157 On Wednesday, April 27, 2011, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less than on property zoned a CR-D Community Retail District with a D Liquor Control Overlay. (request site)
4. Z123-169 On Wednesday, April 10, 2013, the City Council approved the renewal of Specific Use Permit No. 1842 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay. (request site)

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
W. Kiest Blvd	Principal Arterial	60 feet
S. Cockrell Hill Road	Principal Arterial	60 feet

Traffic: The Engineering Division of the Sustainable Construction and Development Department has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Surrounding Land Uses:

Location	Zoning	Land Use
Site	CR w/D-1overlay, SUP No. 1842	General merchandise with fueling stations and drive through
Northeast	CR	General merchandise and surface Parking lot
Southeast	R-16(A)	Undeveloped
Southwest	PDD No. 731-w/D overlay	Undeveloped
Northwest	CR	Vacant retail/general merchandise store

COMPREHENSIVE PLAN: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

Land Use Compatibility:

The approximately 0.715-acre site is zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station. In April 2011, City Council approved a zoning request to amend the D overlay to D-1 overlay with a Specific Use Permit No. 1842 to sell alcohol for off premise consumption. This Specific Use Permit was permitted for a two-year time period and was subsequently renewed in April 2013.

The current request is for the renewal of Specific Use Permit since the applicant has missed the deadline for automatic renewal of the Specific Use Permit for selling alcohol for off-premise consumption in the existing general merchandise or food store.

The surrounding land uses consist of a retail development that is partially developed with a general merchandise store to the north and northwest of the site. The properties south of W. Kiest Boulevard and east of S. Cockrell Hill Road are undeveloped.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

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 general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code.

Landscaping: In general, landscaping of any development will be in accordance with Article X, as amended.

Parking: The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area and 2 spaces for a motor vehicle fueling station. The development requires 18 spaces with 24 being provided per the attached site plan.

Z178-179(MB)

Partners/Principals/Officers:

Aziz Jiwani, President

CPC Action – April 5, 2018:

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1842 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewals for additional five-year periods on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, subject to conditions

Maker: Murphy
Second: Rieves
Result: Carried: 12 to 0

For: 12 - West, Rieves, Davis, Shidid*, Carpenter, Mack,
Jung, Housewright, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 2 - Houston, Schultz
Vacancy: 1 - District 8

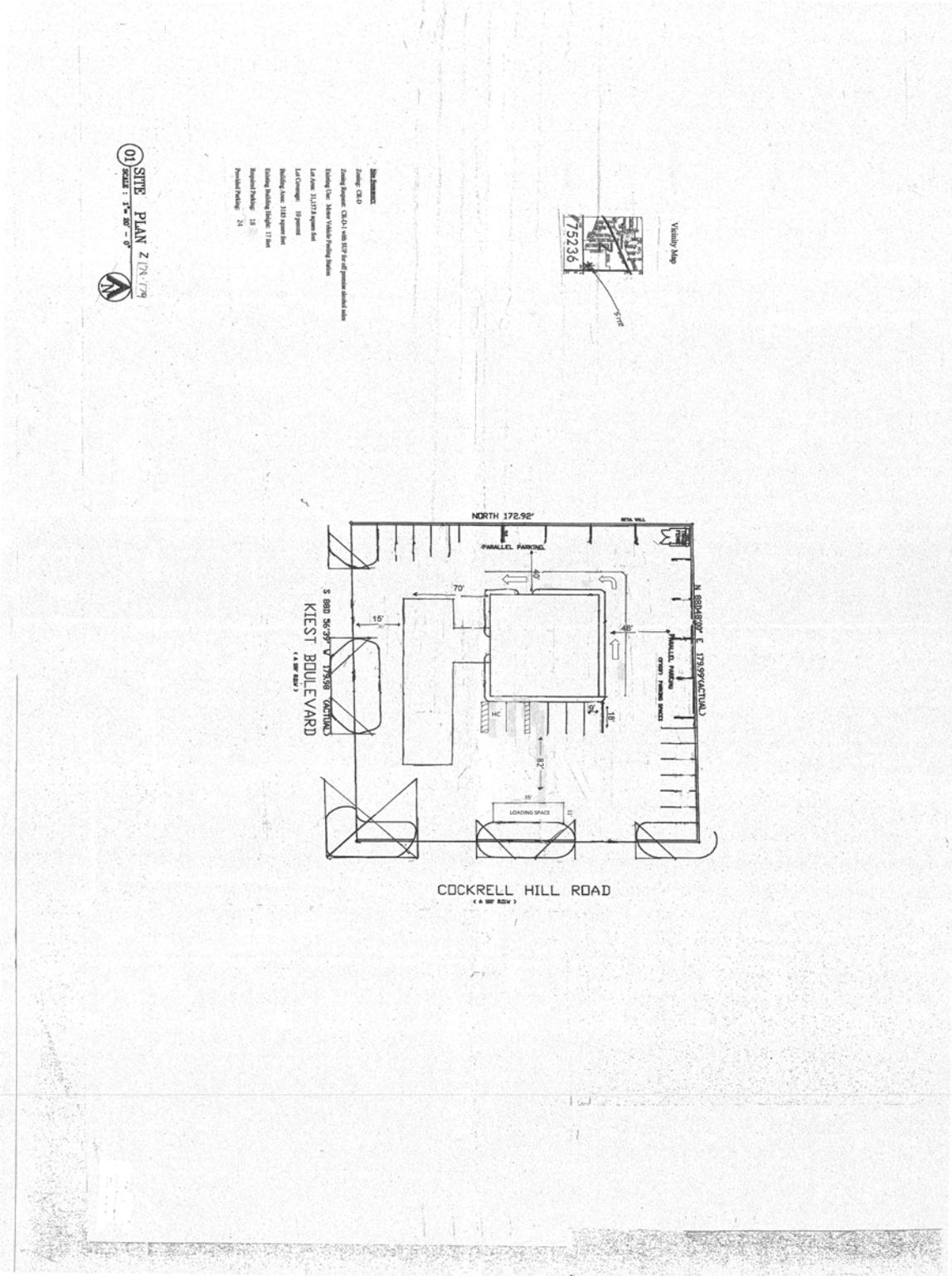
Notices: Area: Mailed:
Replies: For: Against:

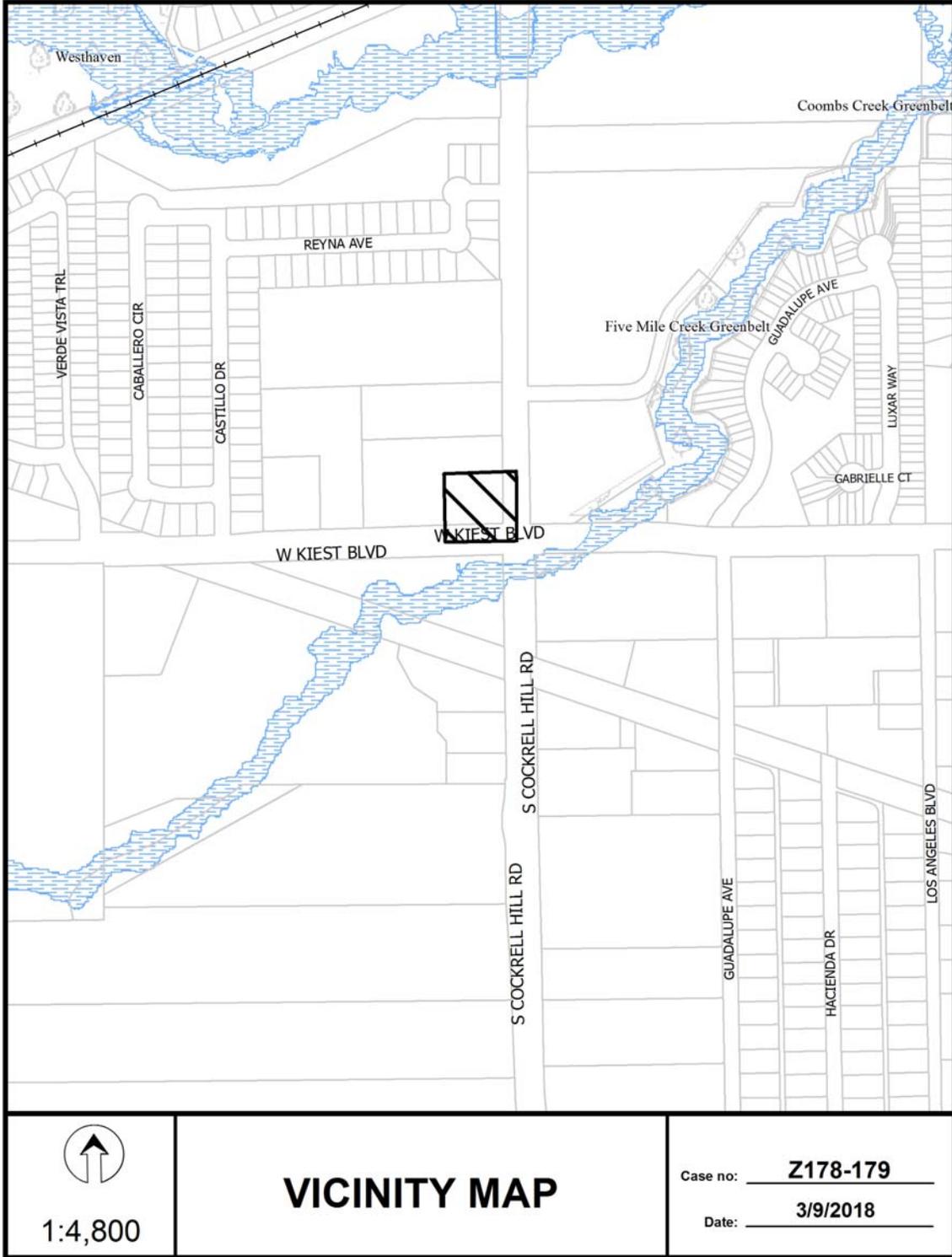
Speakers: None

**Z178-179
CPC Proposed SUP Conditions**

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
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 [~~March 27, 2018~~], (five-year period 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. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Off-street parking must be provided in the locations shown on the attached site plan.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. 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)**

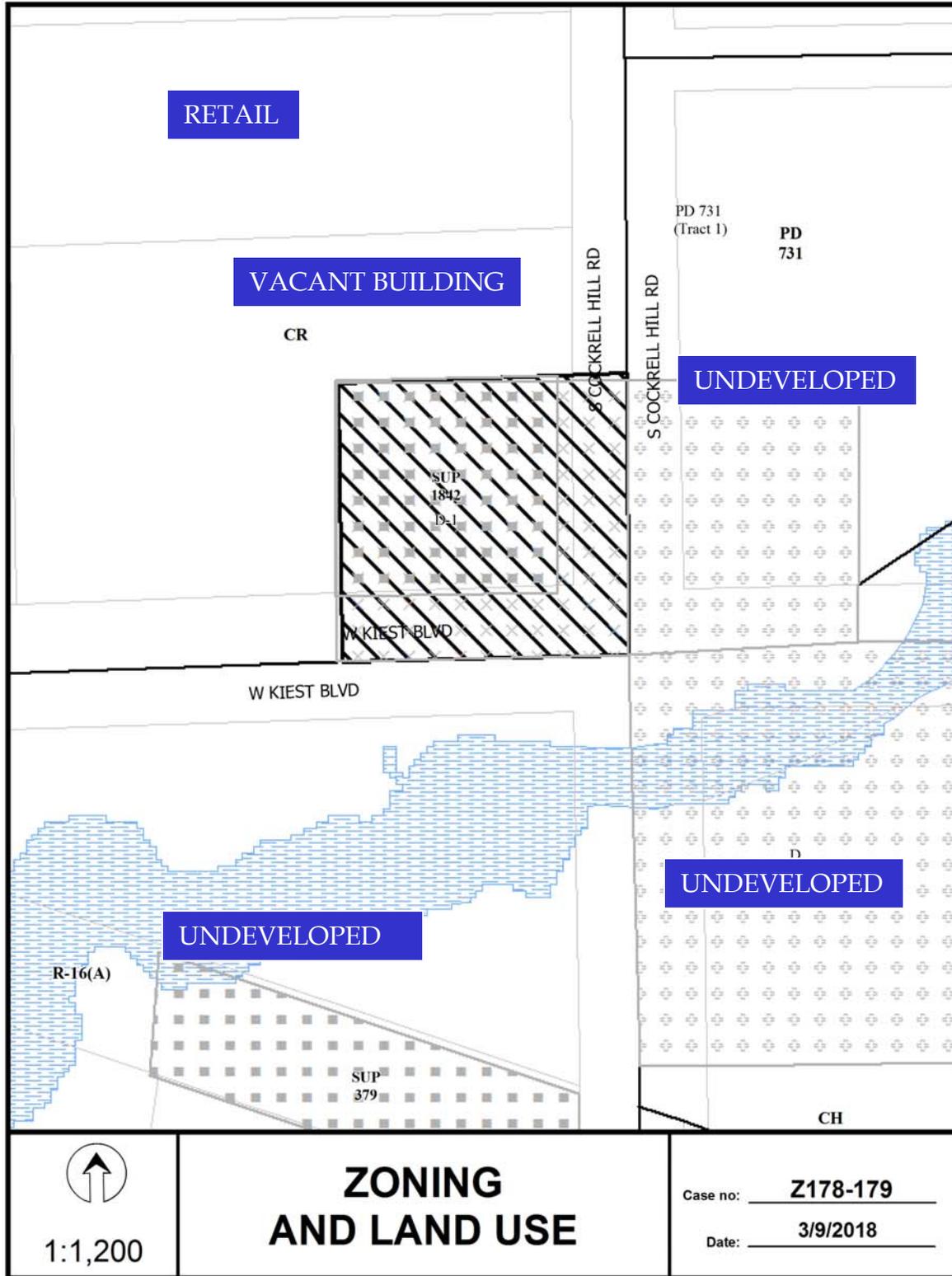




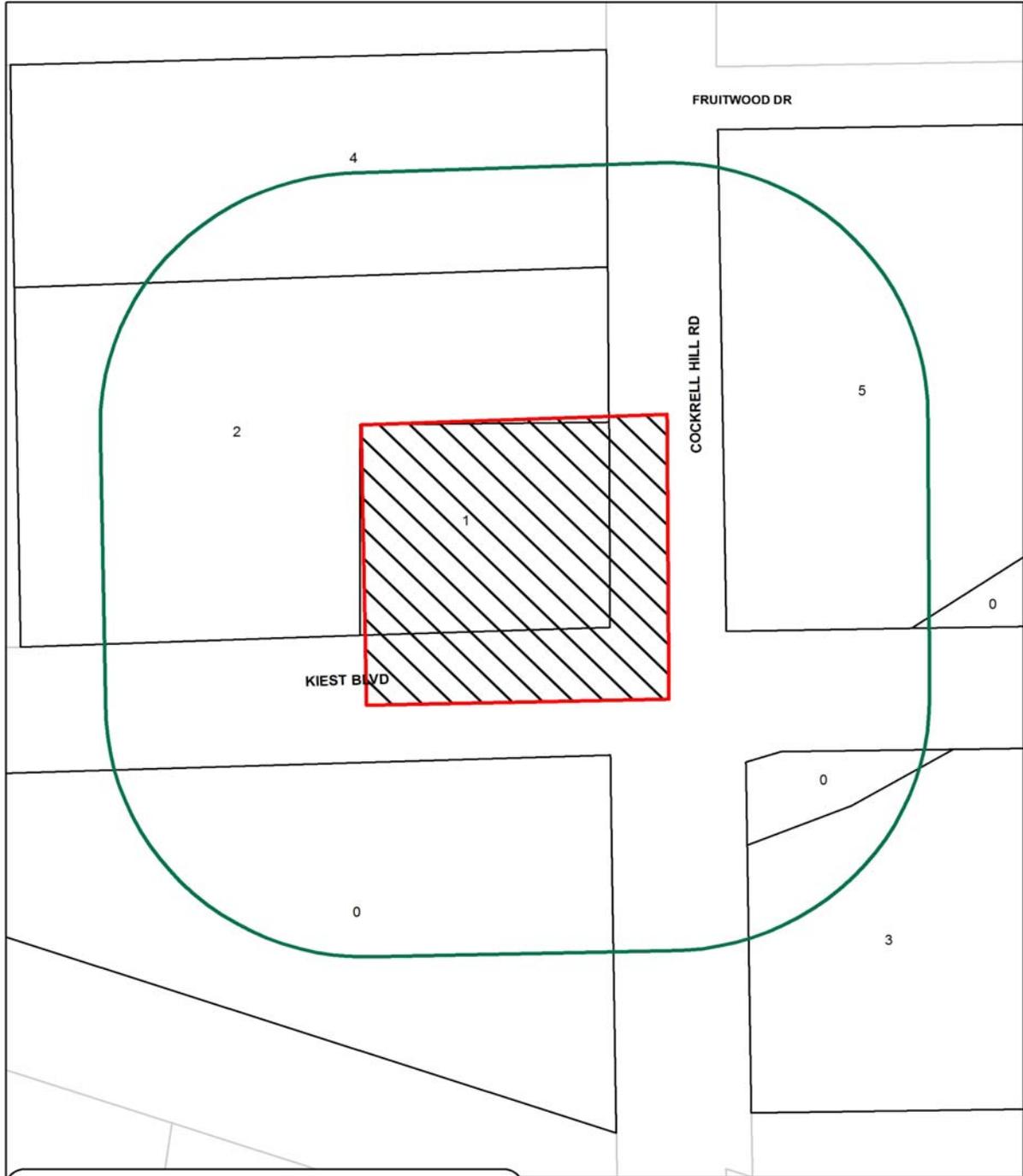
1:4,800

VICINITY MAP

Case no: Z178-179
Date: 3/9/2018



CPC Responses



<u>5</u>	Property Owners Notified (8 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>4/5/2018</u>	Date

Z178-179
CPC



1:1,200

Reply List of Property Owners

Z178-179

5 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	4411	W Kiest Blvd	4411 Kiest LLC
2	4431	W Kiest Blvd	NORMAN QUINTERO MINISTRIES INC
3	4306	W Kiest Blvd	ALCANTAR VIDAL &
4	3107	S Cockrell Hill Rd	GABON PROPERTIES LP
5	3110	S Cockrell Hill Rd	SDC OAKWOOD TOWNHOMES LP

AGENDA ITEM # 36

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018
COUNCIL DISTRICT(S): 2
DEPARTMENT: Department of Sustainable Development and Construction
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 36 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District, on the east line of Bennett Avenue, the south line of Monarch Street, and the west line of North Garrett Avenue

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

Z178-182(JM)

FILE NUMBER: Z178-182(JM)

DATE FILED: February 12, 2018

LOCATION: East line of Bennett Avenue, the south line of Monarch Street, and the west line of North Garrett Avenue

COUNCIL DISTRICT: 2

MAPSCO: 36 W

SIZE OF REQUEST: ±2.11 acres

CENSUS TRACT: 9.00

APPLICANT/OWNER: Villa Santa Maria, Inc.

REPRESENTATIVE: Rob Baldwin, Baldwin and Associates

REQUEST: An application for a Planned Development District for MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District.

SUMMARY: The current request is to allow for the replacement of an existing retirement housing complex with 60 dwelling units to provide a new retirement housing facility with 130 dwelling units. Deviations from the MF-2(A) standards include: **1)** an increase in dwelling unit density; **2)** encroachments into the front yard setback of up to eight feet; **3)** encroachments into the side and rear setbacks for accessory structures; **4)** an increase in lot coverage; **5)** an off-street parking reduction; **6)** elimination of required loading; and, **7)** the addition of design standards.

STAFF RECOMMENDATION: Approval, subject to a development plan and conditions.

CPC RECOMMENDATION: Approval, subject to a development plan and conditions.

BACKGROUND INFORMATION:

- The existing two-story structure was erected between 1972 and 1973, according to City records (POSSE).
- The site is currently developed with a retirement housing use which is allowed in the current zoning of an MF-2(A) Multifamily District. The proposed PD would be for MF-2(A) District uses and provide for the following modifications:
 - To allow for encroachments of up to 8’ for balconies, porches, stairs, and stoops within the front yard setback.
 - To allow accessory structures with less than 200 square feet of floor area within the side and rear yard setbacks.
 - Increase dwelling unit density for retirement housing from 116 to 130 units.
 - Increase lot coverage from 60 percent to 70 percent.
 - Reduce required off-street parking from one space per dwelling unit, to 0.5 space per dwelling unit.
 - Eliminate the loading requirement.
 - Add design standards (for additions and new construction) to facilitate façade wall changes to color, texture, or materials and require pedestrian amenities including benches, trash receptacles, pedestrian-scale lighting, and enhanced sidewalks.

Zoning History: There have been no zoning cases in the area over the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Monarch Street	Local	70 feet	70 feet
N. Garrett Avenue	Local	60 feet	60 feet
Bennett Avenue	Local	80 feet	80 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

Surrounding Land Uses:

	Zoning	Land Use
Site	MF-2(A) Multifamily	Retirement Housing
North	PD No. 951, MF-2(A) Multifamily	Multifamily, Fire Station, and Single Family
East	MF-2(A) Multifamily, NO(A) Neighborhood Office	Multifamily and Church
South	MF-2(A) Multifamily, NO(A) Neighborhood Office	Multifamily and Church
West	PD No. 951, MF-2(A) Multifamily	Multifamily

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

The applicant’s request generally complies with the following goals and policies of the Comprehensive Plan.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.3 Encourage complementary building height, scale, design and character.

Implementation Measure 5.1.3.2 Amend the Dallas zoning regulations to establish urban design standards that reflect quality design and good land use principles through regulations which address height, scale, bulk and massing of new development. Standards will also address the impact of parking lots and structures to minimize spillover to adjacent neighborhoods, mitigate any negative effects and eliminate visual intrusion or incompatibility with the adjacent residential neighborhoods, historic or conservation districts.

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.1 Maintain neighborhood scale and character.

NEIGHBORHOOD PLUS

Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety.

The retirement housing use is essentially a specialized multifamily use. The use is complementary and adds a level of service necessary for diversity in housing options. The modifications to the district standards requested are minimal and maintain the overall scale and character of the neighborhood, while adding urban design features through architectural standards to enhance the facades of additions and new construction.

Land Use Compatibility:

- To allow for encroachments of up to 8' for balconies, porches, stairs, and stoops within the front yard setback.
- To allow accessory structures with less than 200 square feet of floor area within the side and rear yard setbacks.
- Increase dwelling unit density for retirement housing from 116 to 130 units.
- Increase lot coverage from 60 percent to 70 percent.
- Reduce required off-street parking from one space per dwelling unit, to 0.5 space per dwelling unit.
- Eliminate the loading requirement.
- Add design standards (for additions and new construction) to facilitate façade wall changes to color, texture, or materials and require pedestrian amenities including benches, trash receptacles, pedestrian-scale lighting, and enhanced sidewalks.

The existing two-story structure was erected between 1972 and 1973, according to City records (POSSE). Surrounding land uses include multifamily, a fire station, and single family to the north; multifamily and church to the east and south; and, multifamily to the west. Many of the surrounding properties have been demolished and rebuilt.

A retirement housing use is allowed in the current MF-2(A) Multifamily District. The proposed PD would be for MF-2(A) District uses and provide for the following modifications:

- For a retirement housing use, to allow for encroachments of up to 8' for balconies, porches, stairs, and stoops within the front yard setback.

The right-of-way along the three surrounding streets allows for greater flexibility. The streets are all local roads with pavement widths of approximately 30 feet, while the right-of-way for the roads vary from 60 feet to 80 feet in width. This lends to the opportunity for an enhanced pedestrian realm. As the area redevelops with higher density projects, pulling structures closer to the street provides for a more urban experience. Furthermore, this allotment is limited to the proposed retirement housing use.

- For a retirement housing use, to allow accessory structures with less than 200 square feet of floor area within the side and rear yard setbacks

The parcel has three front yards according to the Dallas Development Code Sec. 51A 4.401(a)(5). The encroachment of accessory structures into the side/rear yard setback only applies to the southeast property line. This portion of the site is developed with two accessory structures with less than 200 square-feet of floor area within one-foot of the property line. Additionally, a carport shades existing surface parking along the southeast property line. A proposed addition along the southwest would raise an existing single family structure and provide 10 feet of side yard area, closest to a nearby church. The adjacent property containing the church is zoned an NO(A) District, requiring no side/rear yard setback unless adjacent to residential districts when a 20-foot side/rear yard is required. The church must provide a 20-foot side/rear setback in this case while the applicant has requested 10 feet with a proposed exemption for accessory structures with less than 200 square feet and carports.

- Increase dwelling unit density for retirement housing from 116 to 130 units.

The Dallas Development Code Sec. 51A 4.209(b) (5.2) (ii) states that in an MF-2(A) District, 55 dwelling units are allowed per acre. The site contains 2.11 acres, allowing for a maximum of 116 dwelling units. The current request to increase the number of dwelling units by 14, a less-than 10 percent increase in density, is minimal.

- For a retirement housing use, increase lot coverage from 60 percent to 70 percent.

Staff supports this request. Lot coverage essentially allows for appropriate density and green space. Considering that no alterations requested to the landscaping required per Article X, the increase in lot coverage generates a higher density of units with less height. This is consistent with the underlying MF-2(A) District height regulations while adding some density to the site. Furthermore, this allotment is limited to the proposed retirement housing use.

- Add design standards (for additions and new construction) to facilitate façade wall changes to color, texture, or materials and require pedestrian amenities including benches, trash receptacles, pedestrian-scale lighting, and enhanced sidewalks.

As the area continues to redevelop, design standards will alleviate the potential for monotonous wall masses. The breaks in mass and visual design will apply to three sides of the site — all street frontages, if any additions or new construction are sought. According to the development plan, additions are planned along a portion of the Monarch Street and Bennett Avenue frontages and all of the N. Garrett Avenue frontage.

This section will require at least one change of color, texture, or material, either diagonally, horizontally, or vertically; and/or, changes in plane with a depth of at least three feet, either diagonally, horizontally, or vertically, for every 50 feet of facade length. Additionally, masonry or cementitious siding material are required for a minimum of 80 percent of street-facing facades.

Additionally, pedestrian amenities including benches, trash receptacles, pedestrian-scale lighting, and enlarged (six-foot) sidewalks are required. A minimum of one bench and one trash receptacle are required for each street frontage. Pedestrian-scale lighting is required at a maximum spacing of 100 feet along each street frontage. Light standards may be attached to the main structure or located in pedestrian areas not less than nine feet or more than 15 feet in height above a sidewalk or pathway. The pedestrian amenities must be located within the curb-to building area of the building site. The amenities may be placed within the public right-of-way as long as they meet city standards and licensing requirements. These amenities support the urban nature of the redeveloping neighborhood and enhanced pedestrian experience for the area. Finally, if an existing sidewalk is repaired or replaced, the minimum sidewalk width for that street frontage is six feet. Existing sidewalks offer four-feet in width at this time.

Overall, staff supports the changes to the MF-2(A) District standards requested because the changes support the urban transformation of the neighborhood. Additionally, as the neighborhood continues to transition and redevelop, making minor exceptions for this existing retirement housing use to remain and continue serving the community as an alternate form of housing for the aging population is beneficial to area residents.

Development Standards:

<u>DISTRICT</u>	SETBACKS		Density	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear				
MF-2(A) Existing	15' Projections of up to 5'	0' for SF 5' and 10' for duplex OTHER: 10' and 15'	No Max; Min Lot Area per unit based on bedrooms. 116 units based on lot area	36'	60 % res. 50% nonres. RPS	Multifamily.
PD for MF- 2(A) Uses Proposed	15' Encroach- ments up to 8'	10' Accessory Structures less than 200 sqft. exempt	130 dwelling units	36'	70% res. 50% nonres.	Multifamily & retirement housing.

Parking and Loading:

The Dallas Development Code requires one parking space per dwelling unit for a retirement housing use and one loading space for a facility with 50,000 to 100,000 square feet of floor area. The applicant has requested the following amendments:

- Reduce required off-street parking from one space per dwelling unit, to 0.5 space per dwelling unit.

- Remove loading requirement.

The Engineering Division was provided data from two current retirement housing projects (including the existing site) operated by the applicant. The data identified observed vehicles on-site at multiple times of day for several days. Based on the evidence submitted, Engineering staff found the observations to support the reduction in parking and elimination of loading.

The project is expected to provide for a maximum of 130 dwelling units, requiring 65 parking spaces. The proposed development plan indicates that 75 parking spaces will be provided.

Landscaping:

The new development on the property will require landscaping per Article X of the Dallas Development Code, as amended.

List of Officers

Villa Santa Maria, Inc.

Mark V. Welch, President
Joseph W. Dingman, Vice President, Secretary, Treasurer
Margaret Ann Moser, Director
Peter L. Larsen, Director
Margaret Busby, Director
Thomas A. Guillory, Director
Anthony S. Levatino, Director
Shelia Mathews Miles, Director
Lydia Torrez, Director

**CPC Action
April 5, 2018**

De minimus Significant Change Motion: In considering the requirement in Section 5(m)(1)(B) of the CPC Rules of Procedure, the finding is it does not apply because the impact of the proposed change in the Commission's judgment is *de minimus* in nature.

Maker: Rieves
Second: Murphy
Result: Carried: 12 to 0

For: 12 - West, Rieves, Davis, Shidid, Carpenter, Mack,
Jung, Housewright, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 2 - Houston, Schultz
Vacancy: 1 - District 8

Motion: It was moved to recommend **approval** of a Planned Development District for MF-2(A) Multifamily District uses, subject to a development plan and conditions on property zoned an MF-2(A) Multifamily District, on the east line of Bennett Avenue, the south line of Monarch Street, and the west line of North Garrett Avenue.

Maker: Rieves
Second: Murphy
Result: Carried: 12 to 0

For: 12 - West, Rieves, Davis, Shidid, Carpenter, Mack,
Jung, Housewright, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 2 - Houston, Schultz
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 133
Replies: For: 4 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

CPC REVISED PD Conditions

ARTICLE _____.

PD _____.

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No._____, passed by the Dallas City Council on _____.

SEC. 51P- _____.102. PROPERTY LOCATION AND SIZE.

PD ____ is established on property located at the northeast corner of Bennett Avenue and Monarch Street. The size of PD _____ is approximately _____ 2.11 acres.

SEC. 51P- _____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article, ORIGINAL BUILDING means a structure built before 1973 and containing a minimum of 40,000 square feet.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

SEC. 51P- _____.104. EXHIBITS.

The following exhibits are incorporated into this article: Exhibit ____A: development plan.

SEC. 51P- _____.106. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit ____A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P- ____ .107. MAIN USES PERMITTED.

The only main uses permitted are those main uses permitted in the MF-2(A) Multifamily District, subject to the same conditions applicable in the MF-2(A) Multifamily District, as set out in Chapter 51A. For example, a use permitted in the MF-2(A) Multifamily District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MF-2(A) Multifamily District is subject to DIR in this district; etc.

SEC. 51P- ____ .108. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P- ____ .109. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the MF-2(A) Multifamily District apply.

(b) Retirement housing.

(1) Front yard. Minimum front yard is 15 feet. In addition to the projections allowed by Section 51A-4.401(a), balconies, porches, stairs, and stoops may encroach up to eight feet into the required front yard.

(2) Side and rear yard. Minimum side yard and rear yard is 10 feet. Accessory structures under 200 square feet in floor area and carports may be located within the required side and rear yard.

(3) Lot coverage. Maximum lot coverage is 70 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(4) Density. Maximum number of dwelling units is 130 units.

SEC. 51P- ____ .110. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Retirement housing.

(1) One-half off-street parking space per retirement housing dwelling unit is required. No additional parking is required for an accessory community center (private) for a retirement housing use.

(2) No loading space is required for a retirement housing use.

(c) Original building. For an original building, parking may be located within the required front yard as shown on the development plan.

SEC. 51P- ____ .111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P- ____ .112. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P- ____ .110. DESIGN STANDARDS FOR RESIDENTIAL USES.

(a) Applicability. This section applies to new construction and additions.

(b) Facade wall changes. Street-facing facades must have one or more of the following:

(1) Changes of color, texture, or material, either diagonally, horizontally, or vertically.

(2) Changes in plane with a depth of at least three feet, either diagonally, horizontally, or vertically, for every 50 feet of facade length.

(c) Materials. A minimum of 80 percent of street-facing facade material, excluding doors and windows, must be masonry or cementitious siding material. Masonry includes stone, brick, concrete, hollow clay tile, decorative concrete blocks or tile, or glass block. Stucco is

considered masonry. Exterior Insulation Finish System (EIFS) materials are not considered masonry for purposes of this subsection.

(d) Pedestrian amenities.

(1) A minimum of one bench and one trash receptacle must be provided along each street frontage.

(2) Pedestrian-scale lighting is required at a maximum spacing of 100 feet along each street frontage. Light standards may be attached to the main structure or located in pedestrian areas not less than nine feet or more than 15 feet in height above a sidewalk or pathway.

(3) Pedestrian amenities must be located within the curb-to-building area of the building site or within the public right-of-way. Pedestrian amenities located within the public right-of-way must comply with city standards and licensing requirements.

(4) Pedestrian amenities must be maintained by the owner or operator.

(e) Sidewalks. If an existing sidewalk is repaired or replaced, the minimum sidewalk width for that street frontage is six feet.

SEC. 51P- ____ .113. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. 51P- ____ .114. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P- ____ .115. COMPLIANCE WITH CONDITIONS.

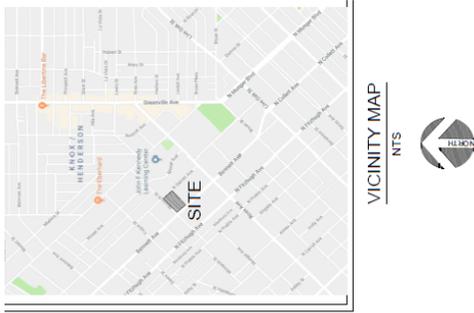
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance

Z178-182(JM)

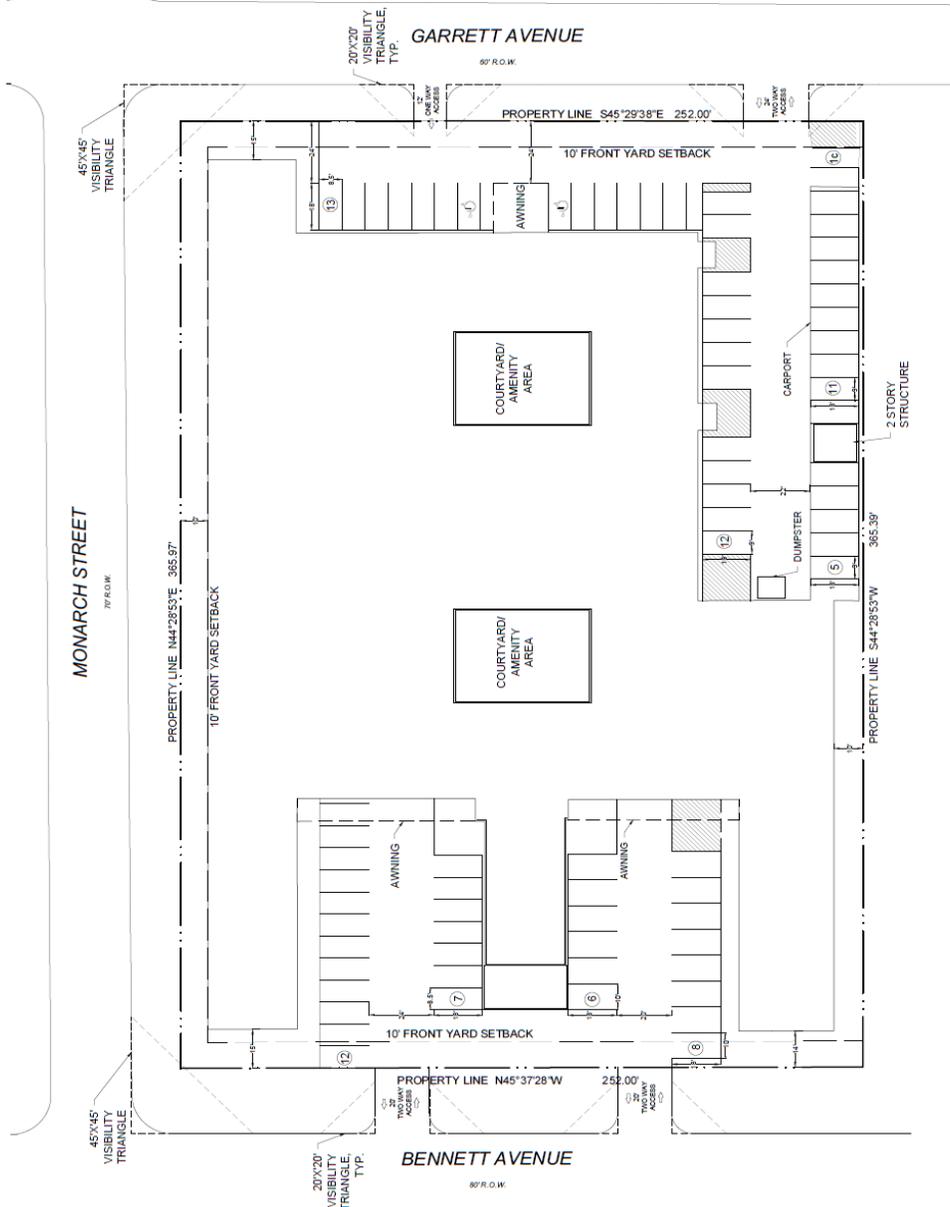
with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

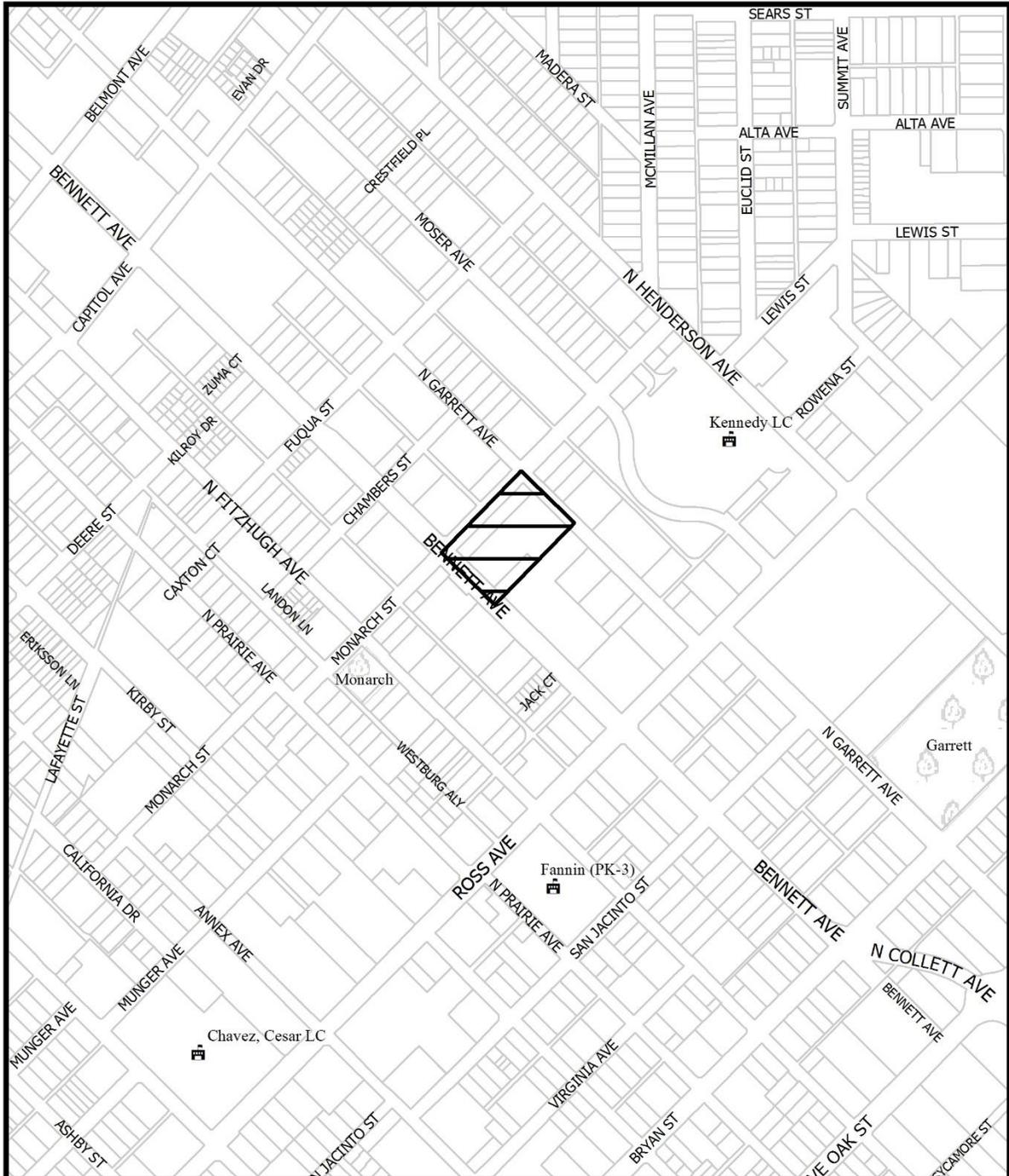
Proposed Development Plan



SITE DATA TABLE

TOTAL SITE AREA	2.12 ACRES
LAND USE	RETIREMENT HOUSING
TOTAL DENSITY	130 UNITS
MAX. BUILDING HEIGHT	36 FT
MAX. LOT COVERAGE	70%
MINIMUM SETBACKS	
FRONT YARD SETBACK: GARRETT	10 FT
FRONT YARD SETBACK: BENNETT	10 FT
FRONT YARD SETBACK: MONARCH	10 FT
SIDE YARD SETBACK	0 FT
ALLOWED FY ENCROACHMENTS	6 FT
PARKING	
PARKING REQUIRED	0.5 / UNIT
PARKING PROVIDED	65
	75



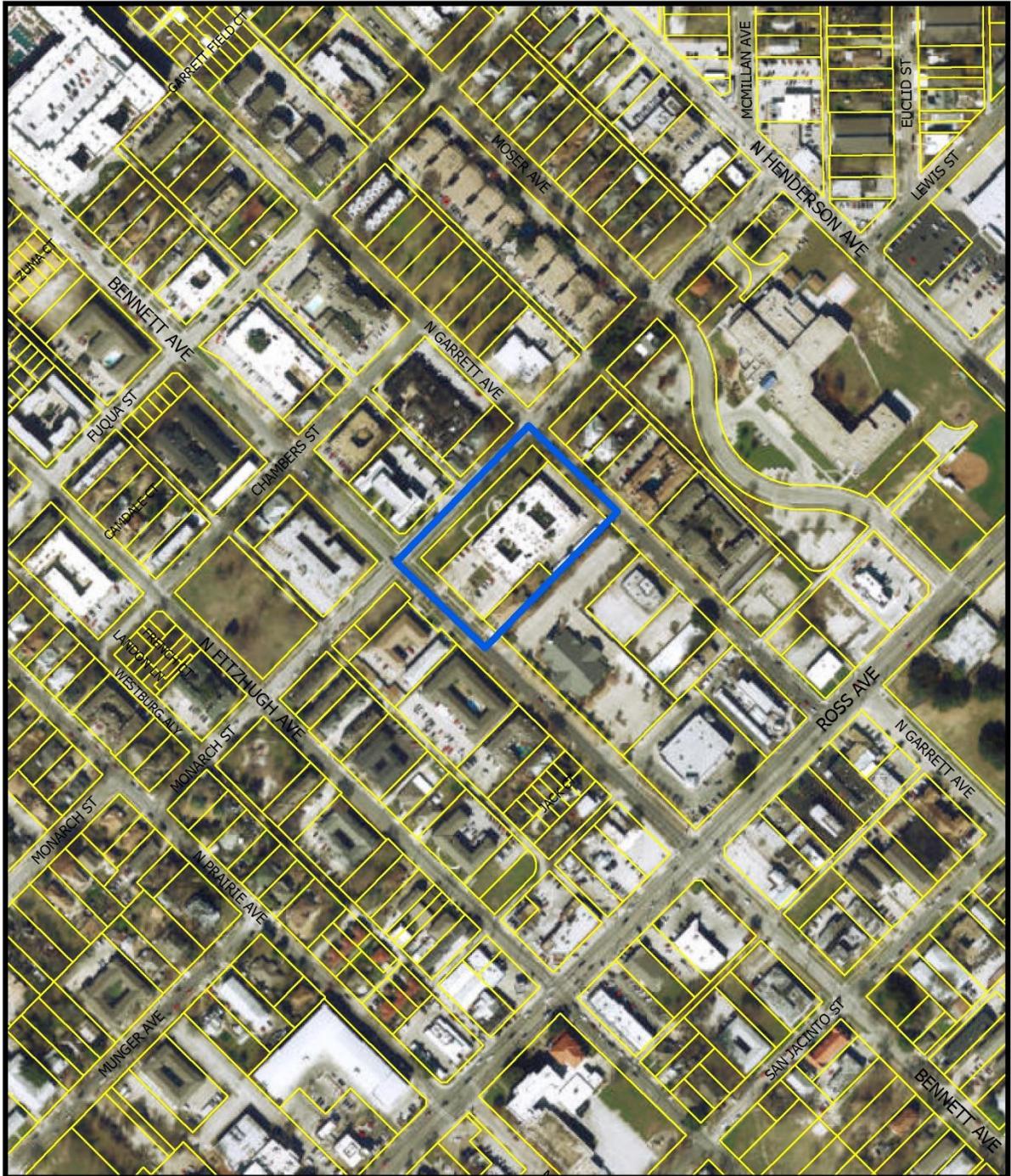


1:6,000

VICINITY MAP

Case no: Z178-182

Date: 3/9/2018

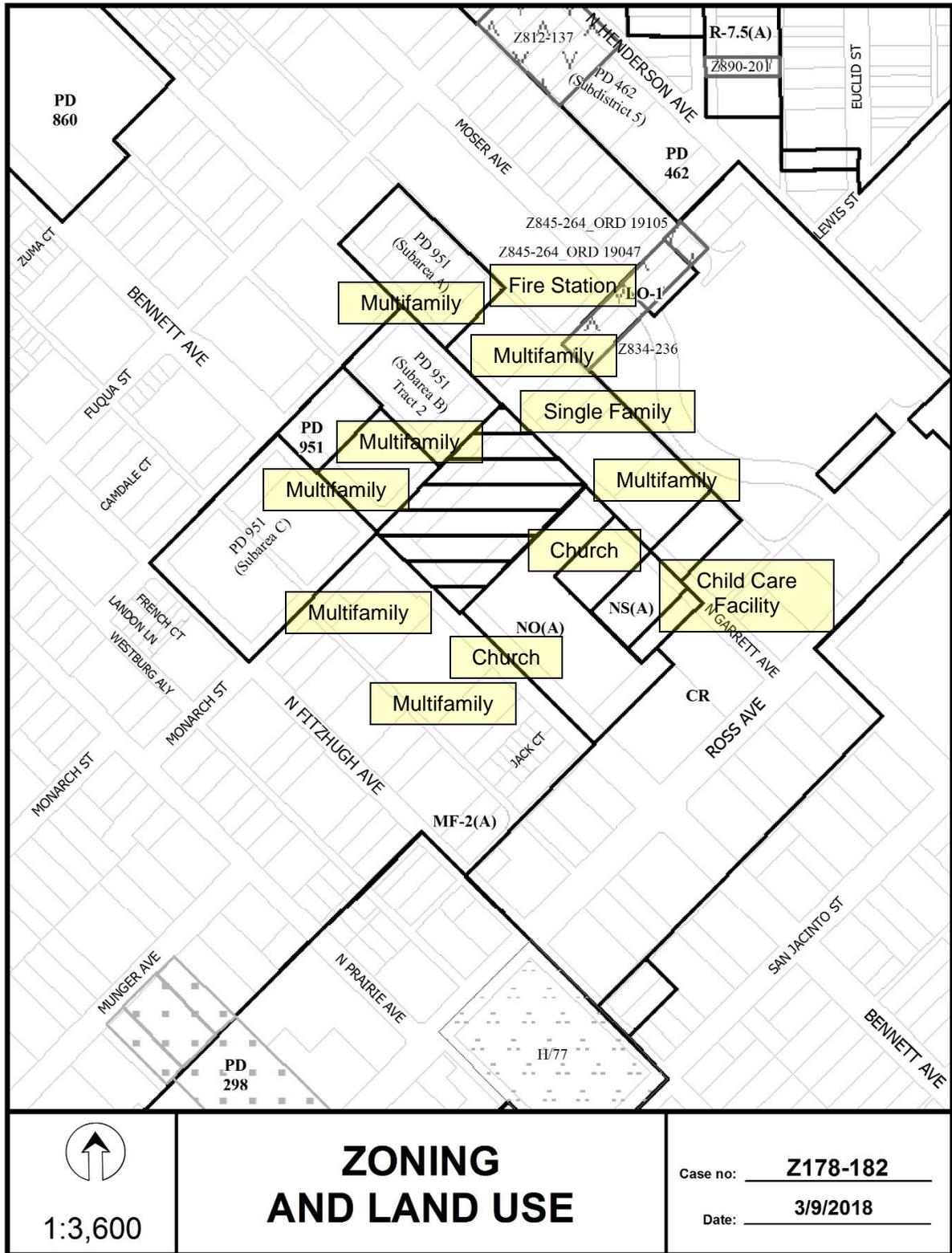


1:3,600

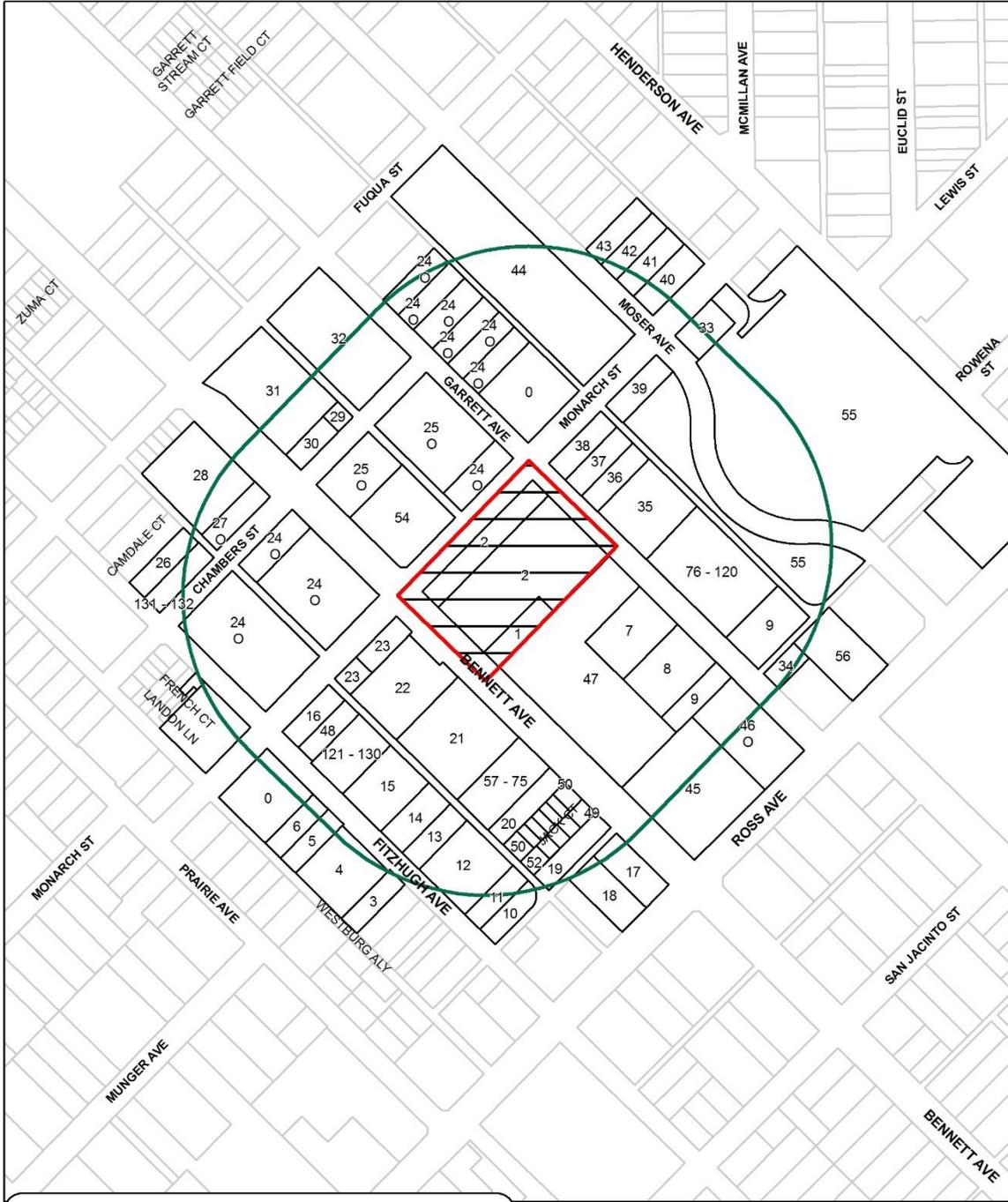
AERIAL MAP

Case no: Z178-182

Date: 3/9/2018



CPC RESPONSES



133	Property Owners Notified (85 parcels)
4	Replies in Favor (14 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
4/5/2018	Date

Z178-182
CPC



1:3,600

04/04/2018

Reply List of Property Owners***Z178-182******133 Property Owners Notified******4 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1808 BENNETT AVE	RAMIREZ RICHARD & MARIE
	2	1830 BENNETT AVE	VILLA SANTA MARIA INC
	3	1737 N FITZHUGH AVE	GNG PROPERTIES
	4	1807 N FITZHUGH AVE	FAIR OAKS APTS INC
	5	1815 N FITZHUGH AVE	FAIR OAKS APTS INCORPORATED
	6	1819 N FITZHUGH AVE	PARMAR RITESH KUMAR
	7	1805 N GARRETT AVE	MEDHANFALEM ERITREAN
	8	1721 N GARRETT AVE	COMUNIDAD DE ESPERANZA
	9	1717 N GARRETT AVE	MARLISA LTD PARTNERSHIP
	10	1716 N FITZHUGH AVE	GNG PROPERTIES INCORP
	11	1722 N FITZHUGH AVE	PHAM THI DBA P V ALL SVC
	12	1728 N FITZHUGH AVE	KG REALCO LLC
	13	1738 N FITZHUGH AVE	NGUYEN LANANH THI &
	14	1800 N FITZHUGH AVE	NGUYEN CHI THI
	15	1810 N FITZHUGH AVE	KUBOKAWA YOSHIMICHI &
	16	1830 N FITZHUGH AVE	WANG ALERN TR
	17	4921 ROSS AVE	FRANCIS DON E
	18	4917 ROSS AVE	MASSOUDI MOHAMMAD &
	19	1715 BENNETT AVE	ZF DEVELOPMENT LLC
	20	1725 BENNETT AVE	4901 LIVE OAK LLC
	21	1809 BENNETT AVE	PGH WHITE LLC
	22	1819 BENNETT AVE	BENNETT APARTMENTS LLC
	23	1831 BENNETT AVE	GREENWICH DEVELOPMENTS LLC
O	24	1945 BENNETT AVE	AH APARTMENTS LP
O	25	5014 CHAMBERS ST	AH APARTMENTS LP
	26	2006 N FITZHUGH AVE	BARR BURT JR

04/04/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	27	2003 BENNETT AVE	VICEROY LIVING LLC
	28	2015 BENNETT AVE	PSPK LLC
	29	5011 CHAMBERS ST	IRA PLUS SOUTHWEST LLC
	30	5005 CHAMBERS ST	BROWN MEGAN
	31	2014 BENNETT AVE	IP BENNETT LP
	32	2015 N GARRETT AVE	MADDOX RONALD C &
	33	1830 MOSER AVE	BLAIR IAN
	34	1712 N GARRETT AVE	DIOSCORIDES & AVICENNA HOLDINGS LLC
	35	1820 N GARRETT AVE	FEB RESIDENTIAL LLC
	36	1828 N GARRETT AVE	TOPSPIN DEVELOPMENT LP
	37	1832 N GARRETT AVE	TOPSIN DEV LP
	38	1836 N GARRETT AVE	BURNS ROBERT
	39	1833 MOSER AVE	BURNS 2016 REVOCABLE TRUST
	40	1902 MOSER AVE	MOSER HOMES LLC
	41	1906 MOSER AVE	GRIGGSJORDAN KIMBERLY M &
	42	1912 MOSER AVE	TICHANSKY MICHAEL S &
	43	1914 MOSER AVE	MCCULLOUGH DAVID W &
	44	1925 MOSER AVE	LH MOSER LLC
	45	5001 ROSS AVE	MV1 PROPERTIES LLC
O	46	5021 ROSS AVE	MILLER BLAKEWELL LLC
	47	1800 BENNETT AVE	CHURCH OF JESUS CHRIST OF
	48	1826 N FITZHUGH AVE	WANG ALERN TR
	49	4976 JACK CT	HARKINS BRIAN
	50	4958 JACK CT	OWENHUNT LLC
	51	4922 JACK CT	KURTH TRAMPAS
	52	4904 JACK CT	GIAMBRONE NICOLE &
	53	1951 N FITZHUGH AVE	HF SIERRA HOLDINGS LLC
	54	1902 BENNETT AVE	BENNETT MONARCH LOFTS LLC
	55	1802 MOSER AVE	Dallas ISD
	56	5111 ROSS AVE	WAFFLE HOUSE INC
	57	1727 BENNETT AVE	PINNEBOG INVESTMENTS LLC

04/04/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	1727 BENNETT AVE	PINNEBOG INVESTMENTS
	59	1727 BENNETT AVE	PINNEBOG INVESTMENTS LLC
	60	1727 BENNETT AVE	PINNEBOG INVESTMENTS LLC
	61	1727 BENNETT AVE	CHAILLET BRIAN S
	62	1727 BENNETT AVE	PINNEBOG INVESTMENTS LLC
	63	1727 BENNETT AVE	PINNEBOG INVESTMENTS LLC
	64	1727 BENNETT AVE	PINNEBOG INVESTMENTS LLC
	65	1727 BENNETT AVE	SUAREZ JUAN A JR
	66	1727 BENNETT AVE	PINNEBOG INV
	67	1727 BENNETT AVE	HO JOHN
	68	1727 BENNETT AVE	ARISTODEMOU ARISTODEMOS
	69	1727 BENNETT AVE	DULWORTHWARICK JESSICA M
	70	1727 BENNETT AVE	PINNEBOG INV LLC
	71	1727 BENNETT AVE	ABOVO CORP
	72	1727 BENNETT AVE	PINNEBOG INVESMENTS LLC
	73	1727 BENNETT AVE	PECH ROMAN
	74	1727 BENNETT AVE	GENZEL STANLEY G ETAL
	75	1727 BENNETT AVE	PINNEBOG INVESTMENTS LLC
	76	1810 N GARRETT AVE	RODRIGUEZ ESPERANZA &
	77	1810 N GARRETT AVE	AMADOR LUDMILA & ANA
	78	1810 N GARRETT AVE	RIVERPOINT PARTNERS
	79	1810 N GARRETT AVE	BUSTAMANTE CESAR MEDINA
	80	1810 N GARRETT AVE	EARLY VIRGINIA
	81	1810 N GARRETT AVE	LOPEZ JUAN PABLO MARQUEZ
	82	1810 N GARRETT AVE	WOLF BEE HOLDINGS LLC
	83	1810 N GARRETT AVE	MANJREKAR ASHISH
	84	1810 N GARRETT AVE	REED GEORGE P
	85	1810 N GARRETT AVE	VILLAGOMEZ MARIA
	86	1810 N GARRETT AVE	RATLIFF HARVEY LOCKE &
	87	1810 N GARRETT AVE	CUELLAR PRECILIANO &
	88	1810 N GARRETT AVE	RATLIFF HARVEY LOCKE

04/04/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	1810 N GARRETT AVE	GARZA MANUEL J & ET AL
	90	1810 N GARRETT AVE	CUELLARMARTINEZ PRECILIANO &
	91	1810 N GARRETT AVE	CALEY KATHRYN
	92	1810 N GARRETT AVE	GUITERREZ VICTOR & MARIA
	93	1810 N GARRETT AVE	OWEN FRED D
	94	1810 N GARRETT AVE	FUSSELMAN ELAINE
	95	1810 N GARRETT AVE	MAKARA MIKE
	96	1810 N GARRETT AVE	TOM ALFRED
	97	1810 N GARRETT AVE	GUTIERREZ NORMA IRENE
	98	1810 N GARRETT AVE	MORALES ROSALIA
	99	1810 N GARRETT AVE	SIKES ROBERT C LLC &
	100	1810 N GARRETT AVE	MOORE RICHARD BURTON
	101	1810 N GARRETT AVE	MACIAS GUSTAVO
	102	1810 N GARRETT AVE	FLORES JUAN & MARIA
	103	1810 N GARRETT AVE	GARZA MANUEL J
	104	1810 N GARRETT AVE	DIJKMAN CELIA MARIA TRUST
	105	1810 N GARRETT AVE	REYES SYLVIA
	106	1810 N GARRETT AVE	LAFON CYNTHIA FAYE
	107	1810 N GARRETT AVE	MACIAS GUSTAVO
	108	1810 N GARRETT AVE	GUTIERREZ NORMA I
	109	1810 N GARRETT AVE	WILLIMAS ELIZABETH L
	110	1810 N GARRETT AVE	TBPR PROPERTIES LLC
	111	1810 N GARRETT AVE	HUBER WILLIAM R
	112	1810 N GARRETT AVE	ESTRELLA YOJAIDA
	113	1810 N GARRETT AVE	ZAK PAUL A
	114	1810 N GARRETT AVE	FLORES JUANITA L
	115	1810 N GARRETT AVE	ANDINO JUAN FRANCISCO &
	116	1810 N GARRETT AVE	WEST DON M &
	117	1810 N GARRETT AVE	BRAEMAR NORTH JV
	118	1810 N GARRETT AVE	YBARRA ALFONZO R
	119	1810 N GARRETT AVE	YBARRA AL

Z178-182(JM)

04/04/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	1810 N GARRETT AVE	GUTIERREZ NORMA IRENE
	121	1818 N FITZHUGH AVE	ORTIZ SELIA &
	122	1818 N FITZHUGH AVE	THOMPSON JASON M
	123	1818 N FITZHUGH AVE	MURRELL PHILLIP
	124	1818 N FITZHUGH AVE	LOERACARRILLO ORLANDO
	125	1818 N FITZHUGH AVE	HUYNH KHOA
	126	1818 N FITZHUGH AVE	KLS INVESTMENT LLC
	127	1818 N FITZHUGH AVE	ROBBINS JODI L
	128	1818 N FITZHUGH AVE	DEL VALLE TAMARA L
	129	1822 N FITZHUGH AVE	STEGER COLIN W
	130	1822 N FITZHUGH AVE	OKE VICTOR
	131	2002 N FITZHUGH AVE	CHEN BEVERLY
	132	2002 N FITZHUGH AVE	PARPAR FI LLC
	133	1901 N FITZHUGH AVE	XIONG CHEN FAMILY TRUST THE

AGENDA ITEM # 37

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018
COUNCIL DISTRICT(S): 5
DEPARTMENT: Department of Sustainable Development and Construction
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 59 J

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay 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 an RR-D Regional Retail District with a D Liquor Control Overlay, on the northwest corner of Lake June Road and North Prairie Creek Road

Recommendation of Staff: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a three-year period, subject to a site plan and conditions

Z178-180(JM)

FILE NUMBER: Z178-180(JM)

DATE FILED: February 9, 2018

LOCATION: Northwest corner of Lake June Road and North Prairie Creek Road

COUNCIL DISTRICT: 5

MAPSCO: 59 J

SIZE OF REQUEST: ±0.3491

CENSUS TRACT: 92.01

APPLICANT: Maria Rocio Fonseca

OWNER: Samuel Miller Fit, LLC

REPRESENTATIVE: Dallas Cothrum & Beth D'Arcy, Masterplan

REQUEST: An application for a D-1 Liquor Control Overlay and 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 an RR-D Regional Retail District with a D Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow the existing 1,392-square-foot restaurant [Tizon-Tako'z Arandaz] to serve alcohol.

STAFF RECOMMENDATION: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

CPC RECOMMENDATION: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a three-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- According to DCAD records, the existing structure was built in 1960. The current use, a restaurant [Tizon-Tako'z Arandaz], obtained a Certificate of Occupancy on June 6, 2017.
- The existing D Liquor Control Overlay prohibits the sale/service of alcohol. The current request would modify the overlay to allow alcohol related uses by Specific Use Permit. The applicant is requesting to allow the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service use.

Zoning History: There have not been any recent zoning changes in the area within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Lake June Road	Principal Arterial	90 feet	100 feet
N. Prairie Creek Road	Principal Arterial	60 feet	100 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

Surrounding Land Uses:

	Zoning	Land Use
Site	RR Regional Retail w/D Overlay	Restaurant
North	R-7.5(A) Single Family	Single Family
East	RR Regional Retail w/D Overlay and R-7.5(A) Single Family	Retail, Automotive, and Restaurant
South	CR Community Retail w/D-1 Overlay and SUP No. 1893	Child Care Facility, Retail, Personal Service—Dry Cleaners, and Automotive Uses
West	CR Community Retail w/D Overlay	Undeveloped and Upholstery Shop

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

The proposed use complements the neighborhood by adding a convenient option where most businesses include automotive related, retail and personal service uses.

Land Use Compatibility:

The 1,392-square-foot structure has housed a variety of uses since it was constructed in 1963 including restaurants, convenience stores, and auto-related uses. The existing restaurant has operated at the site since June 6, 2017. The current request is to allow for the addition of the sale of alcoholic beverages in conjunction with the restaurant.

Surrounding uses include single family to the north; retail, restaurant, and automotive uses to the east; child care facility, retail, personal service—dry cleaners, and automotive uses to the south; and, undeveloped and automotive uses to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the

public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

The proposed sale of alcoholic beverages in conjunction with the existing restaurant is complementary to the area. Having neighborhood establishments with a variety of shopping and dining opportunities adds to the quality of life for the neighborhood residents. Staff supports the request for an initial two-year period, with eligibility for automatic renewals for additional five-year periods. This time period allows for the restaurant to establish a base and operation pattern. Upon renewal, compliance and land use compatibility can be reassessed based on crime statistics and neighborhood opinion from the more established use.

Parking:

The Dallas Development Code requires one parking space per 100 square feet of floor area for a restaurant without drive-in or drive-through service use. According to the site plan, the restaurant has approximately 1,392 square feet. Fourteen parking spaces are required and provided.

Landscaping:

Landscaping per Article X is not triggered by this request.

List of Partners/Principals/Officers

Samuel Miller Fit, LLC

Filing Number : 802495126

Original Date of Filing : 07/08/2016

Entity Type : Domestic Limited Liability Company

Officers :

George M. Reeves, III – Manager

Z178-180

**CPC Action
April 5, 2018**

Motion: It was moved to recommend **approval** of a D-1 Liquor Control Overlay; and **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 three-year period, subject to a site plan and conditions on property zoned an RR Regional Retail District with a D Liquor Control Overlay, on the northwest corner of Lake June Road and North Prairie Creek Road.

Maker: Housewright
Second: Murphy
Result: Carried: 11 to 0

For: 11 - West*, Rieves, Davis, Carpenter, Mack, Jung,
Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - Houston, Schultz
Vacancy: 1 - District 8
Conflict: 1 - Shidid

*out of the room, shown voting in favor

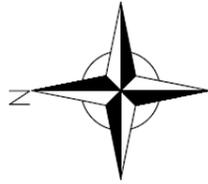
Notices: Area: 200 Mailed: 19
Replies: For: 1 Against: 2

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Against: None

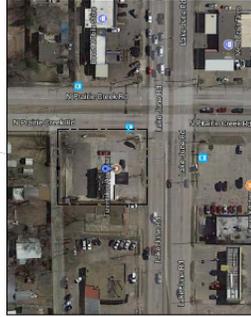
**CPC APPROVED SUP CONDITIONS
Z178-180**

1. USE: The only use authorized by this specific use permit is for 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 (THREE years from passage of this ordinance).
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.

Proposed Site Plan

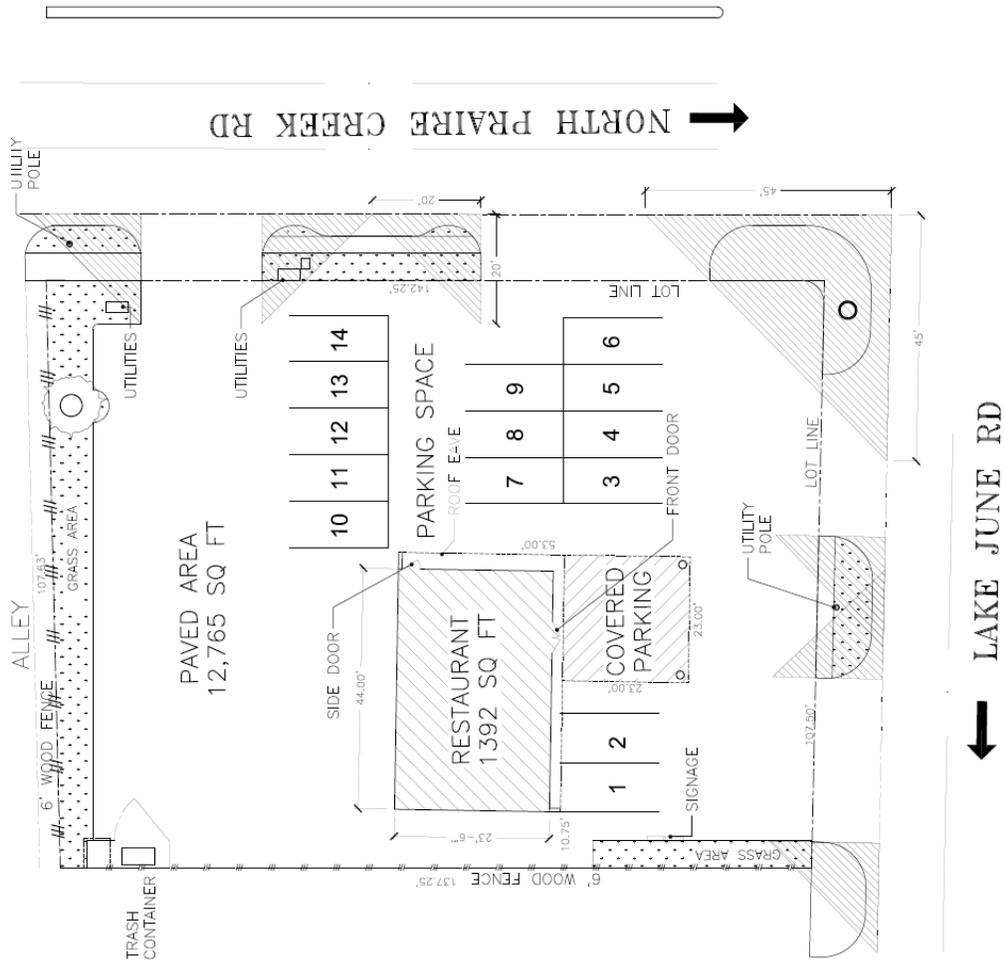


SITE PLAN



VICINITY PLAN

NTS

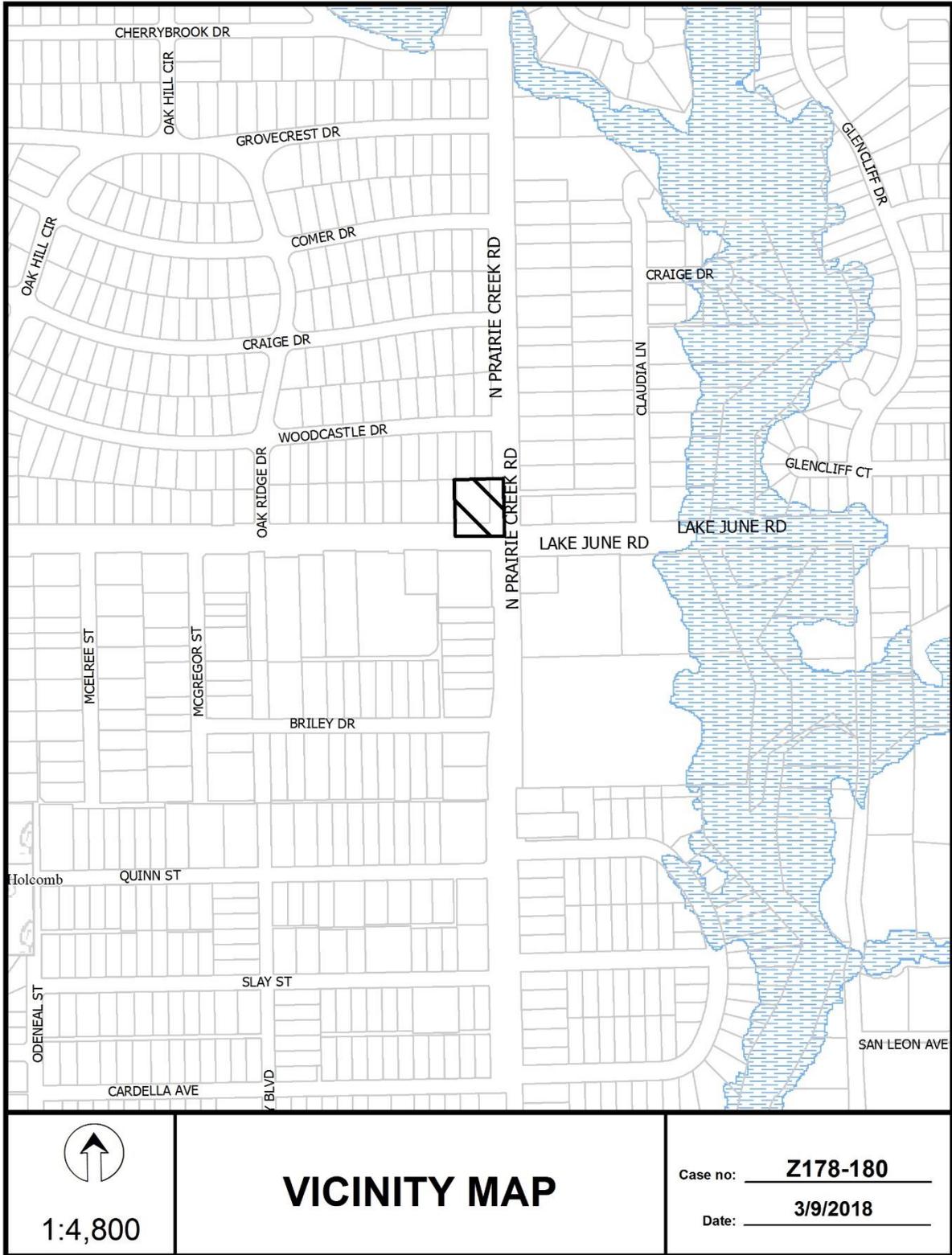


SITE PLAN

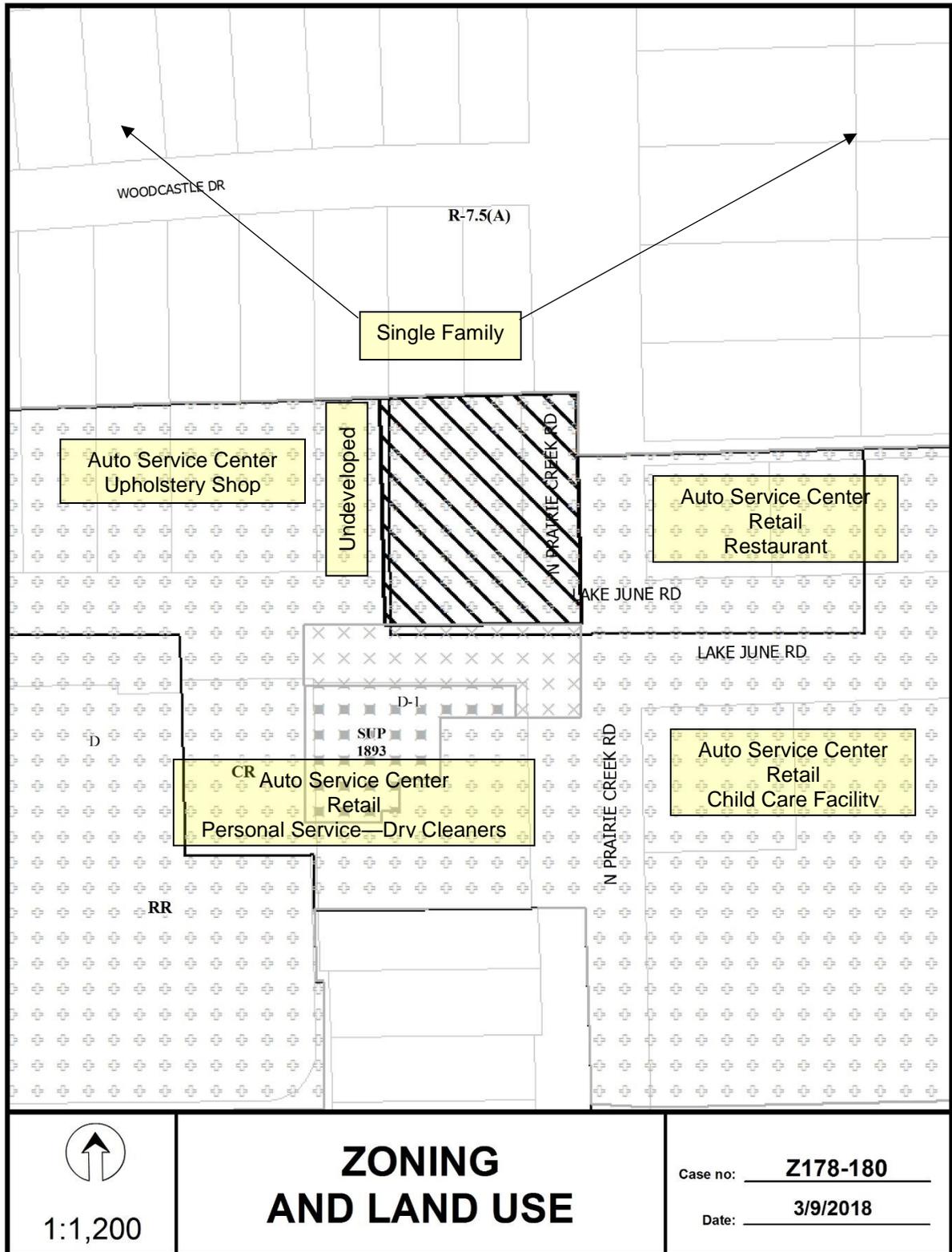
SCALE: 3/32" = 1'-0"



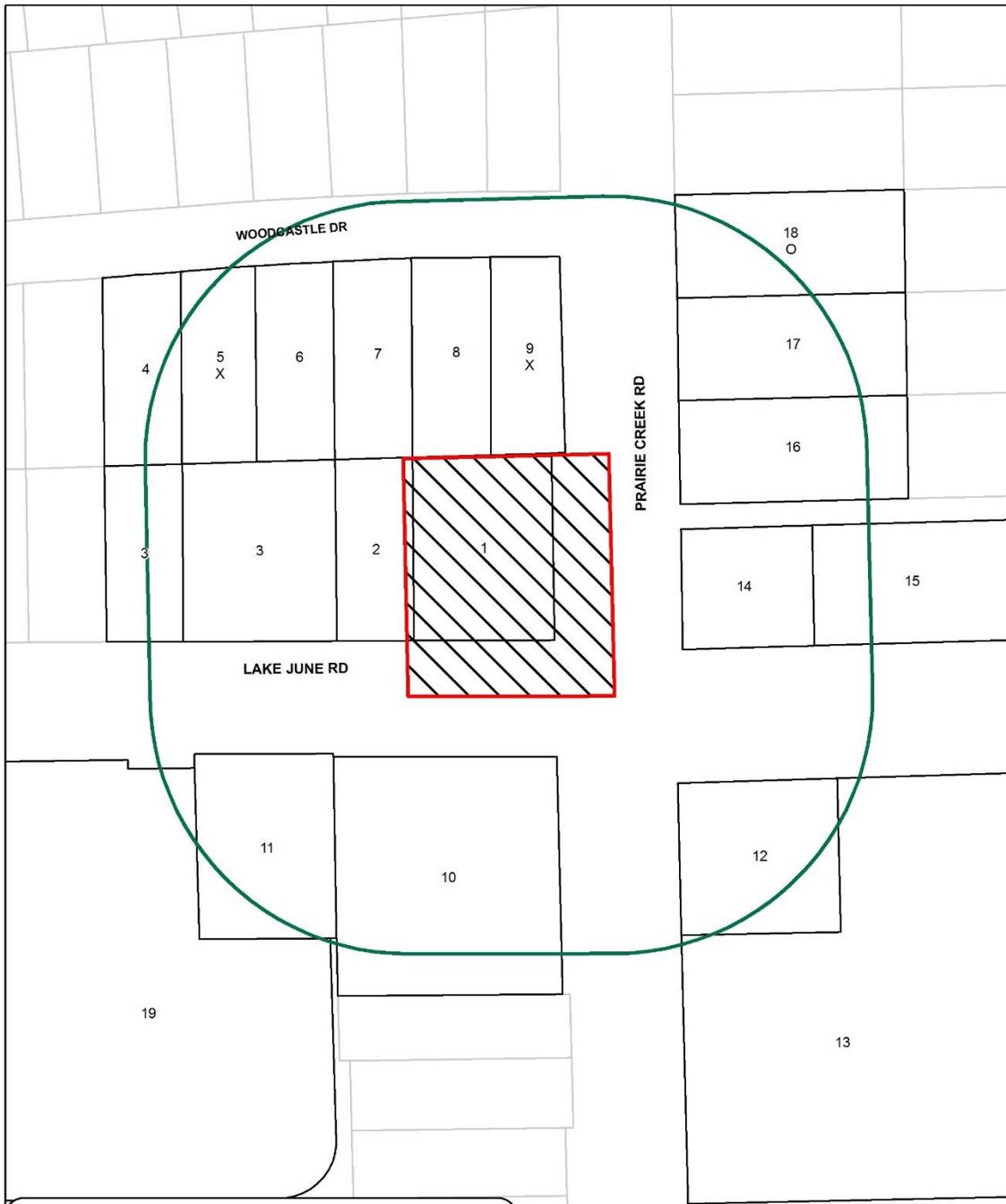
PARKING REQUIRED
 1 SPACE PER 100 SQ FEET
 RESTAURANT WITHOUT DRIVE-IN SERVICE
 PARKING STALL: 8.5' x 18'
 RESTAURANT SPACE: 1392 SQ FT x 1 space/ 100 = 13.92 SPACES
 TOTAL PARKING: 14 SPACES







CPC RESPONSES



<u>19</u>	Property Owners Notified (20 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>200'</u>	Area of Notification
<u>4/5/2018</u>	Date

Z178-180
CPC



1:1,200

04/04/2018

Reply List of Property Owners**Z178-180****19 Property Owners Notified****1 Property Owners in Favor****2 Property Owners Opposed**

Reply	Label #	Address	Owner
	1	8921 LAKE JUNE RD	SAMUEL MILLER FIT LLC
	2	8913 LAKE JUNE RD	DIAZ JUAN
	3	8905 LAKE JUNE RD	MORALES CARLOS &
	4	8900 WOODCASTLE DR	HERNANDEZ SALVADOR
X	5	8904 WOODCASTLE DR	MOSER ROGER C &
	6	8908 WOODCASTLE DR	RAGSDALE GEORGE A
	7	8912 WOODCASTLE DR	MENDOZA RAUL
	8	8916 WOODCASTLE DR	OLDHAM DOLORIS JENNIE V
X	9	8920 WOODCASTLE DR	BUTLER NANCY A
	10	8912 LAKE JUNE RD	REEVES GROUP LTD
	11	8904 LAKE JUNE RD	OPALACH THOMAS
	12	9000 LAKE JUNE RD	MENDOZA JUAN & MONICA
	13	9020 LAKE JUNE RD	GULF REALTY INC
	14	9007 LAKE JUNE RD	TESSA INVESTMENTS INC
	15	9015 LAKE JUNE RD	TESSA INVESTMENTS INC
	16	1312 N PRAIRIE CREEK RD	CORTEZ ENRIQUE & MARIA M
	17	1316 N PRAIRIE CREEK RD	MECCA APRIL INC
O	18	1326 N PRAIRIE CREEK RD	JOHNSON MINNIE L
	19	8836 LAKE JUNE RD	ACE MANOR PPTY MGMT I LTD

AGENDA ITEM # 38

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018
COUNCIL DISTRICT(S): 5
DEPARTMENT: Department of Sustainable Development and Construction
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 58 C

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service on property zoned Subarea 1 within Planned Development District No. 366-D, the Buckner Boulevard Special Purpose District, with a D Liquor Control Overlay, on the east line of South Buckner Boulevard, north of Bruton Road
Recommendation of Staff: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions
Z178-183(MB)

FILE NUMBER: Z178-183(MB)

DATE FILED: February 9, 2018

LOCATION: East line of South Buckner Boulevard, north of Bruton Road

COUNCIL DISTRICT: 5

MAPSCO: 58 C

SIZE OF REQUEST: Approx. 1 acres

CENSUS TRACT: 90.00

OWNER/APPLICANT: Ramon Aranda

REPRESENTATIVE: Ivan Omar Safns and Laura Carolina Sanchez

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service on property zoned Subarea 1 within Planned Development District No. 366-D, the Buckner Boulevard Special Purpose District, with a D Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the sale of alcoholic beverage for on-premise consumption in conjunction with a restaurant with drive-in or drive-through window (Del Centro Restaurant).

CPC RECOMMENDATION: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval of a D-1 Liquor Control Overlay; and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

BACKGROUND INFORMATION:

- The one-acre request site is developed with a 2,732-square-foot vacant building which has previously been used as a medical clinic. The applicant has obtained a building permit to remodel and expand the structure for a proposed restaurant use (Del Centro Restaurant).
- The purpose of this request is to allow for the sale of alcoholic beverage for on-premise consumption in conjunction with a restaurant with drive-in or drive-through window.
- The subject site is currently located within the "D" Overlay District, which is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises. The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

Zoning History: There have been no zoning changes requested in the area during the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
S. Buckner Boulevard	Principal Arterial	100

The Engineering Division of the Sustainable Construction and Development department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

URBAN DESIGN

GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Surrounding Land Uses:

	Zoning	Land Use
Site	Subarea 1 within PDD No. 366 w/D overlay	Vacant building
North	Subarea 1 within PDD No. 366 w/D overlay	Retail and medical office
East	R-7.5(A)	Single family
South	Subarea 1 within PDD No. 366 w/D overlay	Retail, restaurant, and multi-family
West	Subarea 1 within PDD No. 366 w/D overlay	Office, retail, and restaurant

Land Use Compatibility:

The approximate one-acre request site is developed with a 2,732-square-foot vacant building. The applicant has obtained a building permit to remodel and expand the structure for a total of 3,195 square foot to accommodate a restaurant with drive-in or drive-through service. The applicant intends to sell alcohol beverages in conjunction with the restaurant (Del Centro Restaurant).

The request site is surrounded by retail and medical office uses to the north; single family uses to the east; retail, restaurant, and multi-family uses to the south; and office, retail, and restaurant uses to west.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises. The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

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 general, the applicant's request is consistent with the intent of the Dallas Development Code. Therefore, staff recommends approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

Development Standards:

District	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
PDD 366 Subarea 1	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall	45' 3 stories	80%	Proximity Slope Visual Intrusion	retail & personal service & office & restaurant

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a restaurant use is one (1) space per 100 square feet of floor area. Therefore, the proposed 3,240-square foot restaurant will require 33 off-street parking spaces. 37 spaces will be provided.

Landscaping:

Landscaping must be provided in accordance with Planned Development District No. 366 regulations (§51P-366.110).

Police Report:

The following police report shows activity at the request site for the past five years. The Dallas Police Department's crime statistics report provides a list of all calls logged with 911, a list of actual criminal offenses reported by an officer and the number of arrests made by an officer. These reports listed below are from the period from March 1, 2013, to March 1, 2018.

Calls:

Date1	Time1	Address	UCR_Offense	Zip Code	MO
6/30/2017	15:00	2306 S BUCKNER BLVD	BURGLARY- BUSINESS	75227	UNK SUSP BROKE INTO VACANT BUILDING AND TOOK TOOLS.
Date1	Time1	Address	UCR_Offense	Zip Code	MO
6/19/2016	8:00	2306 S BUCKNER BLVD	CRIMINAL TRESPASS	75227	UNKNOWN SUSPECT ARE TRESPASSING AND LEAVING TRASH ON PARKING LOT
Date1	Time1	UCR_Offense	Address	Zip Code	MO
5/24/2013	17:00	OTHER THEFTS	02306 S BUCKNER BLVD	75227	UNKNOWN SUSP BROKE OUT SIDE WINDOW, NO ENTRY DUE TO BURGLARY BAR

Z178-183(MB)

Partners/Principals/Officers:

- Ivan Omar Safns, Owner/manager
- Laura Carolina Sanchez, Owner/manager

Prior CPC Action – April 5, 2018:

Motion: It was moved to recommend **approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service for a two-year period, subject to a site plan and conditions with a modification to remove Condition #5 regarding the prohibition of outdoor speakers on property zoned Subarea 1 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D Liquor Control Overlay on the east line of South Buckner Boulevard, north of Bruton Road.

Maker: Shidid
Second: Davis
Result: Carried: 12 to 0

For: 12 - West, Rieves, Davis, Shidid, Carpenter, Mack,
Jung, Housewright, Peadon, Murphy, Ridley,
Tarpley

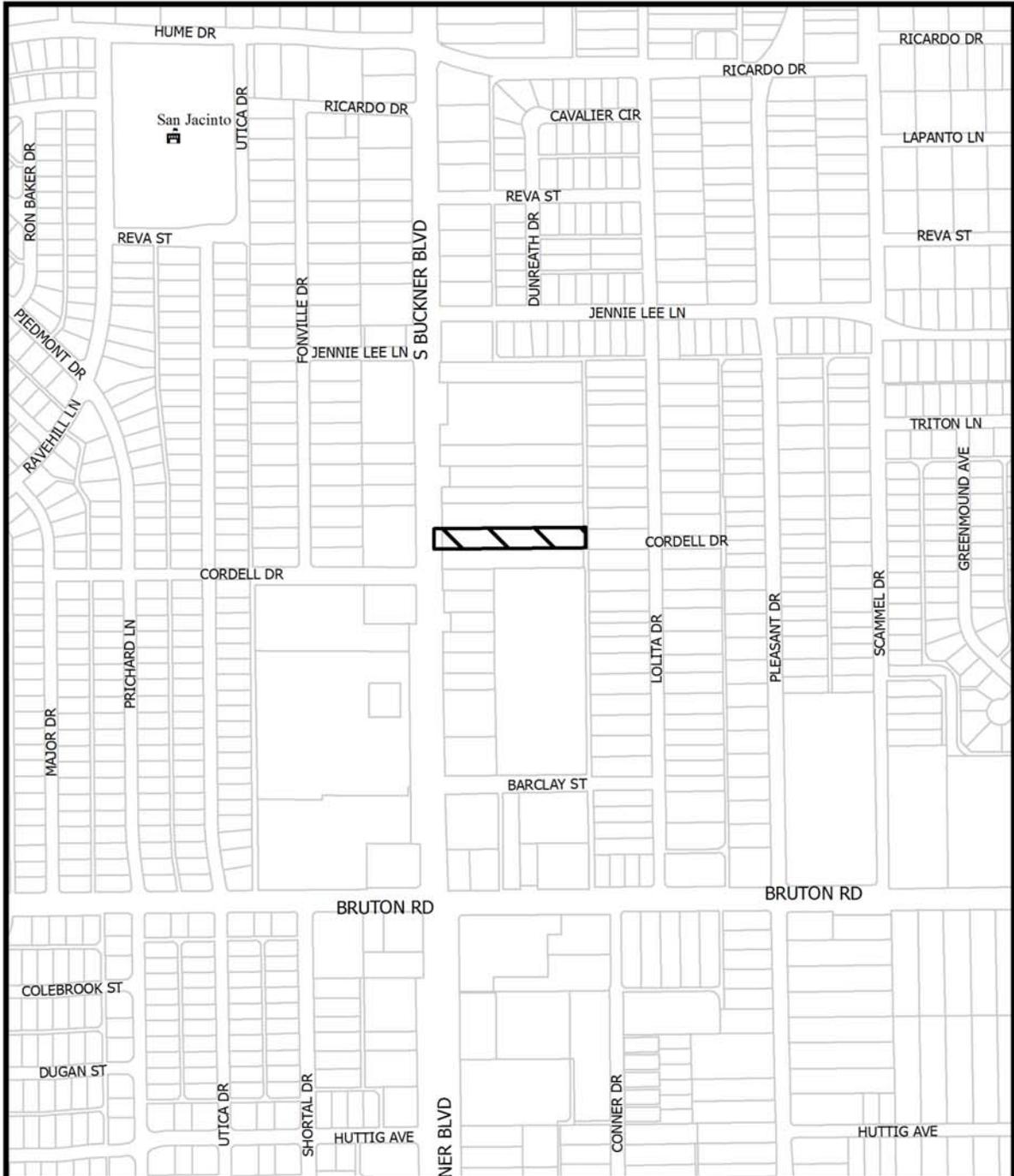
Against: 0
Absent: 2 - Houston, Schultz
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 19
Replies: For: 2 Against: 1

Speakers: For: Ramon Aranda, 2946 S. Sunbeck Cir., Farmers Branch, TX, 75234
Laura Carolina, 2679 Clayton Oaks Dr., Dallas, TX, 75227
Against: None

**Z178-183
CPC Proposed SUP Conditions**

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant with 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-year period from the passage of this ordinance)
4. FLOOR AREA: Maximum floor area is 3,195-square feet.
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.

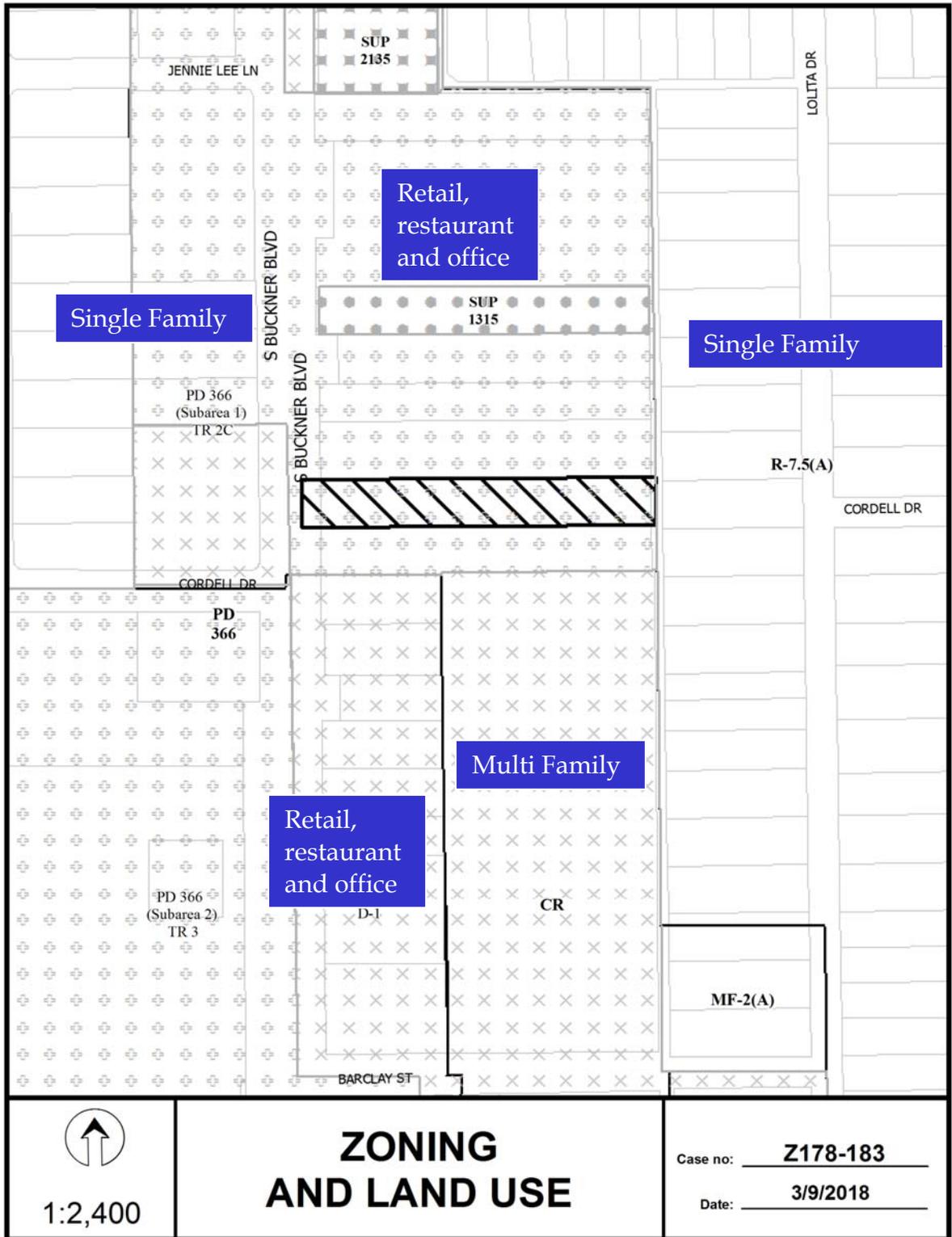


1:6,000

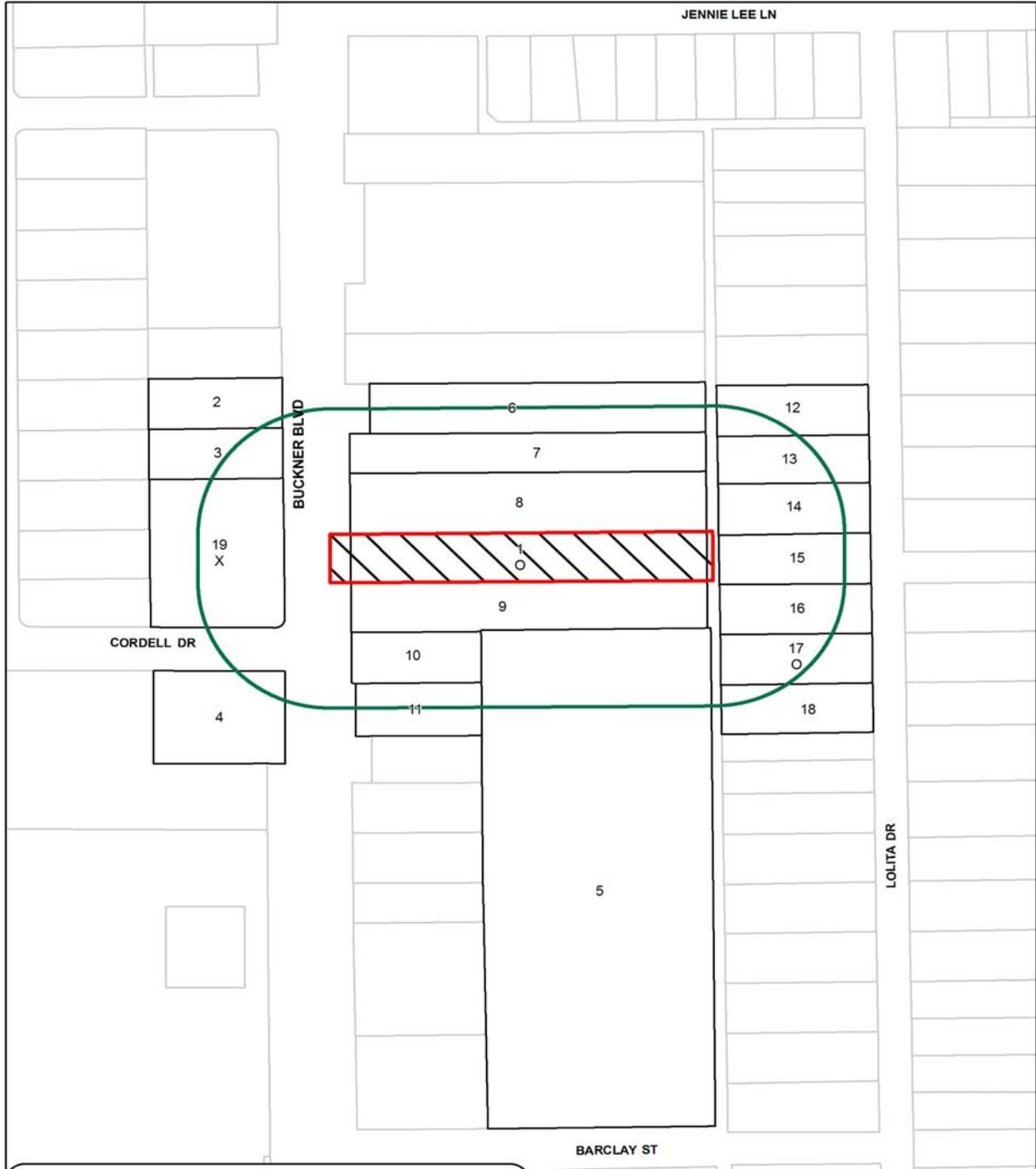
VICINITY MAP

Case no: Z178-183

Date: 3/9/2018



CPC Responses



<u>19</u>	Property Owners Notified (19 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>4/5/2018</u>	Date

Z178-183
CPC



1:2,400

Reply List of Property Owners***Z178-183******19 Property Owners Notified******2 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	2306 S BUCKNER BLVD	DEL CENTRO RESTAURAUNT
	2	2327 S BUCKNER BLVD	HALL NANCY MARIE
	3	2323 S BUCKNER BLVD	SILVERSTONE VENTURE CAPITAL LLC
	4	2253 S BUCKNER BLVD	JOEDE LEASING INC
	5	8117 BARCLAY ST	DELMENDO FAMILY TRUST THE
	6	2328 S BUCKNER BLVD	OLARTE JOVANNI JOSE MICLOS
	7	2320 S BUCKNER BLVD	HERNANDEZ ALFREDO
	8	2312 S BUCKNER BLVD	SILVA DONACIANO
	9	2300 S BUCKNER BLVD	DEL REY PARTNERS LLC
	10	2264 S BUCKNER BLVD	MTX NOOR REAL ESTATE LLC
	11	2248 S BUCKNER BLVD	ADELPHI GROUP LTD
	12	2323 LOLITA DR	CHUDEJ JOHN M &
	13	2317 LOLITA DR	NOSKA ROSA TRUSTEE
	14	2311 LOLITA DR	LOPEZ JUAN
	15	2305 LOLITA DR	ROSARIO ADELINA &
	16	2267 LOLITA DR	MARTINEZ ELSA C
O	17	2263 LOLITA DR	NAPOLI DEBBIE L
	18	2255 LOLITA DR	SOLIS ARMANDO & TERESA
X	19	2313 S BUCKNER BLVD	KUMAR VILAS

AGENDA ITEM # 39

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018
COUNCIL DISTRICT(S): 8
DEPARTMENT: Department of Sustainable Development and Construction
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 70 F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District; a resolution accepting deed restrictions volunteered by the applicant; and an ordinance granting a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District on the west line of South Belt Line Road, north of Sarah Lane

Recommendation of Staff: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a three-year period, subject to a site plan and conditions

Recommendation of CPC: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions

Z167-362(WE/SH)

Note: This item was considered by the City Council at a public hearing on March 28, 2018, and was deferred until May 9, 2018, with the public hearing open

FILE NUMBER: Z167-362(WE/SH) **DATE FILED:** July 28, 2017
LOCATION: West line of South Belt Line Road, north of Sarah Lane
COUNCIL DISTRICT: 8 **MAPSCO:** 70 F
SIZE OF REQUEST: Approx. 1.9 acres **CENSUS TRACT:** 171.01

APPLICANT/OWNER: Ronny & Grace Chaves

REPRESENTATIVE: Grace Chaves

REQUEST: An application for a CS Commercial Service District with deed restrictions volunteered by the applicant and a Specific Use Permit for outside sales on property zoned an R-10(A) Single Family District.

SUMMARY: The purpose of the request is to allow for the operation of an outdoor flea market. The applicant has also volunteered deed restrictions to prohibit certain uses from being developed on the property.

STAFF RECOMMENDATION: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a three-year period, subject to a site plan and conditions.

CPC RECOMMENDATION: Approval of a CS Commercial Service District, subject to deed restrictions volunteered by the applicant, and approval of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site currently is undeveloped and is zoned an R-10(A) Single Family District. The request site has been undeveloped for at least 20 years.
- The applicant’s request for a CS Commercial Service District and a Specific Use Permit will allow for the operation of an outside flea market. Outside sales are only permitted in the RR Regional District, CS Commercial Service District and the CA Central Area District.
- The applicant has volunteered deed restrictions to prohibit certain CS uses from being developed on the property.

Zoning History: There has not been any zoning changes requested in the area during the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
South Belt Line Road	Principal Arterial	100 ft.	100 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Land Use:

	Zoning	Land Use
Site	R-10(A)	Undeveloped
Northeast	R-10(A)	Undeveloped
Southeast	R-10(A)	Undeveloped, single family
Northwest	R-10(A)	Undeveloped
Southwest	R-10(A)	Undeveloped, single family

COMPREHENSIVE PLAN: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO
BUSINESSES AND ENTREPRENEURS**

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

West Kleberg Community Plan (2007):

The intent of “The West Kleberg Community Plan” was to provide an overall vision to create economic development that will stimulate specific types development for the community. The West Kleberg Community Plan identified a vision statement as follows: To reflect "Old Kleberg's" historical heritage, to promote a strong rural atmosphere, to allow for future growth with sensitivity to future amenities and infrastructure of a modern urban environment. Long-time residents seem to have mixed feelings about growth, noting on one side the negative impacts of crowds, noise, traffic, and pollution, while acknowledging the benefits of improved public services, better schools, and new neighborhood-serving retail and commercial business locating to the area.

Based on the Community Plan, the request site is located within in an area that is designated as “Sub-area 1, which was comprised of approximately 2,047 acres of which 46 percent was vacant or undeveloped, and 33 percent was comprised of Single Family (SF) uses at the time of publication in 2007”. The request site is located with the area designated as Subarea 1.

The Plan also indicated that “commercial service and retail uses are dominant along Highway 175, with a concentration of these uses between Edd and Belt Line Roads. The West Kleberg community desires to encourage economic development along its main corridors, namely Highway 175 and Belt Line Road.” A retail gap analysis completed with the plan identified that residents of this area were likely to spend their income in nearby cities, including Balch Springs and the City of Mesquite, since retail facilities are not sufficiently available in the immediate area. This analysis may not accurately reflect the preferences of households within the study area; however, it can serve as a source for future projections of the needed types of services needed within this sector of Dallas.

The Future Vision Map depicts a 1,000-foot buffer zone as ideal for business development along the Highway 175-freeway corridor. Land assemblage may be required to develop in these areas to construct uses such as a hospital, bank, mixed use projects and so on. Business nodes to possibly stimulate economic activity are earmarked at the intersections of Seagoville and Belt Line Roads; Highway 175 and Belt Line Road; and Kleberg and Belt Line Roads. The subject site is within this 1,000-

foot buffer zone. Furthermore, a Visioning Activity conducted at a community meeting identified the Top 20 Community “Needs & Desires” as indicated in the following table:

TABLE 12: VISIONING ACTIVITY – COMMUNITY “NEEDS & DESIRES”

1. Bank	11. Ice Rink
2. Big Box (Lowe’s and Sam’s)	12. Mid-rise Mixed Use
3. Bookstore	13. Museum
4. Central Market	14. New Auto Dealership
5. Cinema	15. Office
6. Doctor Offices	16. Outlet and/or Mini-Malls
7. Drug Store	17. Research & Development Uses
8. Gas Station	18. Restaurants
9. Hospital	19. Small Shops
10. Hotel/Conference Center	20. Ice Cream Parlor (i.e., Braum’s)

The proposed use could be considered as a central market where various goods and services, including produce, are sold. This use is part of the vision for Sub-area 1.

STAFF ANALYSIS:

Land Use Compatibility: The 1.9-acre site is undeveloped and is surrounded by large tracts of undeveloped land. There are scattered residential uses in area. However, a more established residential development is located approximately 158 feet south of the request site. The request site is located on the perimeter of the West Kleberg Study area. The surrounding areas are rural in nature, where there are large tracts of undeveloped lands and scattered residential uses. There are several tracts of land that are located out of the Study area that are zoned a CR Community Retail District and a CS Commercial Service District.

The applicant’s request is to rezone a portion of the property to a CS Commercial Service District for outside sales. The applicant proposes to operate a flea market, classified in the Development Code as an outside sales use, on the portion of their property that fronts West Belt Line Road. An outside sales use falls within the retail and personal service category and is only permitted by right in the CA Central Area District or by SUP in either an RR Regional Retail District or a CS Commercial Service District.

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 believes that the applicant’s request for outside sales could assist in the redevelopment efforts on the community. Even though the proposed flea market may not be consistent with the character of the neighborhood, the site is located in a rural part of the community, where there is a very low density of residential uses. In addition, staff is imposing a short time period on the Specific Use Permit for outside sales to determine if the use will create a negative impact on the residential uses. Furthermore, the proposed CS District could allow the applicant to develop the property with several of the uses that are outlined in the community needs and desires list in the above “Vision Activity” chart, such as: Bank; Big Box; Bookstore; Cinema; Offices; Drug store; Gas Station; Hospital; Hotel or motel; Auto Dealership, and Restaurants.

Moreover, the applicant has volunteered deed restrictions that will prohibit various types of uses that may negatively impact the adjacent residential development. The type of uses include, but are not limited to, the following; building repair and maintenance shop, bus or rail transit vehicle maintenance or storage, auto auction, liquor store, truck stop, etc.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-10(A) - existing Single Family	30'	6'	1 Dwelling Unit/ 10,000 sq. ft.	30'	45%	Proximity Slope Visual Intrusion	Single family
CS - proposed Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office

Landscaping: Landscaping will be in accordance with Article X, as amended.

Parking: The Dallas Development Code requires off-street parking to be provided for an outside sales use at one space for each 200 square feet of sales area. The applicant proposes to have approximately 16,269 square feet of sales area. Based on the total square feet of sales area, the applicant will have to provide 81 spaces. In addition, the site plan reveals that approximately 1,020 square feet of floor area will be designated as office and public restroom space, which requires one space per 333 space feet of floor area. Based upon these uses, the required number of off-street parking spaces required is 84 spaces and the applicant is providing a total of 87 spaces, as depicted on the proposed SUP site plan.

CPC Action (February 1, 2018)

5. Z167-362(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a CS Commercial Service District with deed restrictions volunteered by the applicant and **approval** of a Specific Use Permit for outside sales for a two-year period, subject to a site plan and conditions on property zoned an R-10(A) Single Family District, on the west line of South Belt Line Road, north of Sarah Lane.

Maker: Lavallaisaa
Second: Houston
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,
Carpenter, Lavallaisaa, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Mack
Vacancy: 0

Notices: Area: 300 Mailed: 26
Replies: For: 1 Against: 4

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is outside sales.
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_____, (three-year period from the passage of this ordinance).
3. FLOOR AREA: Maximum floor area for the office is 1060 square feet.
5. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. 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.

PROPOSED SITE PLAN



PROPOSED DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF Dallas) KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Ronny & Grace Chaves , a private entity ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the 625 S. Belt Line Rd Survey, Abstract No. 716 , City Block 8823 , City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by , by deed dated _____ , and recorded in Volume _____ , Page _____ , in the Deed Records of _____ County, Texas, and being more particularly described as follows:

[SEE EXHIBIT -A-]

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

- (A) Commercial and business service use
 - Building repair and maintenance shop
 - Bus or rail transit vehicle maintenance or storage
 - Commercial bus station
 - Labor Hall

- (B) Miscellaneous uses:
 - Carnival or circus
 - Alcoholic beverage establishments
 - Commercial amusement

- (C) Utility and Public service uses
 - Commercial radio television transmitting station
 - Electrical substation
 - Local utilities

- (D) Wholesale, distribution and storage uses
 - Auto auction
 - Mini warehouse
 - Petroleum product storage
 - Recycling collection center
 - Recycling drop-off for special occasion

-Sand, gravel, or earth sales and storage

- (E) Retail and personal service and transportation
- Commercial motor vehicle parking
 - Commercial parking lot of garage
 - Commercial bus station and terminal
 - Commercial amusement
 - Liquor store
 - Taxidermist
 - Truck stop

III.

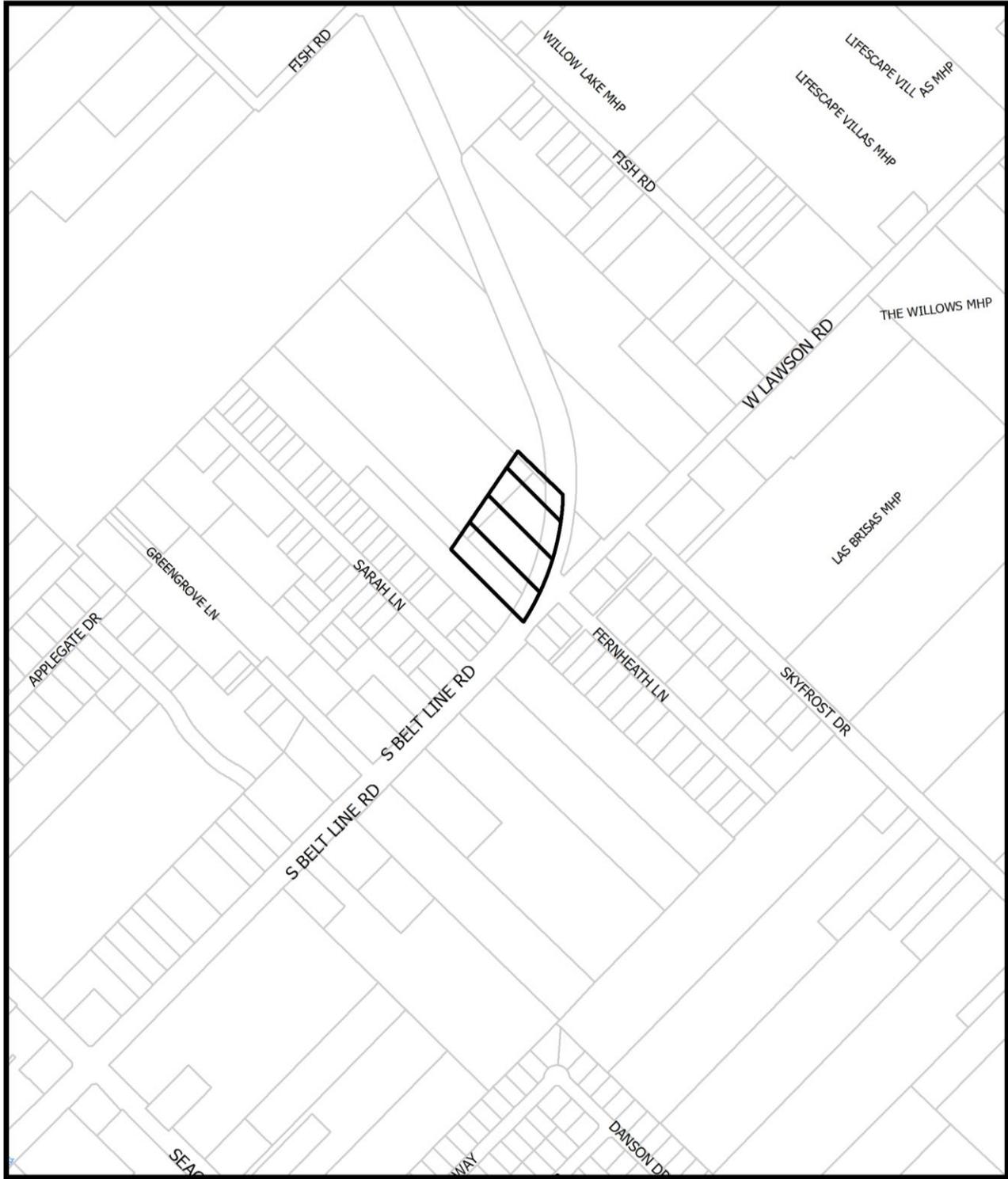
These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

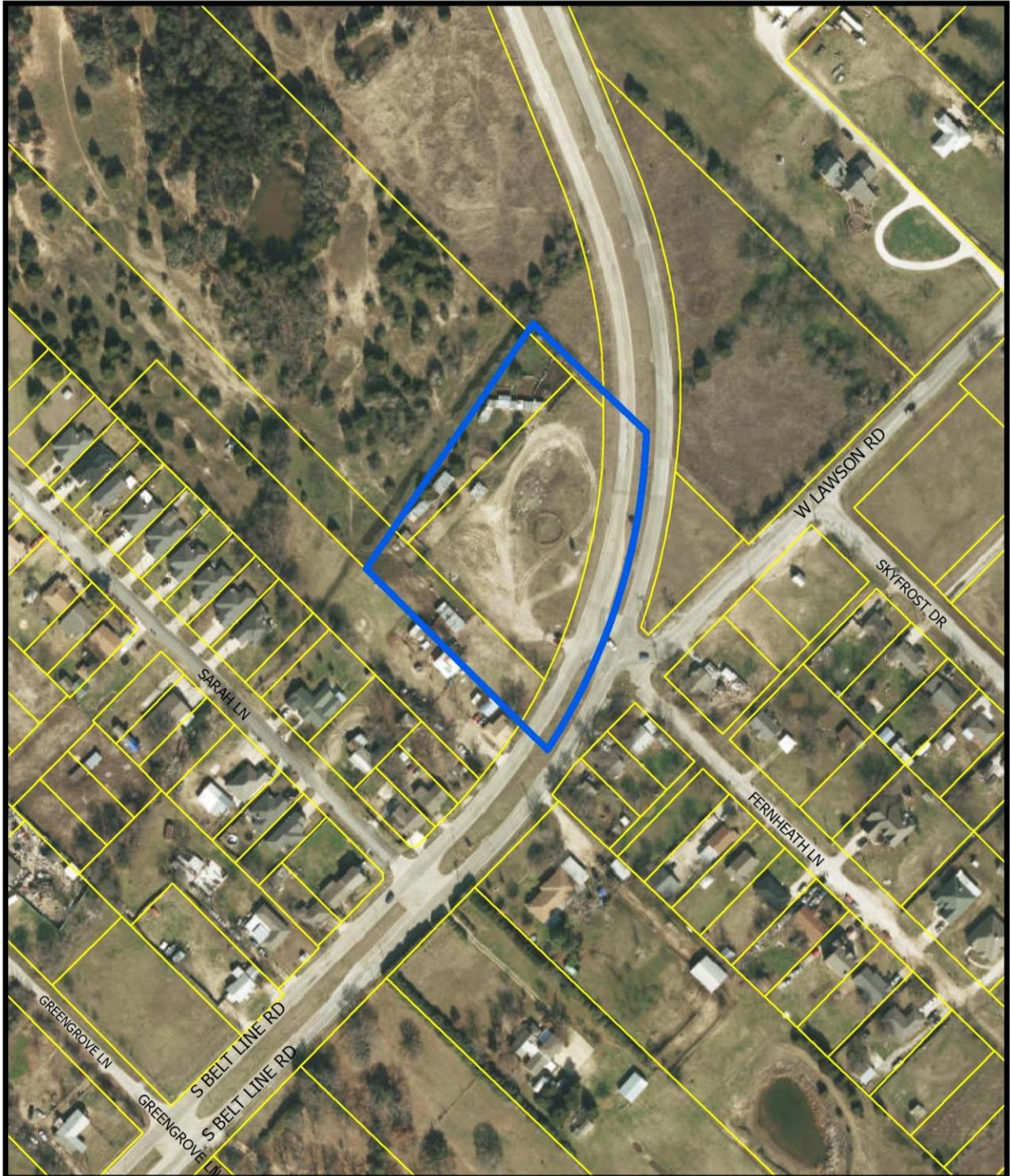


1:6,000

VICINITY MAP

Case no: Z167-362

Date: 9/22/2017

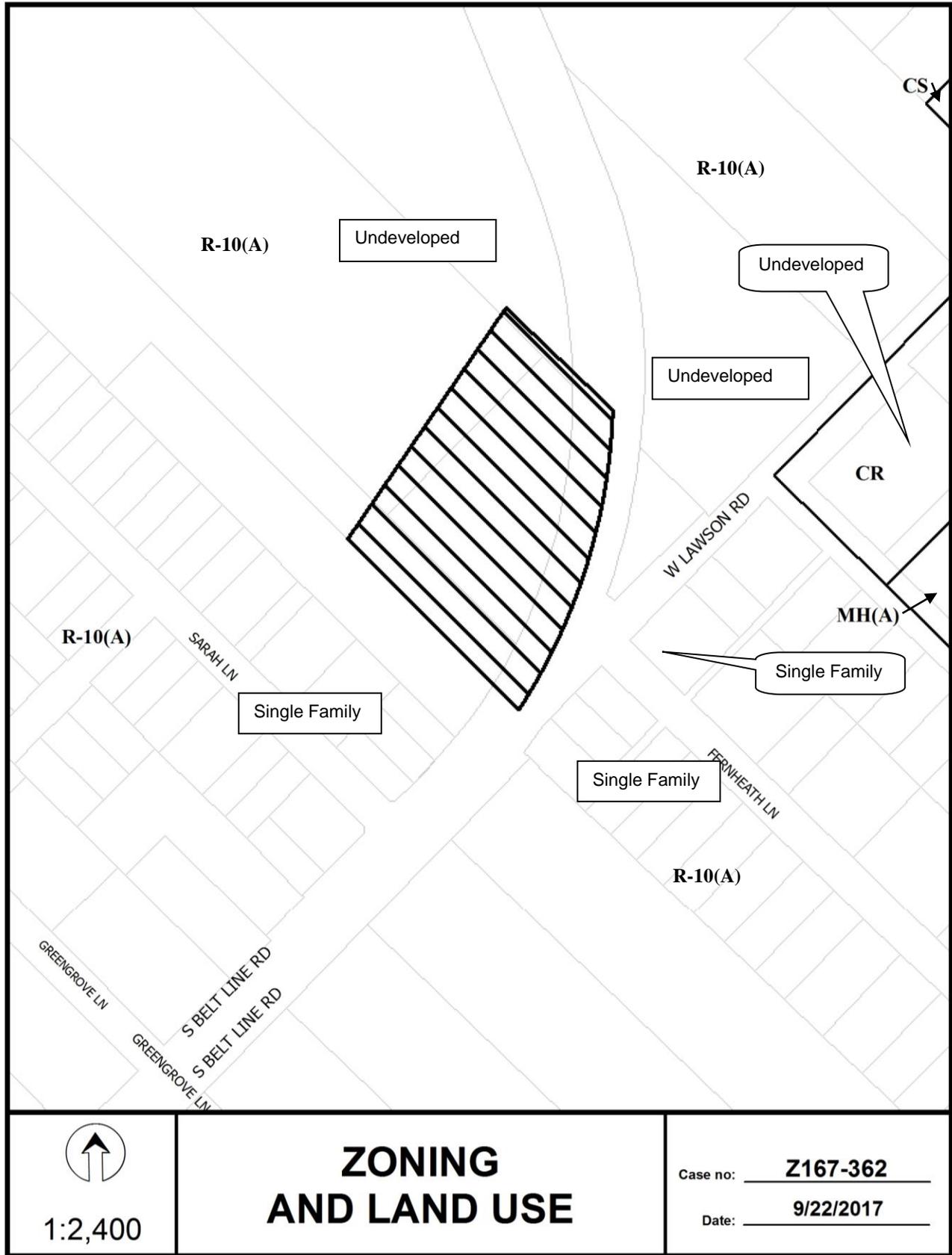


1:2,400

AERIAL MAP

Case no: Z167-362

Date: 9/22/2017



1:2,400

ZONING AND LAND USE

Case no: Z167-362

Date: 9/22/2017



<u>26</u>	Property Owners Notified (29 parcels)
<u>1</u>	Replies in Favor (2 parcels)
<u>4</u>	Replies in Opposition (4 parcels)
<u>300'</u>	Area of Notification
<u>2/1/2018</u>	Date

Z167-362
CPC



1:2,400

Reply List of Property Owners***Z167-362******26 Property Owners Notified******1 Property Owner in Favor******4 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	639 S BELTLINE RD	CHAVES RONNY DAVID
	2	599 BELTLINE RD	LEE LARRY
	3	646 S BELTLINE RD	SOSA ALBERTO REZA
	4	640 S BELTLINE RD	ORTIZ JUAN LUIS &
	5	634 S BELTLINE RD	KIRBY RICKY B &
	6	13510 FERNHEATH LN	TRUJILLOCALVILLO ELVIA &
	7	13516 FERNHEATH LN	TILLISON GARY W &
	8	628 LAWSON RD	DUNN TED R & LUCY M ESTATE OF
	9	616 LAWSON RD	BUSTOS RUBEN
	10	13509 FERNHEATH LN	PINAORTIZ JOSE REYES
X	11	720 S BELTLINE RD	ARCHER SAMUEL R & RITA L
X	12	710 S BELTLINE RD	WHITTLE MORRIS L & PAMELA
	13	705 S BELTLINE RD	CANCHOLA JOSE & MARIA
	14	713 S BELTLINE RD	GARCIA BLANCA
	15	717 S BELTLINE RD	PULIDO FLORENCIO
	16	13447 SARAH LN	WEED KELLY
	17	13435 SARAH LN	MARTINEZ BERNARDA PADRON &
	18	13423 SARAH LN	MARTINEZ BERNARDA PADRON &
	19	13417 SARAH LN	HERNANDEZ ERIC &
	20	13411 SARAH LN	STALLINGS MELISSA
X	21	13405 SARAH LN	MOULTON PHILLIP A
X	22	13341 SARAH LN	CONTRERAS JOSE L
	23	13335 SARAH LN	RAMIREZ VICTOR
	24	645 S BELTLINE RD	CANCHOLA JOSE GUDALUPE &
	25	625 S BELTLINE RD	SANTANA TOMAS
	26	500 S BELTLINE RD	QUACH NHI

AGENDA ITEM # 40

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 5

DEPARTMENT: Department of Public Works
Water Utilities Department

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 58J

SUBJECT

A benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements for Lonsdale Avenue from Sarah Lee Drive to Lake June Road; and at the close of the hearing, authorize an ordinance levying benefit assessments; and a construction contract with Jeske Construction Company, lowest responsible bidder of thirteen - Not to exceed \$1,549,582 - Financing: 2017 Bond Funds (\$928,824), Water Utilities Capital Improvement Funds (\$551,718), and Water Utilities Capital Construction Funds (\$69,040)

BACKGROUND

Lonsdale Avenue from Sarah Lee Drive to Lake June Road was requested by property owner petition and accepted on March 26, 2015. The design was funded with 2012 Bond Program funds and the construction was funded with 2017 Bond Program funds. On January 13, 2016, City Council authorized a professional services contract with TranSystems Corporation d/b/a TranSystems Corporation Consultants for the engineering design of street improvements on Lonsdale Avenue from Sarah Lee Drive to Lake June Road by Resolution No. 16-0089.

This action will allow the public hearing to be held and will authorize the levying of assessments and contract for construction. The improvements will consist of a 33-foot wide concrete pavement with curbs, sidewalks, drive approaches, drainage, and water and wastewater main improvements.

The paving assessment process requires the following three steps:

1. Authorize paving improvements.
2. Authorize a benefit assessment hearing.
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

BACKGROUND (continued)

This is the third and final step in the process.

The following chart illustrates Jeske Construction Company's contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TWM</u>
Projects Completed	5	0	0	2
Change Orders	9	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2016
Completed Design	December 2017
Begin Construction	July 2018
Complete Construction	May 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 13, 2016, City Council authorized a professional services contract with TranSystems Corporation d/b/a TranSystems Corporation Consultants for the engineering design services of street improvements on Lonsdale Avenue from Sarah Lee Drive to Lake June Road by Resolution No. 16-0089.

On April 11, 2018, City Council authorized street paving, drainage, water and wastewater main improvements for Lonsdale Avenue from Sarah Lee Drive to Lake June Road; provided for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law and a benefit assessment hearing to be held on May 9, 2018, by Resolution No. 18-0525.

City Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

- 2017 Bond Funds - \$928,824.00
- Water Utilities Capital Improvement Funds - \$551,718.00
- Water Utilities Capital Construction Funds - \$69,040.00

FISCAL INFORMATION (continued)

Design	\$ 107,980
Construction (this action)	
Paving & Drainage - PBW	\$ 928,824
Water & Wastewater - WTR	<u>\$ 620,758</u>
Total Project Cost	\$1,657,562

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:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$1,549,582.00	Construction		25.00%	43.50%
\$674,000.00				

- This contract exceeds the M/WBE goal of 25.00%

BID INFORMATION

The following thirteen bids with quotes were received and opened on January 24, 2018.

*Denotes successful bidder

<u>Bidders</u>	<u>Bid Amount</u>
* Jeske Construction Company 2546 Merrell Road #106 Dallas, TX 75229	\$1,549,582.00
Texas Standard Construction	\$1,557,133.98
MACVAL Associates LLC	\$1,695,361.00
Camino Construction, LP	\$1,736,588.90
Flow-Line Construction Inc.	\$1,757,507.00
Axis Contracting Inc.	\$1,768,571.65
SYB Construction Co., Inc.	\$1,785,340.75
Tiseo Paving Co.	\$1,816,738.20
Joe Funk Construction	\$1,864,770.58
Pavecon, Ltd.	\$1,920,876.01
Johnson Brother	\$2,043,009.40
Omega Contracting, Inc.	\$2,076,684.20
Vescorp Construction, LLC	\$2,169,427.58

BID INFORMATION (continued)

Original estimate: PBW	\$1,457,000
WTR	<u>\$ 563,077</u>
Total Project	\$2,020,077

OWNER

Jeske Construction Company

Steve Jeske, President

MAP

Attached

LONSDALE AVE - SARAH LEE DR TO LAKE JUNE RD



SUBJECT

MAPSCO 58J



May 9, 2018

WHEREAS, heretofore, a resolution was duly adopted by the City Council of the City of Dallas for the improvement of the following street between the limits set forth, out of materials specified, ordering that bids be taken for the construction, and ordering that an estimate of the cost of such improvements be prepared, to wit:

Lonsdale Avenue from Sarah Lee Drive to Lake June Road; and

WHEREAS, by resolution such estimate and specifications were duly adopted therefore, and the Purchasing Agent was authorized to advertise for bids for such construction; and

WHEREAS, by resolution the City Council determined the necessity for assessing a portion of the cost of such improvements against the property abutting such improvements, and the owners thereof, and duly and legally set a time and place for a public hearing thereon, and provided for notice to be given to such owners, as provided by law; and

WHEREAS, the said hearing was duly held at said time and place; and

WHEREAS, the City Council, after fully considering said proposed assessments, and fully considering the benefits that each property owner and his property receive from making said improvements, is of the opinion that the said proposed assessments determined to be levied are fair and equitable, and in accordance with the enhancement report submitted by Con-Real Support Group LP, an independent appraiser, representing the benefits that the said property receives in enhanced values from the making of the said improvements, and that the said assessments should be made; and

WHEREAS, the Council having no further protest, remonstrance, or objection before it, is of the opinion that the said hearing should be closed.

Now, Therefore,

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

SECTION 1. That the said hearing held on the 9th day of May A.D. 2018 be and the same is hereby ordered closed.

May 9, 2018

SECTION 2. That the City Attorney is hereby directed to prepare an ordinance assessing against the several owners of the abutting property, and against their property abutting upon the street hereinabove mentioned, the proportionate part of said cost herein adjudged against the said respective owners and their property, such assessments to be in accordance with the attached enhancement report. That the said ordinance shall fix a lien upon said property, and shall declare said respective owners thereof to be respectively liable for the amounts so adjudged against them. Said ordinance shall in all respects comply with the applicable law in such cases made and provided.

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.



enhancementstudy

18-03
Project
Lonsdale Avenue from Sarah
Lee Drive to Lake June Road

PREPARED FOR

Efrain Trejo
Project Coordinator
City of Dallas
Public Works Department
Oak Cliff Municipal Center
320 E. Jefferson Blvd., Room 307
Dallas, Texas 75203

Troy C. Alley, Jr., Analyst
Kristen Alley, Analyst
Con-Real, LP
1900 Ballpark Way
Arlington, Texas 76006

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Date of Inspection:	March 9, 2018
Effective Date of Study:	March 9, 2018
Date of Transmittal:	March 23, 2018
Subject Property:	Residential Parcels
Location:	Street: Lonsdale Avenue from Sarah Lee Drive to Lake June Road
Zoning Classifications:	Single Family District
Current Use:	Improved & Vacant Land
Highest & Best Use:	Residential Use
Flood Zone:	Based only on a cursory inspection, the properties appear to not be in a flood plain.
Purpose of Study:	The purpose of this study is to estimate the value of the enhancement, if any, to the properties in the defined enhancement study area based on the completion of the proposed street, sidewalk and driveway improvements that affect the subject properties as of March 9, 2017.
Function of Study:	The function of this enhancement study is to assist the City of Dallas in estimating a fair and reasonable amount of the actual costs of the street, sidewalk, and driveway improvements that the subject property owners should be levied based on the estimated market value enhancement to each property due to the proposed improvements by the City of Dallas.
Scope of Study:	The scope of this study encompasses the inspection of the subject properties, neighborhood and comparable properties. Further, the analysis of data is undertaken in order to support a conclusion of estimated value for the enhancement, if any, to the subject properties.

PROPERTY CHALLENGES & SOLUTIONS

Street: Lonsdale Avenue from Sarah Lee Drive to Lake June Road, Dallas, Dallas County, Texas

Driveways- the property owners are without paved driveways. This effects the accessibility of the property and overall neighborhood.

- The proposed improvements are expected to increase the neighborhood curb appeal and may enhance the properties attractiveness.

Sidewalks- there is a lack of sidewalks within the neighborhood which is a possible safety hazard for pedestrians and possible bike riders within the community.

- The improvement of sidewalks in the area will provide a safe route to walk for pedestrians and bike riders. The sidewalks also increase the neighborhood's overall attractiveness.

Curbs/Gutters- Lonsdale Avenue will need curbs/gutters once the street is improved from Lake June Road to Sarah Lee Drive. The lack of gutters effects the water flow throughout the neighborhood and can become a hazard.

- The projected improved gutters will alleviate water buildup on the street allowing pedestrians to pass without walking through puddles and reducing the risk of hydroplaning by road vehicles.

SCOPE OF WORK

In preparing this study, we completed the research and analysis below:

- Conducted an inspection of the subject properties and the surrounding areas in order to determine the impact the improved driveways, curbs and gutters, and sidewalks will have on the neighborhood
- Gathered and analyzed property, neighborhood, and community information pertaining to the group of subject properties
- Determined the approaches (Sales Approach and Assessment Valuation Method) which are deemed reasonable for estimating an equitable assessment to the property owners for any enhancements they might receive from the improvements
- Interviewed reputable sources to receive opinions on the benefits of the improvements of roadways
- Provided a recommendation for the proposed improvements

EVALUATION ANALYSIS

The improvements proposed by the City of Dallas are to include new concrete paving of the streets which includes concrete curbs and gutters, concrete sidewalks and concrete drives (approaches) where necessary. In the assessment prepared by the City of Dallas, the City calculated a Lineal Foot, Square Foot or Square Yard price in order to estimate the actual cost for each property for the proposed improvements. A summary of the assessment values presented in the study are as follows:

The assessed value of the improvements was enhanced by \$114.75 per lineal foot for the concrete paving, \$11.90 per lineal foot for the concrete sidewalks and \$66.37 per square yard for the concrete drives. Properties that have existing sidewalks and drives are not being assessed for the new improvements that take the place of the current improvements. This is one method of estimating the value the improvements provide to the subject, however, there are other ways to analyze the value of the sidewalk improvements to the property.

We have reviewed the study performed by the City of Dallas pertaining to the subject properties regarding assessments to the property owners for the construction of the sidewalk improvements. In addition to that study, we have tested two other approaches that we deem reasonable for estimating an equitable assessment to the property owners for any enhancements they might receive from the improvements. They include the Sales Comparison Method and Assessment Valuation Method. The most suitable is the Sales Comparison Method that exhibits the comparison between unimproved vs improved properties for purposes of comparing the prices paid for properties. The Assessment Valuation Method is utilized to determine a reasonable assessed rate for every property in regards to street improvements, sidewalks, and driveways.

SALES COMPARISON METHOD

This method involves comparing the sales prices of recent sales properties with & without existing curb/gutter/driveways/sidewalks and forming an opinion as to how much, if any, a purchaser is willing to pay for a property that has existing curb/gutter/driveways/sidewalks improvements over a tract that does not have those improvements.

The subject's area was searched for recent sales of a variety of residential properties that were similar in size and location to the subject properties so that a comparative analysis could be performed. This search provided very few sales of properties that did not have curbs/gutters/driveways/sidewalks due to the fact that most of the streets in the area have these features. Numerous sales were located and examined and from this vast number of sales only a few were found that could be used for comparative analysis purposes. The subject properties employed in the analysis include both improved and unimproved streets, and while the structures and areas employed in this analysis may not be truly comparable to the properties involved with this project, they do provide a basis for comparison between the properties with curbs/gutters/driveways/sidewalks and properties that don't have these features.

Adjustment grids for the following types of properties are located on the following pages:

1) Residential Sales – Unimproved Street vs. Improved Streets

Representing the Street: Lonsdale Avenue from Sarah Lee Drive to Lake June Road (35 parcels)

RESIDENTIAL PROPERTY “Representation Of Subject Property” (will be employed as the subject lot)



Mapsc0:	48-S Dallas
Location:	7026 Overlook Drive, Dallas, Texas
Grantor:	Ruel D. Farmer
Grantee:	Bank of New York Mellon and Ditech Financial LLC
Date of Sale:	July 18, 2017
County:	Dallas
Size:	1,14 SF
Shape:	Rectangle
Zoning:	Single Family District
Utilities:	City Sewer, City Water
Topography:	Basically Level
Consideration:	\$55,000
Per SF:	\$47.91
Terms:	Cash to Seller
Cash Equivalent Consideration:	\$55,000
Per SF:	\$47.91
Source:	MLS/Deed Records
Comments:	This site is located on a one-lane street without improvements of curbs and gutters.

Every effort has been made to verify this information, including researching deed records, tax information, appraisal district information, zoning restrictions, flood plain maps, etc. However, the State of Texas does not require disclosure of real estate sale prices or terms, therefore we are dependant upon information obtained from parties with knowledge of the transaction. This information has been obtained from reliable sources and is assumed to be correct, but is in no way guaranteed by us to be accurate. Con-Real, LP reserves the right to revise any information regarding this comparable, should more accurate data become available.

RESIDENTIAL SALE NO. 1



Mapsc:	57-M Dallas
Location:	6405 Seco Boulevard, Dallas, Texas
Grantor:	Janet M. Hodge
Grantee:	Urban Developers LLC
Date of Sale:	October 27, 2017
County:	Dallas
Size:	1,285 SF
Shape:	Rectangle
Zoning:	Single Family District
Utilities:	City Sewer, City Water
Topography:	Basically Level
Consideration:	\$84,500
Per SF:	\$65.76
Terms:	Cash to Seller
Cash Equivalent Consideration:	\$84,500
Per SF:	\$65.76
Source:	MLS/Deed Records
Comments:	This site is located on a one-lane interior street which is improved with curbs and gutters.

Every effort has been made to verify this information, including researching deed records, tax information, appraisal district information, zoning restrictions, flood plain maps, etc. However, the State of Texas does not require disclosure of real estate sale prices or terms, therefore we are dependant upon information obtained from parties with knowledge of the transaction. This information has been obtained from reliable sources and is assumed to be correct, but is in no way guaranteed by us to be accurate. Con-Real, LP reserves the right to revise any information regarding this comparable, should more accurate data become available.

RESIDENTIAL SALE NO. 2



Mapsco:	57-R Dallas
Location:	702 Bethpage Avenue, Dallas, Texas
Grantor:	Josefa Salgado
Grantee:	Elda Casado
Date of Sale:	February 22, 2018
County:	Dallas
Size:	1,421 SF
Shape:	Rectangle
Zoning:	Sigle Family District
Utilities:	City Sewer, City Water
Topography:	Basically Level
Consideration:	\$90,000
Per SF:	\$63.34
Terms:	Cash to Seller
Cash Equivalent Consideration:	\$90,000
Per SF:	\$63.34
Source:	MLS/Deed Records
Comments:	This site is located on a one-lane interior street which is improved with curbs and gutters.

Every effort has been made to verify this information, including researching deed records, tax information, appraisal district information, zoning restrictions, flood plain maps, etc. However, the State of Texas does not require disclosure of real estate sale prices or terms, therefore we are dependant upon information obtained from parties with knowledge of the transaction. This information has been obtained from reliable sources and is assumed to be correct, but is in no way guaranteed by us to be accurate. Con-Real, LP reserves the right to revise any information regarding this comparable, should more accurate data become available.

RESIDENTIAL SALE NO. 3



Mapsc:	58-S Dallas
Location:	6848 Antler Avenue, Dallas, Texas
Grantor:	Joyce A. Baston
Grantee:	Karen A. Rodriguez and Juan A. Fierros
Date of Sale:	May 01, 2017
County:	Dallas
Size:	1,220 SF
Shape:	Rectangle
Zoning:	Single Family District
Utilities:	City Sewer, City Water
Topography:	Basically Level
Consideration:	\$92,900
Per SF:	\$76.15
Terms:	Cash to Seller
Cash Equivalent Consideration:	\$92,900
Per SF:	\$76.15
Source:	MLS/Deed Records
Comments:	This site is located on a one-lane street which is improved of curbs and gutters.

Every effort has been made to verify this information, including researching deed records, tax information, appraisal district information, zoning restrictions, flood plain maps, etc. However, the State of Texas does not require disclosure of real estate sale prices or terms, therefore we are dependant upon information obtained from parties with knowledge of the transaction. This information has been obtained from reliable sources and is assumed to be correct, but is in no way guaranteed by us to be accurate. Con-Real, LP reserves the right to revise any information regarding this comparable, should more accurate data become available.

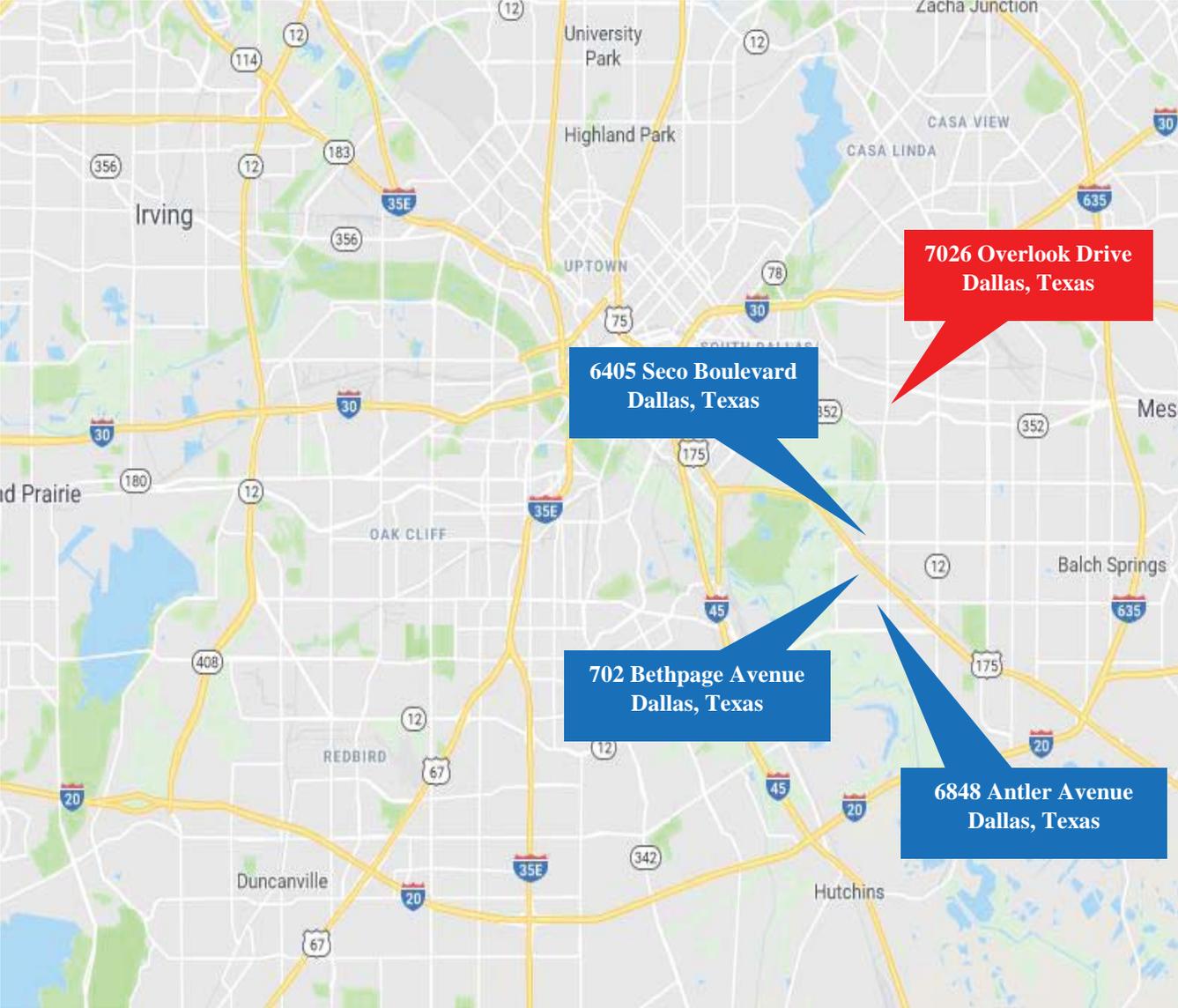
Unimproved Streets vs. Improved Streets

				
Location	Representaion of Subject Property 7026 Overlook Dr Dallas, Texas	Sale 1 6405 Seco Blvd Dallas, Texas	Sale 2 702 Bethpage Ave. Dallas, Texas	Sale 3 6848 Antler Ave. Dallas, Texas
Sales Price/ Per Square Foot	\$47.91	\$65.76	\$63.34	\$76.15
Eff. Sale Price	\$47.91	\$65.76	\$63.34	\$76.15
Size/SF	1,148	1,285	1,421	1,220
		0%	3%	0%
Driveways	No	Yes	Yes	Yes
Sidewalks	No	Yes	Yes	Yes
Curbs/Gutters	No	Yes	Yes	Yes
Condition	Average	Superior	Superior	Superior
		-5%	-5%	-10%
Bedrooms/Baths	3 Bedrooms/ 1 Bath	3 Bedrooms/ 1.1 Baths	3 Bedrooms/ 2 Baths	3 Bedrooms/ 1.1 Baths
		-5%	-10%	-5%
Shape	Rectangle	Rectangle	Rectangle	Rectangle
		0%	0%	0%
Location	Average	Superior	Superior	Superior
		-10%	-5%	-10%
Accessability	Average	Superior	Superior	Superior
		-5%	-3%	-10%
Percentage Adjustment	0.0%	-25.0%	-20.0%	-35.0%
Net Adjustment	\$0.00	(\$16.44)	(\$12.67)	(\$26.65)
Adjusted Sale Price	\$47.91	\$49.32	\$50.67	\$49.50

The Representation of the (Subject's Property) is a selected property similar to the subject properties in order to be used in this analysis. The Representation of the Subject Property is located at 7026 Overlook Drive which is a 1,148 square foot house that **does not** have curbs/gutters, driveway, or sidewalks and sold for \$47.91 per square foot. The three other sales **do** have curbs/gutters, driveway, or sidewalks on their properties and sold at prices ranging from \$63.34 to \$76.15 per square foot. All of the sales are located within Dallas County and each have locational characteristics in regards to surrounding developments and residential properties that will be examined. The size of the Representation of the Subject Property is significantly smaller than the comparables and an upward adjustment was made to Sale 2. In addition, Sale 1, 2, and 3 experienced a downward adjustment compared to the Representation of the Subject Property in regards to the characteristics of condition, bedrooms/baths, location and accessibility. The properties had better exterior conditions, higher number of baths, and superior location and accessibility.

After making adjustments to the sales comparables, a range of values of \$49.32 to \$50.67 per square foot was derived from the sales. The variance between the subject property and comparables is less than 3%, which leads to the conclusion that there isn't a significant difference in pricing by having curbs/gutters, driveways, and sidewalks.

SALES MAP



MARKET INTERVIEWS

In addition to the Sales Comparison Method of determining whether or not the subject properties will experience any enhancement in value caused by the street improvements, the analyst also enlisted advice from several different sources. These sources included real estate agents who have been active in the market area. Below is a partial list of the people who were contacted and a summary of their responses. All of the responses are based on the question “**Is there a price adjustment for a property that has curbs/gutters, driveways, and/or sidewalks?**”.

<u>Source</u>	<u>Answer</u>		<u>Statement</u>
	Yes	No	
Henry S. Miller		X	There isn't any difference in pricing for a property that has curbs/gutters, driveways, and/or sidewalks. (<i>Agent: Luna Huntley</i>)
Mercer Company		X	Haven't notice an increase or decrease in the sale price for a property that has curbs/gutter, driveways, and/or sidewalks. (<i>Agent: Corby Hodgkiss</i>)
Colliers		X	I haven't seen a difference in pricing for a properties with or without curbs/gutters, driveways, and/or sidewalks. (<i>Agent: Brad Balke</i>)

In summary, overall the real estate agents that were contacted believe that the curbs/gutters, driveways, and/or sidewalks improvement doesn't produce an increase in value of the property. They view the desirability as a preference and not a necessity for the sale of a property.

ASSESSMENT VALUATION PROCESS

The analyst acknowledges that the new street improvements will provide some enhancement to the overall value of the subject properties, but the improvements will not increase the value of the subject properties at the same rate the City is proposing to assess the property owners. As with all home improvements, the value of the enhancement is very rarely equal to or greater than the actual cost of the improvement. Samples of these types of improvements are: new roofs, replaced fencing, updating of flooring, kitchens, bathrooms, etc. Generally speaking, these type of repairs, renovations or enhancements cost more to replace/construct than they will ever return should the property be sold. A good example is the addition of a swimming pool. A typical swimming pool can cost \$25,000 to install, but upon resale rarely yields \$10,000 more than a similar property without a swimming pool. The same goes for a new roof. While a new roof may be a selling feature in trying to market the property, very rarely does the property owner ever realize a return on the sale of the property equal to the cost to install the new roof. The same is true with the proposed street improvements and accompanying sidewalks and drives. **Based on the market data gathered and examined by the analyst, it is my opinion that the market value of the subject properties will only experience a slight increase in value because of the proposed improvements.**

In an effort to be equitable to the property owners, given that all of the property owners are supposedly paying their fair share, it is our opinion that the property owners be assessed at a rate of 10% of the assessed value of the lot for the street improvements (concrete paving, curbs/gutters). However, there are a few residential properties that are assessed at a rate of 3% of the assessed value of the lot for the street improvements (concrete paving, curbs/gutters). The assessed percentage used for residential properties is derived by implementing the lot ratios which takes into consideration side yard and frontage along the improvements. Since few of the residential properties do not front on the main street of the improvement. Based on this analysis a 3% assessment percentage is reasonable.

The property owners are assessed at a rate of 50% of the estimated construction cost of the sidewalk and concrete drive improvements. The reason for the percentages of the construction costs for the sidewalks and concrete drives, is that the improvements do not provide a dramatic increase to the overall property, but offer additional benefit for the property owners. Some of the properties in the project areas already have sidewalks and drives. Those property owners should not be compelled to pay additional money for improvements that they already have in place. In some instances, particularly on the subject parcels with large tracts of land, 10% of the assessed land value is greater than the total estimated cost of the proposed improvements. This is due to the fact that these properties typically have a large amount of road frontage and benefit from greater exposure from the street, and in those instances the estimated cost of the improvements as proposed by the City of Dallas is the recommended amount.

The Tables on the following pages in the Addenda identifies each of the subject properties, the assessment process employed by the City of Dallas, and finally, my estimation of a fair and reasonable value for the assessment.

ASSESSMENT VALUATION PROCESS (TABLES)

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZATION SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT	ASSESSMENT VALUE- LAND	TOTAL ASSESSMENT	RECOMMENDED ASSESSMENT
WEST SIDE OF STREET									
HOME GARDENS									
NOE J VENCES & ELENA TINOCO 1103 LONSDALE AVE DALLAS, TX 75217	18	D/6243	60 FT PVMT 40 FT WALK 20 FT DRIVE	\$114.75 \$11.90 No Cost	\$6,885.00 \$476.00 \$0.00	\$7,361.00	\$1,270 (10% of lot value \$12,700) \$238.00 rounded (50% of Sidewalk \$476.00)	\$7,361.00	\$1,270.00 \$238.00 \$0.00 \$1,508.00
JOSE U CRUZ 1111 LONSDALE AVE DALLAS, TX 75217	17	D/6243	70 FT PVMT 52 FT WALK 18 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$618.80 \$0.00	\$8,651.30	\$1,270 (10% of lot value \$12,700) \$309.40 rounded (50% of Sidewalk \$618.80)	\$8,651.30	\$1,270.00 \$309.40 \$0.00 \$1,579.40
JUAN COLUNGA 1121 LONSDALE AVE DALLAS, TX 75217	16 1115 Lonsdale Ave	D/6243	70 FT PVMT 60 FT WALK 13.3 SY DR(10'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$714.00 \$882.72	\$9,629.22	\$1,270 (10% of lot value \$12,700) \$357.00 rounded (50% of Sidewalk \$714.00) \$441.36 rounded (50% of Driveway \$882.72)	\$9,629.22	\$1,270.00 \$357.00 \$441.36 \$2,068.36
JUAN C COLUNGA & MARIA Z NAVARRO 1121 LONSDALE AVE DALLAS, TX 75217	S 60 Ft of Lt 15	D/6243	60 FT PVMT 50 FT WALK 10 FT DRIVE	\$114.75 \$11.90 No Cost	\$6,885.00 \$595.00 \$0.00	\$7,480.00	\$1,270 (10% of lot value \$12,700) \$297.50 rounded (50% of Sidewalk \$595.00)	\$7,480.00	\$1,270.00 \$297.50 \$0.00 \$1,567.50
FRANKLIN G WEEKS 108 SUNBIRD LN SUNNYVALE, TX 75182	Lt 14 & N 15 Lt 15 1127 Lonsdale Ave	D/6243	80 FT PVMT 62 FT WALK 18 FT DRIVE	\$114.75 \$11.90 No Cost	\$9,180.00 \$737.80 \$0.00	\$9,917.80	\$1,270 (10% of lot value \$12,700) \$368.90 rounded (50% of Sidewalk \$737.80)	\$9,917.80	\$1,270.00 \$368.90 \$0.00 \$1,638.90
MARIO LOPEZ 1131 LONSDALE AVE DALLAS, TX 75217	13	D/6243	70 FT PVMT 51 FT WALK 19.1 SY DR(19'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$606.90 \$1,267.67	\$9,907.07	\$1,270 (10% of lot value \$12,700) \$303.45 rounded (50% of Sidewalk \$606.90) \$653.83 rounded (50% of Driveway \$1,267.67)	\$9,907.07	\$1,270.00 \$303.45 \$653.83 \$2,207.28

ASSESSMENT VALUATION PROCESS (TABLES)

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZATION SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT	ASSESSMENT VALUE- LAND	TOTAL ASSESSMENT	RECOMMENDED ASSESSMENT
HOME GARDENS									
MARTIN & AIDA MARTINEZ 1139 LONSDALE AVE DALLAS, TX 75217	12	D/6243	70 FT PVMT 52 FT WALK 18 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$618.80 \$0.00	\$8,651.30	\$1,270 (10% of lot value \$12,700) \$309.40 rounded (50% of Sidewalk \$618.80)	\$1,270.00 \$309.40 \$0.00	\$1,579.40
JOSE CARLOS CORTES & MARIA EMILIA CORTES 1143 LONSDALE AVE DALLAS, TX 75217	11	D/6243	70 FT PVMT 58 FT WALK 13.3 SY DR(10'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$690.20 \$882.72	\$9,605.42	\$1,270 (10% of lot value \$12,700) \$345.10 rounded (50% of Sidewalk \$690.20) \$441.36 rounded (50% of Driveway \$882.72)	\$1,270.00 \$345.10 \$441.36	\$2,056.46
EST OF EDNA WILLIAMS 1149 LONSDALE AVE DALLAS, TX 75217	10	D/6243	70 FT PVMT 50 FT WALK 20 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$595.00 \$0.00	\$8,627.50	\$1,270 (10% of lot value \$12,700) \$297.50 rounded (50% of Sidewalk \$595.00)	\$1,270.00 \$297.50 \$0.00	\$1,567.50
JESSE & AIDA MORALES 4728 ASHBROOK RD DALLAS, TX 75227	9 1203 Lonsdale Ave	D/6243	70 FT PVMT 55 FT WALK 15 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$654.50 \$0.00	\$8,687.00	\$1,270 (10% of lot value \$12,700) \$327.25 rounded (50% of Sidewalk \$654.50)	\$1,270.00 \$327.25 \$0.00	\$1,597.25
JOSE ESCOBEDO & MARGARITA ESCOBEDO 1211 LONSDALE AVE DALLAS, TX 75217	8	D/6243	70 FT PVMT 50 FT WALK 20 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$595.00 \$0.00	\$8,627.50	\$1,270 (10% of lot value \$12,700) \$297.50 rounded (50% of Sidewalk \$595.00)	\$1,270.00 \$297.50 \$0.00	\$1,567.50
EST OF RICHARD M LOPEZ 1215 LONSDALE AVE DALLAS, TX 75217	7	D/6243	70 FT PVMT 50 FT WALK 22.2 SY DR(20'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$595.00 \$1,473.41	\$10,100.91	\$1,270 (10% of lot value \$12,700) \$297.50 rounded (50% of Sidewalk \$595.00) \$736.71 rounded (50% of Driveway \$1,473.41)	\$1,270.00 \$297.50 \$736.71	\$2,304.21

ASSESSMENT VALUATION PROCESS (TABLES)

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZATION SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT	ASSESSMENT VALUE- LAND	TOTAL ASSESSMENT	RECOMMENDED ASSESSMENT
HOME GARDENS									
RICARDO D SEGOVIA & ENRIQUETA C DE SEGOVIA 1223 LONSDALE AVE DALLAS, TX 75217	6	D/6243	70 FT PVMT 44 FT WALK 11 FT DRIVE 15.5 SY DR(15'Wide)	\$114.75 \$11.90 No Cost \$66.37	\$8,032.50 \$523.60 \$0.00 \$1,028.74		\$1,270 (10% of lot value \$12,700) \$261.80 rounded (50% of Sidewalk \$523.60) \$514.37 rounded (50% of Driveway \$1,028.74)	\$1,270.00 \$261.80 \$0.00 \$514.37 <u>\$2,046.17</u>	
CARLOS SANTIAGO & TERESA VASQUEZ 1227 LONSDALE AVE DALLAS, TX 75217	5	D/6243	70 FT PVMT 60 FT WALK 10 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$714.00 \$0.00		\$1,270 (10% of lot value \$12,700) \$357.00 rounded (50% of Sidewalk \$714.00)	\$1,270.00 \$357.00 \$0.00 <u>\$1,627.00</u>	
HOME GARDENS #2									
TERESA VASQUEZ & CARLOS SANTIAGO 1227 LONSDALE AVE DALLAS, TX 75217	4 1233 Lonsdale Ave	D/6243	70 FT PVMT 70 FT WALK	\$114.75 \$11.90	\$8,032.50 \$833.00		\$1,270 (10% of lot value \$12,700) \$416.50 rounded (50% of Sidewalk \$833.00)	\$1,270.00 \$416.50 <u>\$1,686.50</u>	
MICHAEL J HOLLOWAY DAWN B KEARNS ETAL KIM M BAIN 9624 HALLMARK AVE COTTAGE GROVE, MINNESOTA 55016	3 1239 Lonsdale Ave	D/6243	70 FT PVMT 45 FT WALK 12 FT DRIVE 13 FT DRIVE	\$114.75 \$11.90 No Cost No Cost	\$8,032.50 \$535.50 \$0.00 \$0.00		\$1,270 (10% of lot value \$12,700) \$267.75 rounded (50% of Sidewalk \$535.50)	\$1,270.00 \$267.75 \$0.00 \$0.00 <u>\$1,537.75</u>	
JAMES R LACY JR 1245 LONSDALE AVE DALLAS, TX 75217	Lts 1A&2A Ac. 0.317	D/6243	120 FT PVMT 99 FT WALK 21 FT DRIVE	\$114.75 \$11.90 No Cost	\$13,770.00 \$1,178.10 \$0.00		\$2,540(10% of lot value \$25,400) \$589.05 rounded (50% of Sidewalk \$1,178.10)	\$2,540.00 \$589.05 \$0.00 <u>\$3,129.05</u>	

\$14,948.10

ASSESSMENT VALUATION PROCESS (TABLES)

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZATION SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT	ASSESSMENT VALUE- LAND	TOTAL ASSESSMENT	RECOMMENDED ASSESSMENT
EAST SIDE OF THE STREET									
<i>HOME GARDENS #2</i>									
CENTRO CRISTIANO REDENCION	1A	C/6243	55 FT PVMT	\$23.89	\$1,313.95		\$381 (3% of lot value \$12,700)	\$381.00	\$381.00
7612 JACOBIE BLVD DALLAS, TX 75217	Ac. .158 6702 Lake June Rd		55 FT WALK	\$5.95	\$327.25	\$1,641.20	\$163.63 rounded (50% of Sidewalk \$327.25)	\$163.63	\$544.63
CENTRO CRISTIANO REDENCION	2A	C/6243	65 FT PVMT	\$23.89	\$1,552.85		\$381 (3% of lot value \$12,700)	\$381.00	\$381.00
7612 JACOBIE BLVD DALLAS, TX 75217	Ac. .159 6706 Lake June Rd		65 FT WALK	\$5.95	\$386.75	\$1,939.60	\$193.38 rounded (50% of Sidewalk \$386.75)	\$193.38	\$574.38
<i>HOME GARDENS</i>									
ENRIQUE RUIZ & MARIANA C SANTIAGO	3	C/6243	70 FT PVMT	\$114.75	\$8,032.50		\$1,270 (10% of lot value \$12,700)	\$1,270.00	\$1,270.00
9819 LANEYVALE AVE DALLAS, TX 75217	1238 Lonsdale Ave		48 FT WALK	\$11.90	\$571.20		\$285.60 rounded (50% of Sidewalk \$571.20)	\$285.60	\$285.60
			12 FT DRIVE	No Cost	\$0.00			\$0.00	\$0.00
			10 FT DRIVE	No Cost	\$0.00	\$8,603.70		\$0.00	\$1,555.60
RODOLFO S ALGARATE	4	C/6243	69 FT PVMT	\$114.75	\$7,917.75		\$1,270 (10% of lot value \$12,700)	\$1,270.00	\$1,270.00
1232 LONSDALE AVE DALLAS, TX 75217			60 FT WALK	\$11.90	\$714.00		\$357.00 rounded (50% of Sidewalk \$714.00)	\$357.00	\$357.00
			17 FT DRIVE	No Cost	\$0.00	\$8,631.75		\$0.00	\$1,627.00
ELADIO LOPEZ	5	C/6243	70 FT PVMT	\$114.75	\$8,032.50		\$1,270 (10% of lot value \$12,700)	\$1,270.00	\$1,270.00
1226 LONSDALE AVE DALLAS, TX 75217			60 FT WALK	\$11.90	\$714.00		\$357.00 rounded (50% of Sidewalk \$714.00)	\$357.00	\$357.00
			10 FT DRIVE	No Cost	\$0.00	\$8,746.50		\$0.00	\$1,627.00

ASSESSMENT VALUATION PROCESS (TABLES)

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER
 SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZATION
 SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED
 CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE
 SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT	ASSESSMENT VALUE- LAND	TOTAL ASSESSMENT	RECOMMENDED ASSESSMENT
<i>HOME GARDENS</i>									
DANIEL CRUZ & ANA SEGOVIA 1202 LONSDALE AVE DALLAS, TX 75217	6	C/6243	70 FT PVMT 55 FT WALK 17.7 SY DR(15'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$654.50 \$1,174.75	\$9,861.75	\$1,270 (10% of lot value \$12,700) \$327.25 rounded (50% of Sidewalk \$654.50) \$587.37 rounded (50% of Driveway \$1,174.75)	\$1,270.00 \$327.25 \$587.37	\$2,184.62
JOSE S VALENTINO & BELEN C PEREZ 1214 LONSDALE AVE DALLAS, TX 75217	7	C/6243	70 FT PVMT 54 FT WALK 12 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$642.60 \$0.00	\$8,675.10	\$1,270 (10% of lot value \$12,700) \$321.30 rounded (50% of Sidewalk \$642.60)	\$1,270.00 \$321.30 \$0.00	\$1,591.30
MARTHA R HUERTA 203 N WOOD ST FERRIS, TX 75125	8	C/6243	70 FT PVMT 60 FT WALK 13.3 SY DR(10'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$714.00 \$882.72	\$9,629.22	\$1,270 (10% of lot value \$12,700) \$357.00 rounded (50% of Sidewalk \$714.00) \$441.36 rounded (50% of Driveway \$882.72)	\$1,270.00 \$357.00 \$441.36	\$2,068.36
DANIEL CRUZ & ANA SEGOVIA 1202 LONSDALE AVE DALLAS, TX 75217	9	C/6243	70 FT PVMT 52 FT WALK 20.4 SY DR(18'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$618.80 \$1,353.95	\$10,005.25	\$1,270 (10% of lot value \$12,700) \$309.40 rounded (50% of Sidewalk \$618.80) \$676.97 rounded (50% of Driveway \$1,353.95)	\$1,270.00 \$309.40 \$676.97	\$2,256.37
RAFAEL G CARDOSO 4508 VIA DEL NORTE MESQUITE, TX 75150	10	C/6243	70 FT PVMT 60 FT WALK 13.3 SY DR(10'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$714.00 \$882.72	\$9,629.22	\$1,270 (10% of lot value \$12,700) \$357.00 rounded (50% of Sidewalk \$714.00) \$441.36 rounded (50% of Driveway \$882.72)	\$1,270.00 \$357.00 \$441.36	\$2,068.36
ESTEBAN R CORTEZ & JONELLA CORTEZ 1142 LONSDALE AVE DALLAS, TX 75217	11	C/6243	67 FT PVMT 49 FT WALK 18 FT DRIVE	\$114.75 \$11.90 No Cost	\$7,688.25 \$583.10 \$0.00	\$8,271.35	\$1,270 (10% of lot value \$12,700) \$291.55 rounded (50% of Sidewalk \$583.10)	\$1,270.00 \$291.55 \$0.00	\$1,561.55

ASSESSMENT VALUATION PROCESS (TABLES)

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZATION SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT	ASSESSMENT VALUE- LAND	TOTAL ASSESSMENT	RECOMMENDED ASSESSMENT
HOME GARDENS UNIT NO 2									
JUAN LOPEZ 1138 LONSDALE AVE DALLAS, TX 75217	12	C/6243	50 FT PVMT 56 FT WALK 10 FT DRIVE	\$114.75 \$11.90 No Cost	\$5,737.50 \$666.40 \$0.00	\$6,403.90	\$1,270 (10% of lot value \$12,700) \$333.20 rounded (50% of Sidewalk \$666.40)		\$1,270.00 \$333.20 \$0.00 \$1,603.20
HOME GARDENS									
MACEDONIO MARTINEZ 1130 LONSDALE AVE DALLAS, TX 75217	13	C/6243	70 FT PVMT 60 FT WALK 10 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$714.00 \$0.00	\$8,746.50	\$1,270 (10% of lot value \$12,700) \$357.00 rounded (50% of Sidewalk \$714.00)		\$1,270.00 \$357.00 \$0.00 \$1,627.00
JOSE SALDANA 1126 LONSDALE AVE DALLAS, TX 75217	14	C/6243	70 FT PVMT 46 FT WALK 24 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$547.40 \$0.00	\$8,579.90	\$1,270 (10% of lot value \$12,700) \$237.70 rounded (50% of Sidewalk \$547.40)		\$1,270.00 \$273.70 \$0.00 \$1,543.70
VINCENT CASTRO & FRANCES CASTRO 1120 LONSDALE AVE DALLAS, TX 75217	15	C/6243	69 FT PVMT 47 FT WALK 22 FT DRIVE	\$114.75 \$11.90 No Cost	\$7,917.75 \$559.30 \$0.00	\$8,477.05	\$1,270 (10% of lot value \$12,700) \$279.65 rounded (50% of Sidewalk \$559.30)		\$1,270.00 \$279.65 \$0.00 \$1,549.65
HUMBERTO J CIFUENTES ARSENIA R CIFUENTES 1114 LONSDALE AVE DALLAS, TX 75217	16	C/6243	70 FT PVMT 48 FT WALK 22 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$571.20 \$0.00	\$8,603.70	\$1,270 (10% of lot value \$12,700) \$285.60 rounded (50% of Sidewalk \$571.20)		\$1,270.00 \$285.60 \$0.00 \$1,555.60
GALDINO NORIEGA 974 WILLOW RIDGE CIR ROCKWALL, TX 75032	17 1110 Lonsdale Ave	C/6243	70 FT PVMT 52 FT WALK 18 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$618.80 \$0.00	\$8,651.30	\$1,270 (10% of lot value \$12,700) \$309.40 rounded (50% of Sidewalk \$618.80)		\$1,270.00 \$309.40 \$0.00 \$1,579.40

ASSESSMENT VALUATION PROCESS (TABLES)

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER
 SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME STABILIZATION
 SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED
 CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE
 SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT	TOTAL ASSESSMENT VALUE- LAND	RECOMMENDED ASSESSMENT
<i>HOME GARDENS</i>								
JUAN ARREDONDO	18	C/6243	70 FT PVMT	\$114.75	\$8,032.50		\$1,270 (10% of lot value \$12,700)	\$1,270.00
1102 LONSDALE AVE			41 FT WALK	\$11.90	\$487.90		\$243.95 rounded (50% of Sidewalk \$487.90)	\$243.95
DALLAS, TX 75217			13.3 SY DR(10'Wide)	\$66.37	\$882.72		\$441.36 rounded (50% of Driveway \$882.72)	\$441.36
						\$9,403.12		\$1,955.31

RECOMMENDATION:

The Sales Comparison Method was conducted for properties along Lonsdale Avenue from Sarah Lee Drive to Lake June Road. The method showed a comparison between vacant land properties with and without curbs and gutters, driveways, and sidewalks.

Lonsdale Avenue from Sarah Lee Drive to Lake June Road which encumbers 35 parcels, were represented within the Sales Comparison Method by a similar land property “7026 Overlook Drive, Dallas, Texas” which shared similar features as the 35 parcels. Recent land properties with improved curbs/gutters, driveways, and sidewalks were able to be obtain within the Dallas County to be compared to the represented property.

Despite the distance between the subject sites and the sales, we were able to gather enough data to perform a comparative analysis for the subject properties. The comparison method concluded that there isn't an increase in sales price for properties with curbs/gutters, driveways, and sidewalks when compared to sales of similar type properties that did not possess those features. That does not necessarily mean that a property is not more marketable or attractive to a potential purchaser, it only means that based on the data we were able to gather and verify, we could not positively prove that a difference existed in the marketplace.

Based on our market analysis in which information from various sources were obtained, we can conclude that a curbs/gutters, driveways, and sidewalks may be an attractive feature for a property based on the purchaser's preferences. However, the lack of these improvements may not affect the desirability of the property within the real estate market.

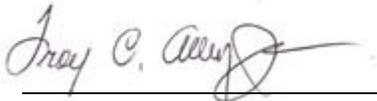
While it is true that the property owners will receive a nominal benefit from having new concrete street improvements, curbs/gutters, sidewalks and drives, the benefit received from these new items will only provide a minimal amount of enhanced value to the properties when compared to the largest portion of the value of the tract; the land mass itself. As such, it is our contention that the subject properties will increase in value from the street and sidewalk improvements proposed by the City of Dallas, but not by the actual cost of the improvements. It is our opinion that the property owners should be assessed at a rate of 10% of the assessed value of the lot for the street improvements (concrete paving, curbs/gutters), and that the property owners be assessed at a rate of 50% of the estimated construction cost of the sidewalk and concrete drive improvements.

CERTIFICATE

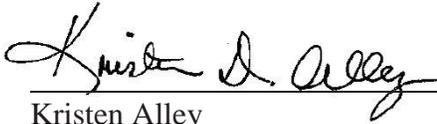
We do hereby certify that, except as otherwise noted in this report:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, unbiased professional analyses, opinions and conclusions.
3. We have no present or prospective interest in the property which is the subject of this report and we have no personal interest or bias with respect to the parties involved.
4. Our compensation is not contingent upon an action or event resulting from the analyses, opinions or conclusions in, or the use of, our report. This assignment was not based on a requested minimum valuation, a specific valuation, or approval of a loan.
5. Ownership and site data was obtained from information appearing on the Tax Rolls and from data provided by the client.
6. Troy Alley, Jr. has made a personal inspection of the property which is the subject of this report. Kristen Alley has also made a personal inspection of the property.
7. Kristen Alley provided significant professional assistance to the person signing this report.
8. The analyst(s) is not an employee, officer or appointed board or commission member of the City of Dallas. We did not consider race, color, religion, sex, national origin, handicap or familial status in determining the value of the Subject Property.
9. **THIS IS NOT AN OPINION OF VALUE, IT IS A ENHANCEMENT STUDY AND SHOULD NOT BE CONSIDERED AN APPRAISAL. In making any decision that relies upon our work, you should know that we have NOT followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.**

Con-Real, LP



Troy C. Alley, Jr.
Sr. Analyst



Kristen Alley
Analyst

ORDINANCE NO. _____

AN ORDINANCE LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREET IN THE CITY OF DALLAS, TEXAS, TO WIT:

Lonsdale Avenue from Sarah Lee Drive to Lake June Road

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREET, AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvements of

Lonsdale Avenue from Sarah Lee Drive to Lake June Road

by filling, raising, grading, and paving same; and

WHEREAS, pursuant to said resolution, specifications and an estimate of the cost of such improvements were prepared for said work by the Director of Department of Public Works (City Engineer), filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and

WHEREAS, in compliance with the law the City Engineer prepared his statements or lists showing the names of property owners upon said street the description of their property, the total cost of the said improvements, the cost there of per front foot and cost to each property owner, said statements possessing all the other requisites required by law; and

WHEREAS, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, all in accordance with the terms of applicable law, at which hearing to such property owners were to be heard as to the benefits of the said improvements to their property, as to any error or invalidity in said proceedings, or to any matter or thing connected with the said improvements; and

WHEREAS, the said resolution in connection with the improvement of said street was duly adopted in compliance with the law on the 11th day of April, 2018; and

WHEREAS, in accordance with the terms of the law, the City of Dallas gave notice to the property owners on said street of said hearing, by publishing a copy of said notice in the Dallas Morning News, a daily paper of general circulation in the City of Dallas, for three successive days prior to the days set for the hearing, to wit, the 9th day of May, 2018; and the City also gave notice of said hearing by mailing letters containing the same to said property owners at least fourteen (14) days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and

WHEREAS, said hearing was held at the time and place mentioned in the said resolution and notice, to wit, on the 9th day of May, 2018 at 1:00 O'clock P.M. at the Council Chamber in the City Hall of the City of Dallas, Texas, which hearing was then closed; and

WHEREAS, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner be heard concerning the benefits thereof, or in any related matter, were heard, and errors and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected.

Now, Therefore,

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

SECTION 1. That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 9th day of May, 2018, in these proceedings is hereby ratified and confirmed by this ordinance. That the City Council, from the evidence, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon the street herein below mentioned and against the owners thereof; that such assessments and charges are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such assessments are levied, and establish substantial justice, equality, and uniformity between the respective owners of the respective properties between all parties concerned, considering the benefits received and burdens imposed. The Council further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the said improvements in the unit or district upon which the particular property abuts, and for which assessment is levied and charge made, in a sum in excess of the said assessment and charge made against the same by this ordinance. The Council further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and that the proceedings of the City heretofore had with reference to said improvements are in all respects valid and regular.

SECTION 2. That there shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned, and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same and the owners thereof, as far as such owners are known, being as follows:

**LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER
 SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION
 SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED
 CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE
 SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET						
HOME GARDENS						
NOE J VENCES & ELENA TINOCO 1103 LONSDALE AVE DALLAS, TX 75217	18	D/6243	60 FT PVMT	\$114.75	\$6,885.00	
			40 FT WALK	\$11.90	\$476.00	
			20 FT DRIVE	No Cost	\$0.00	
			TOTAL		\$7,361.00	
			ADJ PER ENHANCEMENT EVAL.		\$5,853.00	
			NET DUE BY OWNER			\$1,508.00
JOSE U CRUZ 1111 LONSDALE AVE DALLAS, TX 75217	17	D/6243	70 FT PVMT	\$114.75	\$8,032.50	
			52 FT WALK	\$11.90	\$618.80	
			18 FT DRIVE	No Cost	\$0.00	
			TOTAL		\$8,651.30	
			ADJ PER ENHANCEMENT EVAL.		\$7,071.90	
			NET DUE BY OWNER			\$1,579.40
JUAN COLUNGA 1121 LONSDALE AVE DALLAS, TX 75217	16 1115 Lonsdale Ave	D/6243	70 FT PVMT	\$114.75	\$8,032.50	
			60 FT WALK	\$11.90	\$714.00	
			13.3 SY DR(10'Wide)	\$66.37	\$882.72	
			TOTAL		\$9,629.22	
			ADJ PER ENHANCEMENT EVAL.		\$7,560.86	
			NET DUE BY OWNER			\$2,068.36
JUAN C COLUNGA & MARIA Z NAVARRO 1121 LONSDALE AVE DALLAS, TX 75217	S 60 Ft of Lt 15	D/6243	60 FT PVMT	\$114.75	\$6,885.00	
			50 FT WALK	\$11.90	\$595.00	
			10 FT DRIVE	No Cost	\$0.00	
			TOTAL		\$7,480.00	
			ADJ PER ENHANCEMENT EVAL.		\$5,912.50	
			NET DUE BY OWNER			\$1,567.50
FRANKLIN G WEEKS 108 SUNBIRD LN SUNNYVALE, TX 75182	Lt 14 & N 15' Lt 15 1127 Lonsdale Ave	D/6243	80 FT PVMT	\$114.75	\$9,180.00	
			62 FT WALK	\$11.90	\$737.80	
			18 FT DRIVE	No Cost	\$0.00	
			TOTAL		\$9,917.80	
			ADJ PER ENHANCEMENT EVAL.		\$8,278.90	
			NET DUE BY OWNER			\$1,638.90
MARIO LOPEZ 1131 LONSDALE AVE DALLAS, TX 75217	13	D/6243	70 FT PVMT	\$114.75	\$8,032.50	
			51 FT WALK	\$11.90	\$606.90	
			19.1 SY DR(19'Wide)	\$66.37	\$1,267.67	
			TOTAL		\$9,907.07	
			ADJ PER ENHANCEMENT EVAL.		\$7,699.79	
			NET DUE BY OWNER			\$2,207.28

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER
 SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION
 SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED
 CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE
 SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
HOME GARDENS						
MARTIN & AIDA MARTINEZ 1139 LONSDALE AVE DALLAS, TX 75217	12	D/6243	70 FT PVMT 52 FT WALK 18 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$618.80 <u>\$0.00</u>	
			TOTAL		\$8,651.30	
			ADJ PER ENHANCEMENT EVAL.		\$7,071.90	
			NET DUE BY OWNER			\$1,579.40
JOSE CARLOS CORTES & MARIA EMILIA CORTES 1143 LONSDALE AVE DALLAS, TX 75217	11	D/6243	70 FT PVMT 58 FT WALK 13.3 SY DR(10'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$690.20 <u>\$882.72</u>	
			TOTAL		\$9,605.42	
			ADJ PER ENHANCEMENT EVAL.		\$7,548.96	
			NET DUE BY OWNER			\$2,056.46
EST OF EDNA WILLIAMS 1149 LONSDALE AVE DALLAS, TX 75217	10	D/6243	70 FT PVMT 50 FT WALK 20 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$595.00 <u>\$0.00</u>	
			TOTAL		\$8,627.50	
			ADJ PER ENHANCEMENT EVAL.		\$7,060.00	
			NET DUE BY OWNER			\$1,567.50
JESSE & AIDA MORALES 4728 ASHBROOK RD DALLAS, TX 75227	9 1203 Lonsdale Ave	D/6243	70 FT PVMT 55 FT WALK 15 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$654.50 <u>\$0.00</u>	
			TOTAL		\$8,687.00	
			ADJ PER ENHANCEMENT EVAL.		\$7,089.75	
			NET DUE BY OWNER			\$1,597.25
JOSE ESCOBEDO & MARGARITA ESCOBEDO 1211 LONSDALE AVE DALLAS, TX 75217	8	D/6243	70 FT PVMT 50 FT WALK 20 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$595.00 <u>\$0.00</u>	
			TOTAL		\$8,627.50	
			ADJ PER ENHANCEMENT EVAL.		\$7,060.00	
			NET DUE BY OWNER			\$1,567.50
EST OF RICHARD M LOPEZ 1215 LONSDALE AVE DALLAS, TX 75217	7	D/6243	70 FT PVMT 50 FT WALK 22.2 SY DR(20'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$595.00 <u>\$1,473.41</u>	
			TOTAL		\$10,100.91	
			ADJ PER ENHANCEMENT EVAL.		\$7,796.70	
			NET DUE BY OWNER			\$2,304.21

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER
 SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION
 SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED
 CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE
 SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
HOME GARDENS						
RICARDO D SEGOVIA & ENRIQUETA C DE SEGOVIA 1223 LONSDALE AVE DALLAS, TX 75217	6	D/6243	70 FT PVMT 44 FT WALK 11 FT DRIVE 15.5 SY DR(15'Wide)	\$114.75 \$11.90 No Cost \$66.37	\$8,032.50 \$523.60 \$0.00 <u>\$1,028.74</u>	
			TOTAL		\$9,584.84	
			ADJ PER ENHANCEMENT EVAL.		\$7,538.67	
			NET DUE BY OWNER			\$2,046.17
CARLOS SANTIAGO & TERESA VASQUEZ 1227 LONSDALE AVE DALLAS, TX 75217	5	D/6243	70 FT PVMT 60 FT WALK 10 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$714.00 <u>\$0.00</u>	
			TOTAL		\$8,746.50	
			ADJ PER ENHANCEMENT EVAL.		\$7,119.50	
			NET DUE BY OWNER			\$1,627.00
HOME GARDENS #2						
TERESA VASQUEZ & CARLOS SANTIAGO 1227 LONSDALE AVE DALLAS, TX 75217	4 1233 Lonsdale Ave	D/6243	70 FT PVMT 70 FT WALK	\$114.75 \$11.90	\$8,032.50 <u>\$833.00</u>	
			TOTAL		\$8,865.50	
			ADJ PER ENHANCEMENT EVAL.		\$7,179.00	
			NET DUE BY OWNER			\$1,686.50
MICHAEL J HOLLOWAY DAWN B KEARNS ETAL KIM M BAIN 9624 HALLMARK AVE COTTAGE GROVE, MINNESOTA 55016	3 1239 Lonsdale Ave	D/6243	70 FT PVMT 45 FT WALK 12 FT DRIVE 13 FT DRIVE	\$114.75 \$11.90 No Cost No Cost	\$8,032.50 \$535.50 \$0.00 <u>\$0.00</u>	
			TOTAL		\$8,568.00	
			ADJ PER ENHANCEMENT EVAL.		\$7,030.25	
			NET DUE BY OWNER			\$1,537.75
JAMES R LACY JR 1245 LONSDALE AVE DALLAS, TX 75217	Lts 1A&2A Acs. 0.317	D/6243	120 FT PVMT 99 FT WALK 21 FT DRIVE	\$114.75 \$11.90 No Cost	\$13,770.00 \$1,178.10 <u>\$0.00</u>	
			TOTAL		\$14,948.10	
			ADJ PER ENHANCEMENT EVAL.		\$11,819.05	
			NET DUE BY OWNER			\$3,129.05

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER
 SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION
 SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED
 CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE
 SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
EAST SIDE OF THE STREET						
HOME GARDENS #2						
CENTRO CRISTIANO REDENCION 7612 JACOBIE BLVD DALLAS, TX 75217	1A Acs .158 6702 Lake June Rd	C/6243	55 FT PVMT 55 FT WALK	\$23.89 \$5.95	\$1,313.95 <u>\$327.25</u>	
			TOTAL		\$1,641.20	
			ADJ PER ENHANCEMENT EVAL.		\$1,096.57	
			NET DUE BY OWNER			\$544.63
CENTRO CRISTIANO REDENCION 7612 JACOBIE BLVD DALLAS, TX 75217	2A Acs .159 6706 Lake June Rd	C/6243	65 FT PVMT 65 FT WALK	\$23.89 \$5.95	\$1,552.85 <u>\$386.75</u>	
			TOTAL		\$1,939.60	
			ADJ PER ENHANCEMENT EVAL.		\$1,365.22	
			NET DUE BY OWNER			\$574.38
HOME GARDENS						
ENRIQUE RUIZ & MARIANA C SANTIAGO 9819 LANEYVALE AVE DALLAS, TX 75217	3 1238 Lonsdale Ave	C/6243	70 FT PVMT 48 FT WALK 12 FT DRIVE 10 FT DRIVE	\$114.75 \$11.90 No Cost No Cost	\$8,032.50 \$571.20 \$0.00 <u>\$0.00</u>	
			TOTAL		\$8,603.70	
			ADJ PER ENHANCEMENT EVAL.		\$7,048.10	
			NET DUE BY OWNER			\$1,555.60
RODOLFO S ALGARATE 1232 LONSDALE AVE DALLAS, TX 75217	4	C/6243	69 FT PVMT 60 FT WALK 17 FT DRIVE	\$114.75 \$11.90 No Cost	\$7,917.75 \$714.00 <u>\$0.00</u>	
			TOTAL		\$8,631.75	
			ADJ PER ENHANCEMENT EVAL.		\$7,004.75	
			NET DUE BY OWNER			\$1,627.00
ELADIO LOPEZ 1226 LONSDALE AVE DALLAS, TX 75217	5	C/6243	70 FT PVMT 60 FT WALK 10 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$714.00 <u>\$0.00</u>	
			TOTAL		\$8,746.50	
			ADJ PER ENHANCEMENT EVAL.		\$7,119.50	
			NET DUE BY OWNER			\$1,627.00

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER
 SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION
 SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED
 CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE
 SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
HOME GARDENS						
DANIEL CRUZ & ANA SEGOVIA 1202 LONSDALE AVE DALLAS, TX 75217	6 1220 Lonsdale Ave	C/6243	70 FT PVMT 55 FT WALK 17.7 SY DR(15'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$654.50 <u>\$1,174.75</u>	
			TOTAL		\$9,861.75	
			ADJ PER ENHANCEMENT EVAL.		\$7,677.13	
			NET DUE BY OWNER			\$2,184.62
JOSE S VALENTINO & BELEN C PEREZ 1214 LONSDALE AVE DALLAS, TX 75217	7	C/6243	70 FT PVMT 54 FT WALK 12 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$642.60 <u>\$0.00</u>	
			TOTAL		\$8,675.10	
			ADJ PER ENHANCEMENT EVAL.		\$7,083.80	
			NET DUE BY OWNER			\$1,591.30
MARTHA R HUERTA 203 N WOOD ST FERRIS, TX 75125	8 1210 Lonsdale Ave	C/6243	70 FT PVMT 60 FT WALK 13.3 SY DR(10'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$714.00 <u>\$882.72</u>	
			TOTAL		\$9,629.22	
			ADJ PER ENHANCEMENT EVAL.		\$7,560.86	
			NET DUE BY OWNER			\$2,068.36
DANIEL CRUZ & ANA SEGOVIA 1202 LONSDALE AVE DALLAS, TX 75217	9	C/6243	70 FT PVMT 52 FT WALK 20.4 SY DR(18'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$618.80 <u>\$1,353.95</u>	
			TOTAL		\$10,005.25	
			ADJ PER ENHANCEMENT EVAL.		\$7,748.88	
			NET DUE BY OWNER			\$2,256.37
RAFAEL G CARDOSO 4508 VIA DEL NORTE MESQUITE, TX 75150	10 1148 Lonsdale Ave	C/6243	70 FT PVMT 60 FT WALK 13.3 SY DR(10'Wide)	\$114.75 \$11.90 \$66.37	\$8,032.50 \$714.00 <u>\$882.72</u>	
			TOTAL		\$9,629.22	
			ADJ PER ENHANCEMENT EVAL.		\$7,560.86	
			NET DUE BY OWNER			\$2,068.36
ESTEBAN R CORTEZ & JONELLA CORTEZ 1142 LONSDALE AVE DALLAS, TX 75217	11	C/6243	67 FT PVMT 49 FT WALK 18 FT DRIVE	\$114.75 \$11.90 No Cost	\$7,688.25 \$583.10 <u>\$0.00</u>	
			TOTAL		\$8,271.35	
			ADJ PER ENHANCEMENT EVAL.		\$6,709.80	
			NET DUE BY OWNER			\$1,561.55

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER
 SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION
 SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED
 CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE
 SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
HOME GARDENS UNIT NO 2						
JUAN LOPEZ 1138 LONSDALE AVE DALLAS, TX 75217	12	C/6243	50 FT PVMT 56 FT WALK 10 FT DRIVE	\$114.75 \$11.90 No Cost	\$5,737.50 \$666.40 <u>\$0.00</u>	
			TOTAL		\$6,403.90	
			ADJ PER ENHANCEMENT EVAL.		\$4,800.70	
			NET DUE BY OWNER			\$1,603.20
HOME GARDENS						
MACEDONIO MARTINEZ 1130 LONSDALE AVE DALLAS, TX 75217	13	C/6243	70 FT PVMT 60 FT WALK 10 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$714.00 <u>\$0.00</u>	
			TOTAL		\$8,746.50	
			ADJ PER ENHANCEMENT EVAL.		\$7,119.50	
			NET DUE BY OWNER			\$1,627.00
JOSE SALDANA 1126 LONSDALE AVE DALLAS, TX 75217	14	C/6243	70 FT PVMT 46 FT WALK 24 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$547.40 <u>\$0.00</u>	
			TOTAL		\$8,579.90	
			ADJ PER ENHANCEMENT EVAL.		\$7,036.20	
			NET DUE BY OWNER			\$1,543.70
VINCENT CASTRO & FRANCES CASTRO 1120 LONSDALE AVE DALLAS, TX 75217	15	C/6243	69 FT PVMT 47 FT WALK 22 FT DRIVE	\$114.75 \$11.90 No Cost	\$7,917.75 \$559.30 <u>\$0.00</u>	
			TOTAL		\$8,477.05	
			ADJ PER ENHANCEMENT EVAL.		\$6,927.40	
			NET DUE BY OWNER			\$1,549.65
HUMBERTO J CIFUENTES ARSENIA R CIFUENTES 1114 LONSDALE AVE DALLAS, TX 75217	16	C/6243	70 FT PVMT 48 FT WALK 22 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$571.20 <u>\$0.00</u>	
			TOTAL		\$8,603.70	
			ADJ PER ENHANCEMENT EVAL.		\$7,048.10	
			NET DUE BY OWNER			\$1,555.60
GALDINO NORIEGA 974 WILLOW RIDGE CIR ROCKWALL, TX 75032	17 1110 Lonsdale Ave	C/6243	70 FT PVMT 52 FT WALK 18 FT DRIVE	\$114.75 \$11.90 No Cost	\$8,032.50 \$618.80 <u>\$0.00</u>	
			TOTAL		\$8,651.30	
			ADJ PER ENHANCEMENT EVAL.		\$7,071.90	
			NET DUE BY OWNER			\$1,579.40

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD
 SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER
 SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION
 SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED
 CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE
 SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
<i>HOME GARDENS</i>						
JUAN ARREDONDO	18	C/6243	70 FT PVMT	\$114.75	\$8,032.50	
1102 LONSDALE AVE			41 FT WALK	\$11.90	\$487.90	
DALLAS, TX 75217			13.3 SY DR(10'Wide)	\$66.37	<u>\$882.72</u>	
			TOTAL		\$9,403.12	
			ADJ PER ENHANCEMENT EVAL.		\$7,447.81	
			NET DUE BY OWNER			\$1,955.31

Lonsdale Avenue from Sarah Lee Drive to Lake June Road

Total Property Owners' Cost - Assessments	\$302,459.07	
Adjustments Per Enhancement Evaluation	\$242,117.81	
Net Due by Owners		\$60,341.26
Total City of Dallas' Cost - Paving	\$703,821.74	
Total City of Dallas' Cost - Drainage	\$164,661.00	
Total Water Utilities Department Cost Water and Wastewater Main Improvements	\$620,758.00	
Total City of Dallas's Cost		\$1,489,240.74
Total Cost of Improvements		\$1,549,582.00

SECTION 3. That where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable for its, his or her pro rata of the total assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

SECTION 4. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight per centum (8.00%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

That the cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed one hundred twenty (120) in number, the first of which shall be payable within thirty (30) days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property assessment has been levied may pay the whole assessment chargeable to him without interest within thirty (30) days after the acceptance and completion of said improvements.

SECTION 5. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof shall be enforced either by suit in any court having jurisdiction or by lien foreclosure.

SECTION 6. That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates may be issued by the City of Dallas upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Dallas, or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereof, and shall contain the name of the owner and the description of his property by Lot or Block

SECTION 6. (continued)

Number of front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And that the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due then at the option of the said City of Dallas being the owner and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs if incurred.

And that the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises and shall provide that if default shall be made in the payment thereof, the same may be enforced as above provided.

And the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly in compliance with the terms of the applicable law, and that all prerequisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be prima facie evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide that the amounts payable thereunder shall be paid to the City Controller of the City of Dallas, who shall credit said payments upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Dallas, to be kept and held by him in a special fund, which is hereby designated as Capital Assessments Fund and which payments shall be by the Treasurer paid to the said City of Dallas or other holder of the said certificates, on presentation thereof to him, duly credited by the City Controller the said credit by said City Controller being the Treasurer's Warranty for making such payment and the said City of Dallas or other holder of said certificate, shall receipt in writing to said Treasurer when paid in full, together with all costs of collection.

And that the said certificates shall further provide that the City of Dallas shall exercise all legal power, when requested so to do by the holder of said certificate, to aid in the collection thereof; but the City of Dallas shall in nowise be liable to the holder of said certificates in any manner for payment of the amount evidenced by the said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

Full power to make and levy reassessments, and to correct mistakes, errors, invalidates or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

SECTION 7. That all assessments levied are a personal liability and charged against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 8. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law has been adopted as an alternative method for the construction of street improvements in the City of Dallas, Texas, by Chapter XX of the Charter of the City of Dallas.

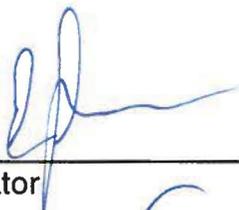
SECTION 9. That the assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district are in nowise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore in any other unit or district.

SECTION 10. That the City Manager, or his designee, is hereby authorized to execute releases of any paving assessment liens herein levied and assessed against the parcels of property and owners thereof, if same are fully paid, such releases to be approved as to form by the City Attorney and attested by the City Secretary.

SECTION 11. 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 ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY 
Assistant City Attorney

Prepared by 
Project Coordinator

Approved by 
Director, Department of Public Works

May 9, 2018

WHEREAS, on April 11, 2018, City Council authorized street paving, drainage, water and wastewater main improvements for Lonsdale Avenue from Sarah Lee Drive to Lake June Road; provided for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law and a benefit assessment hearing to be held on May 9, 2018, by Resolution No. 18-0525; and

WHEREAS, on January 24, 2018, thirteen bids were received for street paving, drainage, water and wastewater main improvements for Lonsdale Avenue from Sarah Lee Drive to Lake June Road.

<u>Bidders</u>	<u>Bid Amount</u>
Jeske Construction Company	\$1,549,582.00
Texas Standard Construction	\$1,557,133.98
MACVAL Associates LLC	\$1,695,361.00
Camino Construction, LP	\$1,736,588.90
Flow-Line Construction Inc.	\$1,757,507.00
Axis Contracting Inc.	\$1,768,571.65
SYB Construction Co., Inc.	\$1,785,340.75
Tiseo Paving Co.	\$1,816,738.20
Joe Funk Construction	\$1,864,770.58
Pavecon, Ltd.	\$1,920,876.01
Johnson Brother	\$2,043,009.40
Omega Contracting, Inc.	\$2,076,684.20
Vescorp Construction, LLC	\$2,169,427.58

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a construction contract with Jeske Construction Company, approved as to form by the City Attorney, for the construction of street paving, drainage, water and wastewater main improvements for Lonsdale Avenue from Sarah Lee Drive to Lake June Road, in an amount not to exceed \$1,549,582.00, this being the lowest responsive bid received as indicated by the tabulation of bids.

May 9, 2018

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,549,582.00 to Jeske Construction Company in accordance with the terms and conditions of the contract, as follows:

Street and Transportation Improvements Fund Fund 1V22, Department PBW, Unit V184, Activity STPT Object 4510, Program PB17V184 Encumbrance/Contract No. CX-PBW-2018-00005293 Vendor 083791	\$928,824.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Object 3221, Program 718035X Encumbrance/Contract No. CX-PBW-2018-00005293 Vendor 083791	\$38,400.00
Water Capital Improvement Fund Fund 2115, Department DWU, Unit PW42 Object 4550, Program 718035 Encumbrance/Contract No. CX-PBW-2018-00005293 Vendor 083791	\$295,293.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Object 3222, Program 718035X Encumbrance/Contract No. CX-PBW-2018-00005293 Vendor 083791	\$30,640.00
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Object 4560, Program 718035 Encumbrance/Contract No. CX-PBW-2018-00005293 Vendor 083791	<u>\$256,425.00</u>
Total amount not to exceed	\$1,549,582.00

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 ITEM # 41

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Budget

CMO: Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

A public hearing to receive comments on the FY 2018-19 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

BACKGROUND

Each year the City of Dallas holds public hearings to provide the citizens of Dallas the opportunity to speak on the upcoming year's budget. This public hearing is one of three to be held at Dallas City Hall on March 28, 2018, May 9, 2018, and August 22, 2018. Citizen input is an important part of the budget development process.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 25, 2018, City Council authorized the public hearing by Resolution No. 18-0613.

FISCAL INFORMATION

No cost consideration to the City.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 11

DEPARTMENT: Office Of Environmental Quality

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 16 T

SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by JP-Banner, LP and JP-North Central Plaza, LLC, located near the intersection of Coit Road and Banner Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to JP-Banner, LP and JP-North Central Plaza, LLC, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

BACKGROUND

Based on information provided by the Applicant, the designated property is underlain by shallow perched groundwater that is encountered at approximately 23 feet below ground surface (bgs) and extends to approximately 30 to 50 feet bgs at the top of the underlying Austin Chalk formation. The Austin Chalk formation has an estimated thickness of approximately 300 to 500 feet in the area and is composed primarily of limestone interbedded with calcareous clay. The Austin Chalk is underlain by the Eagle Ford Shale that has an estimated thickness of approximately 200 to 300 feet and is composed of shale, sandstone and limestone. Due to the thickness and composition, both formations are considered to be barriers to vertical migration of groundwater. The direction of groundwater flow beneath the designated property is primarily toward the south-southwest. A portion of this shallow groundwater has been affected by petroleum related chemicals including benzene; ethylbenzene; 1,2,4-trimethylbenzene; and total petroleum hydrocarbons at concentrations above groundwater ingestion standards. Probable onsite historical sources for these chemicals include former commercial/industrial tenants in the 1950s through 1980s that likely used and/or stored petroleum related constituents.

BACKGROUND (continued)

Probable offsite sources include several underground storage tank systems and gasoline stations with documented releases of comparable chemicals located up-gradient and to the north of the designated property.

A portion of the designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in March 2017 and is designated as VCP Facility ID No. 2875.

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting will be held on April 30, 2018 to receive comments and concerns. Notices of the meeting were sent to 462 property owners within 2,500 feet of the property and 61 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Coit Road and Banner Drive including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the VCP supported by an MSD. Currently the designated property is occupied by three office buildings and two associated parking garages with various administrative type office tenants. The anticipated future use of the designated property is expected to remain the same.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNERS

JP-Banner, LP

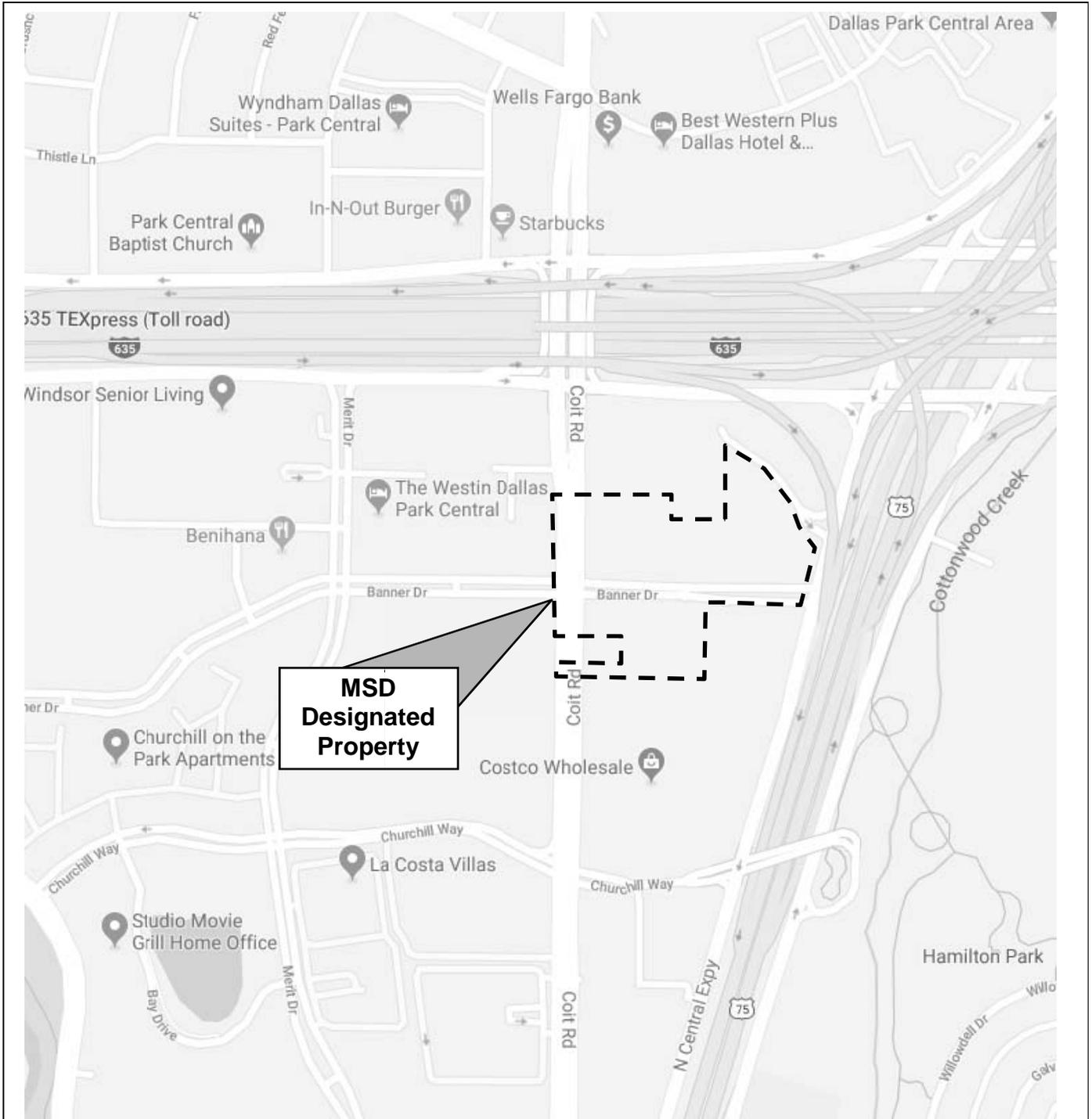
JP-Banner GP, LLC, General Partner
Mark D. Jordan, Manager

JP- North Central Plaza, LLC

Mark D. Jordan, Manager

MAP

Attached



CITY OF DALLAS



Municipal Setting Designation

Designated Property Boundary Map

MSD Log OEQ0072

Applicants – JP- Banner, LP and JP-North

Central Plaza, LLC

12660 & 12770 Coit Road and 12801 North Central

Expressway, Dallas, TX 75243

ORDINANCE NO. _____

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 12660 and 12770 Coit Road; and 12801 North Central Expressway and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.
- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.

- (3) The portion of the designated property assigned Voluntary Cleanup Program No. 2875 must receive a certificate of Completion from the Texas Commission on Environmental Quality by no later than May 9, 2020.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than May 9, 2020. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedence zone;
- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;

- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation 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:

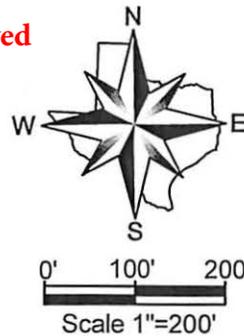
LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

"Exhibit A"

GIS_Approved



L.B.J. FREEWAY
I.H. 635
(variable width right-of-way)

SHEET 1

SHEET 2

SHEET 3

SHEET 4

SHEET 5

SHEET 6

CENTRAL EXPRESSWAY
U.S. HIGHWAY 75
(variable width right-of-way)

COIT ROAD
(variable width right-of-way)

ABBREVIATION LEGEND

ABBR.	DEFINITION
CC#	COUNTY CLERK'S FILE NO.
CIRF	IRON ROD FOUND WITH CAP
CIRS	IRON ROD SET W/CAP STAMPED "W"
CM	CONTROLLING MONUMENT
MAG	MAG NAIL SET WITH SHINER
PKF	PK NAIL FOUND
PKS	PK NAIL SET
XCF	"X" CUT IN CONCRETE FOUND
XCS	"X" CUT IN CONCRETE SET



**Winkelmann
& Associates, Inc.**

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DALLAS, TEXAS 75230 (972) 490-7099 FAX

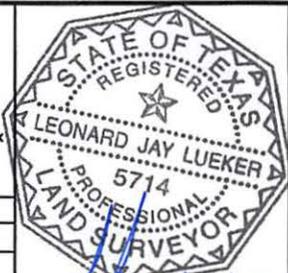
Texas Engineers Registration No. 89
Texas Surveyors No. 10086600 Expires 12-31-17
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Scale : 1" = 200'

Date : 07.18.14

Dwg. File : 58241-MSD

Project No. : 58241.00



KEY MAP

JP-BANNER, L.P.
12770 COIT ROAD, SUITE 200
DALLAS, TEXAS 75243

KEY
MAP

AGREED JUDGMENT
VOL. 2002003, PG. 4084
D.R.D.C.T.

LOT 1C, BLOCK 1/7755
WASHINGTON MUTUAL
PARK CENTRAL ADDITION
VOL. 2005172, PG. 0211
D.R.D.C.T.

PETOV, L.P.
INST. NO. 201200263475
O.P.R.D.C.T.

JEESUNG INVESTMENT, INC.
INST. NO. 201100000471
O.P.R.D.C.T.

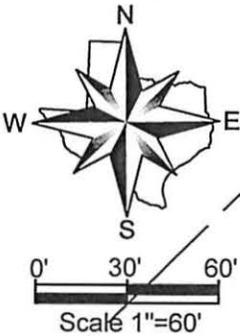
25' ROAD EASEMENT
VOL. 68018, PG. 429
M.R.D.C.T.

25' STREET WIDENING
VOL. 5495, PG. 583
D.R.D.C.T.

NORTH CENTRAL PLAZA
VOLUME 85151, PAGE 1874
D.R.D.C.T.

ABBREVIATION LEGEND

ABBR.	DEFINITION
CCF	COUNTY CLERK'S FILE NO.
CIRF	IRON ROD FOUND WITH CAP
CIRS	IRON ROD SET W/ICAP STAMPED
CM	"WAI"
MAG	MAG NAIL SET WITH SHINER
PKF	PK NAIL FOUND
PKS	PK NAIL SET
XCF	"X" CUT IN CONCRETE FOUND
XCS	"X" CUT IN CONCRETE SET
CM	CONTROLLING MONUMENT
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS



LOT 1,
BLOCK 7731

NAD 83 GRID
N=7,022,796.301
E=2,499,506.054

NAD 83 GRID
N=7,022,793.046
E=2,499,506.441

NAD 83 GRID
N=7,022,735.443
E=2,499,509.948

N 06°47'15" W
3.28'
N 03°29'02" W
57.71'

PARK CENTRAL VII
VOL. 81025, PG. 0257
D.R.D.C.T.

LOT 1,
BLOCK E7731

25' STREET R.O.W.
VOL. 81025, PG. 0257
D.R.D.C.T.

NAD 83 GRID
N=7,022,535.286
E=2,499,510.715

200.16'

N 00°13'11" W

COIT ROAD
(variable width right-of-way)

CENTERLINE

S 89°50'34" E

1/2" IRF

LOT 1B,
BLOCK 1/7755

SHEET 2

SHEET 4



**Winkelmann
& Associates, Inc.**

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DALLAS, TEXAS 75230 (972) 480-7099 FAX

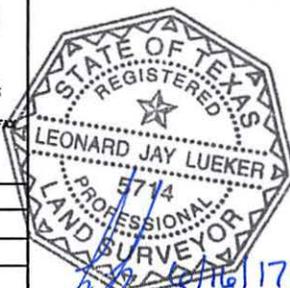
Texas Engineers Registration No. 89
Texas Surveyors No. 10086500 Expires 12-31-17
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Scale : 1" = 60'

Date : 07.18.14

Dwg. File : 58241-MSD

Project No. : 58241.00



MSD EXHIBIT
10.265 ACRES
(447,150 SQ. FT.)

JP-BANNER, L.P.
12770 COIT ROAD, SUITE 200
DALLAS, TEXAS 75243

**SHEET
1
OF
9**

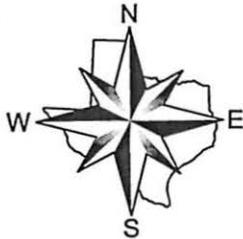
ABBREVIATION LEGEND

ABBR.	DEFINITION
CC#	COUNTY CLERK'S FILE NO.
CIRF	IRON ROD FOUND WITH CAP
CIRS	IRON ROD SET W/ICAP STAMPED
CM	"WAI" CONTROLLING MONUMENT
MAG	MAG NAIL SET WITH SHINER
PKF	PK NAIL FOUND
PKS	PK NAIL SET
XCF	"X" CUT IN CONCRETE FOUND
XCS	"X" CUT IN CONCRETE SET
CM	CONTROLLING MONUMENT
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS

S 89°49'49" E
162.24'

NAD 83 GRID
N=7,022,944.075
E=2,500,195.254

○ BMON swb/propcor



0' 30' 60'
Scale 1"=60'

JEESUNG INVESTMENT, INC.
INST. NO. 201100000471
O.P.R.D.C.T.

NAD 83 GRID
N=7,022,795.094
E=2,499,946.073

440.02'

1/2" IRF

S 00°13'11" E

120.25'

269.91'

N 00°10'23" W

249.54'

S 89°50'34" E

1/2" IRF

1/2" IRF

30.81'

NAD 83 GRID
N=7,022,674.849
E=2,499,946.535

NAD 83 GRID
N=7,022,674.165
E=2,500,196.070

LOT 1B,
BLOCK 1/7755

LOT 1A,
BLOCK 1/7755

JP-NCP III, L.P.
INST. NO. 201200188497
O.P.R.D.C.T.

NORTH CENTRAL PLAZA
VOLUME 85151, PAGE 1874
D.R.D.C.T.

SHEET 5



Winkelmann & Associates, Inc.

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4750 HILLCREST PLAZA DRIVE, SUITE 325 DALLAS, TEXAS 75230
(972) 490-7090 (972) 490-7099 FAX

Texas Engineers Registration No. 89
Texas Surveyors No. 10086600 Expires 12-31-17
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Scale: 1" = 60'

Date: 07.18.14

Dwg. File: 58241-MSD

Project No.: 58241.00



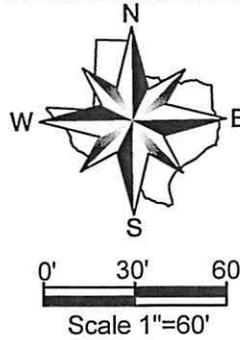
MSD EXHIBIT
10.265 ACRES
(447,150 SQ. FT.)

JP-BANNER, L.P.
12770 COIT ROAD, SUITE 200
DALLAS, TEXAS 75243

SHEET
2
OF
9

ABBREVIATION LEGEND

ABBR.	DEFINITION
CC#	COUNTY CLERK'S FILE NO.
CIRF	IRON ROD FOUND WITH CAP
CIRS	IRON ROD SET W/CAP STAMPED
CM	"W" CONTROLLING MONUMENT
MAG	MAG NAIL SET WITH SHINER
PKF	PK NAIL FOUND
PKS	PK NAIL SET
XCF	"X" CUT IN CONCRETE FOUND
XCS	"X" CUT IN CONCRETE SET
CM	CONTROLLING MONUMENT
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS, COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS



S 89°49'49" E
162.24'

1/2" CIRF
"1st amer"

NAD 83 GRID
N=7,022,943.595
E=2,500,357.496

Ch B=L=163.95'
Ch L=L=163.95'
Ch B=L=163.95'
Ch L=L=163.95'
Ch B=L=163.95'
Ch L=L=163.95'

TXDOT Alum.
Cap Mon.

NAD 83 GRID
N=7,022,813.394
E=2,500,456.166

NAD 83 GRID
N=7,022,726.009
E=2,500,504.083

LOT 1A,
BLOCK 17755
NORTH CENTRAL PLAZA
VOLUME 85151, PAGE 1874
D.R.D.C.T.

JP-NCP III, L.P.
INST. NO. 201200188497
O.P.R.D.C.T.

L.B.J. FREEMAN
INTERSTATE HIGHWAY 635
(Variable width right-of-way)

S 28°44'16" E
99.66'

Ch B=L=250.32'
Ch L=L=250.32'
Ch B=L=250.32'
Ch L=L=250.32'
Ch B=L=250.32'
Ch L=L=250.32'

SHEET 2

SHEET 6

Winkelmann & Associates, Inc.

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DALLAS, TEXAS 75230 (972) 480-7099 FAX

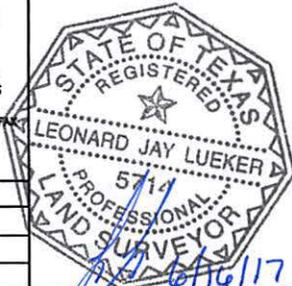
Texas Engineers Registration No. 89
Texas Surveyors No. 10086600 Expires 12-31-17
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Scale : 1" = 60'

Date : 07.18.14

Dwg. File : 58241-MSD

Project No. : 58241.00



MSD EXHIBIT
10.265 ACRES
(447,150 SQ. FT.)

JP-BANNER, L.P.
12770 COIT ROAD, SUITE 200
DALLAS, TEXAS 75243

SHEET
3
OF
9

S 89°40'36" W
11.24'

NAD 83 GRID
N=7,022,535.350
E=2,499,521.955

JP-BANNER, L.P.
INST. NO. 201700065110
O.P.R.D.C.T.

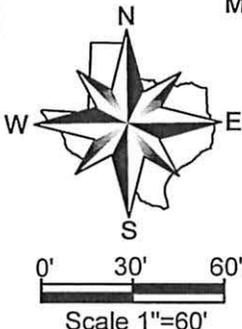
LOT 1B,
BLOCK 1/7755

NORTH CENTRAL PLAZA
VOLUME 85151, PAGE 1874
D.R.D.C.T.

BANNER DRIVE
VOLUME 77044, PAGE 785
D.R.D.C.T.
(100' right-of-way)

Alum. Cap
Mon. "5199"

BLOCK LINE



N 00°13'11" W

COIT ROAD
(variable width right-of-way)
CENTERLINE

25' EASEMENT TO
THE CITY OF DALLAS
FOR STREET WIDENING
VOLUME 74013, PAGE 512
D.R.D.C.T.

NAD 83 GRID
N=7,022,256.303
E=2,499,523.026

"Y" CUT FND. BEARS
S 89°50'34" E - 0.27'

25' THE CITY OF DALLAS
FOR STREET WIDENING
VOLUME 74013, PAGE 512
D.R.D.C.T.

N 89°50'34" W
239.69'

JAMES SEEHORN II
INST. NO. 201000262323
O.P.R.D.C.T.
239.69'

N 00°13'11" W
80.06'

NAD 83 GRID
N=7,022,176.202
E=2,499,523.333

XCF S 89°50'34" E

5/8" CIRF
"landpoint"

N 00°13'11" W
10.32'

456.45'
NAD 83 GRID
N=7,022,165.885
E=2,499,523.373

CMON Alum. Cap Mon. (BASIS OF BEARINGS)
CM

COSTCO WHOLESALE CORP.
INST. NO. 201600218830
O.P.R.D.C.T.

ABBREVIATION LEGEND

ABBR.	DEFINITION
CC#	COUNTY CLERK'S FILE NO.
CIRF	IRON ROD FOUND WITH CAP
CIRS	IRON ROD SET W/CAP STAMPED
"W"	"W"
CM	CONTROLLING MONUMENT
MAG	MAG NAIL SET WITH SHINER
PKF	PK NAIL FOUND
PKS	PK NAIL SET
XCF	"X" CUT IN CONCRETE FOUND
XCS	"X" CUT IN CONCRETE SET
CM	CONTROLLING MONUMENT
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS

SHEET 5



Winkelmann & Associates, Inc.

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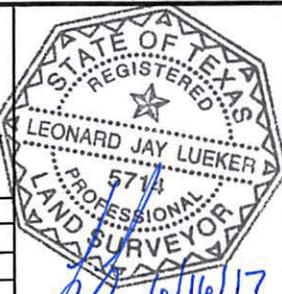
Texas Engineers Registration No. 89
Texas Surveyors No. 10086900 Expires 12-31-17
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Scale : 1" = 60'

Date : 07.18.14

Dwg. File : 58241-MSD

Project No. : 58241.00



MSD EXHIBIT
10.265 ACRES
(447,150 SQ. FT.)

JP-BANNER, L.P.
12770 COIT ROAD, SUITE 200
DALLAS, TEXAS 75243

SHEET
4
OF
9

SHEET 2

NAD 83 GRID
N=7,022,483.739
E=2,499,978.275

582.27'

LOT 1B,
BLOCK 1/7755

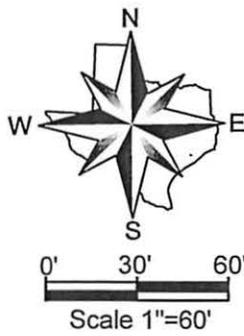
BLOCK LINE

NORTH CENTRAL PLAZA
VOLUME 85151, PAGE 1874
D.R.D.C.T.
JP-BANNER, L.P.
INST. NO. 201700065110
O.P.R.D.C.T.

REGENCY CENTRAL
PLAZA ADDITION
VOLUME 83036, PAGE 2546

LOT 1,
BLOCK 1/7754

HOUSTON R.E. INCOME
PROPERTIES XVII, LTD.
VOLUME 2004074, PAGE 15215



319.11'

POINT OF
BEGINNING

(BASIS OF BEARINGS)

N 89°50'34" W 3/4" IRF

S 89°50'34" E 486.69'
TO ALUMINUM
CAP MONUMENT (CM)

ABBREVIATION LEGEND

ABBR.	DEFINITION
CC#	COUNTY CLERK'S FILE NO.
CIRF	IRON ROD FOUND WITH CAP
CIRS	IRON ROD SET W/CAP STAMPED
CM	"WA"
MAG	CONTROLLING MONUMENT
PKF	MAG NAIL SET WITH SHINER
PKS	PK NAIL FOUND
XCF	PK NAIL SET
XCS	"X" CUT IN CONCRETE FOUND
CM	"X" CUT IN CONCRETE SET
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS

NAD 83 GRID
N=7,022,164.632
E=2,499,979.826

COSTCO WHOLESALE CORP.
INST. NO. 201600218830
O.P.R.D.C.T.

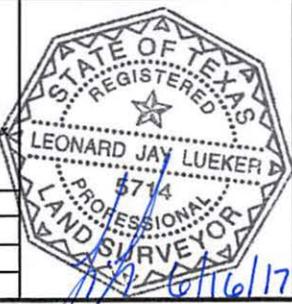


**Winkelmann
& Associates, Inc.**

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DALLAS, TEXAS 75230 (972) 490-7099 FAX

Texas Engineers Registration No. 89
Texas Surveyors No. 10086600 Expires 12-31-17
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Scale : 1" = 60'
Date : 07.18.14
Dwg. File : 58241-MSD
Project No. : 58241.00



MSD EXHIBIT
10.265 ACRES
(447,150 SQ. FT.)

JP-BANNER, L.P.
12770 COIT ROAD, SUITE 200
DALLAS, TEXAS 75243

SHEET
5
OF
9

NAD 83 GRID
N=7,022,482.142
E=2,500,560.544

XCF

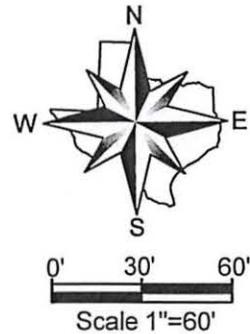
N 89°50'34" W

BLOCK LINE

CONDEMNATION PARCEL 26
CASE NO. CC-00-114403-C

REGENCY CENTRAL
PLAZA ADDITION
VOLUME 83036, PAGE 2546
D.R.D.C.T.
LOT 1,
BLOCK 17754
HOUSTON R.E. INCOME
PROPERTIES XVII, LTD.
VOLUME 2004074, PAGE 15215
D.R.D.C.T.

CENTRAL EXPRESSWAY
U.S. HIGHWAY 75
(variable width right-of-way)



S 89°50'34" E 486.69'

Alum. Cap
Mon. CM

COSTCO WHOLESALE CORP.
INST. NO. 201600218830
O.P.R.D.C.T.

ABBREVIATION LEGEND

ABBR.	DEFINITION
CC#	COUNTY CLERK'S FILE NO.
CIRF	IRON ROD FOUND WITH CAP
CIRS	IRON ROD SET W/CAP STAMPED "WAI"
CM	CONTROLLING MONUMENT
MAG	MAG NAIL SET WITH SHINER
PKF	PK NAIL FOUND
PKS	PK NAIL SET
XCF	"X" CUT IN CONCRETE FOUND
XCS	"X" CUT IN CONCRETE SET
CM	CONTROLLING MONUMENT
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS



Winkelmann & Associates, Inc.

CONSULTING CIVIL ENGINEERS ■ SURVEYORS
8750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090
DALLAS, TEXAS 75230 (972) 490-7099 FAX

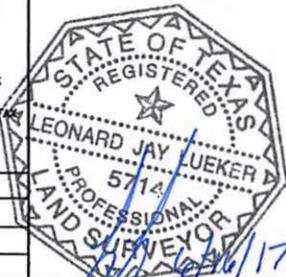
Texas Engineers Registration No. 89
Texas Surveyors No. 10086600 Expires 12-31-17
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Scale : 1" = 60'

Date : 07.18.14

Dwg. File : 58241-MSD

Project No. : 58241.00



MSD EXHIBIT
10.265 ACRES
(447,150 SQ. FT.)

JP-BANNER, L.P.
12770 COIT ROAD, SUITE 200
DALLAS, TEXAS 75243

SHEET
6
OF
9

MSD DESCRIPTION

STATE OF TEXAS §
 COUNTY OF DALLAS §

BEING a tract of land situated in the A.A. THOMAS SURVEY, ABSTRACT NO. 1486 and the M.J. SANCHEZ SURVEY, ABSTRACT NO. 1272, City of Dallas, Dallas County, Texas and being all of Lot 1A and Lot 1B, Block I/7755, North Central Plaza, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 85151, Page 1874, Deed Records, Dallas County, Texas (D.R.D.C.T.), a portion of a 25 foot easement, to the City of Dallas for street widening, recorded in Volume 74013, Page 0512, D.R.D.C.T., all of a 25 foot easement, to the City of Dallas for street widening, recorded in Volume 5495, Page 583, D.R.D.C.T. and a portion of Coit Road right-of-way (variable width right-of-way), and being more particularly described as follows:

BEGINNING at a 3/4 inch iron rod found (NAD 83, grid - N=7,022,164.632, E=2,499,979.826) for the southeast corner of said Lot 1B, Block I/7755, the southwest corner of Lot 1, Block I/7754, Regency Central Plaza Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 83036, Page 2546, D.R.D.C.T. and being situated in the north line of a tract of land as described in deed to Costco Wholesale Corp., recorded in Instrument No. 201600218830, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.);

THENCE North 89 deg 50 min 34 sec West, departing the west line of said Lot 1, Block I/7754 and along the north line of said Costco tract and the south line of said Lot 1B, Block I/7754 and over and across said Coit Road right-of-way, a distance of 456.45 feet to a point for corner (NAD 83, grid - N=7,022,165.885, E=2,499,523.373), said point being situated in the west right-of-way line of said Coit Road;

THENCE North 00 deg 13 min 11 sec West, along said west right-of-way line, a distance of 10.32 feet to a point for corner (NAD 83, grid - N=7,022,176.202, E=2,499,523.333);

THENCE South 89 deg 50 min 34 sec East, departing the west right-of-way line of said Coit Road and over and across said Coit Road right-of-way, a distance of 239.69 feet to a 5/8 inch iron rod with plastic cap stamped "landpoint" found (NAD 83, grid - N=7,022,175.544, E=2,499,763.019) for the southeast corner of a tract of land as described in deed to James Seehorn II, recorded in Instrument No. 201000262323, O.P.R.D.C.T.;

THENCE North 00 deg 13 min 11 sec West, departing the south line and along the east line of said James Seehorn tract, a distance of 80.06 feet to a point for corner (NAD 83, grid - N=7,022,255.600, E=2,499,762.712) from which a "Y" cut in concrete found bears South 89 deg 50 min 34 sec East, a distance of 0.27 feet;

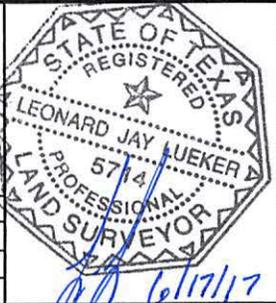
THENCE North 89 deg 50 min 34 sec West, departing the east line and along the north line of said James Seehorn tract and over and across said Coit Road right-of-way, a distance of 239.69 feet to a point for corner (NAD 83, grid - N=7,022,256.303, E=2,499,523.026) situated in the west right-of-way line of said Coit Road;

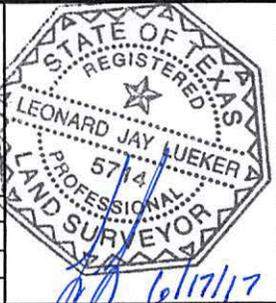
THENCE North 00 deg 13 min 11 sec West, along said west right-of-way line and over and across the right-of-way of Banner Drive (100' right-of-way), a distance of 279.09 feet to a point for corner (NAD 83, grid - N=7,022,535.350, E=2,499,521.955) situated in the north right-of-way line of said Banner Drive;

THENCE South 89 deg 40 min 36 sec West, along said north right-of-way line, a distance of 11.24 feet to a point for corner (NAD 83, grid - N=7,022,535.286, E=2,499,510.715) situated in the west right-of-way line of said Coit Road;

THENCE North 00 deg 13 min 11 sec West, departing the north right-of-way line of said Banner Drive and along said west right-of-way line, a distance of 200.16 feet to a point for corner (NAD 83, grid - N=7,022,735.443, E=2,499,509.948);

(Continued on Sheet 8)

 <p>Winkelmann & Associates, Inc. CONSULTING CIVIL ENGINEERS ■ SURVEYORS 6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090 DALLAS, TEXAS 75230 (972) 490-7099 FAX Texas Engineers Registration No. 89 Texas Surveyors No. 10086600 Expires 12-31-17 COPYRIGHT © 2017, Winkelmann & Associates, Inc.</p>	



<p align="center">MSD EXHIBIT 10.265 ACRES (447,150 SQ. FT.)</p>
<p align="center">JP-BANNER, L.P. 12770 COIT ROAD, SUITE 200 DALLAS, TEXAS 75243</p>

SHEET
7
OF
9

MSD DESCRIPTION

(Continued from Sheet 7)

STATE OF TEXAS §
 COUNTY OF DALLAS §

THENCE North 03 deg 29 min 02 sec West, continuing along said west right-of-way line, a distance of 57.71 feet to a point for corner (NAD 83, grid - N=7,022,793.046, E=2,499,506.441);

THENCE North 06 deg 47 min 15 sec West, continuing along said west right-of-way line, a distance of 3.28 feet to a point for corner (NAD 83, grid - N=7,022,796.301, E=2,499,506.054);

THENCE South 89 deg 50 min 34 sec East, departing the west right-of-way line of said Coit Road and over and across said Coit Road right-of-way and along a north line of said Lot 1B, Block I/7755, a distance of 440.02 feet to a 1/2 inch iron rod found for corner (NAD 83, grid - N=7,022,795.094, E=2,499,946.073), said iron rod being an inner ell corner of a tract of land as described in deed to Jeesung Investment, Inc., recorded in Instrument No. 201100000471, O.P.R.D.C.T.;

THENCE South 00 deg 13 min 11 sec East, along a west line of said Jeesung tract, a distance of 120.25 feet to a 1/2 inch iron rod found for corner (NAD 83, grid - N=7,022,674.849, E=2,499,946.535), said iron rod being a southwest corner of said Jeesung tract;

THENCE South 89 deg 50 min 34 sec East, departing said west line and along a south line of said Jeesung tract, at a distance of 30.81 feet passing a 1/2-inch iron rod found for a northeast corner of said Lot 1B, Block I/7755 and a northwest corner of said Lot 1A, Block I/7755, in all a total distance of 249.54 feet to a point for corner (NAD 83, grid - N=7,022,674.165, E=2,500,196.070), said point being a southeast corner of said Jeesung tract;

THENCE North 00 deg 10 min 23 sec West, departing said south line and along an east line of said Jeesung tract, a distance of 269.91 feet to a point for corner (NAD 83, grid - N=7,022,944.075, E=2,500,195.254), said point being an inner ell corner of said Jeesung tract;

THENCE South 89 deg 49 min 49 sec East, departing said east line and along a south line of said Jeesung tract, a distance of 162.24 feet to a 1/2 inch iron rod with plastic cap stamped "1st amer" found for corner (NAD 83, grid - N=7,022,943.595, E=2,500,357.496), said iron rod being situated in the southwesterly right-of-way line of I.H. Highway 635, L.B.J. Freeway (variable width right-of-way) and being the beginning of a non-tangent curve to the right having a radius of 557.96 feet, a central angle of 16 deg 50 min 10 sec, a chord bearing of South 37 deg 09 min 21 sec East and a chord length of 163.36 feet;

THENCE along said southwesterly right-of-way line and said non-tangent curve to the right, an arc distance of 163.95 feet to a TXDOT (Texas Department of Transportation) Aluminum Monument found for corner (NAD 83, grid - N=7,022,813.394, E=2,500,456.166);

THENCE South 28 deg 44 min 16 sec East, continuing along said southwesterly right-of-way line, a distance of 99.66 feet to a point for corner (NAD 83, grid - N=7,022,726.009, E=2,500,504.083), said point being the beginning of a curve to the right having a radius of 462.46 feet, a central angle of 31 deg 24 min 16 sec, a chord bearing of South 13 deg 02 min 08 sec East and a chord length of 250.32 feet;

THENCE continuing along said southwesterly right-of-way line and said curve to the right, an arc distance of 253.48 feet to a point for corner (NAD 83, grid - N=7,022,482.142, E=2,500,560.544), said point being the southeast corner of said Lot 1A, Block I/7755;

(Continued on Sheet 9)

 <p>Winkelmann & Associates, Inc. CONSULTING CIVIL ENGINEERS ■ SURVEYORS 8750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090 DALLAS, TEXAS 75230 (972) 490-7099 FAX Texas Engineers Registration No. 89 Texas Surveyors No. 10086600 Expires 12-31-17 COPYRIGHT © 2017, Winkelmann & Associates, Inc.</p> <p>Scale : N/A Date : 07.18.14 Dwg. File : 58241-MSD Project No. : 58241.00</p>		<p>MSD EXHIBIT 10.265 ACRES (447,150 SQ. FT.)</p>	<p>SHEET 8 OF 9</p>
		<p>JP-BANNER, L.P. 12770 COIT ROAD, SUITE 200 DALLAS, TEXAS 75243</p>	

G:\58241\1\SURVEY\Boundary Surveys\58241-MSD.dwg

MSD DESCRIPTION

(Continued from Sheet 8)

STATE OF TEXAS §
 COUNTY OF DALLAS §

THENCE North 89 deg 50 min 34 sec West, departing the southwesterly right-of-way line of said I.H. 635 and along the south line of said Lot 1A, Block I/7755, a distance of 582.27 feet to a point for corner (NAD 83, grid - N=7,022,483.739, E=2,499,978.275), said point being the southwest corner of said Lot 1A, Block I/7755 and the northwest corner of Lot 1, Block I/7754, Regency Central Plaza Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 83036, Page 2546, D.R.D.C.T.;

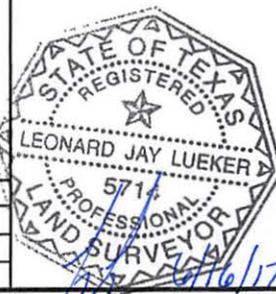
THENCE South 00 deg 16 min 42 sec East, departing the south line of said Lot 1A, Block I/7755 and along the east line of said Lot 1B, Block I/7755 and the west line of said Lot 1, Block I/7754, a distance of 319.11 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 10.265 acres or 447,150 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 5th day of June, 2017, utilizing a G.P.S. bearing related to the Texas Coordinate System, North Texas Central Zone (4202), NAD 83, grid values of North 89 deg 50 min 34 sec West, along the North line of a tract of land as described in deed to Costco Wholesale Corp., recorded in Instrument No. 201600218830, O.P.R.D.C.T.



Winkelmann & Associates, Inc.
 CONSULTING CIVIL ENGINEERS ■ SURVEYORS
 6750 HILLCREST PLAZA DRIVE, SUITE 325 (972) 490-7090
 DALLAS, TEXAS 75230 (972) 490-7099 FAX
 Texas Engineers Registration No. 89
 Texas Surveyors No. 10086600 Expires 12-31-17
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MSD EXHIBIT
 10.265 ACRES
 (447,150 SQ. FT.)

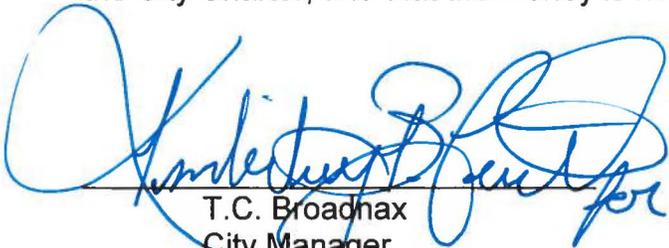
JP-BANNER, L.P.
 12770 COIT ROAD, SUITE 200
 DALLAS, TEXAS 75243

SHEET
9
OF
9

Scale : NA
 Date : 07.18.14
 Dwg. File : 58241-MSD
 Project No. : 58241.00

**MAY 9, 2018 CITY COUNCIL ADDENDUM
CERTIFICATION**

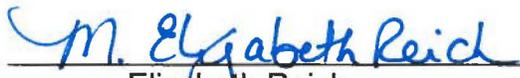
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated May 9, 2018. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, 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.



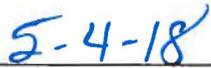
T.C. Broadnax
City Manager



Date



Elizabeth Reich
Chief Financial Officer



Date

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."

**ADDENDUM
CITY COUNCIL MEETING
MAY 9, 2018
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A.M.**

CORRECTION:

Housing & Neighborhood Revitalization

32. Authorize the ~~(1)~~ adoption of a new comprehensive housing policy (the "Housing Policy"); ~~(21)~~ to rescind and replace the Home Repair Programs with the Home Improvement and Preservation Program; ~~(2)~~ to incorporate existing housing strategies, tools and programs including Landbank, Housing Bill 110, Dallas Tomorrow Fund, Dallas Homebuyer Assistance Program, and Tenant Based Rental Assistance; ~~(3)~~ to create and implement certain new existing housing strategies, tools and programs; are incorporated into the comprehensive housing policy; ~~(34)~~ to restrict certain changes to the Housing Policy to future city council approval of any addition to, alteration or deletion of a strategy tool, or program included in the comprehensive housing policy via a resolution to amend the Housing Policy unless such addition, alteration or deletion is purely administrative in form and does not alter the stated goals; ~~(45)~~ to recommend the Community Development Commission shall to use the Housing Policy as a guide for developing all recommendations, including those related to the U.S. Department of Housing and Urban Development entitlement grants; ~~(56)~~ to direct the City Manager to execute individual loans agreements, which may includes loans exceeding \$50,000, (and other necessary documents) in accordance with the Dallas Homebuyer Assistance Program and Home Improvement and Preservation Program; and without additional Council approval; ~~(67)~~ to use unspent funds estimated at approximately \$4.8M from home repair activities (Major Systems Repairs, Emergency System Repair, and Home Rebate Improvement) for the may be used in the new Home Improvement and Preservation Program; and ~~(7)~~ Housing Policy to take effect immediately upon approval
- Financing: No cost consideration to the City

DELETION:

Housing & Neighborhood Revitalization

17. Authorize the second amendment to the conditional grant agreement for the construction of 40 single-family homes, previously approved by Resolution No. 16-0841 on May 25, 2016, with Camden Homes at Shady Oaks, LLC for the Shady Oaks Project to ~~(1)~~ extend the conditional grant agreement completion date from May 25, 2018 to November 28, 2018; and ~~(2)~~ amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

REVISED AGENDA ITEM # 7

**STRATEGIC
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

May 9, 2018

COUNCIL DISTRICT(S):

3, 4, 5, 7, 10, 11, 13

DEPARTMENT:

Department of Transportation

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

15K 16V 17P S 26T 47Z 48C 64G 65L

SUBJECT

Authorize a professional services contract with Brown & Gay Engineers, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 16 traffic signals at various intersections and other related tasks (list attached) - Not to exceed \$441,550 - Financing: 2017 Bond Funds (\$139,550), 2006 Bond Funds (\$140,000) and General Funds (\$162,000) (subject to annual appropriations)

BACKGROUND

This action will authorize a professional services contract with Brown & Gay Engineers, Inc. to provide traffic signal design for 16 traffic signals at various intersections and other related tasks. Specifically, this action authorizes the design of 4 traffic signals funded through 2006 Bond Funds (\$140,000.00) and 6 traffic signals funded through 2017 Bond Funds (\$139,550.00). The design of the remaining 6 traffic signals will be funded through General Funds (\$162,000.00), and locations will be determined at a later date. The following signals in the 2017 Bond Program will be designed with this contract:

- Ledbetter Drive at Ramona Avenue
- Ledbetter Drive at Rockport Drive
- Scyene Road at Glover Pass
- Buckner Boulevard at Windsor Station
- Abrams Road at Walnut Street
- Greenville Avenue at Restland/Walnut Street
- TI Boulevard at TEXpress On/Off Ramps
- Walnut Street at Richland College East
- Preston Road at Preston View Boulevard
- Central Expressway at Park Lane

In May 2017, the City of Dallas released a Request for Qualifications for engineering services for traffic engineering and intelligent transportation systems services.

BACKGROUND (continued)

A five member committee from the following departments reviewed and evaluated the proposals:

- Department of Transportation (3)
- Department of Public Works (1)
- Dallas Police Department (1)

The committee selected the successful proposer on the basis of demonstrated competence and qualifications under the following criteria:

- Quality Assurance and Control 10%
- Business Inclusion and Development Plan 15%
- Experience and Capability 25%
- Responsiveness and Qualifications 50%

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,619 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services used historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

ESTIMATED SCHEDULE OF PROJECT

Begin Design May 2018
Complete Design May 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Government Performance and Financial Management Committee on May 7, 2018.

FISCAL INFORMATION

2017 Bond Funds - \$139,550.00
2006 Bond Funds - \$140,000.00
General Funds - \$162,000.00

FISCAL INFORMATION (continued)

<u>Council District</u>	<u>Amount</u>
3	\$ 11,375.00
4	\$ 34,125.00
5	\$ 22,750.00
7	\$ 25,800.00
10	\$ 111,250.00
11	\$ 22,750.00
13	\$ 51,500.00
To Be Determined	<u>\$162,000.00</u>
Total Amount	\$441,550.00

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:

<u>Contract Amount</u>	<u>Category</u>	<u>M/WBE Goal</u>	<u>M/WBE %</u>	<u>M/WBE \$</u>
\$441,550.00	Architecture & Engineering	25.66%	30.97%	\$304,800.00 <u>\$136,750.00</u>

- This contract exceeds the M/WBE goal of 25.66%

PROPOSAL INFORMATION

Statements of Qualifications were received from 17 consultant teams for solicitation number BYZ1712 and opened on June 1, 2017. Based on those responses, the top six teams were shortlisted to receive future project-specific solicitation questionnaires. Responses from all six shortlisted firms for this project were received and opened on November 10, 2017. This professional services contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*Brown and Gay Engineers, Inc.	700 North Pearl St. Suite 2100 Dallas, TX 75201	73.00%

PROPOSAL INFORMATION (continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
Kimley-Horn and Associates, Inc.	13455 Noel Rd. Suite 700 Dallas, TX 75240	64.00%
Stantec Consulting Services, Inc.	2435 N. Central Expwy. Suite 750 Dallas, TX 75080	63.40%
Lee Engineering Engineers, Inc.	3030 LBJ Frwy. Suite 1660 Dallas, TX 75234	57.80%
Freese and Nichols, Inc.	2711 N. Haskell Ave. Suite 3300 Dallas, TX 75204	56.80%
LJA Engineering, Inc.	6060 N. Central Expwy. Suite 440 Dallas, TX 75206	55.00%

Statements of Qualifications to solicitation number BYZ1712 were also received from the following consultant teams: Binkley and Barfield, Inc.; Half Associates, Inc.; HDR Engineering, Inc.; Jacobs Engineering Group; Lockwood, Andrews, and Newman, Inc.; Maldonado-Burkett Intelligent Transportation Systems, LLP; Othon, Inc.; RPS Klotz Associates; SE3; Teal Engineering Services, Inc.; and UEG-Urban Engineers, Inc.

OWNER

Brown and Gay Engineers, Inc.

Lee Lennard, President
William D. Dillon, Executive Vice President

MAP

Attached

Brown & Gay Engineers, Inc. Traffic Signal Design

<u>Intersection</u>	<u>Council District</u>
Ledbetter Drive at Ramona Avenue	3, 4
Ledbetter Drive at Rockport Drive	4
Scyene Road at Glover Pass	5
Buckner Boulevard at Windsor Station	7
Abrams Road at Walnut Street	10
Greenville Avenue at Restland/Walnut Street	10
TI Boulevard at TEXpress On/Off Ramps	10
Walnut Street at Richland College East	10
Preston Road at Preston View Boulevard	11
Central Expressway at Park Lane	13

*The remaining six traffic signal locations will be determined at a later date.

May 9, 2018

WHEREAS, the City desires to enter into a professional services contract with Brown & Gay Engineers, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 16 traffic signals at various intersections and other related tasks, in an amount not to exceed \$441,550.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Brown & Gay Engineers, Inc., approved as to form by the City Attorney, for traffic signal design services for 16 traffic signals at various intersections and other related tasks, in an amount not to exceed \$441,550.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$441,550 to Brown & Gay Engineers, Inc., as follows:

General Fund (subject to annual appropriations) Fund 0001, Department TRN, Unit 3049 Object 4820, Activity THRG, Commodity 91842 Encumbrance/Contract No. MASC-TRN-2018-00005841 Vendor VS0000050141	\$162,000
2006 Bond Fund Fund 2T22, Department PBW, Unit U227, Object 4111 Activity THRG, Program PB06U227, Commodity 91842 Encumbrance/Contract No. MASC-TRN-2018-00005841 Vendor VS0000050141	\$140,000
2017 Bond Fund Fund 1V22, Department TRN, Unit VA28, Object 4820 Activity INGV, Program PB17VA28, Commodity 91842 Encumbrance/Contract No. MASC-TRN-2018-00005841 Vendor VS0000050141	<u>\$139,550</u>
Total amount not to exceed	\$441,550

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.

REVISED AGENDA ITEM # 20

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-3309

MAPSCO: 47S

SUBJECT

Authorize the fourth amendment to the conditional grant agreement, previously approved by Resolution No. 13-1105 on June 26, 2013, with KKBK Properties, LLC or its wholly owned subsidiary, for the Hatcher Gardens Project to **(1)** extend the conditional grant agreement completion date from August 31, 2017 to May 25, 2019; and **(2)** amend the contract to include performance thresholds and requirements - Financing: No cost consideration to the City

BACKGROUND

On June 26, 2013, City Council authorized a conditional grant agreement in the amount of \$300,000 (as referenced in the Attachment 1 Budget) with KKBK Properties, LLC, or its wholly owned subsidiary, to provide funding for the construction of commercial units and residential units at 4002 Hatcher Street by Resolution No. 13-1105. The site is located immediately south of the DART Green Line Hatcher Station.

In December 2016, KKBK Properties, LLC requested an extension to complete the sidewalk construction. Construction has completed on the commercial and residential building. Potential renters for the residential space are provided applications in preparation for occupancy. KKBK Properties, LLC expended \$289,175 in 2012 General Obligation Bond Funds. Remaining is the balance of \$10,825 in retainage until certificate of occupancy (“CO”) is obtained and the residential units are occupied.

KKBK Properties, LLC experienced delays in development because of changes in general contractors and scope of work. The developer was unaware of the requirement to replace the sidewalk in front of the building and was notified at the time of CO request.

City Council approval of this agenda item will authorize the City Manager to modify the loan documents with KKBK Properties, LLC for this conditional grant agreement.

BACKGROUND (continued)

The conditional grant agreement was executed on July 8, 2014.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 26, 2013, City Council authorized a conditional grant agreement with KKBK Properties, LLC, or its wholly owned subsidiary, to provide funding for the construction of commercial and residential units at 4002 Hatcher Street by Resolution No. 13-1105.

On January 28, 2015, City Council authorized the first amendment to the conditional grant agreement with KKBK Properties, LLC, or its wholly owned subsidiary, to extend the completion date from December 31, 2014 to December 31, 2015, for the construction of commercial and residential units located at 4002 Hatcher Street by Resolution No. 15-0169.

On February 10, 2016, City Council authorized an amendment to Resolution No. 15-0169, previously approved on January 28, 2015, for the conditional grant agreement with KKBK Properties, LLC, or its wholly owned subsidiary, for the Hatcher Gardens Project for construction of commercial and residential units at 4002 Hatcher Street to extend the completion date from December 31, 2015 to December 31, 2016, by Resolution No. 16-0279.

On February 22, 2017, City Council authorized the third amendment to the conditional grant agreement with KKBK Properties, LLC, or its wholly owned subsidiary, to extend the completion date from December 31, 2016 to August 31, 2017, for the construction of commercial and residential units located at 4002 Hatcher Street by Resolution No. 17-0389.

The Economic Development and Housing Committee was briefed on April 16, 2018.

FISCAL INFORMATION

No cost consideration to the City.

OWNER/DEVELOPER

KKBK Properties, LLC

Craig Gant, Esq.
Jerry Hicks, Esq.
Kurt Thomas

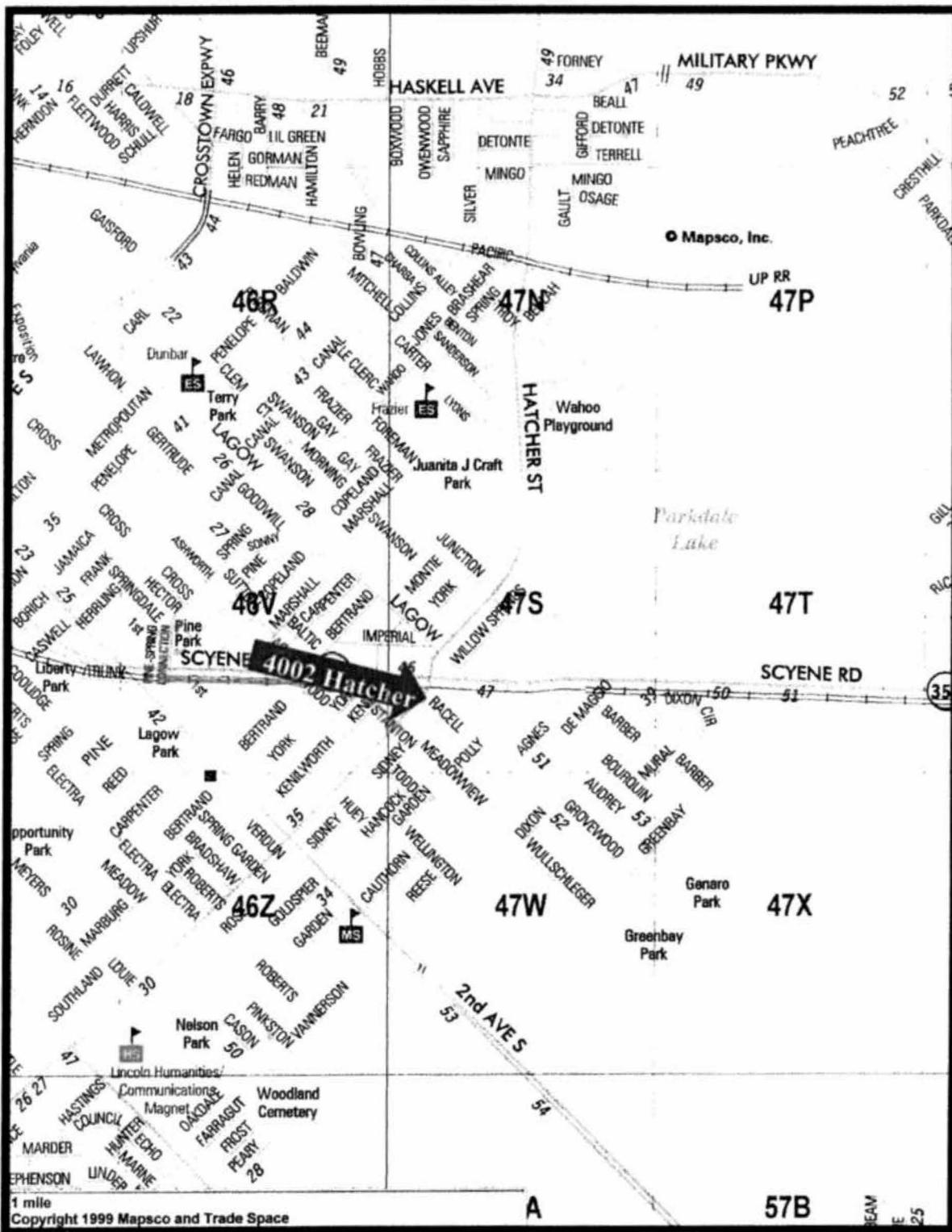
MAP

Attached

ATTACHMENT 1

KKBK PROPERTIES, LLC
HATCHER GARDENS PROJECT
BUDGET

2012 GO Bonds	\$ 300,000.00
Private Financing	\$1,710,800.00
Total Development Costs	\$2,010,800.00



MAPSCO 47S

May 9, 2018

WHEREAS, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas to create more housing choices; and

WHEREAS, on June 26, 2013, City Council authorized a conditional grant agreement in the amount of \$300,000 with KKBK Properties, LLC, or its wholly owned subsidiary, to provide funding for the construction of commercial and residential units located at 4002 Hatcher Street by Resolution No. 13-1105; and

WHEREAS, January 28, 2015, City Council authorized the first amendment to the conditional grant agreement with KKBK Properties, LLC, or its wholly owned subsidiary, to extend the completion date from December 31, 2014 to December 31, 2015, for the construction of commercial and residential units located at 4002 Hatcher Street by Resolution No. 15-0169; and

WHEREAS, on February 10, 2016, City Council authorized an amendment to Resolution No. 15-0169, previously approved on January 28, 2015, for the conditional grant agreement with KKBK Properties, LLC, or its wholly owned subsidiary, for the Hatcher Gardens Project for construction of commercial and residential units at 4002 Hatcher Street to extend the completion date from December 31, 2015 to December 31, 2016, by Resolution No. 16-0279; and

WHEREAS, on February 22, 2017, City Council authorized the third amendment the conditional grant agreement with KKBK Properties, LLC or its wholly owned subsidiary, to extend the completion date from December 31, 2016 to August 31, 2017 for the construction of commercial and residential units located at 4002 Hatcher Street by Resolution No. 16-0279; and

WHEREAS, the City desires for KKBK Properties, LLC, or its wholly owned subsidiary, to develop housing units for low and moderate-income families.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign the fourth amendment to the conditional grant agreement, previously approved by Resolution No. 13-1105 on June 26, 2013, with KKBK Properties, LLC or its wholly owned subsidiary, for the Hatcher Gardens Project to **(1)** extend the conditional grant agreement completion date from August 31, 2017 to May 25, 2019; and **(2)** amend the contract to include performance thresholds and requirements.

May 9, 2018

SECTION 2. That KKBK Properties, LLC must execute amended conditional grant documents. In addition to the items in Section 1. The following terms of the conditional grant agreement will change and all other terms will remain the same:

- (a) KKBK Properties, LLC will submit monthly reports to Housing and Neighborhood Revitalization Staff on the status of the development, including, but not limited to construction, sales, and close-out;
- (b) KKBK Properties, LLC will complete the application for the Private Development Contract to the City by May 31, 2018 and sign the Contract by July 31, 2018;
- (c) KKBK Properties, LLC will complete construction on the sidewalk by January 31, 2019;
- (d) KKBK Properties, LLC will report delays to Director immediately, but no later than within one week of identifying the issue;
- (e) KKBK Properties, LLC will submit complete rental files for Director's review by April 30, 2019;
- (f) KKBK Properties, LLC will submit monthly draws, with final retention draw submitted by May 31, 2019;
- (g) KKBK Properties, LLC will have until May 31, 2019 to fully complete the project; and
- (h) In the event that KKBK Properties, LLC fails to comply with the terms of the agreement, including, but not limited to the threshold measures described herein, such failure is an event of default under the conditional grant agreement. City's remedies include, but is not limited to, foreclosure, repayment of the funds disbursed and/or withholding of further disbursements, ~~;~~ and
- (i) ~~KKBK Properties, LLC is a certified Community Housing Development Organization (CHDO) and shall recertify with the City as a CHDO annually until all requirements have been satisfied.~~

SECTION 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to (1) execute releases of liens and terminations of deed restrictions upon satisfaction of all applicable conditions; and (2) subordinate the City's lien to the interim construction lenders (including refinances). The Director may extend deadlines by up to six (6) months.

SECTION 4. That with the exception of the amendments described above, all other requirements of the loan agreement, including previous amendments, will remain in full force and effect.

SECTION 5. That this resolution does not constitute a binding agreement upon the City or subject to the City to any liability or obligation with respect to the grant, until such time as the terms of the grant documents are duly approved by all parties and properly executed.

SECTION 6. That this contract is designated as Contract No. HOU-2018-00000503.

May 9, 2018

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.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: May 9, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Raquel Favela, 670-3309

MAPSCO: N/A

SUBJECT

Authorize the ~~(1)~~ adoption of a new comprehensive housing policy (the “Housing Policy”); ~~(21)~~ to rescind and replace the Home Repair Programs with the Home Improvement and Preservation Program; ~~(2)~~ to incorporate existing housing strategies, tools and programs including Landbank, Housing Bill 110, Dallas Tomorrow Fund, Dallas Homebuyer Assistance Program, and Tenant Based Rental Assistance; ~~(3)~~ to create and implement certain new existing housing strategies, tools and programs; are incorporated into the comprehensive housing policy; ~~(34)~~ to restrict certain changes to the Housing Policy to future city council approval of any addition to, alteration or deletion of a strategy tool, or program included in the comprehensive housing policy via a resolution to amend the Housing Policy unless such addition, alteration or deletion is purely administrative in form and does not alter the stated goals; ~~(45)~~ to recommend the Community Development Commission shall to use the Housing Policy as a guide for developing all recommendations, including those related to the U.S. Department of Housing and Urban Development entitlement grants; ~~(56)~~ to direct the City Manager to execute individual loans agreements, which may includes loans exceeding \$50,000, (and other necessary documents) in accordance with the Dallas Homebuyer Assistance Program and Home Improvement and Preservation Program; and without additional Council approval; ~~(67)~~ to use unspent funds estimated at approximately \$4.8M from home repair activities (Major Systems Repairs, Emergency System Repair, and Home Rebate Improvement) for the may be used in the new Home Improvement and Preservation Program; and ~~(7)~~ Housing Policy to take effect immediately upon approval
- Financing: No cost consideration to the City

BACKGROUND

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

BACKGROUND (continued)

In August 2017, the City of Dallas engaged The Reinvestment Fund to conduct a Market Value Analysis (MVA), which is an analytical tool used to assess the residential real estate market throughout the entire city to determine with granular detail where market strength, transition and stress exists. After briefing the City Council on the results of the MVA on January 17, 2018, eight (8) public town hall meetings were conducted.

The town halls were held both in person and through virtual telephone communications that aired on Spectrum Channel 95 and streamed online. The in-person town halls had a combined participation of ninety-four (94) individuals, many of whom also participated in the virtual town hall meetings. The virtual telephone town halls had a total of 38,690 participants for all four (4) meetings, of which 10,000 participated in more than one town hall. The outcome of public input helped shape ten (10) policy recommendations presented to the Economic Development and Housing Committee on March 19, 2018. An additional special housing policy forum was held on April 5, 2018 which was attended by ninety-six (96) individuals, groups, and/or organizations.

The amount of unencumbered funds as of April 30, 2018 to be allocated towards the Home Improvement and Preservation Program are estimated at \$4.8M. This amount is subject to change until the Housing Policy's full adoption of the new program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Housing Committee established three goals for the development of a comprehensive strategy for housing on March 12, 2017.

~~The Economic Development and Housing Committee approved the City of Dallas Housing Policies on March 12, 2017.~~

The Economic Development and Housing Committee was briefed on the Housing Policy on March 19, 2018.

City Council ~~was~~ will be briefed on the Housing Policy on May 2, 2018.

FISCAL INFORMATION

No cost consideration to the City.

May 9, 2018

WHEREAS, the City Council passed a 5-signature memo requesting the development of a comprehensive housing policy; and

WHEREAS, on March 12, 2017, the Dallas City Council Housing Committee established three goals for the development of a comprehensive strategy for housing: (1) create and maintain available and affordable housing throughout Dallas; (2) promote greater fair housing choices; and (3) overcome patterns of segregation and concentrations of poverty through incentives and requirements; and

WHEREAS, the City of Dallas (City) engaged The Reinvestment Fund to conduct a market value analysis, a tool used to assess the residential real estate market; and

WHEREAS, based on the results of the Market Value Analysis, city staff is proposing a geographic prioritization among 3 reinvestment areas - Redevelopment Areas are Midtown, High Speed Rail, Wynnwood, and Red Bird; Stabilization Areas are LBJ Skillman, Vickery Meadow, Casa View, Forest Heights/Cornerstone Heights, East Downtown, The Bottom, West Dallas, and Red Bird North; and Emerging Markets Areas are Southern Gateway, Pleasant Grove, and University Hills; and

WHEREAS, the geographic strategies for overcoming concentrations of poverty and segregation focus on families at various income levels to provide incentives for those families that choose to move to neighborhoods with more opportunity but simultaneously helping those who wish to remain where they live to revitalize their communities with intensive city services to help connect these emerging market areas to transportation, infrastructure and other assets; and

WHEREAS, there is a housing shortage of 20,000 units in Dallas driven by land and development costs; construction costs, including labor and materials shortages; rent growth; the effects of federal, state and local regulation; as well as, the single-family rental market; and

WHEREAS, citywide production goals for homeownership and rental units for the next three years along with respective income bands that will be prioritized within the production goals (**Exhibit A**) will guide the City's efforts in reducing the housing shortage; and

WHEREAS, to be responsive to current market conditions, allocation of funds for new construction or acquisition and substantial rehabilitation of homeownership and rental units shall be conducted through the deployment of Notices of Funding Availability or Requests for Applications; and

WHEREAS, the addition of the Home Improvement and Preservation Program for both single and multi-family rental will help preserve affordable housing; and

May 9, 2018

WHEREAS, the City Council desires to allow unspent funds from home repair activities (Major Systems Repairs, Emergency System Repair, and Home Rebate Improvement) to be used in the new Home Improvement and Preservation Program; and

WHEREAS, the expansion of the owner-occupied rehabilitation program activities to include refinancing of home equity lines of credit and first or reverse mortgages will also preserve affordable housing; and

WHEREAS, the Targeted Homebuyer Assistance Program, which seeks to attract law enforcement, teachers, and fire fighters into Reinvestment Strategy Areas, will improve safety and perception of these areas and encourage additional reinvestment; and

WHEREAS, the designation of Neighborhood Empowerment Zones (NEZ) in Stabilization Areas and the use of specific strategies and tools in the NEZs will preserve affordability or deconcentrate racially and ethnically concentrated areas of poverty (RECAP); and

WHEREAS, the establishment of a Housing Trust Fund (HTF) and dedication of certain funds to the HTF will allow the HTF to originate loans or serve as credit enhancement to support the citywide production goals and create and preserve mixed income communities; and

WHEREAS, the creation of a non-contiguous Tax Increment Financing (TIF) District for areas not already located in an existing TIF District will leverage the use of the tool to support the development of additional for-sale and rental units; and

WHEREAS, the creation of a Housing Task Force to work on legislative issues, including state and federal issues, and to review the Low-Income Housing Tax Credit Qualified Allocation Plan (QAP) will assist the City in implementing the comprehensive housing policy; and

WHEREAS, the City recognizes the importance of having a comprehensive housing policy and desires to align the existing tools and programs with newly proposed strategies, tools, and programs that will ensure consistency amongst them and a baseline for a strategic approach for implementation; and

WHEREAS, the incorporation of existing housing strategies, tools and programs into the comprehensive housing policy, including Land Bank, which is administered by the Dallas Housing and Acquisition Corporation; the sale of lots to qualified non-profits pursuant to House Bill 110; Dallas Tomorrow Fund; Dallas Homebuyer Assistance Program and the Tenant Based Rental Assistance Program, will further the goals of the comprehensive housing policy; and

May 9, 2018

WHEREAS, the Department of Housing and Neighborhood Revitalization is not the only City department responsible for implementing the comprehensive housing policy and it is the desire of the City Council that all departments support the implementation of the comprehensive housing policy by taking all necessary measures to implement the strategies, tools and programs identified in the comprehensive housing policy; and

WHEREAS, the Community Development Commission (CDC) is responsible for submitting to the city manager and city council a recommended list of priorities for the consolidated application for HUD entitlement grant funds, specific recommendations as to the use and allocation of HUD entitlement grant funds, and making recommendations concerning the creation or elimination of projects that affect the HUD entitlement grant fund budget, among other duties, and it is the desire of the City Council that the CDC support the implementation of the comprehensive housing policy by using the comprehensive housing policy as a guide for developing all recommendations, including those related to HUD entitlement grants; and

WHEREAS, it is in the best interest of the of the City of Dallas to adopt a comprehensive housing policy;

Now, Therefore,

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

SECTION 1. That the documents attached hereto and made a part of this Resolution entitled Comprehensive Housing Policy Manual (**Exhibit B**) are hereby adopted as the comprehensive housing policy.

SECTION 2. That existing housing strategies, tools and programs are incorporated into the comprehensive housing policy, including Land Bank, which is administered by the Dallas Housing and Acquisition Corporation; the sale of lots to qualified non-profits pursuant to the City's Land Transfer Program and House Bill 110; Dallas Tomorrow Fund; Dallas Homebuyer Assistance Program and the Tenant Based Rental Assistance Program, and that the Department of Housing and Neighborhood Revitalization, other city departments and the Land Bank (DHADC) shall use the comprehensive housing policy as a guide for administering existing strategies, tools and programs and developing new strategies, tools and programs.

SECTION 3. That the City Council must approve any addition to, alteration or deletion of a strategy, tool, or program included in the comprehensive housing policy via a resolution to amend the comprehensive housing policy, unless such addition, alteration or deletion is purely administrative in form and does not alter the stated goals and foci of the comprehensive housing policy.

May 9, 2018

SECTION 4. That the City will recommend that the Community Development Commission (CDC) ~~shall~~ use the comprehensive housing policy as a guide for developing all recommendations, including those related to HUD entitlement grants.

SECTION 5. That the City Manager is hereby authorized to execute individual loan agreements (and other necessary documents), in accordance with the ~~Downpayment Dallas~~ Homebuyer Assistance Program and Home Improvement and Preservation Program, which includes loans exceeding \$50,000, without additional Council approval. Funds that support these program activities are encumbered annually pursuant to the Consolidated Plan Budget.

SECTION 6. That the new Home Improvement and Preservation Program is hereby created pursuant to Exhibit B, and that the unspent funds estimated at approximately \$4.8M from home repair activities (Major Systems Repairs, Emergency System Repair, and Home Rebate Improvement) ~~may~~ shall be used for ~~in~~ the ~~new~~ Home Improvement and Preservation Program.

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.

EXHIBIT A

Homeownership	% Total Units		HUD Area Median Income Dallas Metro	% Total Units	Rental
933	55%	Market Rate	120%	40%	587
1120			100%		587
1307	45%	Extremely Low, Very Low, Low Income	80%	60%	733
373			60%		440
			50%		293
			30%		293
Total: 3,733					Total: 2,933



Comprehensive Housing Policy

City of Dallas
Department of Housing and Neighborhood Revitalization

March 19, 2018
(Last amended April 27, 2018)

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BACKGROUND ON DEVELOPMENT OF THE POLICY

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

In August 2017 the City of Dallas engaged The Reinvestment Fund to conduct a Market Value Analysis (MVA), which is an analytical tool used to assess the residential real estate market throughout the entire city to determine with granular detail where market strength, transition and stress exists. After briefing the City Council on the results of the MVA on January 17, 2018, eight (8) public town hall meetings were held to develop the recommendations presented here. The town hall topics were:

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

Each town hall provided stakeholders an opportunity to understand the housing challenges from the perspective of the major stakeholders including: lenders, including foundations and government sources of finance; consumers and neighbors; developers, builders, and contractors; and regulatory officials, such as zoning, building inspections, and code enforcement. The town halls were held both in person and through virtual telephone communications that aired on Spectrum Channel 95 and streamed online. The in-person town halls had a combined participation of ninety-four (94) individuals, many of whom also participated in the virtual town hall meetings. The virtual telephone town halls had a total of 38,690 participants for all four (4) meetings, of which 10,000 participated in more than one town hall.

The outcome of public input helped shape the ten (10) policy recommendations presented to the Economic Development and Housing Committee (Committee) on March 19, 2018 and the strategies, tools and programs included in the Comprehensive Housing Policy.

CITY OF DALLAS PLANS

forwardDallas! Comprehensive Plan

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

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

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

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

Neighborhood Plus Plan

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

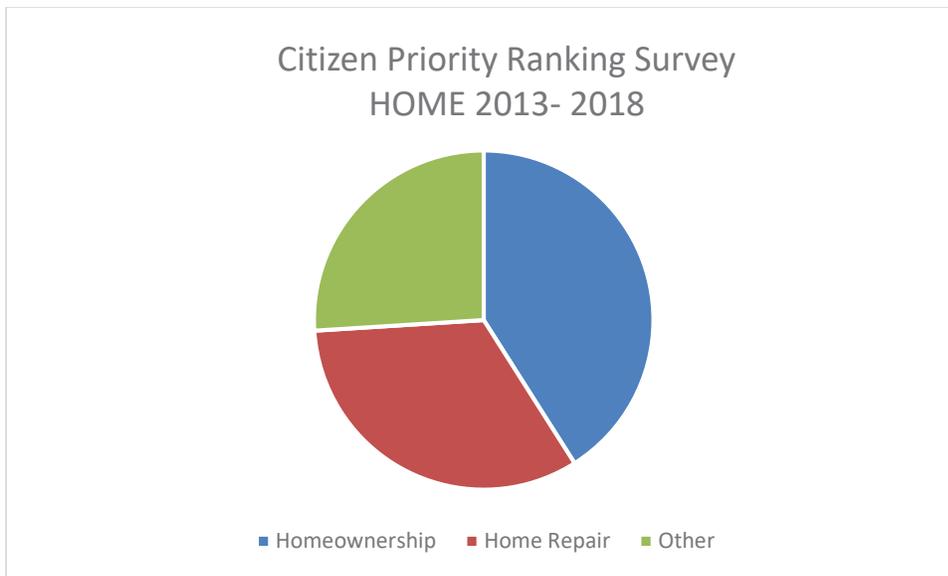
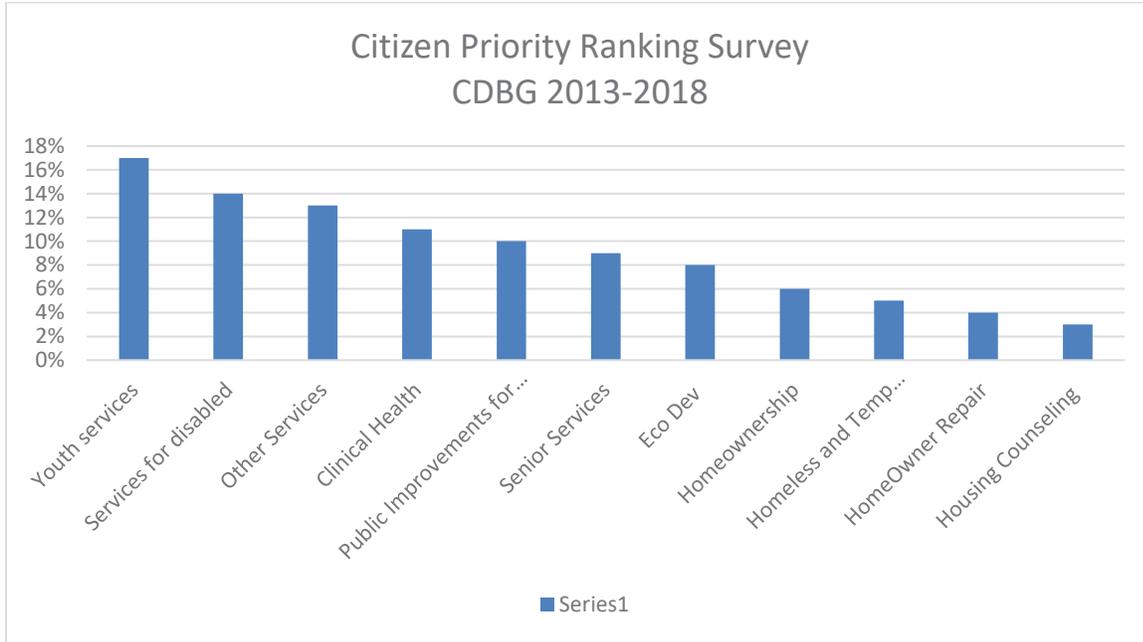
- Creating a Collective Impact Framework
- Alleviating Poverty
- Fighting Blight
- Attracting and Retaining the Middle Class
- Increasing Home Ownership
- Enhancing Rental Options.

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

The Neighborhood Plus Plan can be found at <http://dallascityhall.com/departments/pnv/strategic-planning/DCH%20Documents/Web%20-%20Neighborhood%20Plus%20Plan%20-%20Adopted%2010-07-2015.pdf>.

Consolidated Plan Strategies

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



REINVESTMENT STRATEGY AREAS

The Housing Policy provides for tiered Reinvestment Strategy Areas to address three (3) market types in need of City investment:

Redevelopment Areas:

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

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

Stabilization Areas:

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

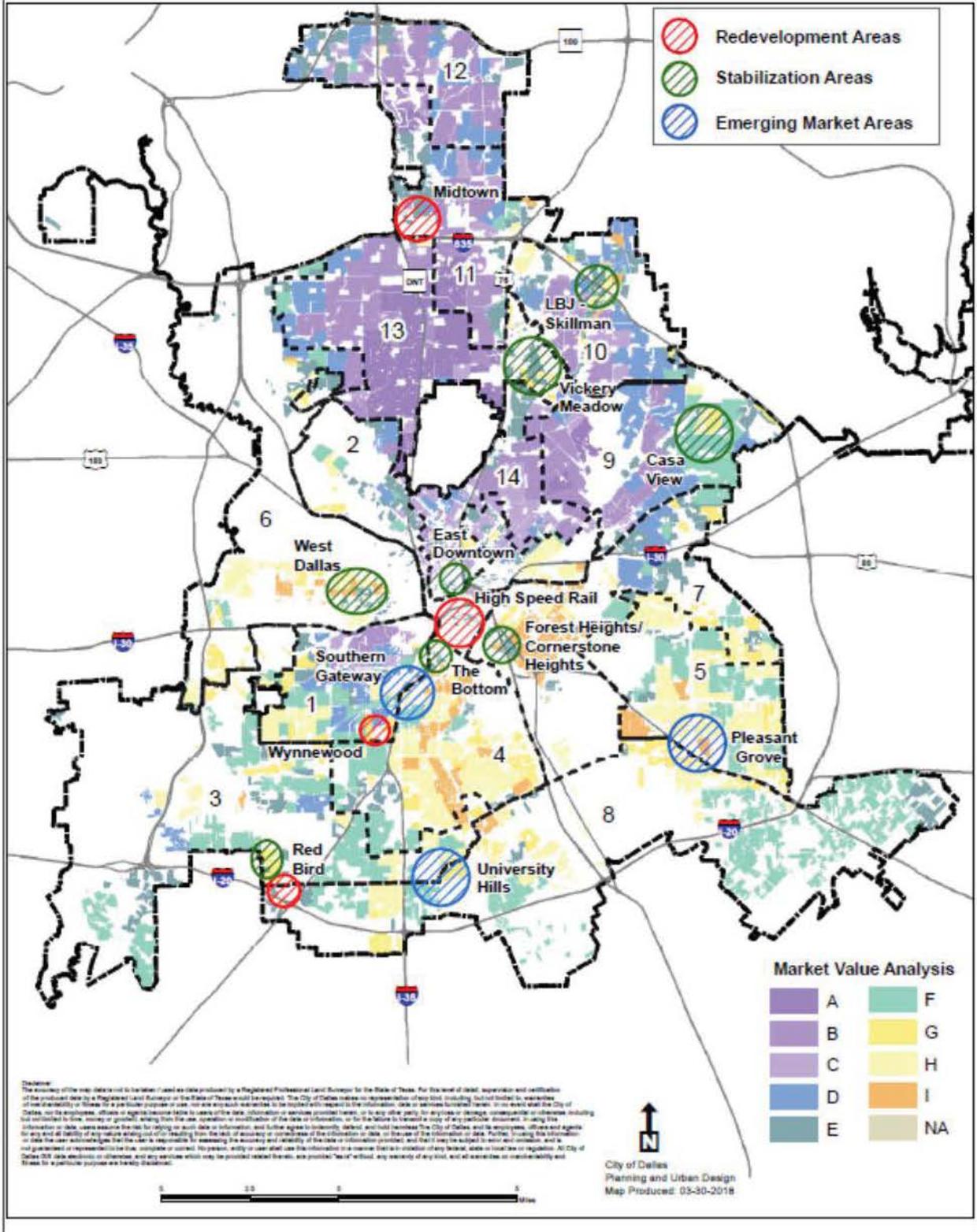
Stabilization Areas: LBJ Skillman, Vickery Meadow, Casa View, Forest Heights / Cornerstone Heights, East Downtown, The Bottom, West Dallas, and Red Bird North.

Emerging Market Areas:

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

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

Reinvestment Areas



PRODUCTION GOALS AND INCOME BANDS TO BE SERVED

Dallas has a housing shortage of approximately 20,000 units. This shortage is driven by the cost of land and land development, labor and materials shortages, federal, state and local constraints, as well as, the single-family rental market which prevents equilibrium in the homeownership market. It is difficult to convert rental homes to homeownership because of the perception of the neighborhood, the condition of the housing stock once it's been in the rental market for a period of time and because income-producing property in a tight market will not be released by landlords until returns are diminished. This shortage is consistent with the overall national trend following the 2009 housing bust. While the housing market has seen a steady but slow recovery, job growth in the Dallas metro area attracted a population growth of about 2.9% that outpaced the growth in the supply of housing. Much of the single-family housing inventory converted to rental following the 2009 bust while 60% or more of the home sales in the three (3) years following were in the price range below \$249,999. In 2014 the housing market was in transition - the number home sales priced under \$249,999 decreased to less than 40% of the market and by 2017 nearly 58% of home sales were priced between \$300,000 and \$1 million. According to the Real Estate Center at Texas A&M University, while the volume of homes in Dallas only grew by 3.6%, the median sales price in Dallas grew by 9.1% in 2017.

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

Beyond unit production, the City supports creating increased availability of housing for people at incomes ranging from 30% - 120% of the HUD Area Median Income, by incentivizing homeownership developments for families at 60% or higher AMI and rental developments that include rent restricted units for families at the full range of 30% - 120% of AMI. These targets area are also outlined in Table 1 below.

Table 1

Homeownership	% Total Units		HUD Area Median Income Dallas Metro	% Total Units	Rental
933	55%	Market Rate	120%	40%	587
1120			100%		587
1307	45%	Extremely Low, Very Low, Low Income	80%	60%	733
373			60%		440
			50%		293
			30%		293
Total: 3,733					Total: 2,933

HOMEOWNER PROGRAMS

Rehabilitation & Reconstruction of Owner-Occupied Homes

Provides an all-inclusive repair and rehabilitation program for single-family owner-occupied housing units. Home Improvement and Preservation Program (HIPP) will be offered as a repayment loan program to low and moderate-income homeowners, with the purpose of making needed improvements and preserving affordable housing. HIPP is designed to finance home improvements and address health, safety, accessibility modification, reconstruction and structural/deferred maintenance deficiencies. HIPP will enable homeowners to improve their housing while creating a positive effect in the community.

Eligibility

1. The property must be a single-family home.
2. The property must reside within the Dallas city limits and Applicant must have occupied the dwelling for at least six (6) months from date of application.
3. Applicant must be a U.S. Citizen or Permanent Resident, have a valid Social Security card and current Texas State issued identification card or Driver License.
4. Applicant must be current with the mortgage company meaning not more than thirty (30) days past due. (Except Accessibility Repair)
5. Property taxes must be current. Property taxes must not be delinquent for any tax year unless the homeowner has entered into a written agreement with the taxing authority outlining a payment plan for delinquent taxes and is abiding to the written agreement. (Except Accessibility Repair)
6. Applicant's annual gross income must be at or below the one hundred twenty percent (120%) of the Area Median Family Income (AMFI).
7. Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a floodplain, flood insurance must also be maintained with coverage adequate to insure the City's lien position. (Except Accessibility Repair)
8. Applicant must certify that the home is not for sale and is their primary residence/homestead, as indicated per Dallas County Tax Records and utility records.
9. Title searches are obtained to evidence ownership of the property. (Except Accessibility Repair)
10. Applicants which received a Major Systems Repair loan in the last ten (10) years will be ineligible to participate.

Maximum Assistance Limits

For rehabilitation activities, the maximum amount of assistance provided shall not exceed forty-seven and half percent (47.5%) of the HUD HOME Value Limits for existing properties.

For reconstruction activities, the maximum amount of assistance provided shall not exceed seventy-five (75%) of the HUD HOME Value Limits for new construction. The Chief of Economic Development and Neighborhood Services may on a case by case basis administratively approve (without Economic Development and Housing Committee approval) additional assistance not to exceed ten percent (10%) above the maximum limit for any Owner-Occupied Rehabilitation or Reconstruction 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;
- Unanticipated costs deemed necessary to meet applicable City Codes;
- Unforeseen environmental issues; and
- Addressing issues that threaten life, health, safety and welfare of the public.

It should be noted that the Owner-Occupied Rehabilitation and Reconstruction establishes maximum per unit thresholds below the HUD required maximum per-unit dollar limitations established under HUD Section 234 Condominium Housing Limit. Thus, no individual project under this program can exceed these HOME maximum subsidy limits.

Terms of Assistance

The terms of assistance for the HIPP will be in the form of a loan based on the following schedule: 1) homeowners with incomes at or below sixty percent (60%) AMFI will receive a deferred, zero percent interest (0%) loan, 2) homeowners with sixty-one to eighty percent (61% - 80%) AMFI, will have a combination of deferred, zero percent interest (0%) loan and monthly installment payment plan as permissible through the underwriting, and 3) for homeowners with (81%-120%) AMFI, monthly installment payment with three percent interest (3%) loan will be offered.

If the home is vacated or leased during the term of the loan, then the loan shall be immediately due and payable, subject to the Resale/Recapture Requirement in Appendix 6. If the property is transferred through sale during the term of the loan, the balance shall also be immediately due and payable.

Credit Standards

Following are the credit standards for HIPP: 1) 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 or subrecipient will place a lien securing the loan. 2) Qualifying debt to income ratios are 30% on the front end and 43% on the back end.

Affordability Periods

Eligible rehabilitation and reconstruction activities will include all items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes; including items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. The scope of work must address all major systems that have a remaining useful life for a minimum of 5 years at project completion, or the system must be rehabilitated or replaced as part of the scope of work. Major systems are identified as structural support (foundations); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

Improvements to, or demolition of an accessory structure such as detached garage, work shed, or small residential structure will be made on a case by case basis depending on the available budget, grant requirements, current building codes, health and safety concerns, and minimum occupancy requirements of residents of the property.

Amount of Assistance	Term
Less than \$5,001	5 Years
\$5,001 to \$50,000	10 years

Over \$50,001	15 years
Reconstruction Only	20 years

Assistance to remove of any items from the property that are considered to be dangerous, hazardous, or a violation of local code are eligible in conjunction with the rehabilitation of the property.

Assistance may not be used for the purchase or repairs of appliances (except for energy efficient window units) or renovations not necessary to bring the home up to local code or property standards. Unnecessary renovations include but are not limited to luxury items (granite counter tops, swimming pools, spas, high end fixtures); tree trimming; fences; and landscaping.

Accessibility Repairs

Rehabilitation less than \$10,001 is considered a minor repair and federal funds may be used to perform strictly accessibility modifications. Assistance in the form of a one-time grant not to exceed \$10,000 shall exclude environmental and administrative soft costs necessary to engage the client and property.

Mortgage and Refinancing

Assistance may be provided to an Applicant who has an existing mortgage or equity loan if the total debt, including mortgage/equity loan balance and all rehabilitation costs do not exceed 100% of the after-rehabilitation value of the property. The City deferred loan may be subordinate to the existing mortgage or equity loan.

Refinancing of an existing mortgage, equity loan, or liens from lot clearance/demolition is an eligible refinancing expense up to \$10,000. The total debt, including refinanced amount and rehabilitation costs, cannot exceed 100% of the after-rehabilitation value of the property. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses.

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 whether the loan is still within the period of affordability or not. If the heir(s) do not meet the income requirements of the program, the remaining balance of the loan is due immediately and payable in full if the loan is still within the period of affordability. If the property is not within the period of affordability and the heir(s) are not income qualified or do not utilize the property as their primary residence, the City or Sub-recipient may make payment arrangements with the heir(s) at an interest rate between zero (0) and three percent (3%).

Dallas Homebuyer Assistance Program

Provides homeownership opportunities to low and moderate income homebuyers through the provision of financial assistance when purchasing a home, in accordance with federal, state and local laws and regulations.

Eligibility

Applicants to homebuyer programs must meet the following criteria:

1. Property must be located in the city limits of Dallas.
2. Applicant's projected annual income must be no less than 40% of Area Median Income, but not exceed 120% of the Area Median Income, adjusted for household size, at the time of application to the program.
3. Applicant must have acceptable credit. High cost or sub-prime loans, adjustable rate mortgages, interest only loans are not allowed.
4. Applicant household must be U.S Citizens or legal residents and possess a valid social security card.
5. Property to be purchased must be primary residence of Applicant.
6. Applicant must attend an 8-hour homeownership education class from a HUD certified counseling agency within 12 months of application for assistance.
7. Applicant must make a minimum initial cash investment of \$1,000 toward purchase of home.
8. Home must meet federal and local requirements, including 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 city limits and meet City building codes, lead based paint requirements, and environmental standards at the time of initial occupancy.

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)
- Two to four unit property (Assistance provided for the unit to be occupied as the purchaser's principal residence); or
- Condominium or cooperative unit

All Homebuyer Programs require an appraisal and can be provided by the first mortgage lender. The appraisal value 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

HOME Program Recapture/Resale Requirements

These requirements can be found in Appendix 6.

Eligible Expenses

Homebuyer Programs may include any of the following activities: 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.

Terms of Assistance

The assistance for the Dallas Homebuyer Assistance Program will be offered in the form of a deferred, zero percent interest (0%) loan. If the home is vacated or leased during the term of the loan, then the full loan shall be immediately due and payable in accordance with the Resale/Recapture Requirements in Appendix 6. If the property is transferred through sale during the term of the loan, the balance shall also be immediately due and payable.

Credit Standards

Following are the credit standards for homebuyer programs:

- 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 or subrecipient will place a lien securing the loan.
- Qualifying debt to income ratios are 30% on the front end and 43% on the back end. With compensating factors, the City will allow 33% on the front end and 45% on the back end.
- Maximum loan is up to the 1st lien holder's approval of Complete Loan to Value (CLTV).
- 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.

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 whether the loan is still within the period of affordability or not. If the heir(s) do not meet the income requirements of the program, the remaining balance of the loan is due immediately and payable in full if the loan is still within the period of affordability. If the property is not within the period of affordability and the heir(s) are not income qualified or do not utilize the property as their primary residence, the City or Sub-recipient may make payment arrangements with the heir(s) at an interest rate between zero (0) and three percent (3%).

Refinancing

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

Homebuyer Incentive Programs

Targeted Area Incentive Program Only

Assistance is provided for existing properties to individuals willing to purchase homes within one of the targeted areas, with the requirement of only having to repay 25% of the actual loan amount at 0% interest and the balance is due at the time of resale.

Targeted Homebuyer Incentive Program Only

This program offers further incentives for schoolteachers, police officers, emergency medical technicians, and firefighters. Repayment of loan shall be only upon re-sale or refinance, contingent on meeting a 10-year owner occupancy requirement.

LANDLORD PROGRAMS

Rental Rehabilitation and Reconstruction

Provides an all-inclusive repair and rehabilitation program for single-family (1-4) rental units. The Home Improvement and Preservation Program (HIPP) expands to offer a repayment loan program to landlords which lease to low income household, with the purpose of making needed improvements and preserving affordable housing. HIPP is designed to finance home improvements and address health, safety, accessibility modifications, reconstruction and structural/deferred maintenance deficiencies.

Eligibility

- The property must be a single-family home (1-4 units). Properties with over 5 units are not eligible for rehabilitation assistance under this program.
- The property must reside within the city limits of Dallas.
- Applicant must lease the unit to a household with an annual gross income at or below the eighty percent (80%) of the Area Median Family Income (AMFI).
- Applicant must provide evidence of property ownership. Additionally, City shall require a title search to verify whether liens or deed restrictions exist.
- Applicant and tenants must be a U.S. Citizen or Permanent Resident, have a valid Social Security card, and current Texas State issued identification card or Driver License.
- Applicant must be current with the mortgage company meaning not more than 30 days past due.
- Property taxes must be current. Property taxes must not be delinquent for any tax year.
- Tenant household's annual gross income must be at or below the 80% of the Area Median Income.
- Standard property insurance, satisfactory to the City, must be maintained on the property (with coverage adequate to insure the City's lien position). If a property is located in a flood plain, flood insurance must also be maintained with coverage adequate to insure the City's lien position.
- Applicant must adhere to the City Code Section 20-A and comply with HUD rent limits.

Maximum Assistance Limits

For rehabilitation activities, the maximum amount of assistance provided shall not exceed 47.5% of the HUD HOME Value Limits for existing properties.

For reconstruction activities, the maximum amount of assistance provided shall not exceed 75% of the HUD HOME Value Limits for new construction. The Chief of Economic and Neighborhood Services may on a case by case basis administratively approve (without Housing Committee approval) additional assistance not to exceed 10% above the maximum limit for any Rental Rehabilitation or Reconstruction 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;
- Unanticipated costs deemed necessary to meet applicable City Codes;
- Unforeseen environmental issues; and
- Addressing issues that threaten life, health, safety and welfare of the public.

It should be noted that the Rental Rehabilitation and Reconstruction establishes maximum per unit thresholds below the HUD required maximum per-unit dollar limitations established under HUD Section 234 Condominium Housing Limit. Thus, no individual project under this program can exceed these HOME maximum subsidy limits.

Terms of Assistance

The terms of assistance to Applicants of Rental Repair and Rehabilitation will be in the form of a three percent (3%) interest rate loan. If the landlord does not comply with the requirements set out in this program, including but not limited, leasing to a household over eighty percent (80%) AMFI, then the full loan shall be immediately due and payable in full. If the property is transferred through sale during the term of the loan, the balance shall also be immediately due and payable in full.

Credit Standards

Following are the credit standards for HIPP:

- 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 or subrecipient will place a lien securing the loan.

Eligible Rehabilitation and Reconstruction Scope

Eligible rehabilitation and reconstruction activities will include all items necessary to bring the structure into compliance with the City's written rehabilitation standards and applicable local residential codes; including items recommended as necessary to preserve the property's structural integrity, historic integrity, weatherization, and quality of living conditions. The scope of work must address all major systems that have a remaining useful life for a minimum of 5 years at project completion, or the system must be rehabilitated or replaced as part of the scope of work. Major systems are identified as structural support (foundation); roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

Improvements to or demolition of an accessory structure such as detached garage, work shed, or small residential structure will be made on a case by case basis depending on the available budget, grant requirements, current building codes, health and safety concerns, and minimum occupancy requirements of residents of the property.

Amount of Assistance	Term
Less than \$5,001	5 Years
\$5,001 to \$50,000	10 years
Over \$50,001	15 years
Reconstruction Only	20 years

Assistance to remove of any items from the property that are considered to be dangerous, hazardous, or a violation of local code are eligible in conjunction with the rehabilitation of the property.

Assistance may not be used for the purchase or repairs of appliances (except for energy efficient window units) or renovations not necessary to bring the home up to local code or property

standards. Unnecessary renovations include but are not limited to luxury items (granite counter tops, swimming pools, spas, high end fixtures); tree trimming; fences; and landscaping.

Refinancing

Refinancing of an existing mortgage, equity loan, or liens from lot clearance/demolition is an eligible refinancing expense up to \$10,000. The total debt, including refinanced amount and rehabilitation costs, cannot exceed 100% of the after-rehabilitation value of the property. Refinancing of revolving loan accounts, vehicles, credit card debt, or property taxes are NOT allowable refinancing expenses. Cash out is also not permissible.

TENANT PROGRAMS

Tenant Based Rental Assistance

The purpose of this program is to provide supplemental financial assistance to displaced tenants as a result of the High Impact Landlord Initiative (HILI) 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 serve basis. Only HOME funds can be used to fund Tenant Based Rental Assistance (TBRA) programs. This is not an eligible activity under the Community Development Block Grant (CDBG) Program.

Eligible Uses

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

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

No payments will be made directly to the tenant household.

Prohibited Uses

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

Eligible Units

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

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

Subsidy Amounts and Tenant Contribution

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

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

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

Other Tenant Requirements

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

A legitimate, legal lease is required for program participants.

Income Recertification

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

Payment Standard

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

Termination of Assistance

HOME assistance may be terminated if the following occurs:

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

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

DEVELOPER PROGRAMS

New Construction and Substantial Rehabilitation Program

The purpose of this program is to provide financial assistance to new developments or substantial rehabilitation developments, where such assistance is necessary, and appropriately incentivize private investment for the development of quality, sustainable housing that is affordable to the residents of the City.

Funds may be used for projects to: 1) build new single-family with 5 or more homes, 2) build new multi-family rental housing with 5 or more units, or 3) substantially rehabilitate multi-family rental housing greater than 5 units. The City shall award, when funds are available, through a competitive Notice of Funding Availability (NOFA) or Request for Applications (RFA) process in accordance with the program's scoring policy.

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 with scheduled payments or, if the project involves housing tax credits, a surplus cash loan. The City loan is fully repayable, and the interest rate varies by the type of Borrower. 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 of loan principal and interest should be either:

- Equal monthly installments over a period of up to 300 months if the project does not involve housing tax credits. 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, when the project involves housing tax credits. 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.

The City multi-family rental loan is limited to only the amount necessary to fully fund the required rehabilitation work, not to exceed nine percent (9%) of the annual HUD Section 234 – Condominium Housing Limits in Dallas, Texas for elevator units (by number of bedrooms per unit). In 2018, the annual limits were as follows:

- Efficiency - \$58,787
- 1 Bedroom - \$67,391
- 2 Bedroom - \$81,947
- 3 Bedroom - \$106,013
- 4 Bedroom - \$116,369

Note: The above table is only valid for 2018 and is otherwise provided for illustrative purposes. Contact the City's Housing Department for a schedule of current HUD 234 Limits.

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	Five (5) years
\$15,000 - \$40,000/ Unit	Ten (10) years
Over \$40,000 or rehabilitation involving refinancing	Fifteen (15) years
New construction of Rental Housing	Twenty (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 unforgiving portion, plus interest based on the existing market, will become immediately due and payable;
- The Borrower must maintain the property according to the Dallas Unified Building Code and agrees to allow City personnel to annually inspect the property;
- The Borrower provides evidence of having paid annual property taxes and having secured fire and extended insurance coverage for the property;
- Borrower must annually provide the City of Dallas with the information on rents and occupancy of HOME-assisted units to demonstrate compliance with the affordability rent requirements;
- The Borrower must maintain reserves for maintenance; and
- No further assistance during the affordability period term of the loan, whichever is longer.

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

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

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

Financial Structuring

GAP Financing

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

Balloon Mortgages

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

Surplus Cash Mortgages

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

Eligible Cash shall be defined as:

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

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

Appraisal Requirements

Projects Receiving City First Mortgage Acquisition Financing

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

Developments exempt from the prior to commitment appraisal requirement:

- Acquisition price under \$100,000
- Land only where there is no identity of interest. Identity of interest is used broadly to include non-arm's length transactions, related-party transactions, etc.
- Single family homes (1-4 family structures) that are aggregated under one loan
- The Borrower has provided a Market Study
- The Project is HUD 202 or HUD 811 with a funding reservation

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

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

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

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

An As-Is Appraisal:

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

Acquisition/Rehab:

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

Adaptive Re-Use:

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

Prior to Closing – Scheduled Payment Loans:

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

Two hypothetical values are required:

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

The lesser of the two values will be used to determine loan to value for the City's underwriting. The City will finance no more than 87% of appraised value (85% for loans with \$15,000 per unit or less in rehabilitation). Plans and specifications must be sufficiently complete for the appraiser

to establish the “as completed” value. The appraisal must be conducted no more than six months prior to closing or end loan commitment (or the borrower will be required to pay for an appraisal update).

Prior to Closing- Deferred Loans:

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

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

Loan Conditions

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

- To rent these properties in accordance with Affirmative marking standards and the current HUD Section 8 rental income guidelines for the Period of Affordability and the federal equal housing opportunity requirements in the Fair Housing Act.
- Not discriminate on basis or race, religion or national origin.
- Not discriminate against lower income prospective tenants, solely on the basis of their receipt of Section 8 Housing assistance support.
- Not convert the 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 and secured fire and extended insurance coverage for the property.
- 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-2’s, pay stubs, etc. in order to ensure that their income meets the low-income requirements.
- To a property inspection one (1) year after the rehabilitation and every two (2) 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 pay real property taxes and maintain adequate fire and extended coverage insurance 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 tax payment and insurance coverage on an annual basis.
- To adhere to Lead-Based Paint Abatement guidelines for all properties built 1978 and before.

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.

During the term of the public sector loan, if the property is sold, or ownership transferred through any means, then the balance of the note then owing, including the remaining deferred forgivable portion is immediately due and payable in full.

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 for fire and extended coverage for 80% of the value of the property with City named as co-insured.

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.

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 (5) 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 thirty (30) percent of the adjusted income of a family whose annual income equals 65% of the area median income.

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

OVERVIEW OF EXISTING FUNDING SOURCES

Federal Funding Sources

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

Community Development Block Grant (CDBG)

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

HOME Investment Partnership Program (HOME)

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

HOME Match Requirement

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

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

Neighborhood Stabilization Program (NSP)

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

State and Local Funding Sources

General Obligation Bonds

General Obligation Bonds were authorized under the 2017 bond package to help with infrastructure, economic development and housing, and related expenses as authorized by law. Economic Development and Housing have been allocated approximately \$55 million for the next five (5) years.

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

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

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

Strategies, Tools and Programs that Will Require Additional Action

Housing Trust Fund

Establish a Dallas Housing Trust Fund (DHTF) that allows monies to be used to make loans to support the production goals of the Housing Policy. At a future date, staff will seek Council approval to authorize a one-time transfer of a minimum of \$7 million in unencumbered fund balances from high-performing Tax Increment Financing Districts (TIFs), as well as \$7 million from Dallas Water Utility funding set aside to support developments. Staff will further research potential dedicated revenue sources for the DHTF, including unencumbered fund balances from high-performing TIFs, property tax revenues from developments that have been built on previously City-owned land, proceeds from the sale of properties acquired by the City following non-tax lien foreclosures, among other sources.

Tax Increment Financing

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

Voluntary Inclusionary Zoning

In addition to development subsidies, the City may also incentivize the production of rental units via voluntary inclusionary zoning. Voluntary inclusionary zoning is a strategy by which the City can provide development bonuses to encourage the construction of mixed-income housing in multi-family and mixed-use zoning districts. At a future date, staff will seek council approval to amend the Development Code to allow for by-right development bonuses, including increases in maximum height and lot coverage, for developments that provide mixed-income housing in MF-1, MF-2, MU-1 and MU-2 districts. While these development bonuses would be available regardless of whether the MF-1, MF-2, MU-1 or MU-2 district is in a Reinvestment area, the City could layer in development subsidies for projects in Redevelopment and Stabilization areas to encourage more income stratification or a higher-percentage of affordable units. Furthermore, this strategy, as it has already been briefed to the Dallas Zoning Ordinance Advisory Committee (ZOAC), will encourage such mixed-income housing developments to adopt design principles that encourage walkability, reduce the need for parking, and require the provision of more open space.

Neighborhood Empowerment Zones

At a future date, staff will seek council approval to designate Neighborhood Empowerment Zones (NEZ) in certain Reinvestment Areas. Once a NEZ is established, staff will implement the following programs and strategies to preserve affordability and deconcentrate RECAP:

- a property tax freeze for up to ten (10) years for homeowners if they are making improvements to their property resulting in more than 25% increase in value,
- development fee rebates (permits, planning, zoning, parkland dedication, landscape & tree mitigation),
- encourage Incentive Zoning/Density Bonuses to support the creation of mixed income communities,
- allow Accessory Dwelling Units,
- designate Homestead Preservation District overlay where applicable, and

Sublease Program

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

Resolutions of Support or No Objection

The City of Dallas (the City) has developed a policy for developers requiring Resolutions of Support or No Objection for multi-family rental housing development projects seeking Housing Tax Credits (HTC) through the Texas Department of Housing and Community Affairs (TDHCA). Each year, the TDHCA is required to develop the Qualified Allocation Plan (QAP) to establish the procedures and requirements relating to the allocation of Housing Tax Credits. Once the QAP is submitted and approved by the Office of Governor, which occurs in December of each year, the adopted QAP will be published in the Texas Register.

In the administration of its HTC Program, the TDHCA awards application points for a resolution from a Governing Body of a local municipality on the following basis:

Within a municipality, the application will receive:

- seventeen (17) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports the application or development; or
- fourteen (14) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection to the application or development.

Within the extraterritorial jurisdiction of a municipality, the Application may receive:

- eight and one-half (8.5) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality supports the Application or Development; or
- seven (7) points for a resolution from the Governing Body of that municipality expressly setting forth that the municipality has no objection to the Application or Development

The City will issue a Request for Applications for Resolutions of Support or No Objection in December of each year and bring forth recommendations to the Economic Development and Housing Subcommittee and City Council in February of each year. This schedule is in line with the TDHCA program calendar.

Evaluation Criteria

The City has developed a self-scoring application in order to conduct a comprehensive, fair and impartial evaluation of all applications received in response to the Request for Applications process. Each application is analyzed to determine overall responsiveness and qualifications under this policy. Evaluation Criteria are outlined below:

- 1. General Partner and Property Management Experience** – Up to 20 total points (as determined utilizing the below general partner and property manager point tables)

General Partner – up to 10 of the 20 total experience points. To receive experience points under this category, the proposed general partner(s), or a key individual(s) (officer, managing member or principal) within the proposed general partner organization (the “general partner”), must meet one of the following tests for each counted project.

To obtain points for a current project owned by the proposed general partner, the applicant must certify that the development has:

- been in service and continuously operated for three or more years;

- yielded positive operating cash flow from typical residential income alone (e.g. rents, rental subsidies, late fees, forfeited deposits, etc.); and
- held reserves as required by the partnership agreement and any/all applicable loan agreements.

To obtain points for projects previously owned by the proposed general partner, the applicant must certify that:

- the ending date of ownership or participation was no more than 10 years before the deadline associated with the subject application;
- the previously owned development was yielding positive operating cash flow from typical residential income alone (e.g. rents, rental subsidies, late fees, forfeited deposits, etc.) at the time of disposition; and
- the project was holding reserves as required by the partnership agreement and any/all applicable loan agreements at the time of disposition.

Experience of the General Partner – Up to 10 points	Points
1-2 Multi-family rental housing projects in service more than 3 years	1
1-2 Sec. 42/142/HOME projects in service more than 3 years	3
3-6 Multi-family rental housing projects in service more than 3 years	4
3-6 Sec. 42/142/HOME projects in service more than 3 years	6
7 or more Multi-family rental housing projects in service more than 3 yrs.	7
7 or more Sec. 42/142/HOME projects in service more than 3 years	10

“Sec.42/142/HOME” means Internal Revenue Code §42 “Low-income housing credit”, §142 “Exempt facility bond – qualified residential rental project”, and/or 24 CFR Part 92 - HOME Investment Partnerships Program (“HOME”)

“Multi-family housing” means any multi-family rental housing project of 20 units or more that is not subject to IRC §42, IRC §142, or 24 CFR Part 92 requirements.

2. Property Manager – Up to 10 of the 20 total experience points.

To receive experience points under this category, the proposed property management entity must meet one of the following tests for each counted project.

To obtain points for a current project managed by the proposed property management entity, the applicant must certify that the property has:

- been in service and continuously managed by the proposed property management entity for three or more years;
- yielded positive operating cash flow from typical residential income alone (e.g. rents, rental subsidies, late fees, forfeited deposits, etc.); and
- held reserves as required by any/all applicable partnership agreement and loan agreements.

To obtain points for projects previously managed by the proposed property manager, the applicant must certify that:

- the ending date of management agreement was no more than 10 years before the deadline associated with the subject application;
- the previously managed development was yielding positive operating cash flow from typical residential income alone (e.g. rents, rental subsidies, late fees, forfeited deposits, etc.) at the time of termination of the management agreement; and
- the project was holding reserves as required by the partnership agreement and any/all applicable loan agreements at the time of termination of the management agreement.

Experience of Property Manager – Up to 10 points	Points
1-2 Multi-family rental housing projects managed more than 3 years	0
1-2 Sec. 42/142/HOME projects in service more than 3 years	3
3 or more Multi-family rental housing projects in service more than 3 yrs.	4
3-6 Sec. 42/142/HOME projects in service more than 3 years	6
7 or more Multi-family rental housing projects in service more than 3 yrs.	7
7 or more Sec. 42/142/HOME projects in service more than 3 years	10

“Sec. 42/142/HOME” means Internal Revenue Code §42 “Low-income housing credit”, §142 “Exempt facility bond – qualified residential rental project”, and/or 24 CFR Part 92 - HOME Investment Partnerships Program (“HOME”)

“Multi-family housing” means any multi-family rental housing project of 20 units or more that is not subject to §42, §142, or 24 CFR Pat 92 requirements.

3. Nonprofit Organization Participation – 10 points

To receive these points, the nonprofit organization must have controlling interest (e.g., greater than 50 percent ownership in the General Partner) in the project. If ownership is a limited partnership, the Qualified Nonprofit Organization must be the Managing General Partner. If ownership is a limited liability company, the nonprofit organization must be the controlling Managing Member. Additionally, the nonprofit entity or its affiliate or subsidiary must be the developer or a co-developer of the project.

The nonprofit organization is not required to elect to apply under the State’s Nonprofit Set-aside in order to receive these points.

4. Redevelopment Areas – 20 points

Project must be located in one of the four Redevelopment Areas – 1) Midtown, 2) High Speed Rail, 3) Wynnewood, and 4) Red Bird areas.

5. Stabilization Target Areas – 20 points

To receive these points, the Project must be located in one of the eight Stabilization Target Areas – 1) LBJ Skillman 2) Vickery Meadow, 3) Casa View, 4) Forest Heights / Cornerstone Heights, 5) East Downtown 6) The Bottom, 7) West Dallas, and 8) Red Bird North.

6. Emerging Market Area – Up to 10 points.

To receive these points, the Project must be located in one of the three Emerging Target Areas – 1) Southern Gateway 2) Pleasant Grove, and 3) University Hills.

7. Determination of Project Feasibility – Up to 20 points (5 points each, no more than 20 points can be awarded in this category)

- Proposed rent schedule consistent with TDHCA rent limits on rent-restricted units.
- Appropriate vacancy and collection loss assumptions in the project pro forma are consistent with TDHCA HTC requirements.
- Reserves in the pro forma are consistent with TDHCA HTC requirements.
- Completed Market Feasibility Report with conclusions supporting the applicable project pro forma assumptions completed or underway.

8. Project Site Characteristics – Up to 10 points (5 points each)

Project meets land use density and City of Dallas zoning requirements at time of application.

9. Transit Amenities – Up to 28 points (zero to four points each, no more than 28 points can be awarded in this category)

The following transit amenity matrix shall be used in scoring the project:

Amenity	Points		
	1/4 mile or less	>1/4 mile and <1/2 mile	<1/2 mile and up to 1 mile
Bus Station or Stop	5	3	1
Public Park	5	3	1
Full Scale Grocery Store	5	3	1
Community or Senior Center	5	3	1
Aging & Disability Resource Center	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

10. Project Readiness – Up to 10 Points (*5 points each, no more than 10 points can be awarded in this category*)

- Applicant has secured site control per TDHCA HTC definition of site control.
- Environmental Report (s) has/have been completed.

11. Resident Services – Up to 15 points (*5 points each; no more than 15 points can be awarded in this category*)

- The equivalent of one (1) FTE resident service coordinator for every 600 project bedrooms.
- Project provides or has agreements with third party service providers to provide on-site educational, wellness and/or skill building classes
- Project provides on-site, licensed child care or after school program that operates at least 20 hours per week.

140 total points are provided under the above scoring preferences.

To receive a staff recommendation for a **Resolution of Support**, the applicant must score 85 points. Any applicant receiving less than 85 points, shall be eligible to receive a staff recommendation for a Resolution of No Objection, provided the application receives at least 6 experience points under the *I. General Partner and Property Manager Experience* of the above scoring methodology.

Community Housing Development Organizations (CHDOs)

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

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

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

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

Set Aside

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

Operating

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

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

Certification

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

APPENDICES

APPENDIX 1

Single Family Development Underwriting

A. Eligible Developer Applicants

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

Project Location

Projects must be located within the city limits of Dallas.

Project Types

Funds will be provided for new construction projects. In general, the City of Dallas will require that all homes constructed have a minimum square footage of 1,200 sq 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 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. City of Dallas has adopted and enforces the following codes with amendments:

- 2012 International Building Code
- 2012 International Mechanical Code
- 2009 International Energy Conservation Code
- 2012 International Existing Building Code
- 2011 National Electric Code
- Chapter 11 of the 2009 International Residential Code

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

Housing developed with HOME funds must be modest, and 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 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 eligibility criteria set forth in the City of Dallas Homebuyer Assistance Program (DHAP) guidelines.

F. Environmental Review Requirements

Federally-assisted projects are subject to a variety of environmental requirements. Developers should be familiar with these requirements and are strongly encouraged to discuss any questions they have with City of Dallas staff prior to entering into a purchase agreement or submitting an application.

All projects shall be implemented in accordance with environmental review regulations as defined 24 CFR Part 58.

The City of Dallas shall be responsible for conducting the environmental review and completing all necessary public notifications, and the request for release of funds (RROF) from HUD. The applicant is responsible for cooperating with the City of Dallas in the environmental review process and providing information necessary for the City of Dallas to fulfill its responsibilities under Part 58 and other applicable regulations.

Submitting an application for HOME funds triggers environmental review requirements under 24 CFR 58, including the National Environmental Policy Act (NEPA). Once an application for federal funds is submitted, a development proposal is now subject to the environmental review

requirements and requires an environmental clearance and issuance of a Release of Funds (ROF) by the US Department of Housing and Urban Development.

Developers are prohibited from undertaking or committing or expending any funds to (including non-federal funds) any physical or choice-limiting actions on the site prior to an environmental clearance as required by Part 58. Physical and choice limiting actions include, but are not limited to, property acquisition, demolition, movement, rehabilitation, conversion, repair or construction. This prohibition applies regardless of whether federal or non-federal funds are used, and taking a choice limiting action prior to completion of the required environmental clearance process will result in the denial of any HOME funds from the City of Dallas.

G. Other Federal Requirements

Nondiscrimination and Equal Opportunity

The following federal nondiscrimination and equal opportunity guidelines apply to all projects and affect both development and sales of assisted housing:

- The Fair Housing Act (42 U.S.C. 3601-19) and implementing regulations at 24 CFR part 100 et seq.;
- Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959-1963 Comp., p. 652 and 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107;
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d- 2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1;
- The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR part 146;
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at part 8 of this title;
- Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.; 24 CFR part 8; Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135;
- Executive Order 11246, as amended by Executive Orders 11375, [[Page 41]] 11478, 12086, and 12107 (3 CFR, 1964-1965 Comp., p. 339; 3 CFR, 1966- 1970 Comp., p. 684; 3 CFR, 1966-1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively) (Equal Employment Opportunity Programs) and implementing regulations at 41 CFR chapter 60;
- Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971- 1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development); and
- Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise). The nondiscrimination provisions of Section 282 of the National Affordable Housing Act of 1982.

Uniform Relocation Act (URA)

All projects fall under requirements of the URA. Any project resulting in permanent relocation/displacement of households will not be funded by the City of Dallas. Applicants must further document that any purchase of property meets the requirements of URA, including

provision of notices to the seller identifying the transaction as a voluntary sale not under the threat of eminent domain. To ensure compliance with URA, applicants should consult the City of Dallas to understand the requirements of URA and reference the URA forms included in the RFP prior to submitting an application involving an occupied property.

Davis Bacon

Davis Bacon federal prevailing wage requirements shall apply to all projects with 12 or more units assisted with HOME funds.

Excluded Parties

The City of Dallas will not fund projects owned, developed, or otherwise sponsored by any individual, corporation, or other entity that is suspended, debarred, or otherwise precluded from receiving federal awards. Nor may the developer contract with any other entity (including but not limited to builders/general contractors, property management companies, or other members of the development team) that are suspended, debarred, or otherwise so precluded. Similarly, the general contractor will be required to determine that subcontractors are not so precluded.

H. Ongoing Project Requirements

Deadlines

Construction Start- If construction is not started within 12 months of the date the City of Dallas commits funds to a project, the commitment will be subject to cancellation. If the project is cancelled as a result of failure to meet this deadline, the Developer must repay to the City of Dallas any HOME funds disbursed for the project.

Completion Deadline- Project completion occurs when construction is complete, all HOME funds have been disbursed by the City of Dallas and drawn from the US Treasury, title to the property has transferred to an eligible buyer, and required completion data has been entered in HUD's IDIS system. Project completion must occur within 2 years of the date of commitment of funds to the project. If the Developer fails to meet this 2-year deadline, it must repay to the City of Dallas any HOME funds disbursed for the project.

Sales Deadline- Pursuant to 24 CFR 92.254(a)(3), Developers must have a ratified sales contract with an eligible buyer for each HOME-funded unit within nine (9) months of completion of construction or the unsold units must be converted to rental housing or the project will be deemed ineligible and all HOME funds drawn must be repaid to HUD.

If a unit is unsold after six (6) months, the Developer must present an updated sales and marketing plan to the City of Dallas outlining steps being taken to identify buyers. At the City of Dallas option, the Developer may be required to i) take further steps--such as listing the home with a licensed realtor, adjusting the sales price, etc.—as the City of Dallas may require to facilitate the sale of the home or ii) to transfer title to the City of Dallas or to another entity selected by the City of Dallas that can otherwise identify buyers prior to the regulatory deadline.

At the City of Dallas option, if a unit remains unsold after nine (9) months, the developer shall be required i) to repay the entire HOME investment, including any City of Dallas project soft costs; ii) to convert the project to rental housing in accordance with 24 CFR 92.252; or iii) to transfer title to the City of Dallas or to another entity selected by the City of Dallas for conversion to rental housing.

Units converted to rental housing must be rented to eligible tenants in accordance with 24 CFR 92.252, which includes tenant income eligibility and rent limit requirements. Further, any units converted to rental properties shall be operated in compliance with the City of Dallas Rental Housing Program guidelines.

Reporting and Record Keeping

To allow effective oversight of funded projects and document compliance with applicable HOME requirements, all projects must submit periodic reports to the City of Dallas. While this section outlines standard reporting requirements, the City of Dallas reserves the right to require additional reporting or to alter the reporting format or frequency based on future changes to HOME requirements or City of Dallas policy. Additionally the City of Dallas reserves the right to require additional or more frequent reporting for projects with compliance deficiencies.

- Developers are required to report monthly during the development phase and sales phase. During the construction phase, developers must provide monthly reports detailing construction progress and barriers to progress, copies of invoices being paid, and evidence of appropriate lien waivers.
 - During the sales phase, developers are required to provide monthly reports detailing the number of additional sales, total sales, and marketing activity. These reports are required until all units are sold.
 - The City of Dallas may require more frequent reporting due to findings identified during the development and sales phases.
 - At the City of Dallas option, Developers may be required to obtain and submit an audit of project costs (i.e. cost certification) prepared by an independent Certified Public 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.

I. Structure of Transaction

Loan Types and Terms

The City of Dallas will provide HOME funds in the form of a loan to the entity that owns the property. No grants will be awarded, and funding commitments are not transferable without prior written City of Dallas approval.

The City of Dallas HOME Loan may be used for acquisition and construction financing. Proceeds of the HOME loan will only be released following satisfaction of all requirements outlined below.

In all cases, the HOME loan will:

Have a maximum term of 2 years;

- Be repayable in full upon sale, refinancing, or transfer of the property or upon maturity, except that repayment will be limited to the net proceeds of a City of Dallas-approved sale to a low-income buyer. Net sales proceeds will exclude any portion of the sale proceeds used to repay senior construction debt, return of City of Dallas-recognized developer equity, approved sales costs, and any HOME-assistance transferred to the buyer(s) at closing as direct homebuyer assistance.; and
- Secured with a promissory note, mortgage, and appropriate UCC liens. Mortgages will be recorded with the Dallas County Recorder of Deeds and generally may be subordinate only to an approved amortizing first mortgage.

Guarantees

Unless otherwise determined by the City of Dallas, all underlying individuals, corporate entities, partnerships, or limited liability companies with an interest in the project will be required to provide a completion guarantee including provisions guaranteeing construction completion of the project. For nonprofit organizations, including community housing development organizations (CHDOs), a guarantee shall not be required, but in all cases the City of Dallas may require a performance bond or irrevocable letter of credit acceptable to the City of Dallas to ensure project completion.

HOME Agreement

In addition to any financing documents, developers of HOME-financed projects must sign a HOME agreement with the City of Dallas. The HOME agreement will identify requirements for compliance with the HOME regulations and the City of Dallas Single-Family Development Program requirements and will remain in effect in the event of any prepayment of the HOME loan.

J. Underwriting & Subsidy Layering Reviews

Market Demand

Developers must, as part of their application, provide evidence of sufficient demand for the proposed units. Developers shall provide information from the multiple listing service pertaining to recent sales in the neighborhood, average time on the market for recent sales, availability of other product and average “months of supply” currently available, and any known or planned projects.

Additionally, Developers must complete the HOME Sales and Marketing Plan, identifying among other items the profile of typical buyers, relationships with homeownership counseling agencies or other sources of buyer referrals, and plans for marketing the homes.

In some cases, the City of Dallas may only commit to a specific project (or may limit the number of projects under construction by a given developer) upon demonstration that a home has been pre-sold to an identified low-income buyer who has, at least, executed a reservation or initial purchase agreement with the Developer.

Project Underwriting

All HOME applications must include financial statements from all underlying owners and guarantors. Developers must have a net worth equal to 10% of the total development cost with net liquid assets equal to 3% of the total development cost.

Applicant must provide the amounts and terms for any other financing being provided to the project.

Proforma Requirements

The proforma must explicitly show:

- An itemized breakdown of development hard and soft costs by unit including any allowances for soft costs such as architectural fees, carrying costs, etc;
- The hard costs of any stand-alone accessory buildings, including free-standing garages, carports, or storage structures should be specifically itemized in the Development Sources and Uses so that the City of Dallas can complete preliminary HOME cost allocation calculations. (Stand-alone accessory structures like a detached garage may be included in the project but are not HOME-eligible and must be paid for with another funding source.)
- Costs and fees to be paid to the City of Dallas as permitted by the HOME program. The HOME program allows the City of Dallas to include, as project costs, its internal soft costs specifically attributable to the project. These may include consulting, legal, inspection, and staff costs associated with reviewing, processing, and monitoring award of funds to a project. The City of Dallas will notify Developers of the amounts to include in their Development Sources and Uses for “City of Dallas-Lender Due Diligence & Legal Costs.”
- Estimates of the sales transaction to an eligible homebuyer, including a calculation of the proposed buyer’s ability to qualify for a mortgage meeting City of Dallas requirements, the anticipated need to provide direct HOME assistance (e.g. downpayment and closing cost assistance) to the buyer, projected sales costs (e.g. realtor’s commissions), and the distribution of sales proceeds (including toward repayment of private construction financing)

Cost Limitations

All project costs must be reasonable and customary. The City of Dallas reserves the right to review any line-item cost to ensure that total project costs are not excessive. Additionally, HOME projects will be subject to the following specific cost limitations:

- The maximum allowable developer fee is 15% of total development costs less the developer fee itself and seller’s closing costs.
- Acquisition costs are limited to fair market value as determined by a third-party appraisal.
- Unless prior approval has been obtained from the City of Dallas, all project hard costs and all project professional fees should be the result of a competitive bidding process. While developers are not subject to federal procurement rules and may use less formal bid processes, the City of Dallas generally expects developers to seek multiple bids and identify the most advantageous bidder based on cost, track record, and other pertinent factors.

Other Public Funding Sources

Developers must disclose all other public and private sources or applications for funding with their initial HOME Single-Family Development application to the City of Dallas at the time of application and upon receiving any additional commitments of public source funding. The City of Dallas will conduct a subsidy layering review as part of the underwriting process for all projects. Using its underwriting criteria, the City of Dallas will assess the project and may require changes to the transaction to ensure that return to the owner/developer are not excessive. Changes may include a reduction in HOME funds awarded.

The City of Dallas will consider adjusting its underwriting in consultation with other public funders, if applicable, to the project. The City of Dallas retains, at its sole discretion, the power to decide whether to accept alternative standards.

K. Construction Process

City of Dallas Construction Inspections

The City of Dallas must be provided with copies of all contractor invoices and provided reasonable notice of monthly draw inspections during the construction period. City of Dallas staff will participate in all draw reviews whether or not the specific draw is being funded with HOME or other project funds and conduct inspections to ensure that the project is progressing and that work completed is consistent with all applicable HOME requirements.

Davis Bacon

When Davis Bacon applies to a project, the City of Dallas must be provided with compliance documentation throughout the construction period. Prior to commencing construction, the City of Dallas must approve current wage determinations applicable to the project. The contractor will be required to provide weekly payroll forms to the City of Dallas and allow access to the site and workers for the purpose of completing worker interviews.

Drawing City of Dallas HOME Funds

Proceeds of the HOME loan will only be released as reimbursement for eligible project costs following:

- Review and acceptance of appropriate source documentation by the City of Dallas including evidence of appropriate lien waivers and/or title endorsements.
- A determination by the City of Dallas that all HOME requirements pertaining to the development of the Project have been met, including but not limited to monitoring of Davis Bacon compliance.

For nonprofit developers, including CHDOs, the City of Dallas may release payment based upon outstanding invoices for costs incurred and work completed. In such cases, the City of Dallas reserves the right to disburse through a title company, directly to the vendor, or with two-party checks.

Project Closeout

Developers are required to submit homebuyer eligibility packets to the City for approval of the homebuyers. Data shall include elderly status, race, gender, female head of household, number of household members, and income.

The City of Dallas requires a copy of the final project sources and uses statement and, at the City of Dallas option, may require the submission of the project cost certification prepared by an independent Certified Public Accountant following completion of construction and payment of all development costs.

APPENDIX 2

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 Principals (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 to 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.).
- Maximum Limit: Regardless of percentage, the maximum developer fee shall be \$1.5M.
- 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 (3) 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 tenants 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 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 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. Inasmuch 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 PJ, but more generally they are intended to provide clarity to applicants on what the City expects and transparency about the “rules of the road.” However, the City recognizes that it cannot pre-emptively identify every possible special circumstance that may warrant an exception to its general requirements, nor can it identify every possible “loophole” whereby a creative presentation of costs or other projections might subvert the general need to balancing of viability and reasonable returns, risk to the City and public benefit.

Consequently, the City reserves the right to waive specific underwriting criteria for specific projects when, in its judgement, the purposes of the program can be better achieved without taking on undue risk. When waiving any given requirement, the City may impose additional special conditions or business terms that are not otherwise typically applied to all projects.

For administrative ease, the City may also align its underwriting standards with those required by other public funders involved in a given transaction, particularly if those standards are more restrictive or conservative than the City’s. However, the City retains the right, in its sole discretion, to decide whether to accept alternative standards.

The City also reserves the right to reject any element of a transaction that, despite not being specifically prohibited, was not anticipated by these guidelines of such an element or business term otherwise creates unacceptable risks, excessive returns to the owner/developer, or otherwise undermines the public purposes of the City’s program.

Insomuch as is reasonable, the City will update and clarify these guidelines over time to account for exceptions, waivers, or additional restrictions it imposes.

APPENDIX 3 UNIVERSAL DESIGN GUIDELINES

This portion of the manual outlines the City's policy on Universal Design and the minimum design criteria for new affordable housing projects.

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 requirements 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 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 wide and shall be level and ramped or 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 of Sustainable Development or his designee may only grant modifications or an exemption to the requirements of the Ordinance 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; and
- No vehicular access to the back of the house will be available by means of an alley.
- Appeals of orders, decisions of determination made by the Director of Sustainable Development may be made to the Board of Adjustments.

Universal Design Implementation

- Clearly stamp or print "Universal Design" on plans submitted
- Clearly Identify design elements outlined in Ordinance.
- Certify that the plans comply with the requirements of the Ordinance.
- Plan checking, construction inspections and enforcement shall be accomplished by the Development Services Department in accordance with existing procedures.

Design Guidelines

All builders and developers of infill housing are strongly encouraged to incorporate the defining features of a neighborhood into newly constructed infill houses. Those defining features of older inner city 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 plans. Additionally, All projects must advance the principles and policies contained in the City of Dallas Complete Streets Design Manual. Site plans and building designs should contribute towards safe and convenient pedestrian, bicycle, transit and automobile access to the extent possible within the project site and the adjacent public right-of-way frontage.

For infill projects supported with CDBG and/or HOME funds, developers will be required to demonstrate that the neighborhood association near the land to be developed has been consulted on the design issues. Developers should obtain input and feedback from neighborhood residents and work with them to ensure that designs are compatible with existing housing and development patterns.

In extreme cases where an agreement cannot be reached between the developer and local neighborhood groups, CDBG and/or HOME funding may be pulled from the project.

Specific design guidelines may be developed for certain City sponsored projects. Historic and neighborhood conservation district requirements must also be met for all projects.

For rehabilitation projects, builders and developers are strongly encouraged to retain the defining features of older structures. This applies to multi-family and single-family projects.

APPENDIX 4

City of Dallas Income Limits and Part 5 Requirements

Per 24 CFR Part 92.203(b)(1), the City has elected to utilize the 24 CFR Part 5 definition for determining annual income which is commonly referred to as the “Section 8 Low-Income Limit”. To be eligible for HOME or CDBG funds, households must have annual (gross) incomes at or below 80% of area median income, adjusted by household size and determined annually by the U.S. Department of Housing and Urban Development (HUD).

The *Technical Guide for Determining Income and Allowances for the HOME Program* should be utilized as a resource and the standard for the following determinations:

- Whose Income to Count
- Types of Income to Count
- Treatment of Assets
- Income Inclusions and Exclusions
- Verifying Income
- Comparing Annual Income to Published Income Limits
- Determining Household Size
- Source Documentation
- Timing of Income Certifications

The annual income limits are published by HUD each year at the webpage below.
<http://www.huduser.gov/portal/datasets/il/il15/index.html>

APPENDIX 5

Community Housing Development Organization (CHDO) Policy, Procedure, and Standards

WHAT IS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO)?

A CHDO (pronounced cho'doe) is a private nonprofit, community-based service organization that has significant capacity, and whose **primary** purpose is, to develop affordable housing for the community it serves. Certified CHDOs receive special designation from the City of Dallas (City). The HOME Investment Partnership (HOME) Program definition of a CHDO is found at 24 CFR Part 92.2.

WHAT SPECIAL BENEFITS ARE AVAILABLE TO CHDOs?

HOME regulations require that the City set aside **15%** of its annual HOME allocation exclusively for qualified, eligible CHDO projects. If an organization becomes a certified CHDO, it is eligible to take advantage of the HOME funds set-aside just for CHDOs, as well as financial support for a portion of its operating expenses (Operating Assistance Grants) associated with CHDO projects. The City's CHDOs also have first right of purchase on land bank lots and as a nonprofit they are eligible to purchase HB110 lots.

REGULATORY REQUIREMENTS FOR CHDO CERTIFICATION

The U.S. Department of Housing and Urban Development (HUD) has established standard criteria for organizations to be eligible to become a certified CHDO:

1. **Organized Under State/Local Law.** A nonprofit organization must show evidence in its Articles of Incorporation that it is organized under state or local law.
2. **Nonprofit Status.** The organization must be conditionally designated or have a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501(c) of the Internal Revenue Code of 1986. A 501(c) certificate from the IRS must evidence the ruling.
3. **Purpose of Organization.** Among its primary purposes, the organization must have the provision of decent housing that is affordable to low- and moderate-income people. This must be evidenced by a statement in the organization's Articles of Incorporation and/or Bylaws.
4. **Board Structure.** The board of directors must be organized to contain no more than one-third representation from the public sector and a minimum of one-third representation from the low-income community.
5. **No For-Profit Control.** The organization may not be controlled by, nor receive directions from, individuals or entities seeking profit from or that will derive direct benefit from the organization.
6. **No Individual Benefit.** No part of a CHDO's net earnings (profits) may benefit any members, founders, contributors, or individuals. This requirement must also be evidenced in the organization's Articles of Incorporation.
7. **Clearly Defined Service Area.** The organization must have a clearly defined geographic service area outlined in its Articles of Incorporation and/or Bylaws. CHDOs may serve individual neighborhoods or large areas. However, while the organization may include an entire community in their service area (such as a city, town, village, county, or multi-county area), they may not include the entire state.
8. **Low-Income Advisory Process.** A formal process must be developed and implemented for low-income program beneficiaries and low-income residents of the organization's service area to advise the organization in all of its decisions regarding the design, location, development and management of affordable housing projects.
9. **Capacity/Experience.** The key staff and board of directors must have significant experience and capacity to carry out CHDO-eligible, HOME-assisted projects in the community where it intends to develop affordable housing (key staff and board of directors have successfully completed HOME-funded, CHDO-eligible projects in the past).
10. **Community Service.** A minimum of one year of relative experience serving the community(ies) where it intends to develop affordable housing must be demonstrated.

11. **Financial Accountability Standards.** The organization must meet and adhere to the financial accountability standards as outlined in 2 CFR 200 Subpart D, "Standards for Financial and Program Management."

CITY REQUIREMENTS FOR CHDO CERTIFICATION

In addition to the regulatory requirements, the City has established additional criteria for CHDO designation. To be eligible for CHDO designation, an organization must also:

1. Maintain a record of good standing with the Texas Secretary of State's office.
2. Maintain a staffed, physical office location in the proposed service area that is open for business and accessible by potential program applicants during generally-accepted customary business hours.
3. Have established a minimum **3-year** strategic business plan, which must include CHDO- related production and community involvement goals.
4. Maintain a history of no significant compliance findings on its City funded projects.

The City will accept applications from new CHDOs year-round; however, CHDO certifications will not be provided until a project is identified for funding and prior to execution of a written agreement. Please note that the criteria noted above is not intended to be all-inclusive and the City may require additional information prior to making a determination for CHDO designation. Meeting the above requirements does not guarantee that the organization will be granted CHDO designation. City reserves the right to deny or revoke CHDO designation based upon its evaluation of the nonprofit organization's performance. Designated CHDOs will be evaluated periodically for production and other benchmarks as established by City.

ORGANIZATIONAL STRUCTURE REQUIREMENTS FOR CHDO CERTIFICATION

The HOME Program establishes requirements for the organizational structure of a CHDO to ensure that the governing body of the organization is **controlled by the community it serves**. These requirements are designed to ensure that the CHDO is capable of decisions and actions that address the community's needs without undue influence from external agendas.

There are four specific requirements related to the organization's board, which must be evidenced in the organization's Articles of Incorporation and/or Bylaws. These are:

1. **Low Income Representation.** At least one-third of the organization's board must be representatives of the low-income community served by the CHDO. There are three ways a board member can meet the definition of a low-income representative:

- The person lives in a low-income neighborhood where **51%** or more of the residents are low-income. This person need not necessarily be low-income.

or

- The person is a low-income (below **80%** area median income) resident of the community.

or

- The person was elected by a low-income neighborhood organization to serve on the CHDO board. The organization must be composed primarily of residents of the low-income neighborhood and its primary purpose must be to serve the interests of the neighborhood residents. Such organizations might include block groups, neighborhood associations, and neighborhood watch groups.

The CHDO is required to certify the status of low-income representatives.

2. **Public Sector Limitations.** No more than one-third of the organization's board may be representatives of the public sector, including elected public officials, appointees of a public official, any employees of a local government or public school system, or employees of City or

the State of Texas. If a person qualifies as a low-income representative **and** a public-sector representative, their role as a public-sector representative supersedes their residency or income status. Therefore, this person counts toward the one-third public sector limitation.

3. **Low-Income Advisory Process.** Input from the low-income community is not met solely by having low-income representation on the board. The CHDO must provide a formal process for low-income program beneficiaries to advise the CHDO on design, location of sites, development and management of affordable housing. The process must be described in writing in the Articles of Incorporation and/or Bylaws. Each project undertaken by the CHDO should allow potential program beneficiaries to be involved and provide input on the entire project from project concept, design and site location to property management. One way to accomplish this requirement is to develop a project advisory committee for each project or community where a HOME assisted project will be developed. Proof of input from the low-income community will be required at the CHDO's annual recertification.
4. **For-Profit Limitations.** If a CHDO is sponsored by a for-profit entity, the for-profit may not appoint more than one-third of the board. The board members appointed by the for-profit may not appoint the remaining two-third of the board members.

EXPERIENCE, CAPACITY AND ROLES (24 C.F.R. 92.300-92.303)

To be certified as a CHDO, the HOME Program requires organizations to demonstrate sufficient experience, capacity, and financial accountability.

Experience & Capacity: A CHDO must certify to City that it has the capacity, demonstrated by having paid staff with demonstrated capacity to perform the specific role for which is it being funded. CHDO staff can be full-time or part-time and can be contract employees. The CHDO cannot count the experience of board members, donated staff, parent organization staff, or volunteers to meet the capacity requirement. The CHDO can only count capacity brought to the table by a consultant in the first year of participation. Afterward, the CHDO must demonstrate capacity based upon paid staff.

The CHDO must demonstrate experience and capacity relevant to the project and its role as owner, developer, or sponsor. If the CHDO is the owner, its staff must have the capacity to act as the owner (this may mean the ability to oversee development.) If the CHDO is the developer or sponsor, its staff must have development experience on projects of similar scope or complexity.

CHDOs must demonstrate a history of serving the community where the housing to be assisted with HOME funds will be located. HUD requires that organizations show a history of serving the community by providing:

- A statement that documents at least one year of experience serving the community.
- For newly created organizations, provide a statement that the parent organization (if applicable) has at least 1-year experience serving the community.

CHDOs must provide resumes and/or statements of key staff members that describe their experience of successfully completed projects similar to those proposed.

CHDO SERVICE AREA

While the City does not limit the number of counties is a CHDO's service area, the very definition of a CHDO is that it be community-based. Therefore, an organization proposing a large or regional service area must demonstrate that it is taking the appropriate steps to achieve the community-based component. Some of the ways this can be achieved is by having an active community (nonpublic) representative from each of the counties on the CHDO's board of directors; establishing local advisory councils to advise the CHDO board on topics relative to the organization's activities; hosting "town hall" meetings in the proposed project areas, etc. the City will consider other methods suggested by the CHDO. CHDOs will be required to provide updates on how it is ensuring that it is active and visible in the communities included in its

service area.

The City reserves the right to limit CHDOs going into a service area where an existing CHDO is already providing service. Unless a CHDO is already approved to serve a particular territory, the City will not approve CHDOs to serve overlapping territory.

CHDO RECERTIFICATION

To ensure compliance with the HOME regulations, the recertification process will apply to CHDOs with active development projects including those under development and within the affordability period. Each CHDO will be required to submit specific information to City on an annual basis in conjunction with annual monitoring and compliance audits, including, but not limited to:

- The response to questions, numbered exhibits, and attachments listed in the City's CHDO certification application
- An updated **3-year** business plan and a description of how the low-income advisory process was implemented. If no HOME funds were used within the reporting period, a detailed description of all other affordable housing initiatives undertaken will be requested.

Recertification will be required **ANNUALLY WHEN THE CITY MONITORS THE CHDO FOR COMPLIANCE**. The CHDO must recertify as to its continued qualifications as a CHDO and its capacity to own, sponsor, or develop housing.

CHDOs that have not been allocated project funds from the HOME CHDO set-aside for **3** consecutive years will be deemed inactive. At its discretion, the City may revoke the designation of inactive CHDOs based upon a review of other non-CHDO housing activities the organization has undertaken (if any), as well as other factors deemed appropriate by City.

CHDO SET-ASIDE

The HOME requirements at 24 CFR Part 92.300 require City to set aside at least **15%** of its annual HOME allocation for projects owned, developed or sponsored by CHDOs. A certified CHDO must serve as the owner, developer or sponsor of a HOME-eligible project when using funds from the **15%** percent CHDO set-aside. A CHDO may serve in one of these roles or it may undertake projects in which it combines roles, such as being both an owner and developer. The CHDO must be certified for each type of activity it plans to undertake.

FINANCIAL ACCOUNTABILITY

CHDOs must have financial accountability standards that conform to the requirements detailed in 2 CFR 200 – Subpart D, “Standards for Financial and Program Management.” This can be evidenced by:

- A notarized statement by the president or chief financial officer of the organization.
- Certification from a certified public accountant.
- Audit completed by CPA.
- City reserves the right to request additional audited financial statements at any time.

ELIGIBLE AND INELIGIBLE USES OF HOME CHDO SET-ASIDE FUNDS

ELIGIBLE ACTIVITIES - OWNERS, SPONSORS, DEVELOPERS

Using the **15%** set-aside, a CHDO acting as an owner, sponsor, or developer may undertake any of the following activities:

- Acquisition and/or rehabilitation of rental property;
- New construction of rental housing;

- Acquisition, rehabilitation and resale of existing, vacant homebuyer property;
- New construction of homebuyer property;
- Direct financial assistance to purchasers of HOME-assisted housing developed by a CHDO with HOME CHDO set-aside funds.

Please note that to be considered a CHDO-eligible project, CHDO set-aside HOME funds must be used during the construction or rehabilitation of the project.

INELIGIBLE CHDO ACTIVITIES

Using the **15%** set-aside, a CHDO may not undertake any of the following activities:

- Rehabilitation of existing homeowners' properties;
- Tenant-based rental assistance (TBRA); or
- Down payment and/or closing cost assistance to purchasers of housing not developed with HOME CHDO set-aside funds.

ELIGIBLE ACTIVITIES – SUBRECIPIENTS

CHDOs may also act as subrecipients with non-set-aside funds by undertaking other HOME-eligible activities such as:

- Tenant-Based Rental Assistance (TBRA);
- Owner-occupied rehabilitation of single-family dwellings; and
- Down payment or closing cost assistance in the acquisition of single-family units.

OPTIONAL OPERATING EXPENSES

From time to time, funds may be available to provide general operating assistance to CHDOs receiving CHDO set-aside funds for activities. When funds are available, certified CHDOs that are administering an eligible project funded from the CHDO set-aside may be eligible to receive funds to be used for operating expenses. The regulations allow the City to allocate no more than **5%** of its HOME allocation for CHDO operating expenses (Operating Assistance Grants). However, the City reserves the right to further restrict the amount of funds an entity may receive for CHDO operating funds. This allocation does not count toward the required **15%** CHDO set-aside funds that are to be used by CHDOs for projects.

The amount of the optional Operating Assistance Grants awarded will be based on, but not limited to, the following factors:

1. The total amount of HOME funds City has available to allocate for reimbursable CHDO operating expenses;
2. The anticipated completion date and size of your current CHDO set-aside project(s); and
3. The CHDO's past performance as a CHDO developer.
4. The CHDO's capacity to complete the project in a timely manner.
5. The ability of the CHDO to retain CHDO proceeds.

The City will allocate Operating Assistance Grants on annually. Operating Assistance Grants will be provided on a fiscal year basis (October 1 – September 30) provided funds are available and the CHDO has demonstrated acceptable performance.

Although the disbursement of CHDO operating funds is not tied directly to the drawdown of the CHDO project funds, the City reserves the right to delay disbursement of operating funds if it is evident that the CHDO project is experiencing excessive delays.

City reserves the right to reduce the amount of, or not award, operating funds based upon its evaluation of the CHDO's production and overall performance.

Eligible operating expenses for which CHDOs may use operating funds include:

- Salaries, wages, benefits, and other employee compensation
- Employee education, training and travel
- Rent and utilities
- Communication costs
- Taxes and insurance
- Equipment, materials and supplies

Because the purpose of providing CHDO operating support is to nurture successful CHDOs and ensure their continued growth and success, the City will periodically evaluate the performance of any CHDO wishing to receive CHDO operating funds.

CHDO PROCUREMENT

As noted in HUD CPD Notice 97-11, CHDO organizations are not subject to the requirements of 2 CFR, Part 200 in regard to the procurement of goods and services. However, the City strongly encourages organizations to ensure that costs are reasonable and equitable. This exemption is only applicable to procurement associated with CHDO-eligible projects; CHDOs must still follow appropriate procurement procedures compliant with Part 200 for its non-CHDO projects. City may request a copy of the CHDO's procurement policy for any non-CHDO project funding proposals.

EFFECTIVE PERIOD OF CHDO CERTIFICATION

To maintain its CHDO certification, the CHDO must submit at least **30** days prior to its annual compliance and monitoring audit a copy of the most recent audit financial statements along with all required attachments listed in the City's CHDO Certification Application, which is attached to this manual as **Exhibit "A" – City CHDO Application**. If the CHDO fails to submit the recertification packet, the CHDO may no longer qualify as a CHDO. Prior to awarding any City CHDO funds, the CHDO must recertify that no changes have occurred within the agency that would disqualify the entity as a CHDO for the specific type of activity being undertaken.

HOW TO APPLY FOR CHDO CERTIFICATION

Complete the City's CHDO Certification Application including all requested attachments, documentation, and forms. The applicant has **30** days to respond to any request for additional information. If information is not received within **30** days, the CHDO certification application will be denied.

Exhibit “A” – City CHDO Application



A Community Housing Development Organization (CHDO) is a private, nonprofit, community-based service organization that has obtained staff with the capacity to develop affordable housing in the community it serves.

The following application details the requirements that nonprofit corporations must satisfy to be certified as a CHDO by the City of Dallas Housing and Neighborhood Revitalization Department (HNR). Please refer to the CHDO Manual which provides details and additional requirements HNR will use in reviewing your application submission. The CHDO Manual can be found on the City of Dallas (City) website at www.dallascityhall.com/departments/housing-neighborhood-revitalization.

Please fully complete the application and supply all requested documentation. An incomplete application package will significantly delay the consideration of your application.

We are here to help if you have any questions in completing the application. Please do not hesitate to contact Cynthia Rogers-Ellickson (214) 670-3601 for assistance.

We look forward to receiving your application!

Submit Original Certification Application Package to:



Cynthia Rogers-Ellickson
Housing Development Manager
Housing and Neighborhood
Revitalization
1500 Marilla Street, 6DN
Dallas, TX 75201



I. LEGAL STATUS

1. **ORGANIZED:** To receive certification, your organization must be organized under state or local laws and must provide evidence of your legal status. Organization must Maintain a record of good standing with the Texas Secretary of State's office. Which of the following have you supplied?
- Charter
 - Articles of Incorporation along with confirmation from the Secretary of State; and
 - Certificate of Good Standing or comparable document from the Secretary of State.

Provided in Exhibit # _____(please specify Exhibit #)

2. **PURPOSE OF ORGANIZATION:** An organization must have among its purposes the provision of decent housing that is affordable to low and moderate-income persons'. Which of the following have you included that demonstrate compliance with this requirement?
- Charter
 - By-laws signed by the board Secretary
 - Articles of Incorporation

Provided in Exhibit # _____(please specify Exhibit #)

3. **NO INDIVIDUAL BENEFIT:** No part of your organization's net earnings can inure to the benefit of any member, founder, contributor or individual. Which of the following have you included that demonstrate compliance with this requirement?
- Charter
 - By-laws signed by the board Secretary
 - Articles of Incorporation

Provided in Exhibit # _____(please specify Exhibit #)

4. **SERVICE AREA:** To receive certification an organization must have a clearly defined geographic service area. The service area can be an area larger than a single neighborhood but must be an area smaller than an entire state. CHDO must maintain a staffed, physical office location in the proposed service area that is open for business and accessible by potential program applicants during generally-accepted customary business hours. If you will be serving a special population the geographic boundaries and your service area must also be defined. Which of the following have you included to demonstrate that your organization has a clearly defined geographic service area?
- Charter
 - By-laws signed by the board Secretary
 - Articles of Incorporation

Provided in Exhibit # _____(please specify Exhibit #)

5. **TAX EXEMPT RULING:** Your organization must have a tax-exempt ruling from the Internal Revenue Service (IRS), under section 501 (c) (3), 501 (c) (4) or a Section 905 of the Internal Revenue Code of 1986. Which of the following have you provided to indicate receipt of such a ruling?
- A 501 (c) (3) Certificate Letter from the IRS
 - A 501 (c) (4) Certificate Letter from the IRS
 - A group exemption letter, that is dated 1986 or later, from the IRS that includes the agency seeking certification as a CHDO (acceptable for Section 905 organizations only)

Provided in Exhibit # _____(please specify Exhibit #)

II. ORGANIZATIONAL STRUCTURE

6. **BOARD COMPOSITION:** To be certified a CHDO, an organization must structure the board of directors to consist of **at least** one-third representatives of the low-income community and no more than one-third representatives of the public sector. These provisions and examples are as follows:
- An applicant organization must ensure that at all times **at least** one-third of its governing board consists of representatives of the low-income community. There are three ways to meet this requirement: 1) Individuals can be residents of a low-income neighborhood in the organization's service area (but do not necessarily have to earn a low income themselves), 2) they can be low-income residents of the community, or 3) they can be appointed representatives to the board from a low-income neighborhood association. Which of the following documents have you provided that demonstrate that the one-third requirement will be maintained?
 - Charter
 - By-laws signed by the board Secretary
 - Articles of Incorporation

Provided in Exhibit # _____ (please specify Exhibit #)

- An organization's board of directors may consist of no more than one-third representatives of the public sector. Representatives of the public sector include: 1) **elected officials** such as council members, 2) **appointed public officials** such as planning or zoning commission, regulatory or advisory boards, 3) **public employees** which include employees of public agencies or departments of the City such as fire and police, and 4) any individual who is not necessarily a public official, but has been **appointed by a public official** to serve on the organization's Board of Directors. Which of the following have you provided that demonstrate that the one-third cap on public representation will be met?
 - Charter
 - By-laws signed by the board Secretary
 - Articles of Incorporation

(Under the HOME Program, "community" is defined as one or several neighborhoods or the city at large)

In order to verify that your current board meets both the low-income requirement and the limits on public-sector representation above, please complete the worksheet included as **Attachment B** to this application. In order to complete the worksheet, you will need to know whether the board member resides in a 'low-income' neighborhood or whether the board member qualifies as a low-income resident. An individual residing in a household earning **80%** of the area median family income or less meets the "low-income" designation. **Attachment E** provides the dollar amount of that income cap by

7. **LOW-INCOME INPUT:** To be certified a CHDO, an organization must provide a specific formal process for low-income program beneficiaries to advise the organization in all of its decisions regarding the design, location of sites, development and management of affordable housing projects. Specifically, a detailed plan for ensuring that input from low-income program beneficiaries will be solicited and integrated into the decision-making and project development processes of the organization. Which of the following has your organization provided, that detail the systems you will use to gather community involvement/input from those affected by your projects?
 - By-laws signed by the board Secretary
 - A Board Resolution, (written statement of operating procedures approved by the governing body).

Provided in Exhibit # _____ (please specify Exhibit #)

III. RELATIONSHIP WITH OTHER ENTITIES

RELIGIOUS ORGANIZATION SPONSORSHIP:

8. Is your nonprofit organization sponsored or created by a religious organization?

- Yes, (please continue with the following)
- No, (if no, skip to # 9)

A religious organization cannot qualify as a CHDO, but they may sponsor the creation of a wholly secular nonprofit. The developed housing must be used exclusively for secular purposes. It must also be ensured that housing will be made available to all persons, regardless of religious affiliation or belief. The religious organization can appoint an unlimited number of board members to the housing organization's board, but the religious organization cannot control the housing organization. Which of the following has been provided to demonstrate that all of these provisions will be met in the operation of the organization?

- By-laws
- Charter
- Articles of Incorporation

Provided in Exhibit # _____ (please specify Exhibit #) PUBLIC ENTITY SPONSORSHIP:

9. Was your organization chartered by a state or local government?

- Yes, (please continue with the following)
- No, (If no, skip to # 10)

The state or local government may not appoint more than one-third of the organization's governing body, and the board members appointed by the state or local government may not, in turn, appoint the remaining two-thirds of the board members. Which of the following has been provided that demonstrate compliance with these requirements?

- By-laws signed by the board Secretary
- Charter
- Articles of Incorporation

Provided in Exhibit # _____ (please specify Exhibit #) FOR-PROFIT RELATIONSHIPS:

10. Is the nonprofit organization being sponsored by or was it created by a for-profit entity?

- Yes, (please continue with the following, # 11-14)
- No, (If no, skip to # 15)

11. A CHDO cannot be controlled by, nor receive direction from individuals or entities seeking profit from the organization. Which of the following has been provided to address compliance with this requirement?

- By-laws signed by the board Secretary
- A Memorandum of Understanding (MOU)

Provided in Exhibit # _____ (please specify Exhibit #)

III. RELATIONSHIP WITH OTHER ENTITIES, Continued...

12. An organization may be sponsored or created by a for-profit entity, however; the for-profit entity's primary purpose may not include the development or management of housing. Please provide the following to evidence compliance:

- The By-laws of the for-profit entity

Provided in Exhibit # _____(please specify Exhibit #)

13. The nonprofit organization is free to contract for goods and services from vendor(s) of its own choosing. Which of the following items has been provided to demonstrate that the nonprofit is free to do this?

- By-laws signed by the board Secretary
- Charter
- Articles of Incorporation

Provided in Exhibit # _____(please specify Exhibit #)

14. If the nonprofit is sponsored by a for-profit entity, the for-profit entity may not appoint more than one-third of the organization's governing body, and the board members appointed by the for-profit entity may not, in turn, appoint the remaining two-thirds of the board members. Which of the following items has been provided to demonstrate that the nonprofit is free to do this?

- By-laws signed by the board Secretary
- Charter
- Articles of Incorporation

Provided in Exhibit # _____(please specify Exhibit #)

IV. EXPERIENCE and CAPACITY

- 15. **FINANCIAL ACCOUNTABILITY:** The organization must have financial accountability standards that conform to 2 CFR 200 Subpart D, “Standards for Financial and Program Management”, which is included as **Attachment A** to this application. These standards are a variation on OMB Circular A-133 but are an updated version to that circular. The organization must certify that its financial management and internal controls comply with this specific standard. Which of the following have you provided to evidence compliance with this federal requirement?
 - A notarized statement by the Treasurer or Chief Financial Officer of the organization
 - Certification from a Certified Public Accountant
 - HUD approved audit summary

Provided in Exhibit # _____(please specify Exhibit #)

- 16. **AUDIT REQUIREMENT:** The City of Dallas requires that your organization submit audited financial statements for the organization’s most recent program year. The audits financials should include all components conducted, including any A-133 analysis of compliance with federal grants, analysis of internal controls, letter to the Board of Directors or management letters. If your organization does not have audited financial statements because it has been operating for less than one year, you must submit the audited financial statements of the parent or sponsor organization, along with your organization’s current unaudited financial statements.

Provided in Exhibit # _____(please specify Exhibit #)

NOTE: No nonprofit organization shall be certified as a CHDO if the organization’s most recent audit reflects an outstanding finding, material weakness or other unresolved matter, which would prevent the City of Dallas from certifying the capacity of that organization to successfully develop a CHDO project.

- 17. **EXPERIENCE:** To become a certified CHDO, the organization must demonstrate a capacity for carrying out housing projects assisted with HOME funds. A designated organization undertaking development activities as a developer or sponsor must satisfy this requirement by having paid employees with housing development experience who will work on projects assisted with HOME funds or by contract with a consultant who has housing development experience to train appropriate key staff of the organization. The organization must have **at least** one year of experience serving the community where the housing to be assisted with HOME funds is to be located. The year of service does **not** have to be directly related to housing. Newly created organizations wishing to become CHDOs can meet the requirement if the parent (or sponsoring) organization is a nonprofit and has provided services to the community for at least one year. These are the two forms in which capacity may be documented and accepted. Which of the two have you provided to demonstrate compliance with this requirement?
 - A statement signed by the Executive Director that documents at least **1** year of experience serving the community prior to seeking CHDO certification plus details the type of service provided; and have paid employees or a consultant with housing development experience working on projects assisted with HOME funds **OR,**
 - A statement signed by the Executive Director that documents that its parent or sponsoring organization has at least **1** year of experience serving the community prior to seeking CHDO certification plus details the type of service provided; and have paid employees or a consultant with housing development experience working on projects assisted with HOME funds

Provided in Exhibit # _____(please specify Exhibit #)

- 17a. **3-Year Business Plan:** To be eligible for CHDO designation, an organization must also have established a minimum 3-year strategic business plan, which must include CHDO- related production and community involvement goals.

Provided in Exhibit # _____(please specify Exhibit #)

18. **PROJECT DETAIL:** As a next step toward assessing your organization’s capacity, please provide the following information about the type of project(s) your organization is currently developing or expects to develop in the next 6 months:

NUMBER OF UNITS IN FIRST PROJECT: _

BUILDING TYPE:	EXPECTED USE:	CONCENTRATION:	CONSTRUCTION ACTIVITY
<input type="checkbox"/> Single Family buildings	<input type="checkbox"/> Rental	<input type="checkbox"/> Single Site	<input type="checkbox"/> Acquisition
<input type="checkbox"/> Multi-family buildings	<input type="checkbox"/> Homeownership	<input type="checkbox"/> Scattered Site	<input type="checkbox"/> New Construction
			<input type="checkbox"/> Rehabilitation
FOR RENTAL ONLY:		FOR HOMEOWNERSHIP ONLY:	
<input type="checkbox"/> CHDO will do Property Management		<input type="checkbox"/> CHDO will do Homeownership Counseling	
<input type="checkbox"/> CHDO will contract out for Property Management		<input type="checkbox"/> CHDO will work with established Homeownership Counseling or replace homeowners	

Additional comments about the project?

19. **STAFF AND CAPACITY:** To be certified as a CHDO, the organization must have paid staff *. HUD defines CHDO staff as paid employees who are responsible for the day-to-day operations of the CHDO; this does not include volunteers, board members or consultants. Additionally, the organization must demonstrate the capacity of its key staff to carry out the activities it is planning to undertake. Specifically, the key staff who will be responsible for the project must have successfully completed projects **similar to those the organization expects to undertake**. Please submit the following to evidence staff capacity:

- Resumes of key staff members who have successfully completed projects similar to that being proposed, (include project descriptions of relevant completed projects)

Provided in Exhibit # _____(please specify Exhibit #)

** HUD’s Definition of a paid employee is a person whose salary, payroll taxes, and unemployment insurance are paid by the organization and from whom the organization withholds payroll and income taxes. Receipt of a W-2 is sufficient evidence that an individual is a ‘paid employee’. The employee must be paid by the CHDO and, therefore cannot be contracted through, shared with, or cost-allocated through another entity. Employees of a for-profit organization that created a CHDO cannot also be employees of that CHDO.*

Please submit a roster of the organizations current board composition and their positions on the board.

Please describe the organization's current staffing by completing Attachment C

PLEASE REVIEW THE FOLLOWING CHECKLIST TO BE SURE YOUR APPLICATION SUBMISSION INCLUDES ALL OF THE ITEMS LISTED BELOW:

- All questions have been answered, exhibit numbers indicated, and the Executive Director has signed the certification statement on page one.
- Attachment B, Board information has been completed for every board member and is enclosed.
- Attachment C, Staff information has been completed for every staff person and is enclosed.
- All exhibits referenced in the application are numbered and enclosed.

Thanks very much for applying for CHDO Certification with the City of Dallas's Housing and Neighborhood Revitalization Department. We will work diligently to provide you with a quick response to your application.

ATTACHMENT A TO CHDO CERTIFICATION APPLICATION
HUD—Required Standards for Financial Management and Internal Controls

Code of Federal Regulations, Title 2, Volume 200, Parts 302 and 303

Revised as of December 19, 2014

From the U.S. Government Printing Office via GPO Access

[CITE: 2CFR200.302, 2CFR200.303], Page 107-108

TITLE 2-- GRANTS AND AGREEMENTS

Subpart D--Post Federal Award Requirements

Sec. 200.302-- **Financial management.**

- (a) Each state must expend and account for the Federal award in accordance with state laws and procedures for expending and accounting for the state's own funds. In addition, the state's and the other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award. See also §200.450 Lobbying.
- (b) The financial management system of each non-Federal entity must provide for the following (see also §§ 200.333 Retention requirements for records, 200.334 Requests for transfer of records, 200.335 Methods for collection, transmission and storage of information, 200.336 Access to records, and 200.337 Restrictions on public access to records):
 - (1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any.
 - (2) Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in §200.327 Financial reporting and 200.328 Monitoring and reporting program performance. If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. This recipient may develop accrual data for its reports on the basis of an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand.
 - (3) Records that identify adequately the source and application of funds for federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.
 - (4) Effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. See §200.303 Internal controls.
 - (5) Comparison of expenditures with budget amounts for each Federal award.
- (6) Written procedures to implement the requirements of §200.305 Payment.
- (7) Written procedures for determining the allowability of costs in accordance with Subpart E—Cost Principles of this part and the terms and conditions of the Federal award.

CHDO Certification Application, **Attachment A** – 2 CFR 200.302-200.303

Page 1 of 2

ATTACHMENT A TO CHDO CERTIFICATION APPLICATION
HUD–Required Standards for Financial Management and Internal Controls

Code of Federal Regulations, Title 2, Volume 200, Parts 302 and 303

Revised as of April 1, 2000

From the U.S. Government Printing Office via GPO Access

[CITE: 2CFR200.302, 2CFR200.303], Page 107-108

TITLE 2-- GRANTS AND AGREEMENTS

Subpart D--Post Federal Award Requirements

Sec. 200.303-- **Internal controls.**

The non-Federal entity must:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- (b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
- (c) Evaluate and monitor the non-Federal entity’s compliance with statutes, regulations and the terms and conditions of Federal awards.
- (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- (e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

ATTACHMENT B - BOARD MEMBER REQUIREMENTS

Org Name Here:

BOARD MEMBER INFORMATION: PLEASE CHECK THE APPROPRIATE BOX BELOW:

1

Name:			Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:								
Address:								
City:								
State:			Yes					Included
Zip:		Phone:	No					N/A
Place of Employment:			Additional Comment:					
Position:								

2

Name:			Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:								
Address:								
City:								
State:			Yes					Included
Zip:		Phone:	No					N/A
Place of Employment:			Additional Comment:					
Position:								

3

Name:			Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:								
Address:								
City:								
State:			Yes					Included
Zip:		Phone:	No					N/A
Place of Employment:			Additional Comment:					
Position:								

4

Name:			Elected or appointed Public Official?	Public Employee?	* Low-income resident of the community?	Resident of the low-income neighborhood in service area?	Elected rep of low-income neighborhood organization?	* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:								
Address:								
City:								
State:			Yes					Included
Zip:		Phone:	No					N/A
Place of Employment:			Additional Comment:					
Position:								

ATTACHMENT B - BOARD MEMBER REQUIREMENTS

Org Name Here:

BOARD MEMBER INFORMATION:

5

PLEASE CHECK THE APPROPRIATE BOX BELOW:

Name:											* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:											Elected rep of low-income neighborhood organization?
Address:											Resident of the low-income neighborhood in service area?
City:											* Low-income resident of the community?
State:											Public Employee?
Zip:											Elected or appointed Public Official?
Place of Employment:											Yes
Position:											No
	Additional Comment:										Included
											N/A

6

Name:											* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:											Elected rep of low-income neighborhood organization?
Address:											Resident of the low-income neighborhood in service area?
City:											* Low-income resident of the community?
State:											Public Employee?
Zip:											Elected or appointed Public Official?
Place of Employment:											Yes
Position:											No
	Additional Comment:										Included
											N/A

7

Name:											* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:											Elected rep of low-income neighborhood organization?
Address:											Resident of the low-income neighborhood in service area?
City:											* Low-income resident of the community?
State:											Public Employee?
Zip:											Elected or appointed Public Official?
Place of Employment:											Yes
Position:											No
	Additional Comment:										Included
											N/A

8

Name:											* NOTE: If a low-income resident, provide a signed statement from the individual confirming that their income is below 80% MFI for their family size.
Board Position:											Elected rep of low-income neighborhood organization?
Address:											Resident of the low-income neighborhood in service area?
City:											* Low-income resident of the community?
State:											Public Employee?
Zip:											Elected or appointed Public Official?
Place of Employment:											Yes
Position:											No
	Additional Comment:										Included
											N/A

ATTACHMENT C

Staff Member Information

(Please make additional copies as needed to include *all* staff members)

PLEASE NOTE: A paid employee is a person whose salary, payroll taxes, and unemployment insurance are paid by the organization and from whom the organization withholds payroll and income taxes. Receipt of a W-2 is sufficient evidence that an individual is a 'paid employee'. The employee must be paid by the CHDO and, therefore cannot be contracted through, shared with, or cost-allocated through another entity. Employees of a for-profit organization that created a CHDO cannot also be employees of that CHDO.

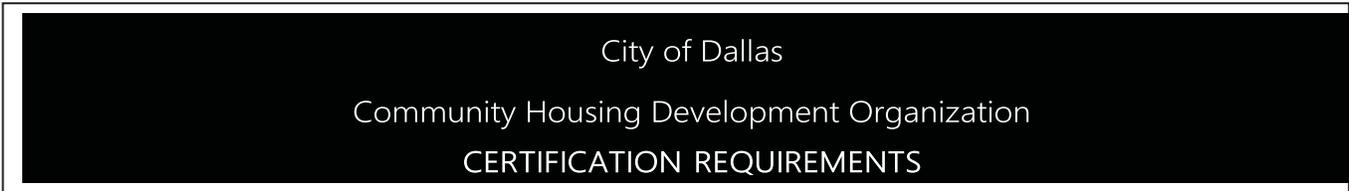
STAFF INFORMATION:

Name:		Please indicate if this position is: <input type="checkbox"/> Paid Unpaid Resume Included? Yes No (Required)
Title:		
Position:		
Hours of work:		
Duties and Responsibilities		

Name:		Please indicate if this position is: Paid Unpaid Resume Included? Yes No (Required)
Title:		
Position:		
Hours of work:		
Duties & Responsibilities		

Name:		Please indicate if this position is: Paid Unpaid Resume Included? Yes No (Required)
Title:		
Position:		
Hours of work:		
Duties & Responsibilities		

ATTACHMENT D TO CHDO CERTIFICATION APPLICATION



To be certified as a Community Housing Development Organization (CHDO), an organization must meet the minimum certification criteria as required by the U.S. Department of Housing and Urban Development. Additionally, the organization must comply with the following policies in order to receive CHDO certification from the Housing and Neighborhood Revitalization Department (HNR).

NO DISTRIBUTIONS

An applicant organization's charter or the articles of incorporation must specify that no net earnings of the corporation can inure to the benefit of any member, founder, contributor or individual. All net income must be reinvested in the projects developed by the organization or in subsequent affordable housing projects.

BOARD COMPENSATION

Board members may receive a reasonable fixed sum and expenses for each board meeting he/she attends. However, board members cannot receive a salary for their service as a board member. For HNR staff to verify the reasonableness of compensation, CHDO applicants are required to submit all financial statements and, upon request, any other documents necessary for HNR to verify the amount of compensation provided to board members and the services for which the sum was paid.

SPONSORSHIP OR CREATION BY A RELIGIOUS ORGANIZATION

A religious organization cannot become a CHDO but can create a wholly secular nonprofit housing organization. The sponsoring organization can appoint an unlimited number of board members to the board of the housing organization. Beyond that, however, the housing organization cannot be controlled by the religiously-based sponsor organization. That is, the housing organization must be free to select its projects, to procure its goods, services and financing, and to otherwise operate the organization without influence or intervention by the religiously based sponsor. Additionally, the housing developed by the housing organization must be made available to all persons, regardless of religious belief or affiliation. The by-laws of the housing organization must include language that ensures compliance with all of the above requirements.

REPRESENTATIONS AND WARRANTIES

Any applicant who submits fabricated information, documentation or signatures as part of or along with its CHDO application, or any applicant who misrepresents any aspect of the board, staff or organizational accomplishments, experience or expertise shall be disqualified from the CHDO certification process for a period of 1 year. The 1-year disqualification period will begin at the time the misrepresentation is made by the HNR Department and is reported in writing by HNR staff to the applicant organization. If an applicant believes the HNR determination of misrepresentation is in error, the applicant organization may appeal the decision in writing to the Director of the Housing and Neighborhood Revitalization.

AUDIT

The Housing and Neighborhood Revitalization Department requires that your organization submit audited financial statements for the organization's most recent program year. If your organization does not have audited financial statements because it has been operating for less than one year, you must submit the audited financial statements of the parent or sponsor organization, along with your organization's current unaudited financial statements. No nonprofit organization shall be certified as a CHDO if the organization's most recent audit has an outstanding finding, material weakness or other unresolved matter which would prevent the Housing and Neighborhood Revitalization from certifying the capacity of that organization to successfully develop a CHDO project. The audit will also be used in assessing the organization's financial capacity for executing the affordable housing activities it intends to pursue.

VERIFICATION OF COMPLIANCE WITH BYLAWS

As part of the certification process, the Housing and Neighborhood Revitalization may do all necessary due diligence to verify that the operations of an applicant organization are being conducted in keeping with the by-laws submitted in the CHDO Certification application.



City of Dallas, Housing and Neighborhood Revitalization Department

1500 Marilla Street, Dallas, Texas 75201

(214) 670-5988 Fax (214) 670-0156

www.dallascityhall.com/departments/housing-neighborhood-revitalization

ATTACHMENT E TO CHDO CERTIFICATION APPLICATION

HUD Income Limits by Household Size Effective Date: April 14, 2017

FY 2017 Area Median Family Income Dallas, Texas

\$73,400 (4-person household)

Number of Persons in Households

Eligibility Standard	1	2	3	4	5	6	7	8	9
80%¹	\$41,100	\$47,000	\$52,850	\$58,700	\$63,400	\$68,100	\$72,800	\$77,500	\$82,200
67%	\$34,425	\$39,342	\$44,260	\$49,178	\$53,112	\$57,046	\$60,981	\$64,915	\$68,849
65%	\$33,397	\$38,168	\$42,939	\$47,710	\$51,527	\$55,344	\$59,160	\$62,977	\$66,794
60%	\$30,828	\$35,232	\$39,636	\$44,040	\$47,563	\$51,086	\$54,610	\$58,133	\$61,656
50%¹	\$25,700	\$29,400	\$33,050	\$36,700	\$39,650	\$42,600	\$45,500	\$48,450	\$51,400
30%¹	\$15,400	\$17,600	\$19,800	\$22,000	\$23,800	\$25,550	\$27,300	\$29,050	\$30,850
Size adjustment:	70%	80%	90%	100%	108%	116%	124%	132%	140%

¹Income for the 80%, 50% and 30% categories are HUD's estimated figures rounded to the nearest \$50.

ATTACHMENT F TO CHDO CERTIFICATION APPLICATION

**Community Housing Development Organization
SELF-CERTIFICATION FORM**

For the purpose of determining income eligibility, I,_(print name), do hereby understand that in order to qualify as a representative of the low-income community, my total household income cannot exceed **80%** of the Median Family Income for the Dallas area as established by the Federal Government. Currently, the amounts are:

HUD Income Limits by Household Size

Effective Date: April 14, 2017

2017 Area Median Family Income for Dallas, Texas

1	2	3	4	5	6	7	8
PERSON							
\$41,100	\$47,000	\$52,850	\$58,700	\$63,400	\$68,100	\$72,800	\$77,500

The following is a list of all persons who are currently occupying this household:

Name Age Relationship Gross Monthly Income

(Before Taxes)

Signature

Date

WARNING: Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.

FOR CITY STAFF ONLY:

Based on the information provided above, the information has been verified by HNR Staff to reflect that the person named above

DOES **DOES NOT**

qualify as a representative of the low-income community as defined by HUD.

HNR Staff Name:

Date:

CHDO Certification Application, **Attachment F**, CHDO Board Self-Certification Form

APPENDIX 6
Recapture/Resale Requirements for Homebuyer Activities

To ensure that HOME investments yield affordable housing over the long term, HOME regulations impose occupancy requirements over the length of an affordability period. If a house purchased with HOME funds is sold during the affordability period, recapture or resale provisions as per 24 CFR 92.254 shall apply to ensure the continued provision of affordable homeownership.

Definitions

Affordability Period: Occupancy restrictions for varying lengths of time for those homeowners assisted with HUD HOME funds. The affordability period affects the terms of the resale/recapture of the property if sold during the affordability period.

HOME Affordability Periods	
HOME subsidy/unit	Minimum Period of Affordability in Years
Under \$15,000	5
\$15,000 to \$40,000	10
Over \$40,000	15

Direct Homebuyer Subsidy: A direct subsidy consists of any financial assistance that reduces the purchase price from fair market value to an affordable price, or otherwise directly subsidized the purchase (e.g., down payment or closing cost assistance, subordinate financing, etc.).

Development subsidy: A development subsidy is the difference between the cost to develop housing and the market price. For example, the PJ might provide a \$50,000 construction loan to a developer. The appraised value after construction will be \$45,000 because of neighborhood and the market conditions. The \$5,000 difference between the \$45,000 sale price and \$50,000 construction loan is not repaid to the PJ and represents a development subsidy provided to the developer. While the subsidy does not go directly to the homebuyer, it helps make development of an affordable home feasible.

Summary of Provisions for the City of Dallas by Subsidy Type:		
Direct Homebuyer Subsidy (DHS)	DHS + Development Subsidy	Development Subsidy
Recapture provisions shall apply	Recapture provisions shall apply	Resale provisions shall apply

Net Proceeds: The sales price minus loan repayment (other than HOME funds) and closing costs.

Recapture Requirements

Pursuant to HOME regulations at 24 CFR 92.254(a)(5) each HOME-funded homebuyer unit must be subject to either resale or recapture requirements during the affordability period. The City of Dallas exclusively uses the recapture provisions as defined herein and does not intend to use resale restrictions.

The City of Dallas provides HOME-funded direct buyer assistance to income eligible buyers based on need as dictated by the City of Dallas Homebuyer Assistance Program Underwriting Guidelines.

The level of HOME assistance provided to a buyer is based on an evaluation of the buyer's individual need taking into account their specific income, debts, etc. according to the City's underwriting policies for homebuyer assistance. Depending on the level of homebuyer assistance provided, the affordability period may be five (5) years (less than \$15,000 in direct assistance), ten (10) years (\$15,000 or more but less than \$40,000 in direct assistance), or fifteen (15) years (\$40,000 or more in direct assistance). Based on the City's program design, most projects trigger a 5- or 10-year affordability period.

All buyers sign a HOME written agreement with the City outlining the affordability period and recapture provisions. HOME assistance is provided in the form of a deferred loan secured by a second-position deed of trust which is due and payable upon sale or transfer of title. In the event buyers remain in the unit beyond the end of the affordability period, the HOME loan remains outstanding until sale or transfer of title while the term of the HOME written agreement expires.

Any sale or transfer of title during the affordability period results in recapture by the City of the lesser of the:

- a) Entire amount of direct HOME assistance originally provided to the buyer (less any voluntary prepayments previously made); or
- b) Net proceeds of sale (sales price minus senior secured debt minus reasonable seller's closing costs).

When the net proceeds are inadequate to fully repay the City's HOME loan, the City accepts the net proceed as full and final payoff of the note. The City reserves the right to determine that the sales price reflects an arms-length transaction at fair market value. Receipts received as a result of a sale within the affordability period are recorded as "recaptured funds." When net sales proceeds exceed the HOME assistance, buyers retain all remaining net proceeds after repaying the HOME loan balance.

After the expiration of the affordability period, any sale or transfer requires the HOME loan balance be repaid, and the City similarly limits the payoff to the net proceeds of sale. Receipts collected after the affordability period has expired are recorded as "program income." Net proceeds in excess of the City's HOME loan balance are retained by the original homebuyer.

Resale Requirements

The City of Dallas shall require that Resale provisions be used in the event that only a Development Subsidy is used to make the home affordable (i.e. funding construction to the developer). In a project where both Development and Direct subsidies are provided, recapture provisions apply.

Resale provisions require the homeowner to sell to another low-income homebuyer. The resale requirement must ensure that the price at resale provides the original HOME-assisted owner a fair return on investment and ensure that the housing will remain affordable to a reasonable range of low-income homebuyers as defined below:

Affordable to range of low-income homebuyers (As it relates to the Resale Provision only): That which is affordable to a family earning 80% AMI and below and that who not pay any more than 30% their gross income for PITI (Principle, Interest, Tax, and Insurance).

Fair Return on Investment (As it relates to the Resale Provision only): A Homeowner can sell the home during the affordability period according to the following chart:

Fair Return on Investment (as it relates to Resale Provision only)		
Years	Lower Range	Max Limit
Year 1-5 of Affordability Period	A Homeowner can sell the home during the affordability period for no more than 15% over DCAD's most recent appraisal value	Current (as of date of sale) Affordable Home Price asset forth in the City of Dallas Housing Policy
Year 6-15 of Affordability Period	No Cap on appreciation rate	Current (as of date of sale) Affordable Home Price asset forth in the City of Dallas Housing Policy

Homeownership projects undertaken using the resale provision shall use deed restrictions, covenants running with land, or other similar mechanisms per 92.254(a)(5)(i)(A) to ensure the resale requirements. The period of affordability specified in the mortgage will be the minimum period for the project as specified above. The period of affordability is based on the total amount of HOME funds invested in the housing.

Either recapture or resale provisions must be detailed and outlined in accordance with 24 CFR in marketing brochures, written agreements and all legal documents with homebuyer. Either recapture or resale may be used within a project, not both. Combining provisions to create "hybrids" is not allowed.

APPENDIX 7

City of Dallas Affirmative Fair Housing Marketing Policy

The Affirmative Fair Housing Marketing (AFHM) Plan is a marketing strategy or approach designed to attract renters and buyers that would be least likely to apply to assisted multi-family or single-family developments. The City of Dallas requires that all recipients and sub-recipients of HOME, CDBG or NSP funds, for all projects resulting in five (5) or more assisted housing units, implement affirmative 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 market to such groups and requires that recipients of HOME/CDBG funds to submit an AFHM Plan using HUD Form 935.2B for single-family developments and HUD Form 935.2A for multi-family developments, prior to expending any funds on a project.

In developing an Affirmative Marketing Plan, the recipient/managing agent shall abide by the following:

I. Regulations

HOME: The recipient/managing agent shall adopt the affirmative marketing procedures and requirements as specified in the HOME Final Rule 92.351 for all projects resulting in five (5) or more HOME-assisted housing units.

CDBG: The Housing and Community Development Act of 1974, as amended, requires from each federal grantee, through the Consolidated Plan certify the following:

- (1) Examine and attempt to alleviate housing discrimination with their jurisdiction;
- (2) Promote fair housing choice for all persons;
- (3) Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin;
- (4) Promote housing that is accessible to and usable by persons with disabilities;
- (5) And comply with non-discrimination requirements of the Fair Housing Act.

II. 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.

III. Training

1. The recipient/managing agent shall provide property management staff with all relevant regulations and Fair Housing provisions. All property management staff shall be required to follow the procedures and policies adopted by the recipient/managing agent. In the event that

property management staff requires fair housing technical assistance, staff is to call the **City of Dallas Office of Fair Housing and Human Rights 214-670-FAIR (3247)**.

2. Regular training programs shall including 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.

IV. Marketing and Outreach

1. All advertising shall display the Equal Housing Opportunity logo or the phrase "Equal Housing Opportunity" and the accessibility logo when appropriate, as shown below:



2. Consistent with resident population the development is designed to serve, the marketing of the project will ensure equal access to appropriate size units for all persons in any category protected by federal, state, and local laws governing discrimination. There will be no local residency requirements nor will preference be given to local residents for the project. Special marketing outreach consideration shall be given to the following traditionally underserved populations:
 - a. African-Americans
 - b. Native Americans
 - c. Hispanics
 - d. Asians and Pacific Islanders
 - e. Disabled Persons
3. 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.
4. 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.

V. 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.

VI. Compliance Assessment

1. 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.
2. 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.

VII. Record Keeping

1. 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.

2. Recipient/managing shall keep up-to-date records based on census data, applications, and surveys about community residents, recipients and sub-recipients, residents of the project, and records about tenant selection or rejection.
3. The recipient/managing agent shall provide City staff provide City staff access to any pertinent books, documents, papers or other records of their properties, as necessary, for determining compliance with civil rights and nondiscrimination requirements.

APPENDIX 8

Residential Anti-Displacement and Relocation Assistance Plan (RARAP)

This Residential Anti-Displacement and Relocation Assistance Plan (RARAP) is prepared by the City of Dallas Housing & Neighborhood Revitalization Department (City) in accordance with the Housing and Community Development Act of 1974, Section 104(d) as amended and HUD regulations at 24 CFR 42.325 and is applicable to CDBG, CDBG-R, Section 108 Loan Guarantee Program, NSP and/or HOME-assisted projects.

Plan to Minimize Displacement of Low/Mod-Income Families as a Result of Any HUD Assisted Activities

Consistent with the goals and objectives of activities assisted under the Act, the City will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- Coordinate code enforcement with rehabilitation and housing assistance programs.
- Support the Redevelopment and Stabilization Target Areas through this policy
- Ensure the staging of rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
- Ensure for the arrangement of facilities to house persons who must be relocated temporarily during rehabilitation.
- Identify and mitigate displacement resulting from intensive public investment in neighborhoods.
- Provide reasonable protections for tenants faced with conversion to a condominium or cooperative.
- Where feasible, give priority to rehabilitation of housing, as opposed to demolition, to avoid displacement.
- If feasible, allow for demolition or conversion of only dwelling units that are not occupied or vacant occupied dwelling units (especially those units which are “lower- income dwelling units” (as defined in 24 CFR 42.305).
- Target only those properties deemed essential to the need or success of the project.

Relocation Assistance to Displaced Persons

The City will ensure relocation assistance for lower-income tenants who, in connection with an activity assisted under the above-mentioned Programs, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350.

A displaced person who is not a lower-income tenant, shall be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970m Section 104(d) as amended, and implementing regulations at 49 CFR Part 24.

One-for-One Replacement of Lower-Income Dwelling Units

The City will ensure replacement of all occupied and vacant occupied lower-income dwelling units demolished or converted to use other than lower-income housing in connection with a project assisted with funds provided under the above-mentioned programs in accordance with 24 CFR 42.375.

Before entering into a contract committing the City to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City will ensure publication of such project in a newspaper of general circulation and submit to HUD the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of assisted project;
3. A time schedule for the commencement and completion of the demolition or conversions;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. NOTE: See also 24 CFR 420.75(d).
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specified location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the general location of such dwelling units will be identified on a map and the City will ensure that the disclosure and submission requirements are completed as soon as the specific data is available.

Replacement not required Based on Unit Available

Under 24 CFR 42.375(d), the City may submit a request to HUD for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard

condition available on a non-discriminatory basis within the area.

Responsible Entity

The City is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period. This City will also ensure that relocation payments and other relocation assistance are provided to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

**APPENDIX 9
Other Federal Requirements**

Other Federal Requirements	Apply to Owner Occupied Rehabilitation?	Apply to Homebuyer Programs?	Applies to Rental Housing Programs?
<i>Non-Discrimination and Equal Access Rules</i>			
Fair Housing and Equal Opportunity	Yes. Must affirmatively further Fair Housing	Yes	Yes.
Affirmative Marketing	Yes.	Yes, for all projects of five or more HOME-assisted units.	Yes; for projects containing five or more Home-assisted units.
Accessibility for Disabled Persons	Accessibility features must be part of rehabilitation, if needed by owner/occupant and the overall unit is brought up to the PJ's property standard. (Note: Accessibility improvements are eligible costs.)	Yes.	Yes.
<i>Employment and Contracting Rules</i>			
Equal Opportunity Employment	Yes.	Yes.	Yes.
Section 3 Economic Opportunity		Yes, if amount of assistance exceeds \$200,000 or contract or subcontract exceeds \$100,000.	Yes, if amount of assistance exceeds \$200,000 or contract or subcontract exceeds \$100,000.
Minority/Women Business Enterprises	No.	Yes.	Yes.
Davis-Bacon & other Labor	No.	Yes, if construction contract includes 12 or more units that are HOME-assisted	Yes, if construction contract includes 12 or more units that are HOME-assisted
Conflict of interest	Yes.	Yes.	Yes.
Excluded Parties (e.g., Debarred Contractors)	Yes.	Yes	Yes.
<i>Other Federal Requirements</i>			
Environmental Reviews	Yes.	Yes	Yes.
Flood Insurance	Yes for PJs that are cities/counties. No for State programs.	Yes if city or county. No if state program	Yes for PJs that are cities/counties. No for State PJs.

Site and Neighborhood Standards	No.	No.	Yes; for rental new construction only
Lead-Based Paint	Yes for pre-1978 units	Yes for pre-1978 units.	Yes for rehabilitation of pre-1978 units. Applies to HOME and non-HOME assisted units. Requirements differ depending on whether rehabilitation work is performed.
Relocation	Yes.	Yes	Yes.

APPENDIX 10

Lead-Based Paint Requirements

This portion of the manual outlines the requirements in relation to Lead-Based Paint.

The U.S. Department of Housing and Urban Development recently adopted new regulations in relation to the treatment of Lead Based Paint in properties built before 1978 that are assisted with HUD funding. The requirements are outlined below based on the activity undertaken. To obtain a copy of the rules from HUD, go to the HUD website at: www.hug.gov/lead and download the regulation.

The section does not outline the City programs that are available to provide financial assistance in relation to lead abatement. Please note, however that any financial assistance provided by the City to address lead based paint will be in the form of a GRANT to the homeowner to developer.

Down-payment Assistance Programs:

The following are HUD's requirements See 24 CFR part 35 (subpart K):

- Distribute Lead Hazard Information Pamphlet and Disclosure to buyers of homes built prior to 1978.
- Perform Visual Assessment of all painted surfaces.
- If Visual Assessment reveals deteriorated paint, action must be taken to stabilize each deteriorated paint surface.
 - At this point, one will have to assume every component has lead since the Visual Assessment does not determine where lead is present. Safe work practices must be used by trained worker in this field. Paint stabilization works will on non-friction surfaces such as walls (interior/exterior). When dealing with friction points such as windows and doors, abatement procedures (removal, replacement, enclosure) are recommended.
- After paint stabilization, clearance must be performed by a certified Risk Assessor or Lead Inspector. HUD has established lead levels that meet clearance requirements.
- Notify the homebuyer within 15 days of results of clearance exam.

At the Visual Assessment Stage, the homebuyer *may opt* for a lead test. This will reveal the levels of lead present in the home. A lead inspection will not tell you the risk involved, but only where the lead is located. This is when a buyer may request a Risk Assessment to outline the necessary Lead Hazard Reduction methods needed to insure a lead safe residence.

Following are some options (NOT REQUIREMENTS) to consider in relation to your program design for down payment assistance programs:

- If the visual assessment reveals defective paint in which stabilization and clearance is required then this cost can be funded by the nonprofit or the homebuyer or seller.
- If visual assessment shows no deterioration of a painted surface, the homebuyer can sign a waiver stating that they are aware of the potential presence of lead paint and they choose not to address it.
- A qualified consultant should advise on any lead inspection, lead hazard screen or risk assessments.

For Rehabilitation Programs (Owner-Occupied, Homebuyer, and Rental Property Rehabilitation Programs and Historic Preservation Residential Programs):

See 24 CFR Part 35 (subpart J)

If you are implementing a rehabilitation program, HUD's requirements are a bit more stringent in relation to lead based paint. The following describes HUD's requirements:

For HUD funded rehabilitation activities, lead hazard evaluation and reduction activities must be carried out for all projects constructed before 1978.

In all case, notification must be made to the homeowner/buyer in the form of the HUD Lead Hazard Information Pamphlet and Disclosure or an acceptable alternative pamphlet.

The required evaluation and reduction activity is dependent upon the amount of HUD funding used for the project.

For cases where less than or equal to \$5,000 will be spent on the rehabilitation: *Testing:* Paint Testing of surfaces to be disturbed by the rehabilitation activities must occur.

Lead Hazard Reduction: Surfaces, which are disturbed during rehabilitation, must be re paired. Safe work practices must be used. After the rehabilitation activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

For cases where \$5,001 to \$25,000 will be spent on the rehabilitation:

Testing: Paint testing of surfaces to be disturbed by rehabilitation must occur. In addition, a risk assessment must be performed.

Lead Hazard Reduction: Interim controls must be used. This means that the friction and impact surfaces would be addressed. Interim controls include paint stabilization and cleaning. Safe work practices must be used. After the rehabilitation activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

For cases where more than \$25,000 will be spent on the rehabilitation:

Testing: Paint testing of surfaces to be disturbed by rehabilitation must occur. In addition, a risk assessment must be performed.

Lead Hazard Reduction: abatement of hazards is the required approach. Abatement involves permanently removing lead based hazards, often through paint and component removal, replacement, encapsulation and enclosure. Interim controls and paint stabilization may be used on the home's exterior if it is not involved in the rehabilitation. Safe work practices must be used. After the lead hazard reduction activities are completed, clearance must be performed by a certified professional to ensure that units are safe.

Calculating the level of rehabilitation assistance:

When calculating how much HUD funding will be used on a rehabilitation project, the following costs are counted: soft costs, administrative costs, relocation costs, environmental reviews, acquisition of property, and lead hazard evaluation and reduction costs.

Lead-Based Paint Requirements

For HUD funded rehabilitation activities, lead hazard evaluation and reduction activities must be carried out for all projects constructed before 1978.

Less than or equal to \$5,000 spent on the rehabilitation:

Projects where the level of rehabilitation assistance is less than or equal to \$5,000 per unit must meet the following requirements. All work must be conducted using lead safe work practices and workers/contractors must be trained in lead safe work practices. It is presumed that painted surfaces being worked on contain lead-based paint. All disturbed paint must be repaired. Clearance is required by a State of Texas Certified Risk Assessor or Inspector if paint is disturbed. Safe work practices are NOT required when lead hazard reduction activities do not disturb (De Minimis Levels) painted surfaces that total more than 20 sq ft on exterior surfaces, 2 sq ft in any one interior room, or space or 10% of the total surface on an interior or exterior type of component.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

Where \$5,001 to \$25,000 spent on the rehabilitation:

A risk assessment is required to identify lead hazards and identified hazards must be addressed by interim controls. A risk assessment must be conducted by a qualified professional prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation. If the risk assessment identifies lead-based paint hazards, interim controls must be implemented to address lead-based paint hazards. Interim controls must be performed by qualified professionals using safe work practices. Clearance, conducted by a State of Texas Certified Risk Assessor or Inspector, is required when lead hazard reduction activities are complete.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

Where more than \$25,000 will be spent on the rehabilitation:

A risk assessment is required to identify hazards and any identified hazards must be abated by a qualified professional. A risk assessment must be conducted prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation.

To address hazards identified:

- Abatement must be conducted to reduce all identified lead-based paint hazards except those described below. Abatement must be conducted by a certified abatement contractor.

If lead-based paint hazards are detected during the risk assessment on the exterior surfaces that are not to be disturbed by rehabilitation, interim controls may be completed instead of abatement to reduce these hazards.

- Clearance is required when lead hazard reduction activities are complete.

In addition, the following notices must be provided to owners:

- Lead Hazard Information pamphlet
- Notice of Presumption and
- The Notice of Lead Hazard Reduction

	<\$5,000	\$5,000 to \$25,000	>\$25,000
Approach to Lead Hazard Evaluation and Reduction	Do no harm	Identify and control lead hazards	Identify and abate lead hazards
Notification	Yes	Yes	Yes
Lead Hazard Evaluation	Paint Testing	Paint Testing and Risk Assessment	Paint Testing and Risk Assessment
Lead Hazard Reduction	Repair surfaces disturbed during rehabilitation	Interim Controls	Abatement (Interim controls may be used on exterior surfaces not disturbed by rehabilitation)

APPENDIX 11
Environmental Review Policy, Procedures, and Standards

For every project, an Environmental Review must be completed in accordance with 24 CFR Part 58 prior to executing an agreement with a sub-recipient, developer or CHDO. The City has developed the "Environmental Review Policy, Procedures, and Standards" document to outline the process and requirements of completing an Environmental Review.

APPENDIX 12

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.

APPENDIX 13
MINORITY BUSINESS ENTERPRISE & WOMEN BUSINESS ENTERPRISE

Developers must maintain a MBE/WBE plan that demonstrates marketing and solicitation of MBE/WBE businesses and contractors for the construction of the project.

APPENDIX 14 Regulatory References

You may be interested in reading the actual regulations published by the U.S. Department of Housing and Urban Development for CDBG and HOME and the applicable federal requirements. A copy of the regulations may be obtained by contacting the Department of Housing and Neighborhood Revitalization or downloading the information from the HUD website at www.hud.gov.

The regulations for CDBG are located at 24 CFR Part 570: Part 570 – Community Development Block Grants

Subpart A – General Provisions

Section	Title
570.1	Purpose and Primary Objective
570.2	Removed
570.3	Definitions
570.4	Allocations of Funds
570.5	Waivers

Subpart C – Eligible Activities

Section	Title
570.200	General Policies
570.201	Basic eligible activities
570.202	Eligible rehabilitation and preservation activities
570.203	Special economic development activities
570.204	Special activities by Community-Based Development Organizations (CBDO's)
570.205	Eligible planning, urban environmental design and policy-planning- management- capacity building activities
570.206	Program administration costs
570.207	Ineligible activities
570.208	Criteria for national objectives
570.209	Guidelines for evaluating and selecting economic development projects

The regulations for HOME are located at 24 CFR Part 92: Home Investment Partnerships Program

Section	Title
n	SUBPART A - GENERAL
92.1	Overview
92.2	Definitions
92.4	Waivers and Suspensions of Requirements for Disaster Areas

SUBPART B – ALLOCATIONS FORMULA

- 92.50 Formula Allocations
- 92.60 Allocation Amounts for Insular Areas
- 92.61 Program Description
- 92.62 Review of Program Description and Certifications
- 92.63 Amendments to Program Description
- 92.64 Applicability of Requirements to Insular Areas
- 92.65 Funding Sanctions
- 92.66 Reallocations

SUBPART C – CONSORTIA; DESIGNATION AND REVOCATION OF DESIGNATION AS A PARTICIPATING JURISDICTION

- 92.101 Consortia
- 92.102 Participation Threshold Amount
- 92.103 Notification of Intent to Participate
- 92.104 Submission of a Consolidated Plan
- 92.105 Designation as a Participating Jurisdiction
- 92.106 Continuous Designation as a Participating Jurisdiction
- 92.107 Revocation of Designation as a Participating Jurisdiction

SUBPART D – SUBMISSION REQUIREMENTS

- 92.150 Submission Requirements

SUBPART E – PROGRAM REQUIREMENTS

- 92.200 Private-Public Partnership
- 92.201 Distribution of Assistance
- 92.202 Site and Neighborhood Standards
- 92.203 Income Determinations
- 92.204 Applicability of Requirements to Entities that Receive a Reallocation of HOME Funds, other than Participating Jurisdictions
- 92.205 Eligible Activities: General
- 92.206 Eligible Project Costs
- 92.207 Eligible Administrative and Planning Costs
- 92.208 Eligible Community Housing Development Organization (CHDO) Operating Expense and Capacity Building Costs
- 92.209 Tenant-Based Rental Assistance: Eligible Costs and Requirements

Lead Based Paint Regulations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 35, 91, 92, 200, 203, 206, 280, 291, 511, 570, 572, 573, 574, 576, 582, 583, 585,

761, 881, 882, 883, 886, 891, 901, 906, 941, 965, 968, 670, 982, 983, 1000, 1003, and 1005

Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance.

AGENCY: Office of the Secretary – Office of Lead Hazard Control, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to ensure that housing receiving Federal assistance and federally owned housing that is to be sold does not pose lead-based paint hazards to young children. It implements sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992.

The requirements of this rule are based on the practical experience of cities, states and others who have been controlling lead-based paint hazards in low-income privately-owned housing and public housing through HUD assistance. It also reflects the results of new scientific and technological research and innovation on the sources, effects, costs, and methods of evaluating and controlling lead hazards. With today's action, HUD's lead-based paint requirements for all Federal programs are now consolidated in one part of title 24 of the Code of Federal Regulations.

DATES: Effective Dates: Section 35.140 is effective on November 15, 1999. All other provisions of the rule are effective on September 15, 2000.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, call (202) 755-1785, ext. 104 (this is not a toll-free number) or e-mail your inquiry to lead_regulations@hud.gov. For lead-based paint program information, contact the Office of Lead Hazard Control, Department of Housing and Urban Development, 451 7th Street, SW, Room B-133, Washington, DC 20410-0500. For legal questions, contact the Office of General Counsel, Room 9262, Department of Housing and Urban Development. Hearing and speech-impaired persons may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

Subpart A – Disclosure of Known Lead-Based Paint Hazards upon Sale or Lease of Residential Property.

Subpart B – General Lead-Based Paint Requirements and Definitions for All Programs

- a. Definitions
- b. Exemptions
- c. Options
- d. Notice of Evaluation and Hazard Reduction Activities

- e. Lead Hazard Information Pamphlet
- f. Use of Paint Containing Lead
- g. Prohibited Methods of Paint Removal
- h. Compliance with Other, State, Tribal, and Local Laws
- i. Minimum Requirements
- j. Waivers
- k. Prior Evaluation or Hazard Reduction
- l. Enforcement
- m. Records

Subpart C – Disposition of Residential Property Owned by Federal Agency Other Than HUD
Subpart D – Project-Based Assistance Provided by a Federal Agency Other than HUD
Subpart E - Reserved

Subpart F – HUD-Owned Single-Family Property
Subpart G – Multifamily Mortgage Insurance
Subpart H – Project-Based Rental Assistance

Subpart I – HUD – Owned and Mortgagee-in-Possession Multifamily Property

Subpart J – Rehabilitation

Subpart K – Acquisition, Leasing, Support Services, or Operation

Subpart L - Public Housing Programs

Subpart M – Tenant-Based Assistance

Subpart N-Q – Reserved

Subpart R – Methods and Standards for Lead-Based Paint Hazard Evaluation and Reduction Activities

- a. Standards
- b. Adequacy of Dust-Lead Standards
- c. Summary Notice Formats
- d. Interim Controls
- e. Standard Treatments
- f. Clearance
- g. Occupant Protection and Worksite Preparation
- h. Safe Work Practices
- i. Ongoing Lead-Based Paint Maintenance and Reevaluation

APPENDIX 15

**OWNER-OCCUPIED HOUSING REHABILITATION / RECONSTRUCTION PROGRAM
GENERAL CONTRACTOR / HOMEBUILDER APPLICATION**

A. **COMPANY NAME:** (Print) _____

Address _____

City, State, & Zip _____

Office Telephone No. _____ Employer's Tax No. _____

Cell No. _____ Fax No. _____

B. **BUSINESS OWNER(S) / PRINCIPAL(S):**

1. Name _____ Title _____

Home Address _____

City, State, & Zip _____

Telephone No. () _____ Fax No. () _____

2. Name _____ Title _____

Home Address _____

City, State, & Zip _____

Telephone No. () _____ Fax No. () _____

3. Name _____ Title _____

Home Address _____

City, State, & Zip _____

Telephone No. () _____ Fax No. () _____

C. **HISTORY OF COMPANY:**

1. How long has your company been under the present company name? If less than 2 years, please list previous company name, if any _____

2. Are you a member of any trade or professional association? Yes _____ No _____

If yes, please indicate name and number of years as member: _____

-

3. Number of Employees: Office/Admin _____ Trades _____ (Give averages if number fluctuates)

4. Contractor's and/or Homebuilder's License Number _____

Where Licensed _____

5. Have you ever had your Contractor's License revoked? Yes _____ No _____

If yes, provide year revoked and justification. _____

6. Have you ever defaulted on a contract? Yes _____ No _____

7. Are you on any debarment or suspension lists or have been declared ineligible to participate in any Federal Assistance Programs? Yes _____ No _____

8. Have any members of the firm been sued within the past 2 years by sub-contractors, suppliers, customers, or other persons? Yes _____ No _____

If yes, give details: _____

9. Do you have working capital to start a home improvement job of \$50,000.00? Yes _____
No _____

10. How do you finance your work? _____

11. If this application is approved, how do you plan on financing these public projects?

12. If you intend on using interim financing from a lending institution to finance these public projects, please provide a commitment letter from your lending institution or other financial resources.

D. CONTRACTOR'S INFORMATION AND BACKGROUND:

1. Principal Contractor's Social Security Number: _____

2. How long have you been in business? _____

3. Describe your construction background and specific trades: _____

If you have no construction background, who in your company does? _____

4. In what areas and trades are you licensed by the City of Dallas? _____

5. Who is responsible for jobsite day-to-day activities such as: scheduling, supervision, Coordination, quality control, clients concerns and complaints, etc.?

Name: _____

Title: _____ Years w/Company _____

6. Please list full-time employees and the trades they cover? List names, trades and licenses, if any, and years with the company.

7. What kind of warranty do you provide your customers upon completion of the construction work and how long is the warranty period?

8. How long does it take you to build a new 1,900 square foot home?

9. How long does it take you to complete a FULL rehab of a 1,900 square foot home on pier and beam? _____

E. CONSTRUCTION WORK PREFERENCE:

1. What type of construction work program do you want to participate in?

Reconstruction (New construction) Yes_____ No_____

Single family units Yes_____ No_____

Multi-family developments Yes_____ No_____

Rehabilitation (Existing homes) Yes_____ No_____

Single family units Yes_____ No_____

Multi-family developments Yes_____ No_____

E. EXPERIENCE WITH PUBLIC AGENCIES:

1. Have you participated or worked with similar federally-funded housing construction programs with other entities, i.e., Dallas Housing Authority (DHA), other housing non-profit organizations, etc.? Yes _____ No _____

If yes, please complete the following information:

(a) Agency Name _____ Phone No. _____

Address _____ City, State, and Zip _____

Type of Work _____

Contract Amount \$ _____ Units Completed _____ Date: _____

(b) Agency Name _____ Phone No. _____

Address _____ City, State, and Zip _____

Type of Work _____

Contract Amount \$ _____ Units Completed _____ Date: _____

(c) Agency Name _____ Phone No. _____

Address _____ City, State, and Zip _____

Type of Work _____

Contract Amount \$ _____ Units Completed _____ Date: _____

(d) Agency Name _____ Phone No. _____

Address _____ City, State, and Zip _____

Type of Work _____

Contract Amount \$ _____ Units Completed _____ Date: _____

G. CURRENT CONTRACT AGREEMENTS:

Presently, do you have any contracts under construction? Yes _____ No _____

If yes, provide the following information:

Project Address	Contract Amount	Client's Name	Client's Phone No.	Construction Start and Expected Completion
1				

2				
3				
4				

H. INSURANCE REQUIREMENTS (See Attachment A): If your application is approved, you will be required to provide proof of insurance as outlined in Attachment A.

I. EXPERIENCE: REHABILITATION AND/OR RECONSTRUCTION WORK DURING THE PAST YEAR:

1. Name _____ Phone No. _____
 Address _____ City, State, Zip _____
 Type of Work _____
 Contract Amount \$ _____ Completed _____

2. Name _____ Phone No. _____
 Address _____ City, State, Zip _____
 Type of Work _____
 Contract Amount \$ _____ Completed _____

3. Name _____ Phone No. _____
 Address _____ City, State, Zip _____
 Type of Work _____
 Contract Amount \$ _____ Completed _____

4. Name _____ Phone No. _____
Address _____ City, State, Zip _____
Type of Work _____
Contract Amount \$ _____ Completed _____
Contract Amount \$ _____ Completed _____

J. REQUIRED DOCUMENTS:

1. The following documents must accompany this General Contractor / Homebuilder Application before this application is accepted and processed.
 - Copy of Current Picture I.D. (Texas Driver's License) of Owners
 - Copy of Current General Contractor's License
 - Copy of Current Homebuilder's License
 - Copy of commitment letter from financial resource if applicable
 - Copy of Current Certificate of Liability Insurance to include General Liability & Workers compensation and employers' Liability
 - 2007/2008 Tax Returns for Business or Owners

K. PENALTY FOR FALSE OR FRAUDULENT STATEMENT:

USC Title 18, Sec. 1001, states: "Whomever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

The undersigned certifies that all information provided in this CONTRACTOR INFORMATION APPLICATION, and all information in support of said form, is true and complete to the best of the undersigned's knowledge and belief. Further, the undersigned hereby authorizes and requests any person, firm or corporation to furnish any information requested by the City of Dallas, Housing & Neighborhood Revitalization Department, in verification of the recitals comprising this statement of contractor's qualifications.

SIGNED this _____ day of _____, 2008.

Name of Business

By: _____

Print Name

Title: _____

Owner, Partner, President, Agent or Representative

STATE OF TEXAS

§

§

DALLAS COUNTY §

BEFORE ME, the undersigned authority, on this day personally appeared

_____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledges to me that the answers to the foregoing questions and all statements therein contained are true and correct.

GIVEN UNDER my hand and seal of office this ____ day of _____, 2008.

NOTARY PUBLIC, STATE OF TEXAS

Please Return Completed Application to:

City of Dallas
Housing & Neighborhood Revitalization Department
Attention: Inspections Manager
1500 Marilla Street,
Dallas, Texas 75201

For Questions, please contact:

EXHIBIT “A”

INSURANCE REQUIREMENTS

Prior to the commencement of the Project or any other work under this Agreement, BORROWER shall furnish an original completed Certificate(s) of Insurance or the City's Standard Certificate of Insurance form to the City's Housing & Neighborhood Revitalization Department and City's Risk Management Division, and shall be clearly labeled with Agreement name, which shall be completed by an agent authorized to bind the named underwriter(s) and their company to the coverage, limits, and termination provisions shown thereon. The original certificate(s) of form must have the agent's original signature, including the signer's company affiliation, title and phone number, and be mailed directly from the agent to the City. The City shall have no duty to pay or perform under this Agreement or under any of the other Loan Documents until such certificate(s) shall have been delivered to the City's Housing & Neighborhood Revitalization Department and the City's Risk Management Office, and no officer or employee, other than the City's Risk Manager, shall have authority to waive this requirement.

The City reserves the right to review the insurance requirements of this section during the effective period of this Agreement and of the other Loan Documents, including the term of the Note, and any extension of renewal thereof and to modify insurance coverage and their limits when deemed necessary and prudent by the City's Risk Manager based upon changes in statutory law, court decisions, or circumstances surrounding the Project, this Agreement or any of the other Loan Documents, but in no instance will the City allow modification whereupon the City may incur increased risk.

A BORROWER's financial integrity is of interest to the City; therefore, subject to BORROWER's right to maintain reasonable deductibles in such amounts as are first approved in writing by the City, BORROWER shall obtain and maintain in full force and effect for the duration of this Agreement and the other Loan Documents, and any extension thereof, at BORROWER's sole expense, insurance coverage written on an occurrence basis, by companies authorized and admitted to do business in the State of Texas and rated A- or better by A.M. Best Company and/or otherwise acceptable to the City, in the following types and amounts:

TYPE	AMOUNTS
1. Workers' Compensation ** Employers' Liability **	Statutory \$1,000,000/\$1,000,000/\$1,000,000
2. Commercial General (public) Liability Insurance to include coverage for the following: a. Premises operations *b. Independent contractors c. Products/completed operations d. Personal Injury e. Contractual Liability *f. Explosion, collapse, underground g. Broad form property damage, to include fire legal liability	For Bodily Injury and Property Damage of \$1,000,000 per occurrence; \$2,000,000 General Aggregate, or its equivalent in Umbrella or Excess Liability Coverage
3. Business Automobile Liability a. Owned/leased vehicles b. Non-owned vehicles c. Hired Vehicles	Combined Single Limit for Bodily Injury and Property Damage of \$1,000,000 per occurrence
4. Professional Liability (Claims Made Form)	\$1,000,000 per claim to pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages by reason of any act, malpractice, error or omission in professional services.
*5. Payment/Performance Bond	\$125,000.00
*6. Builder's Risk	\$125,000.00
*7. Pollution of Fuel Storage Tank	\$125,000.00
*8. Environmental	\$125,000.00
*9. Commercial Crime/Fidelity Bond, etc.	\$125,000.00
*10. Liquor Legal Liability	\$125,000.00
* If Applicable	
** Alternate Plans Must Be Approved by Risk Management	

11. BORROWER must provide to City proof of continuous and renewed professional liability insurance having been obtained by all professional persons performing work or services in connection with the Project, such insurance policy having an extended discovery period of two (2) years, with such insurance policy being maintained in the same manner as set forth herein.

12. Upon completion of construction of the Project, BORROWER must carry insurance to the extent of 80% of A.C.V., fire and extended coverage policy.

13. BORROWER must provide insurance in the manner set forth herein protecting City with a standard mortgage clause naming City as loss payee for a sum equal at least to BORROWER's indebtedness to City.

BORROWER shall contractually require all third-party contractors associated with the Project to obtain the foregoing types of insurance, in the amounts and in the manner as specified herein.

The City shall be entitled, upon request and without expense, to receive copies of the policies and all endorsements thereto as they apply to the limits required by the City, and may make a reasonable request for deletion, revision, or modification of particular policy terms, conditions, limitations or exclusions (except where policy provisions are established by law or regulation binding upon either of the parties hereto or the underwriter of any such policies). Upon such request by the City, BORROWER shall exercise reasonable efforts to accomplish such changes in policy coverage and shall pay the cost thereof.

BORROWER agrees that with respect to the above-required insurance, all insurance contracts and Certificate(s) of Insurance will contain the following required provisions:

- Name City and its officers, employees, volunteers and elected representatives as additional insureds as with respect to operations and activities of, or on behalf of, the named insured performed under contract with the City, with the exception of the workers' compensation (and professional liability, if required) policies;

- BORROWER's insurance shall be deemed primary with respect to any insurance or self insurance carried by the City for liability arising out of operations under this agreement with the City or under any of the other Loan Documents; and
- Workers' compensation and employers' liability policy will provide a waiver of subrogation in favor of City.

BORROWER shall notify the City in the event of any notice of cancellation, non-renewal or material change in coverage and shall give such notices not less than thirty (30) days prior to the change, or twenty (20) days notice for cancellation due to non-payment of premiums, which notice must be accompanied by a replacement Certificate of Insurance. All notices shall be given to the City at the following address:

City of Dallas
Housing & Neighborhood Revitalization Department
Attn: Director
1500 Marilla St.
Dallas, Texas 75201

and

City of Dallas
Risk Management Division
P.O. Box 839966
Dallas, Texas 78283-3966

If BORROWER fails to maintain the aforementioned insurance, or fails to secure and maintain the aforementioned endorsements, the City may obtain such insurance, and deduct and retain the amount of the premiums for such insurance from any sums due under any of the Loan Documents; however, procuring of said insurance by the City is an alternative to other remedies the City may have, and is not the exclusive remedy for failure of BORROWER to maintain said insurance or secure such endorsement. In addition to any other remedies the City may have upon BORROWER's failure to provide and maintain any insurance or policy endorsements to the extent and within the time herein required, the City shall have the right to (a) withdraw from the Project, (b) withhold any and

all Loan monies until BORROWER demonstrates compliance with the requirements hereof, (c) declare a default under the Note and/or (d) terminate any and all Loan Documents.

Nothing herein contained shall be construed as limiting in any way the extent to which BORROWER may be held responsible for payments of damages to persons or property resulting from BORROWER's or its subcontractors' performance of the work covered hereunder or under any of the other Loan Documents.

APPENDIX 16

INTERVENTIONS BY STRATEGY AREA

IMPLEMENTATION REQUIREMENTS					
	Requires an ordinance change	Authorized by Resolution	Policy Decision	Available through NEZ	Non-City Action
Accessory Dwelling Units	X				
Building Code Fee Waivers	X			X	
Community Court			X		
Code Lien Foreclosures			X		
Community Land Trust	X				
Contractor Training Program		X	X		
Development Code Fee Waivers	X				
Employer-Assisted Housing Program					X
Envision Centers					X
Expedited Processing			X		
Home Improvement Preservation Program		X	X		
Homestead Preservation Districts			X		
Housing Trust Fund		X			
Incentive Zoning/Density Bonuses	X				
Lien Releases	X				
Multi-Family Rehab Program		X			
Neighborhood Empowerment Zones		X			
Opportunity Zones					
Park Land Dedication Fees					
Property Tax Abatement		X		X	
Rental/Homeowner Maintenance Education Program	X				
Tax Increment Financing (TIF)		X			
Voucher Sublease Program		X	X		

	Proposed Type of Activities	Redevelopment Areas	Stabilization Areas	Emerging Markets	Citywide	
1	Notice of Funding Availability: New Development (for-sale and rental) or Substantial Rehabilitation	P	P	N	Y	P= Priority Y=Yes N=No
2	Preservation of owner-occupied housing: Home Improvement & Preservation Program	P	P	Y	Y	
3	Preservation of Single-Family rental housing: Home Improvement & Preservation Program	P	P	Y	Y	
4	Preservation of Multi-Family rental housing: Home Improvement & Preservation Program	P	P	Y	Y	
5	Landbanking	N	P	P	N	
6	Code Lien Foreclosures	N	P	P	N	
7	Neighborhood Empowerment Zones (unlocks development fee waivers including landscape and tree mitigation and parkland dedication fees & property tax freeze)	N	Y	N	N	
8	City's Second Mortgage Assistance Program (DHAP)	Y	Y	Y	Y	
9	Neighborhood Revitalization Strategy Area Designation	P	P	P	N	
10	Dallas Tomorrow Fund (Dept. of Code Compliance home repair fund through fee assessment)	Y	Y	Y	Y	
11	Code Academy	Y	Y	P	Y	
12	Tax Increment Reinvestment Zone designation - If one doesn't already exist	Y	Y	Y	N	
13	Create Neighborhood Association	Y	Y	P	Y	
14	Neighborhood Sweep - 2 week intensive; minor street repair, code inspections, signage, beautification projects, neighborhood plan)	Y	Y	P	N	
15	Neighborhood Beautification Projects	Y	Y	P	Y	
16	Low Income Housing Tax Credit City support - with scoring criteria	N	Y	N	Y	
17	Voucher Sublease Agreements	Y	Y	Y	Y	
18	Accessory Dwelling Units	See Citywide	Y	see Citywide	Y-opt in	
19	Incentive Zoning	P	P	N	Y	
20	Homestead Preservation District designation	N	P	N	N	
21	Community Land Trust	Y	P	N	N	
22	Tenant Based Rental Assistance Program (HILI)	-	-	-	Y	
23	Express Plan Review	P	P	N	N	