

**JANUARY 8, 2014 CITY COUNCIL ADDENDUM  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated January 8, 2014. 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.



A.C. Gonzalez  
Interim City Manager

1-3-14

Date



Edward Scott  
City Controller

1-3-14

Date



RECEIVED

2014 JAN -3 PM 4: 28

CITY SECRETARY  
DALLAS, TEXAS

ADDENDUM  
CITY COUNCIL MEETING  
WEDNESDAY, JANUARY 8, 2014  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TX 75201  
9:00 A.M.

**REVISED 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**

**CLOSED SESSION**

**MINUTES**

Item 1

**CONSENT AGENDA**

Items 2 - 22

**CONSENT ADDENDUM**

Items 1 - 3

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 23 - 24  
Addendum Items 4 - 6

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 25 - 34  
Addendum Items 7 - 8



**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 8, 2014  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A. M.**

ADDITIONS:

Closed Session

5ES

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

- Lockey and MacKenzie v. City of Dallas, et al., Appeal No. 13-10884; 1600 Pacific LP v. City of Dallas, HUD Case File Nos. 06-10-0449-9, 06-10-0449-4, and 06-10-0499-6.
- Legal issues regarding the Dallas City Council Rules of Procedure.

Personnel (Sec. 551.074 T.O.M.A.)

- Discuss the qualifications of candidates for the position of City Manager.

CONSENT ADDENDUM

**Office of Financial Services**

1. Authorize an amendment to the 2014 City Calendar to change the meeting time of the Quality of Life & Environment Committee meetings from 9:30 a.m. to 9:00 a.m. - Financing: No cost consideration to the City

**Park & Recreation**

2. Authorize **(1)** assignment of the original contract with Johnson-McKibben Architects, Inc. to the new established company name of JMA Johnson, LLC; and **(2)** Supplemental Agreement No. 3 to the professional services contract with JMA Johnson, LLC for additional construction administration phase work for Cummings Recreation Center located at 2900 Cummings Street - Not to exceed \$137,040, from \$192,545 to \$329,585 - Financing: 2006 Bond Funds

**Trinity Watershed Management**

3. Authorize a construction contract with CD Builders, Inc., lowest responsible bidder of four, for drainage improvements and the creation of 60 acres of wetland associated with the Pavaho Wetland Supplemental Environmental Project - Not to exceed \$2,540,598 - Financing: Current Funds (\$171,765) and Stormwater Drainage Management Capital Construction Funds (\$2,368,833)

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 8, 2014**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

**Trinity Watershed Management**

4. Authorize amending and replacing Resolution No. 12-2544 to: **(1)** provide additional closing costs and title expenses; and **(2)** authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary for the acquisition of Tract I from Harold Topletz and the Estate of Joseph M. (Jack) Topletz, of an unimproved tract of land containing approximately 12,173 square feet; and of Tract II from Tanner Montgomery of an unimproved tract of land containing 23,805 square feet located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project - Not to exceed \$13,300 (\$9,800 plus closing costs and title expenses not to exceed \$3,500) - Financing: 2006 Bond Funds

DESIGNATED PUBLIC SUBSIDY MATTERS

**Economic Development**

5. Authorize amendments to Resolution No. 13-2140, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Affairs (TDHCA) on the proposal for the new construction of the Bruton Apartments, located at 9415 Bruton Road, Dallas, Texas, The TDHCA has requested the following: **(1)** delete reference to the TDHCA's tenants services requirement; **(2)** to replace the word "LURA" with "Bond Regulatory Agreement"; and **(3)** delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" - Financing: This action has no cost consideration to the City
6. Authorize an amendment to Resolution No. 13-2141, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Affairs (TDHCA), on the proposal for the rehabilitation of The Park at Cliff Creek Apartments located at 7300 Marvin D. Love Freeway, Dallas, Texas, The TDHCA has requested the following: **(1)** delete reference to the TDHCA's tenants services requirement; **(2)** to replace the word "LURA" with "Bond Regulatory Agreement"; and **(3)** delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" - Financing: This action has no cost consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 8, 2014**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

FLOODPLAIN APPLICATIONS

**Trinity Watershed Management**

7. A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.57 acres of the current 4.57 acres of land located at the northwest corner of Northwest Highway and Lawther, of which 2.36 acres is within the floodplain of White Rock Creek, Fill Permit 13-02 - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

**Housing/Community Services**

8. A public hearing to receive comments regarding an application to The Texas Department of Housing and Community Affairs (TDHCA) for 2013 4% Low Income Housing Tax Credits for Patriots Crossing, a 162 unit multifamily project, located at 4623 South Lancaster Road and authorize an amendment to Resolution No. 13-1867, previously approved on October 23, 2013, to add language requested by Texas Department of Housing & Community Affairs (TDHCA) in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), in further support of the proposed project to be located at 4623 South Lancaster Road for a multifamily residential development for low income families - Financing: No cost consideration to the City





**ADDENDUM DATE January 8, 2014**

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			N/A	C	OFS	NC	NA	NA	Authorize an amendment to the 2014 City Calendar to change the meeting time of the Quality of Life & Environment Committee meetings from 9:30 a.m. to 9:00 a.m
2			4	C	PKR	\$137,040.00	86.05%	99.09%	Authorize assignment of the original contract with Johnson-McKibben Architects, Inc. to the new established company name of JMA Johnson, LLC; and Supplemental Agreement No. 3 to the professional services contract with JMA Johnson, LLC for additional construction administration phase work for Cummings Recreation Center located at 2900 Cummings Street
3			6	C	TWM	\$2,540,597.05	14.29%	100.00%	Authorize a construction contract with CD Builders, Inc., lowest responsible bidder of four, for drainage improvements and the creation of 60 acres of wetland associated with the Pavaho Wetland Supplemental Environmental Project
4			7	I	TWM, PKR	\$13,300.00	NA	NA	Authorize amending and replacing Resolution No. 12-2544 to: provide additional closing costs and title expenses; and authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary for the acquisition of Tract I from Harold Topletz and the Estate of Joseph M. (Jack) Topletz, of an unimproved tract of land containing approximately 12,173 square feet; and of Tract II from Tanner Montgomery of an unimproved tract of land containing 23,805 square feet located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project
5			7	I	ECO	NC	NA	NA	Authorize amendments to Resolution No. 13-2140, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Affairs (TDHCA) on the proposal for the new construction of the Bruton Apartments, located at 9415 Bruton Road, Dallas, Texas, The TDHCA has requested the following: delete reference to the TDHCA's tenants services requirement; to replace the word "LURA" with "Bond Regulatory Agreement"; and delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services"
6			8	I	ECO	NC	NA	NA	Authorize an amendment to Resolution No. 13-2141, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Affairs (TDHCA), on the proposal for the rehabilitation of The Park at Cliff Creek Apartments located at 7300 Marvin D. Love Freeway, Dallas, Texas, The TDHCA has requested the following: delete reference to the TDHCA's tenants services requirement; to replace the word "LURA" with "Bond Regulatory Agreement"; and delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services"
7			9	PH	TWM	NC	NA	NA	A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.57 acres of the current 4.57 acres of land located at the northwest corner of Northwest Highway and Lawther, of which 2.36 acres is within the floodplain of White Rock Creek, Fill Permit 13-02
8			4	PH	HOU	NC	NA	NA	A public hearing to receive comments regarding an application to The Texas Department of Housing and Community Affairs (TDHCA) for 2013 4% Low Income Housing Tax Credits for Patriots Crossing, a 162 unit multifamily project, located at 4623 South Lancaster Road and authorize an amendment to Resolution No. 13-1867, previously approved on October 23, 2013, to add language requested by Texas Department of Housing & Community Affairs (TDHCA) in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), in further support of the proposed project to be located at 4623 South Lancaster Road for a multifamily residential development for low income families
<b>TOTAL</b>						<b>\$2,690,937.05</b>			



**ADDENDUM ITEM # 1**

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Office of Financial Services

**CMO:** Jeanne Chipperfield, 670-7804

**MAPSCO:** N/A

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**SUBJECT**

Authorize an amendment to the 2014 City Calendar to change the meeting time of the Quality of Life & Environment Committee meetings from 9:30 a.m. to 9:00 a.m. - Financing: No cost consideration to the City

**BACKGROUND**

Resolution No. 89-3796 requires the City Council to adopt an annual calendar. Resolution No. 90-2673 establishes the annual July recess. The City Calendar includes all City Council briefing and agenda meetings, budget briefings and workshops, Council Committee meetings, and City holidays. The City Calendar is available on the City's website at [www.dallascityhall.com](http://www.dallascityhall.com) and is made available in the Office of Financial Services to all citizens who request copies.

The 2014 City Calendar is being amended to change the meeting time of the Quality of Life & Environment Committee meetings from 9:30 a.m. to 9:00 a.m. The 2014 City Calendar is being amended to reflect this change per Attachment A.

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

The City Council was briefed on October 16, 2013.

The 2014 City Calendar was approved by the City Council on October 23, 2013, by Resolution No. 13-1890.

This item was included on the December 9, 2013 agenda for the Quality of Life & Environment Committee meeting.

**FISCAL INFORMATION**

No cost consideration to the City.

January 8, 2014

**WHEREAS**, the meeting time for the Quality of Life & Environment Committee meetings should be changed from 9:30 a.m. to 9:00 a.m.; and

**WHEREAS**, it has become necessary to revise the 2014 calendar for the year to reflect this change;

**Now, Therefore,**

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

**Section 1.** That the Dallas City Council authorizes the meeting time change for the Quality of Life & Environment Committee meetings from 9:30 a.m. to 9:00 a.m. and authorizes an amendment to the 2014 City Calendar to reflect this change per Attachment A.

**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.

January 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			<b>1</b> City Council Meeting Canceled  New Year's Day City Holiday	<b>2</b>	<b>3</b>	<b>4</b>
<b>5</b>	<b>6</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	<b>7</b>	<b>8</b> Council Agenda 9:00am	<b>9</b>	<b>10</b>	<b>11</b>
<b>12</b>	<b>13</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>14</b>	<b>15</b> Council Briefing 9:00am	<b>16</b> Council-Staff Planning Session TBD	<b>17</b> Council-Staff Planning Session TBD	<b>18</b>
<b>19</b>	<b>20</b> Council Committee Meetings Moved to January 21  Martin Luther King, Jr. Day City Holiday	<b>21</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	<b>22</b> Council Agenda 9:00am  U.S. Conference of Mayors Washington, DC Winter Meeting	<b>23</b>  U.S. Conference of Mayors Washington, DC Winter Meeting	<b>24</b>  U.S. Conference of Mayors Washington, DC Winter Meeting	<b>25</b>
<b>26</b>	<b>27</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>28</b>	<b>29</b> Fifth Wednesday – No City Council Meeting	<b>30</b>	<b>31</b>	

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

February 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	<b>3</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	4	<b>5</b> Council Briefing 9:00am  Budget Workshop	6	7	8
9	<b>10</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	11	<b>12</b> Council Agenda 9:00am	13	14	15
16	<b>17</b> Council Committee Meetings Moved to February 18  Presidents' Day City Holiday	<b>18</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	<b>19</b> Council Briefing 9:00am	20	21	22
23	<b>24</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	25	<b>26</b> Council Agenda 9:00am	27	28	

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March 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	<b>3</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	4	<b>5</b> Council Briefing 9:00am	6	7	<b>8</b> National League of Cities Conference – Washington, D.C.
9	<b>10</b> Council Committee Meetings Canceled  Council Recess  National League of Cities Conference – Washington, D.C.	<b>11</b>  Council Recess  National League of Cities Conference – Washington, D.C.	<b>12</b> City Council Meeting Canceled  Council Recess  National League of Cities Conference – Washington, D.C.	<b>13</b>  Council Recess	<b>14</b>  Council Recess	15
16	<b>17</b> Council Committee Meetings Canceled  Council Recess	<b>18</b>  Council Recess	<b>19</b> City Council Meeting Canceled  Council Recess	<b>20</b>  Council Recess	<b>21</b>  Council Recess	22
23	<b>24</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	25	<b>26</b> Council Agenda 9:00am  Budget Public Hearing	27	28	29
30	<b>31</b>					

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

April 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Council Briefing 9:00am	3	4	5
6	7 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	8	9 Council Agenda 9:00am	10	11	12
13	14 Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project (Adjourn by 2:00pm)  Passover (Begins at Sundown)	15  Passover Second Night Seder	16 Council Briefing 9:00am	17	18  Good Friday	19
20  Easter Sunday	21 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	22	23 Council Agenda 9:00am	24	25	26
27	28 Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	29	30 Fifth Wednesday – No City Council Meeting			

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall



May 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	6	7 Council Briefing 9:00am	8	9	10
11	12 Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	13	14 Council Agenda 9:00am	15	16	17
18	19 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	20	21 Council Briefing 9:00am  Budget Workshop	22	23	24
25	26 Council Committee Meetings Moved to May 27  Memorial Day City Holiday	27 Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	28 Council Agenda 9:00am  Budget Public Hearing	29	30	31

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

June 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	<b>2</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	3	<b>4</b> Council Briefing 9:00am	5	6	7
8	<b>9</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	10	<b>11</b> Council Agenda 9:00am	12	13	14
15	<b>16</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	17	<b>18</b> Council Briefing 9:00am  Budget Workshop	19	<b>20</b>  U.S. Conference of Mayors Dallas, TX	21  U.S. Conference of Mayors Dallas, TX
22  U.S. Conference of Mayors Dallas, TX	<b>23</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project  U.S. Conference of Mayors Dallas, TX	24	<b>25</b> Council Agenda 9:00am	26	<b>27</b>	28 Ramadan (begins at Sundown)
29	<b>30</b>					

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

July 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Council Recess Per Resolution 90-2673 Passed August 22, 1990	3	4 Independence Day City Holiday	5
6	7 Council Recess Per Resolution 90-2673 Passed August 22, 1990	8	9 Council Recess Per Resolution 90-2673 Passed August 22, 1990	10	11	12
13	14 Council Recess Per Resolution 90-2673 Passed August 22, 1990	15	16 Council Recess Per Resolution 90-2673 Passed August 22, 1990	17	18	19
20	21 Council Recess Per Resolution 90-2673 Passed August 22, 1990	22	23 Council Recess Per Resolution 90-2673 Passed August 22, 1990	24	25	26
27	28 Council Recess Per Resolution 90-2673 Passed August 22, 1990	29	30	31		

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

August 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	5	6 Council Briefing 9:00am	7	8	9
10	11 Council Committees: 9:30-10:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	12 9:00am Council Budget Workshop  Presentation of City Manager's Recommended Budget  Budget Town Hall Meetings Begin	13 Council Agenda 9:00am	14	15	16
17	18 Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	19	20 Council Briefing 9:00am	21	22	23
24	25 Council Committees: 9:30-10:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	26 Council Budget Workshop 9:00am	27 Council Agenda 9:00am  Budget Public Hearing	28	29 Budget Town Hall Meetings End	30
31						

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

September 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>1</b> Council Committee Meetings Moved to September 2  Labor Day City Holiday/Cesar E. Chavez Day	<b>2</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	<b>3</b> Council Briefing 9:00am  Vote to Adopt Budget 1 <sup>st</sup> Reading	<b>4</b>	<b>5</b>	<b>6</b>
<b>7</b>	<b>8</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>9</b> Council Budget Amendments Workshop 9:00am	<b>10</b> Council Agenda 9:00am	<b>11</b> September 11 <sup>th</sup> Remembrance Day	<b>12</b>	<b>13</b>
<b>14</b>	<b>15</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	<b>16</b>	<b>17</b> Council Briefing 9:00am  Budget Adoption 2 <sup>nd</sup> Reading	<b>18</b>	<b>19</b>	<b>20</b>
<b>21</b>	<b>22</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>23</b>	<b>24</b> Council Agenda 9:00am (Adjourn by 2:00pm)  Rosh Hashanah (Begins at Sundown)	<b>25</b>	<b>26</b>	<b>27</b>
<b>28</b>	<b>29</b>  Texas Municipal League Annual Conference –Houston, TX	<b>30</b>  Texas Municipal League Annual Conference –Houston, TX				

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

October 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			<b>1</b> City Council Meeting Canceled  Texas Municipal League Annual Conference –Houston, TX	<b>2</b>  Texas Municipal League Annual Conference –Houston, TX	<b>3</b>  Texas Municipal League Annual Conference –Houston, TX  Yom Kippur (Begins at Sundown)	<b>4</b>  Yom Kippur
<b>5</b>	<b>6</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	<b>7</b>	<b>8</b> Council Agenda 9:00am	<b>9</b>	<b>10</b>	<b>11</b>
<b>12</b>	<b>13</b> Council Committees: 9:30 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>14</b>	<b>15</b> Council Briefing 9:00am	<b>16</b>	<b>17</b>	<b>18</b>
<b>19</b>	<b>20</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	<b>21</b>	<b>22</b> Council Agenda 9:00am	<b>23</b>	<b>24</b>	<b>25</b>
<b>26</b>	<b>27</b> Council Committees: 9:30 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>28</b>	<b>29</b> Fifth Wednesday – No City Council Meeting	<b>30</b>	<b>31</b>	

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

November 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	<b>3</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit	<b>4</b>	<b>5</b> Council Briefing 9:00am	<b>6</b>	<b>7</b>	<b>8</b>
9	<b>10</b> Council Committees: <del>9:30</del> 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>11</b> Veterans Day	<b>12</b> Council Agenda 9:00am	<b>13</b>	<b>14</b>	<b>15</b>
16	<b>17</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	<b>18</b> Council Briefing 9:00am	<b>19</b> City Council Meeting Moved to November 18  National League of Cities Conference – Austin, TX	<b>20</b>  National League of Cities Conference – Austin, TX	<b>21</b>  National League of Cities Conference – Austin, TX	<b>22</b>  National League of Cities Conference – Austin, TX
23	<b>24</b> Council Committee Meetings Canceled	<b>25</b>	<b>26</b> City Council Meeting Canceled	<b>27</b> Thanksgiving Day City Holiday	<b>28</b> Day after Thanksgiving Day City Holiday	<b>29</b>
30						

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall

December 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>1</b> Council Committees: 9:00am-Economic Development 11:00am-Housing 1:00pm-Budget, Finance & Audit 3:00pm-Arts, Culture & Libraries	<b>2</b>	<b>3</b> Council Briefing 9:00am	<b>4</b>	<b>5</b>	<b>6</b>
<b>7</b>	<b>8</b> Council Committees: 9:30 9:00am-Quality of Life & Environment 11:00am-Public Safety 1:00pm-Transportation & Trinity River Project	<b>9</b>	<b>10</b> Council Agenda 9:00am	<b>11</b>	<b>12</b>	<b>13</b>
<b>14</b>	<b>15</b> Council Committee Meetings Canceled	<b>16</b>  Eight Days of Hanukkah (Begins at Sundown)	<b>17</b> City Council Meeting Canceled  Hanukkah	<b>18</b>	<b>19</b>	<b>20</b>
<b>21</b>	<b>22</b> Council Committee Meetings Canceled	<b>23</b>	<b>24</b> City Council Meeting Canceled	<b>25</b> Christmas Day City Holiday	<b>26</b>	<b>27</b>
<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b> Fifth Wednesday – No City Council Meeting			

Note: Council Agenda meetings are held in Council Chambers and Council Briefing and committee meetings are held in room 6ES at Dallas City Hall



**KEY FOCUS AREA:** Culture, Arts and Recreation

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 66-A, B

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**SUBJECT**

Authorize **(1)** assignment of the original contract with Johnson-McKibben Architects, Inc. to the new established company name of JMA Johnson, LLC; and **(2)** Supplemental Agreement No. 3 to the professional services contract with JMA Johnson, LLC for additional construction administration phase work for Cummings Recreation Center located at 2900 Cummings Street - Not to exceed \$137,040, from \$192,545 to \$329,585 - Financing: 2006 Bond Funds

**BACKGROUND**

The original professional services contract with Johnson-McKibben Architects, Inc. was awarded by Council on March 25, 2009, by Resolution No. 09-0817, for schematic design through construction administration services for expansion of the existing recreation center, interior renovation, roof repairs, and new heating, ventilation and air conditioning controls at Cummings Recreation Center, in an amount not to exceed \$159,220.

Supplemental Agreement No. 1 was authorized by Administrative Action No. 10-0748 on March 2, 2010, for topographical and boundary surveying services at Cummings Recreation Center, in an amount not to exceed \$7,975, making a revised contract amount of \$167,195.

Supplemental Agreement No. 2 was authorized by Administrative Action No. 13-0462 on March 8, 2013, for additional fees for extension of construction administration at Cummings Recreation Center, in an amount not to exceed \$25,350, making a revised contract amount of \$192,545.

**BACKGROUND** (Continued)

Supplemental Agreement No. 3 includes additional construction administration phase services in the not-to-exceed amount of \$137,040; thereby, increasing the contract from \$192,545 to \$329,585. The City of Dallas terminated the contract with the original construction contractor for Cummings Recreation Center Renovation. JMA Johnson, LLC's scope of work for architectural services needs to be extended due to the take-over of construction by a new contractor hired by the Surety, thereby delaying the completion date, and for additional design work that must be performed to correct non-conforming work by the original contractor. This action will approve Construction Administration services from March 21, 2013 through June 16, 2014. It will also include additional services to be provided at an hourly rate, on an as-needed basis, from June 17, 2014 through October 15, 2014. In the agreement with the Surety, the City of Dallas reserves all rights to seek compensation from the Surety for extra costs stemming from the termination of the original contractor.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design            May 2009  
Complete Design      June 2014

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

The Park and Recreation Board authorized award of the professional services contract on March 5, 2009.

City Council authorized award of the professional services contract on March 25, 2009, by Resolution No. 09-0817.

The Park and Recreation Board authorized Supplemental Agreement No. 3 on December 19, 2013.

**FISCAL INFORMATION**

2006 Bond Funds - \$137,040

Design Contract	\$159,220
Supplemental Agreement No. 1	\$7,975
Supplemental Agreement No. 2	\$25,350
Supplemental Agreement No. 3 (this action)	<u>\$137,040</u>
 Total amount not to exceed	 \$329,585

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

**JMA Johnson, LLC**

White Male	5	White Female	1
Black Male	1	Black Female	0
Hispanic Male	3	Hispanic Female	0
Other Male	0	Other Female	0

**OWNERS**

**JMA Johnson, LLC**

Michael Johnson, President  
Gary McKibben, Vice President

**MAP**

Attached

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize **(1)** assignment of the original contract with Johnson-McKibben Architects, Inc. to the new established company name of JMA Johnson, LLC; and **(2)** Supplemental Agreement No. 3 to the professional services contract with JMA Johnson, LLC for additional construction administration phase work for Cummings Recreation Center located at 2900 Cummings Street - Not to exceed \$137,040, from \$192,545 to \$329,585 - Financing: 2006 Bond Funds

Johnson/McKibben Architects, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Architecture & Engineering

### LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$117,920.00	86.05%
Non-local contracts	\$19,120.00	13.95%
<b>TOTAL THIS ACTION</b>	<b>\$137,040.00</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

#### Local Contractors / Sub-Contractors

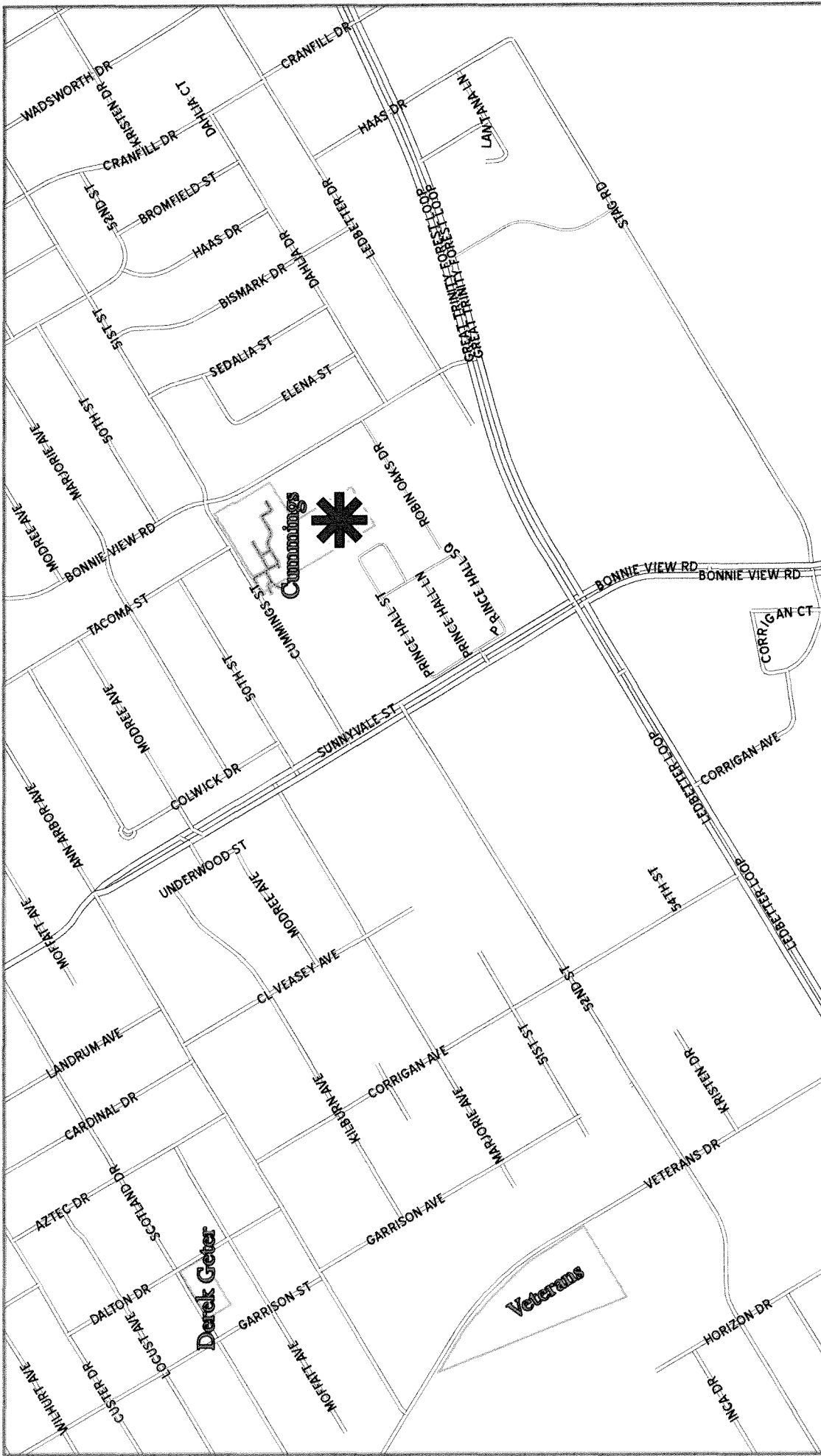
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
JMA Johnson, LLC	BMMB59033N1014	\$110,920.00	94.06%
Charles Gojer & Associates	HMDB58160Y0714	\$4,000.00	3.39%
<b>Total Minority - Local</b>		<b>\$114,920.00</b>	<b>97.46%</b>

#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
E-W Associates	PMDB56501Y0214	\$19,120.00	100.00%
<b>Total Minority - Non-local</b>		<b>\$19,120.00</b>	<b>100.00%</b>

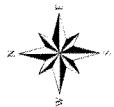
**TOTAL M/WBE PARTICIPATION**

	<b>This Action</b>		<b>Participation to Date</b>	
	<b><u>Amount</u></b>	<b><u>Percent</u></b>	<b><u>Amount</u></b>	<b><u>Percent</u></b>
African American	\$110,920.00	80.94%	\$238,690.00	72.42%
Hispanic American	\$4,000.00	2.92%	\$19,800.00	6.01%
Asian American	\$19,120.00	13.95%	\$68,095.00	20.66%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$134,040.00</u>	<u>97.81%</u>	<u>\$326,585.00</u>	<u>99.09%</u>



Mapso District  
66 A B 4

Cummings Recreation Center  
(2900 Cummings Street)



January 8, 2014

January 8, 2014

**WHEREAS**, on March 25, 2009, Resolution No. 09-0817 authorized a contract with Johnson-McKibben Architects, Inc. for schematic design through construction administration services for expansion of the existing recreation center, interior renovation, roof repairs, and new heating, ventilation and air conditioning controls at Cummings Recreation Center located at 2900 Cummings Street, in an amount not to exceed \$159,220; and

**WHEREAS**, on March 2, 2010, Administrative Action No. 10-0748 authorized Supplemental Agreement No. 1 for topographical and boundary surveying services at Cummings Recreation Center, in an amount not to exceed \$7,975, increasing the contract amount from \$159,220 to \$167,195; and

**WHEREAS**, on March 8, 2013, Administrative Action No. 13-0462 authorized Supplemental Agreement No. 2 for additional fees for extension of construction administration at Cummings Recreation Center, in an amount not exceed \$25,350, increasing the contract amount from \$167,195 to \$192,545; and

**WHEREAS**, the City desires to assign the original contract with Johnson-McKibben Architects, Inc. to the new established company name of JMA Johnson, LLC; and

**WHEREAS**, it is now desired to enter into Supplemental Agreement No. 3 with JMA Johnson, LLC for additional construction administration phase work for Cummings Recreation Center, in an amount not to exceed \$137,040, increasing the contract from \$192,545 to \$329,585.

**Now, Therefore,**

**BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City Manager is hereby authorized to enter into a contract with JMA Johnson, LLC for assignment of the original contract with Johnson-McKibben Architects, Inc. to the new established company name of JMA Johnson, LLC; and Supplemental Agreement No. 3 to the professional services contract with JMA Johnson, LLC for additional construction administration phase work for Cummings Recreation Center, in an amount not to exceed \$137,040, increasing the contract from \$192,545 to \$329,585.

**SECTION 2.** That the President of the Park and Recreation Board are hereby authorized to execute a contract with JMA Johnson, LLC, after approval as to form by the City Attorney's Office.

January 8, 2014

**SECTION 3.** That the City Controller is hereby authorized to pay the amount of \$137,040 to JMA Johnson, LLC, as follows:

(2006) Park and Recreation Facilities Improvement Fund  
Fund 8T00, Department PKR, Unit T058, Object 4112  
Activity RFSI, Program PK06T058, CT-PKR09019061-1  
Commodity 92500, Vendor VS0000076879 \$114,432.38

(2006) Park and Recreation Facilities Improvement Fund  
Fund BT00, Department PKR, Unit T059, Object 4112  
Activity RFSI, Program PK06T058, CT-PKR09019061-1  
Commodity 92500, Vendor VS00000076879 \$22,607.62

Total amount not to exceed \$137,040.00

**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.



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Trinity Watershed Management  
Office of Risk Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 44F K & L

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**SUBJECT**

Authorize a construction contract with CD Builders, Inc., lowest responsible bidder of four, for drainage improvements and the creation of 60 acres of wetland associated with the Pavaho Wetland Supplemental Environmental Project - Not to exceed \$2,540,598 - Financing: Current Funds (\$171,765) and Stormwater Drainage Management Capital Construction Funds (\$2,368,833)

**BACKGROUND**

The Pavaho Wetlands will be constructed downstream of Sylvan Avenue along the west bank of the Trinity River within and near the Dallas Floodway. This work is required by the Consent Decree between the United States of America and State of Texas, Plaintiffs, v. City of Dallas, Defendant, Civil Action No. 3-06-CV-0845-BD.

This action will fund the drainage improvements and the creation of 60 additional acres of wetland in this area by the construction contractor CD Builders, Inc., to enhance the stormwater quality before it enters the Trinity River.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	February 2007
Completed Design	October 2013
Begin Construction	January 2014
Complete Construction	June 2014

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

Authorized Supplemental Agreement No. 2 to the design contract on April 22, 2009, by Resolution No. 09-1077.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (Continued)

Authorized a professional services contract with Alan Plummer Associates, Inc., for design of the Pavaho Stormwater Wetland Supplemental Environmental Project (SEP) on March 28, 2007, by Resolution No. 07-1017.

**FISCAL INFORMATION**

Stormwater Drainage Management Capital Construction Funds - \$2,368,832.69  
Current Funds - \$171,764.36

Engineering Design Cost	\$ 463,235.64
Construction	<u>\$2,540,597.05</u> (est.)
Total Project Cost	\$3,003,832.69 (est.)

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

CD Builders, Inc.

Hispanic Female	1	Hispanic Male	28
African-American Female	0	African-American Male	1
Other Female	0	Other Male	0
White Female	0	White Male	2

**BID INFORMATION**

The following bids with quotes were received and opened on November 21, 2013:

\*Denotes successful bidder

**BIDDERS**

**BID AMOUNT**

*CD Builders, Inc. 9008 Trinity Boulevard Fort Worth, Texas 76053	\$2,540,597.05
L. D. Kemp Excavating, Inc.	\$2,907,557.20
FCS Construction	\$3,119,163.00
Omega Contracting, Inc.	\$3,884,570.00

**OWNER**

**CD Builders, Inc.**

Ismael Carrasquillo, President

**MAP**

Attached.

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a construction contract with CD Builders, Inc., lowest responsible bidder of four, for drainage improvements and the creation of 60 acres of wetland associated with the Pavaho Wetland Supplemental Environmental Project - Not to exceed \$2,540,598 - Financing: Current Funds (\$171,765) and Stormwater Drainage Management Capital Construction Funds (\$2,368,833)

CD Builders, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Construction

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$363,000.00	14.29%
Total non-local contracts	\$2,177,597.05	85.71%
<b>TOTAL CONTRACT</b>	<b>\$2,540,597.05</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
MG Trucking	HMDB55767Y1213	\$363,000.00	100.00%
<b>Total Minority - Local</b>		<b>\$363,000.00</b>	<b>100.00%</b>

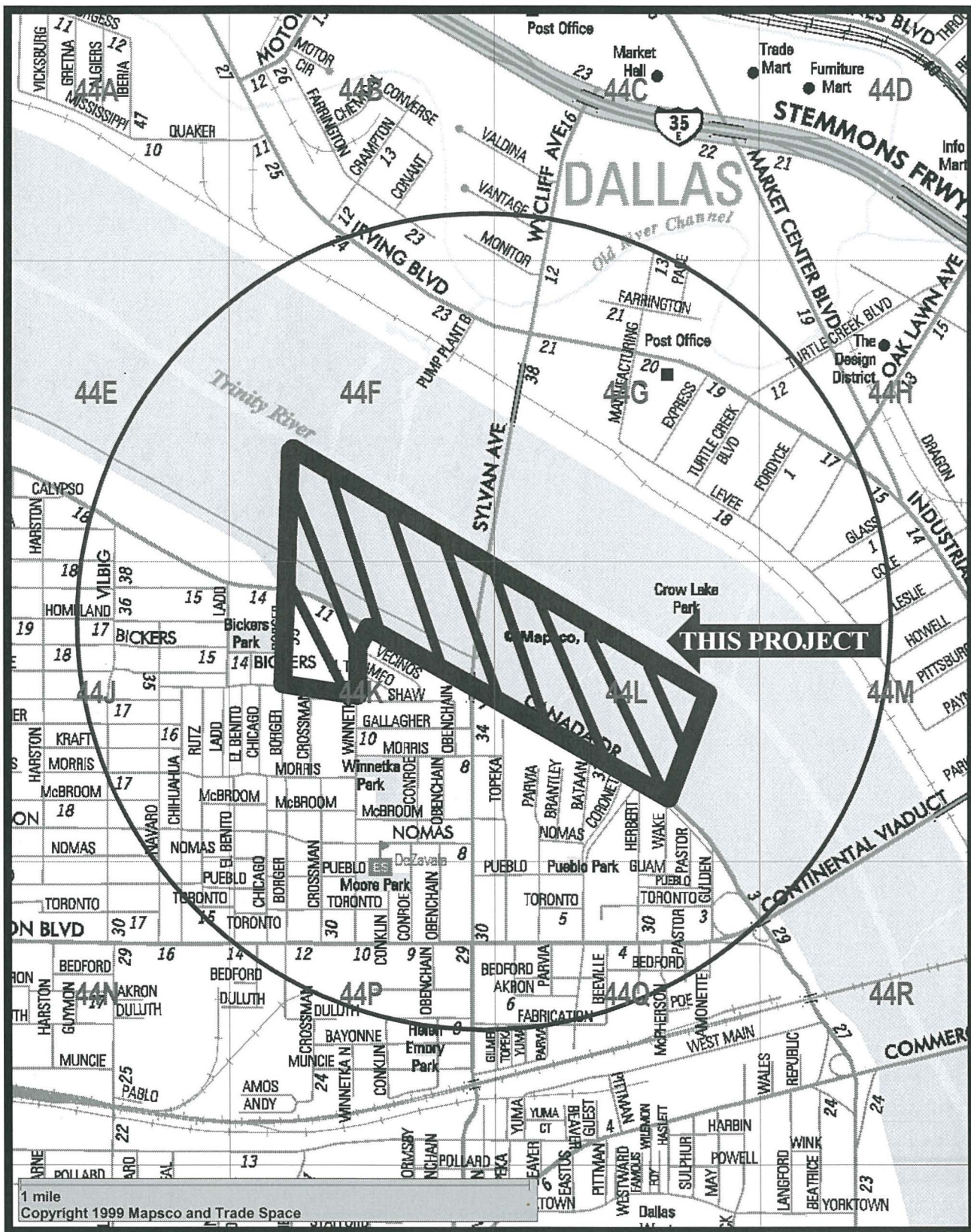
#### **Non-Local Contractors / Sub-Contractors**

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
C. Green Scaping, LP	HFDB57606Y0514	\$272,270.00	12.50%
CD Builders, Inc.	HMDB57541Y5014	\$1,905,327.05	87.50%
<b>Total Minority - Non-local</b>		<b>\$2,177,597.05</b>	<b>100.00%</b>

### **TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$363,000.00	100.00%	\$2,540,597.05	100.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$363,000.00</b>	<b>100.00%</b>	<b>\$2,540,597.05</b>	<b>100.00%</b>

# Pavaho Wetland SEP



## Mapsco 44-F,K,L





January 8, 2014

**WHEREAS**, on March 28, 2007, Resolution No. 07-1017 authorized a professional services contract with Alan Plummer Associates, Inc., for design of the Pavaho Stormwater Wetland Supplemental Environmental Project (SEP) downstream of Sylvan Avenue along the west bank of the Trinity River within and near the Dallas Floodway; and,

**WHEREAS**, on February 25, 2008, Administrative Action No. 08-1015 authorized Supplemental Agreement No. 1 to the engineering contract with Alan Plummer Associates, Inc., for additional surveying work in the amount of \$12,628.00, increasing the contract from \$294,885.00 to \$307,513.00; and,

**WHEREAS**, on April 22, 2009, Resolution No. 09-1077 authorized Supplemental Agreement No. 2 to the contract with Alan Plummer Associates, Inc. for additional engineering design of wetlands associated with the Pavaho Stormwater Wetland Supplemental Environmental Project downstream of Sylvan Avenue along the west bank of the Trinity River within and near the Dallas Floodway in the amount of \$130,772.64, from \$307,513.00 to \$438,285.64; and,

**WHEREAS**, on February 24, 2012, Administrative Action No. 12-0611 authorized Supplemental Agreement No. 3 to the engineering contract with Alan Plummer Associates, Inc., for additional revisions to the existing plans which included more low marsh areas, a water delivery system, wooden boardwalks, and other needed revisions in the amount of \$24,950.00, from \$438,285.64 to \$463,235.64; and,

**WHEREAS**, bids were received on November 21, 2013, for the construction of drainage improvements and wetlands creation for Pavaho Wetland Supplemental Environmental Project, as follows:

<b><u>BIDDERS</u></b>	<b><u>BID AMOUNT</u></b>
CD Builders, Inc.	\$2,540,597.05
L. D. Kemp Excavating, Inc.	\$2,907,557.20
FCS Construction	\$3,119,163.00
Omega Contracting, Inc.	\$3,884,570.00

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to enter into a contract with CD Builders, Inc. for drainage improvements and the creation of 60 acres of wetland associated with the Pavaho Wetland Supplemental Environmental Project in an amount not to exceed \$2,540,597.05, this being the lowest responsive bid as indicated by the tabulation of bids.

January 8, 2014

**Section 2.** That the City Manager is hereby authorized to execute the contract after approval as to form by the City Attorney.

**Section 3.** That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contracts from:

Current Funds

Fund 0192, Dept. ORM, Unit 3890, Act. RM01  
Obj. 4111, Program #PBDECRE1, CT PBWPBDECRE1  
Vendor #VS0000082219, in an amount not to exceed \$ 171,764.36

Stormwater Drainage Management Capital Construction Fund  
Fund 0063, Department SDM, Unit 4794, Act. SD01  
Obj. 4599, Program #PBDECRE1, CT SDM4794BM01  
Vendor #VS0000082219, in an amount not to exceed \$2,368,832.69

Total amount not to exceed \$2,540,597.05

**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.



**KEY FOCUS AREA:** Culture, Arts and Recreation

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Trinity Watershed Management  
Park & Recreation

**CMO:** Jill A. Jordan, P.E., 670-5299  
Joey Zapata, 670-1204

**MAPSCO:** 56 V

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**SUBJECT**

Authorize amending and replacing Resolution No. 12-2544 to: **(1)** provide additional closing costs and title expenses; and **(2)** authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary for the acquisition of Tract I from Harold Topletz and the Estate of Joseph M. (Jack) Topletz, of an unimproved tract of land containing approximately 12,173 square feet; and of Tract II from Tanner Montgomery of an unimproved tract of land containing 23,805 square feet located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project - Not to exceed \$13,300 (\$9,800 plus closing costs and title expenses not to exceed \$3,500) – Financing: 2006 Bond Funds

**BACKGROUND**

This item authorizes amending and replacing Resolution No. 12-2544 to provide additional closing costs and title expenses and the acquisition of Tract I: an unimproved tract of land containing approximately 12,173 square feet from Harold Topletz and the Estate of Joseph M. (Jack) Topletz; and Tract II: from Tanner Montgomery of an unimproved tract of land containing 23,805 square feet. This property is located near the intersection of Fellows Lane and Saipan Street and will be used for the South Central/Joppa Gateway Project. Resolution No. 12-544 authorized the acquisition of two tracts of land, Tracts I and II, from a single owner. Tract I was sold by the original owner to a new owner prior to the City acquiring it. The City is now acquiring Tract I from the new owner necessitating a separate closing and thus additional closing costs and title expenses. Tract II has been previously acquired by the City from the original owner.

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

Authorized acquisition on October 10, 2012, by Resolution No. 12-2544.

**FISCAL INFORMATION**

2006 Bond Funds - \$13,300 (\$9,800 plus closing costs and title expenses not to exceed \$3,500)

**OWNERS**

**Tract I**

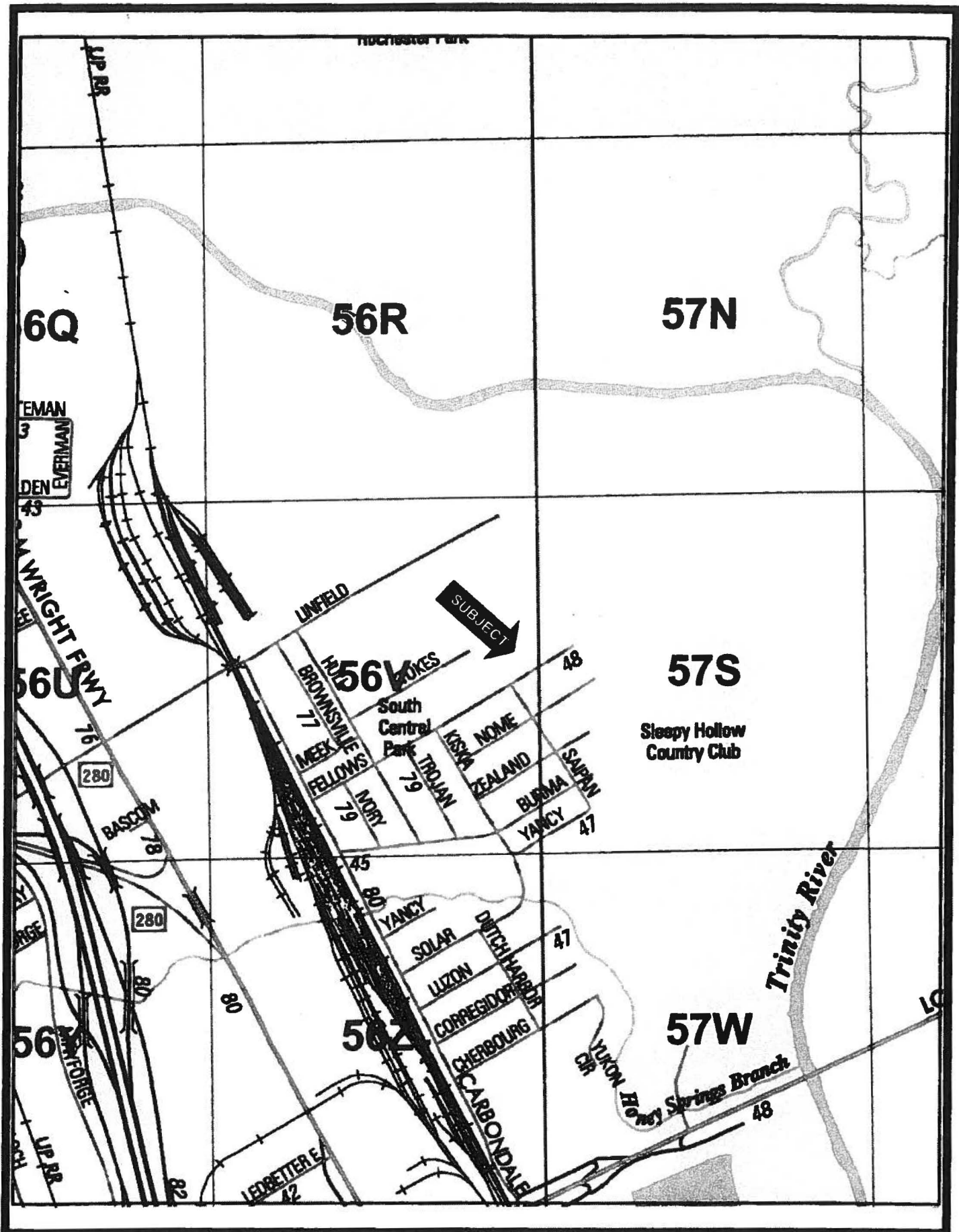
Harold Topletz  
The Estate of Joseph M. (Jack) Topletz

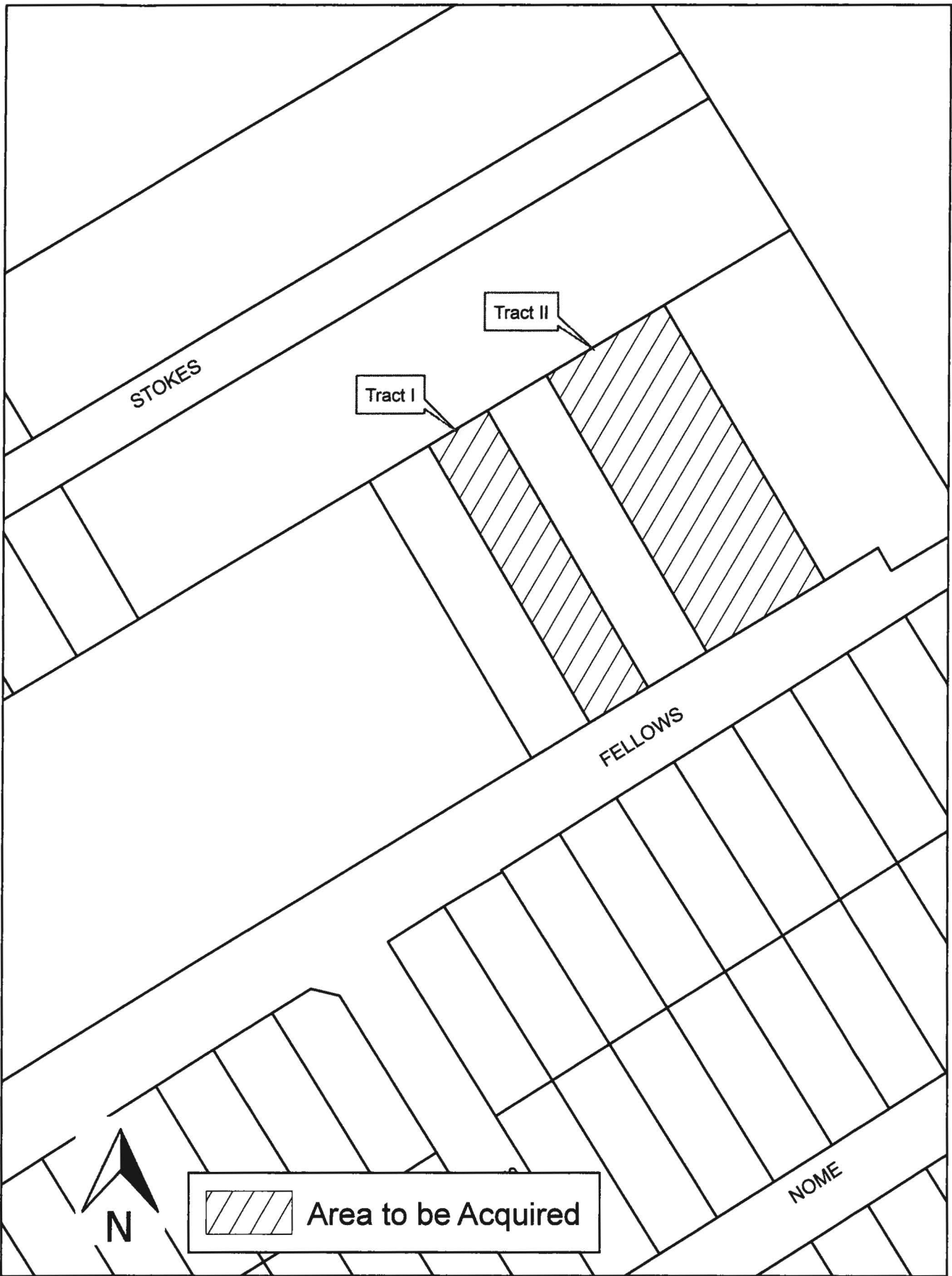
**Tract II**

Tanner Montgomery

**MAPS**

Attached





January 8, 2014

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY: AMENDING AND REPLACING A PREVIOUSLY ADOPTED ACQUISITION RESOLUTION ORIGINALLY AUTHORIZING THE ACQUISITION OF TWO TRACTS OF PROPERTY FROM A SINGLE SELLER FOR A COMBINED PURCHASE PRICE: DOCUMENTING CHANGE OF THE TRANSACTION TO ACQUISITIONS FROM TWO SEPARATE SELLERS OF THE TWO SEPARATE TRACTS, ALLOCATION OF THE ORIGINAL PURCHASE PRICE BETWEEN THE TWO SEPARATE SELLERS AND TRACTS, AUTHORIZATION OF AN INCREASE TO CLOSING COSTS NECESSITATED BY THE TWO SEPARATE CLOSINGS: AND AUTHORIZING APPROPRIATION AND/OR CONDEMNATION OF THE PROPERTIES FOR PUBLIC USE.**

**WHEREAS**, the Dallas City Council by Resolution No. 12-2544 on October 10, 2012 authorized acquisition by purchase and/or eminent domain of a fee simple interest in two tracts of land, described as "Exhibit A Tract I" and "Exhibit A Tract II", held by the owner and for the public purpose / project therein described; and

**WHEREAS**, Tract I of the property to be acquired was conveyed to a different party prior to the City closing its acquisition from the originally identified owner; and

**WHEREAS**, the original purchase price needs to be allocated between the two tracts of land and the two sellers; and

**WHEREAS**, the amount of closing costs and title expenses originally authorized by Resolution No. 12-2544 was with the expectation of both tracts being acquired from a single seller, in a single closing; and

**WHEREAS**, there will be additional closing costs and title expenses required as a result of the two tracts now closing separately with different sellers; and

**WHEREAS**, in light of said changed circumstances the Dallas City Council wishes to amend Resolution No 12-2544 and replace it with this resolution to authorize acquisition of the two tracts from the two separate owners, allocate the previously approved offer amount between the two tracts and transactions, and authorize increased closing costs and title expenses necessitated by the two transactions;

January 8, 2014

**Now, Therefore,**

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

**SECTION 1.** That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“PROPERTY”: Tract I - Approximately 12,173 square feet of land in Dallas County, Texas, and being the same property more particularly described in “Exhibit A Tract I”, attached hereto and made a part hereof for all purposes.

Tract II - Approximately 23,805 square feet of land in Dallas County, Texas, and being the same property more particularly described in “Exhibit A Tract II”, attached hereto and made a part hereof for all purposes.

“PROJECT”: South Central/Joppa Gateway Project

“USE”: The construction, installation, use and maintenance of a parking lot, a pavilion and athletic fields for the South Central Park, together with such appurtenant facilities as may be necessarily provided.

“PROPERTY INTEREST”: Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in substantially the form of instruments more particularly described in “Exhibit B Tract I” as to Tract I and “Exhibit B Tract II” as to Tract II, attached hereto and made a part hereof for all purposes.

“PURCHASE AMOUNT”: Tract I - \$3,500.00  
Tract II - \$5,300.00  
Total \$9,800.00

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$3,500.00.

“OWNER”: Tract I - Harold Topletz and the Estate of Joseph M. (Jack) Topletz;  
Tract II - Tanner Montgomery;

provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

“AUTHORIZED AMOUNT”: \$13,300.00

**SECTION 2.** That the USE of the PROPERTY for the PROJECT is a public use.

January 8, 2014

**SECTION 3.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

**SECTION 4.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the PURCHASE AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

**SECTION 5.** That in the event the OWNER accepts the PURCHASE AMOUNT, the City Controller is authorized and directed to draw warrants in favor of the applicable OWNER, or the then current owner of record, or the title company closing the transaction described herein in the applicable PURCHASE AMOUNT payable out of 2006 Bond Funds: \$9,800, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4210, Encumbrance No. CT-PKR12019345A, and the CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4230, Encumbrance No. CT-PKR12019345A., and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The PURCHASE AMOUNT - \$9,800.00 and the CLOSING COSTS AND TITLE EXPENSES - \$3,500, together shall not exceed the AUTHORIZED AMOUNT - \$13,300.00.

**SECTION 6.** That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation, the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 7.** That if the OWNER refuses to accept the PURCHASE AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

**SECTION 8.** That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).

January 8, 2014

**SECTION 9.** That to the extent the PROPERTY is being purchase wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY's market value.

**SECTION 10.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

**SECTION 11.** That in the event the Special Commissioners in Condemnation appointed by the Courts return an award(s) that is the same amount or less than the PURCHASE AMOUNT(S), the City Attorney is hereby authorized to settle the lawsuit(s) for that/those amount(s) and the City Controller is hereby authorized to issue a check(s) drawn on the previously described funds in an amount(s) not to exceed the Commissioners' award(s) made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

**SECTION 12.** That Resolution No. 12-2544, adopted on October 12, 2012, is hereby amended and the terms thereof replaced with this resolution and any transactions and/or actions previously completed in conformity with the terms hereof are hereby ratified and adopted.

**SECTION 13.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:  
WARREN M. S. ERNST, CITY ATTORNEY**

BY: Roxanne Diamond  
**Assistant City Attorney**



**Field Notes Describing a 12,173 Square Foot (0.279 Acre)  
Tract of Land To Be Acquired in City Block 5/7642  
From Tanner Montgomery**

Being a 12,173 Square Foot (0.279 Acre) tract of land situated in the Robinson T. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being a portion of Lot 5, Block 5/7642 (Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206, of the Map Records of Dallas County, Texas, and being all of the property conveyed to Clifford Montgomery and Tanner Montgomery, by Warranty Deed dated April 22, 1965 and recorded in Volume 553, Page 1208 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at a 60-D Nail with washer marked "CITY OF DALLAS" (hereinafter referred to as "60-D Nail w/COD Washer") set on the Northwest Right-of-Way line of Fellows Avenue (a variable width Right-of-Way) being also the common line between the above mentioned Hines Subdivision and Central Avenue Addition No. 3, an addition to the City of Dallas recorded in Volume 8, Page 231 of the Map Records of Dallas County, Texas, and the Southeast line of said Lot 5, being also the common Southeast corner of a tract of land conveyed to Sedalia Harris by Special Warranty Deeds recorded in Instruments Number 201100181625 and 201100217357 of the Official Public Records of Dallas County, Texas, and the most Easterly corner of the herein described tract of land:

**THENCE** South 57°33'05" West with the said common line between Fellows Avenue and Lot 5 a distance of 50.23 feet to the most Southerly corner of the herein described tract of land, being a common Southeast corner with a tract of land conveyed to Dennis Topletz, by deed recorded in Instrument Number 201100290653 of the Official Public Records of Dallas County, Texas (not monumented), from which a ½ inch diameter Iron Rod found bears North 28°34'24" East a distance of 0.25 feet:

**THENCE** North 30°31'05" West, departing the last said common line between Lot 5 and Fellows Avenue, over and across a portion of said Lot 5 a distance of 243.57 feet to a 60-D Nail w/COD Washer set on the common line between said Lot 5 and Lot 12 of said Hines Subdivision, being the common Northwest corner of said Topletz and Montgomery tracts, and the most Westerly corner of the herein described tract of land:

**Field Notes Describing a 12,173 Square Foot (0.279 Acre)  
Tract of Land To Be Acquired in City Block 5/7642  
From Tanner Montgomery**

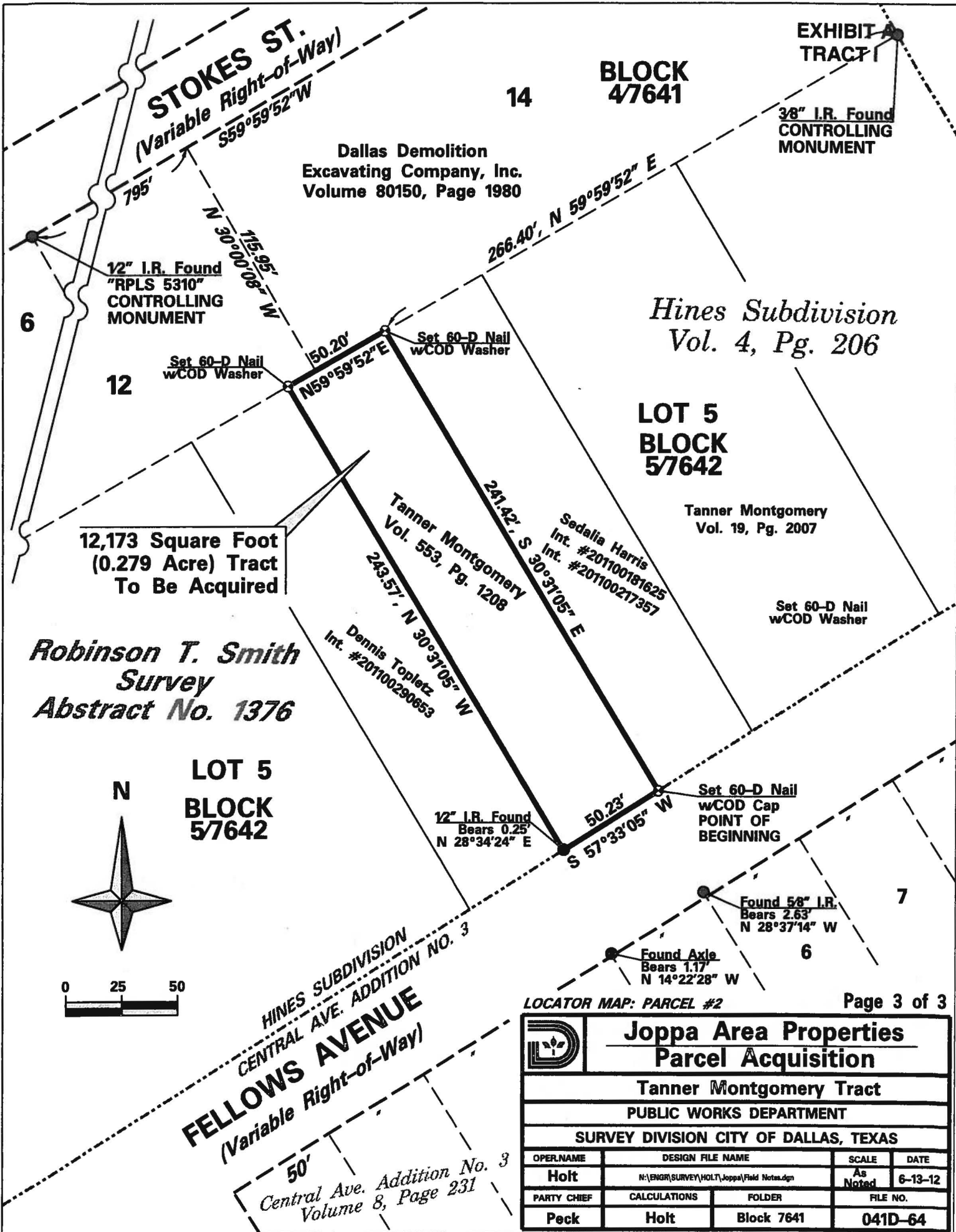
**THENCE** North 59°59'52" East, departing the common line between said Montgomery and Topletz tracts and with the said common line between Lots 5 and 12, a distance of 50.20 feet to a 60-D Nail w/COD Washer set at the most Northerly corner of the herein described tract of land, being also the common Northwest corner with said Harris tract and on the common line between said Lot 5 and Lot 14 of said Hines Subdivision, from which a 3/8 inch diameter Iron Rod found at the most Northerly corner of said Lot 5 bears North 59°59'52" East a distance of 266.40 feet:

**THENCE** South 30°31'05" East with the common line between said Montgomery and Harris tracts, a distance of 241.42 feet to the **POINT OF BEGINNING**, containing 12,173 Square Feet, or 0.279 Acres of land.

**BASIS OF BEARINGS:** Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

*Scott Holt*  
9/19/2012





<b>Joppa Area Properties</b>			
<b>Parcel Acquisition</b>			
<b>Tanner Montgomery Tract</b>			
<b>PUBLIC WORKS DEPARTMENT</b>			
<b>SURVEY DIVISION CITY OF DALLAS, TEXAS</b>			
OPER.NAME	DESIGN FILE NAME	SCALE	DATE
Holt	N:\ENGR\SURVEY\HOLT\Joppa\Field Notes.dgn	As Noted	6-13-12
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Block 7641	041D-64

**Field Notes Describing a 23,805 Square Foot (0.546 Acre)  
Tract of Land To Be Acquired in City Block 5/7642  
From Tanner Montgomery**

Being a 23,805 Square Foot (0.546 Acre) tract of land situated in the Robinson T. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being a portion of Lot 5, Block 5/7642 (Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206, of the Map Records of Dallas County, Texas, and being all of the property conveyed to Clifford Montgomery and Tanner Montgomery, by Warranty Deed dated December 5, 1962 and recorded in Volume 19, Page 2007 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at a 60-D Nail with washer marked "CITY OF DALLAS" (hereinafter referred to as "60-D Nail w/COD Washer") set on the Northwest Right-of-Way line of Fellows Avenue (a variable width Right-of-Way) being also the common line between the above mentioned Hines Subdivision and Central Avenue Addition No. 3, an addition to the City of Dallas recorded in Volume 8, Page 231 of the Map Records of Dallas County, Texas, and the Southeast line of said Lot 5, being also the common Southeast corner with a tract of land conveyed to Harold Topletz and Jack Topletz by Warranty Deed dated September 27, 1963 and recorded in Volume 166, Page 2678 of the Deed Records of Dallas County, Texas, and the most Easterly corner of the herein described tract of land:

**THENCE** South 57°33'05" West, departing the common line between said Montgomery and Topletz tracts and with the said common line between Fellows Avenue and Lot 5 a distance of 100.44 feet to a 60-D Nail w/COD Washer set at the most Southerly corner of the herein described tract of land, being a common Southeast corner with a tract of land conveyed to Sedalia Harris, by deeds recorded in Instruments Number 201100181625, and 201100217357 of the Official Public Records of Dallas County, Texas:

**THENCE** North 30°31'05" West, departing the last said common line between Lot 5 and Fellows Avenue and with the common line between said Montgomery and Harris tracts, over and across a portion of said Lot 5 a distance of 239.28 feet to a 60-D Nail w/COD Washer set on the common line between said Lot 5 and Lot 14 of said Hines Subdivision, being the common Northwest corner of said Montgomery and Harris tracts, and the most Westerly corner of the herein described tract of land:

**Field Notes Describing a 23,805 Square Foot (0.546 Acre)  
Tract of Land To Be Acquired in City Block 5/7642  
From Tanner Montgomery**

**THENCE** North 59°59'52" East, departing the common line between said Montgomery and Harris tracts and with the said common line between Lots 5 and 14, a distance of 100.39 feet to a 60-D Nail w/COD Washer set at the most Northerly corner of the herein described tract of land, being also the common Northwest corner of said Montgomery and Topletz tracts, from which a 3/8 inch diameter Iron Rod (controlling monument) found at the most Northerly corner of said Lot 5 bears North 59°59'52" East a distance of 115.81 feet:

**THENCE** South 30°31'05" East with the common line between said Montgomery and Topletz tracts, a distance of 234.99 feet to the **POINT OF BEGINNING**, containing 23,805 Square Feet, or 0.546 Acres of land.

**BASIS OF BEARINGS:** Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

*Scott Holt*  
9/19/2012



Hines Subdivision  
Vol. 4, Pg. 206

STOKES ST.  
(Variable Right-of-Way)

14

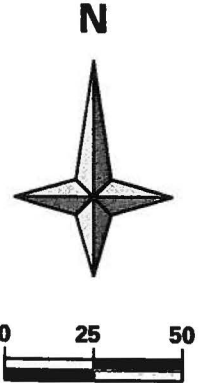
Dallas Demolition  
Excavating Company, Inc.  
Volume 80150, Page 1980

BLOCK  
47641

Set 60-D Nail  
wCOD Washer

115.81', N 59°59'52" E

3/8" I.R. Found  
CONTROLLING  
MONUMENT



LOT 5  
BLOCK  
57642

Harold Topletz  
& Jack Topletz  
Vol. 166, Pg. 2678

City of Dallas  
Int. #20070277159

Set 60-D Nail  
wCOD Washer

100.39'  
N 59°59'52" E

LOT 5  
BLOCK  
57642

239.28', N30°31'05"W  
Tanner Montgomery  
Vol. 19, Pg. 2007

23,805 Square Foot  
(0.546 Acre) Tract  
To Be Acquired

Sedalia Harris  
Int. #201100181625  
Int. #201100217357

234.99', S30°31'05"E

Tanner Montgomery  
Vol. 553, Pg. 1208

Set 60-D Nail  
wCOD Washer  
POINT OF  
BEGINNING

Dennis Topletz  
Int. #201100290653

Set 60-D Nail  
wCOD Washer

100.44'  
S 57°33'05" W

FELLOWS AVENUE  
(Variable Right-of-Way)

Central Ave. Addition No. 3  
Volume 8, Page 231


1/2" I.R. Found  
Bears 0.25'  
N 28°34'24" E

Found Axle  
Bears 1.17'  
N 14°22'28" W

Found 3/4" I.P.  
Bears 0.77'  
N 15°30'10" W

LOCATOR MAP: PARCEL #4

Page 3 of 3

			
<b>Joppa Area Properties Parcel Acquisition</b>			
<b>Tanner Montgomery Tract II</b>			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
Holt	N:\ENGR\SURVEY\HOLT\Joppa\Field Notes.dgn	As Noted	6-12-12
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Block 7641	041D-64

**EXHIBIT B  
TRACT I**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**WARRANTY DEED**

THE STATE OF TEXAS §  
  §     KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF DALLAS §

That Harold Topletz individually, a married person, not joined herein by his spouse as the property hereby conveyed constitutes no part of their business or residence homestead and is in his sole management and control, and as Independent Executor of the Estate of Joseph M. (Jack) Topletz, deceased, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By: \_\_\_\_\_  
Harold Topletz

By: \_\_\_\_\_  
Harold Topletz as Independent  
Executor of the Estate of Joseph  
M. (Jack) Topletz, deceased



**EXHIBIT B  
TRACT I**

\* \* \* \* \*  
STATE OF TEXAS           '  
COUNTY OF DALLAS       '

This instrument was acknowledged before me on \_\_\_\_\_  
by Harold Topletz.

\_\_\_\_\_  
Notary Public, State of Texas

\* \* \* \* \*  
STATE OF TEXAS           '  
COUNTY OF DALLAS       '

This instrument was acknowledged before me on \_\_\_\_\_  
by Harold Topletz, as Independent Executor of the Estate of Joseph M. (Jack) Topletz,  
deceased.

\_\_\_\_\_  
Notary Public, State of Texas

\* \* \* \* \*

After recording return to:  
City of Dallas  
Trinity Watershed Management Department, Real Estate Division  
1500 Marilla Street, Room 6B South  
Dallas, Texas 75201  
attn: Todd Wright

Warranty Deed Log No. TRC399



**EXHIBIT B  
TRACT II**

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**WARRANTY DEED**

THE STATE OF TEXAS    §  
  §        KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF DALLAS    §

That Tanner Montgomery, a widow, (hereinafter called "Grantor" whether one or more natural persons or legal entities) ) of the County of Kaufman, State of Texas for and in consideration of the sum of SIX THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$6,300.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: "None"

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

By: \_\_\_\_\_  
Tanner Montgomery, by Jacquelyn Marie Wells,  
her agent and Attorney-in-Fact

**EXHIBIT B  
TRACT II**

\* \* \* \* \*

STATE OF TEXAS        '  
COUNTY OF DALLAS    '

This instrument was acknowledged before me on \_\_\_\_\_

by Tanner Montgomery, by Jacquelyn Marie Wells, her agent and Attorney-in-Fact.

\_\_\_\_\_  
Notary Public, State of Texas

\* \* \* \* \*

After recording return to:  
City of Dallas,  
Trinity Watershed Management Department, Real Estate Division  
1500 Marilla Street, Room 6B South  
Dallas, Texas 75201  
attn: Todd Wright

Warranty Deed Log No. TRC321

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Office of Economic Development  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 59 B

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**SUBJECT**

Authorize amendments to Resolution No. 13-2140, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Affairs (TDHCA) on the proposal for the new construction of the Bruton Apartments, located at 9415 Bruton Road, Dallas, Texas, The TDHCA has requested the following: **(1)** delete reference to the TDHCA’s tenants services requirement; **(2)** to replace the word “LURA” with “Bond Regulatory Agreement”; and **(3)** delete the last sentence, “Acceptable social services include those described in Definitions and Amenities for Housing Program Services” – Financing: This action has no cost consideration to the City

**BACKGROUND**

On December 10, 2013, city staff received an email from TDHCA requesting (1) elimination of reference to the TDHCA as part of the City of Dallas’ social service program requirement and (2) to use language that conforms with templates from TDHCA’s 2014 Qualified Allocation Plan. By inserting the promulgation language provided by TDHCA, additional amendments are avoided, in the event the Bruton Apartment Project does not close by April, 2014.

The Bruton Apartment project is a proposed multi-family community comprised of approximately 266 multi-family units that will be financed in an amount not to exceed \$23 Million in Private Activity Bond, approximately \$13,360,843 in 4% tax credits. The total estimated project cost is approximately \$35,393,837. The development plan proposes to offer 252 (95%) of the units to tenants whose incomes are no more than 60% of Area Median Family Income (AMFI) and 14 (5%) of the units to tenants whose incomes are no more than 50% of the Area Median Family Income (AMFI). The project will provide 6 one-bedroom units, 131 two-bedroom units, and 129 three-bedroom.

## **BACKGROUND** (Continued)

The project owner will be a limited partnership formed for the sole purpose of developing, owning and operating the project for long-term use as low-income housing. The Dallas Housing Finance Corporation (DHFC) and/or an entity created and controlled by the DHFC is the proposed General Partner with a .01% ownership interest in the limited partnership. The NRP, Bruton Apartments SLP, LLC will have a .01% with the limited partners owning the remaining 99.98% of the improvements.

The City of Dallas will not be asked to issue the bonds. The bonds will not be a debt or liability of the City. The City's name will not appear on the bonds. The approval that was requested is only for the purpose of complying with federal law with regard to tax-exempt debt.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On July 22, 2012, NRP submitted the pre-application waiver questionnaire with attachments and it previously submitted the \$500 waiver fee payable to the Dallas Housing Finance Corporation.

On October 21, 2013, the Housing Committee was briefed on the Bruton Apartments development proposal.

On November 12, 2013, City Council authorized the Public Hearing on the Bruton Apartments to be held on December 11, 2013, and at the close of the public hearing, the consideration to authorize the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the amount of \$23 Million, the 4% tax credits in the approximate amount of \$13,360,843, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-1923.

On December 11, 2013, City Council held a Public Hearing which authorized the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the approximate amount of \$23 Million, the 4% tax credits in the approximate amount of \$13,360,843, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-2140.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (Continued)

On December 16, 2013, the Dallas Housing Finance Corporation met and approved the changes to the social service program paragraph to delete the Option 2 which makes a reference to the TDHCA's 2011 Qualified Allocation Plan, to replace the word "LURA" with "Bond Regulatory Agreement" and to delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" in both the WHEREAS paragraph and the Section No. 3.

**FISCAL INFORMATION**

This action has no cost consideration to the City

**OWNER**

**NRP Group**

Dan Markson  
Debra Guerra  
Jay Johnson  
Jason Arechega

**Proposed General Partner** Entity created and controlled by the Dallas Housing Finance Corporation

**MAP**

Attached.

# Bruton Road Apartments



January 8, 2014

**WHEREAS**, on April 25, 1984, the City of Dallas (City) authorized the creation of the Dallas Housing Finance Corporation (DHFC) as a Texas non-profit corporation, pursuant to the Texas Housing Finance Corporation Act, Chapter 394, Local Government Code, V.T.C.A., as amended (the Act), to act on behalf of the City in carrying out the public purpose of the Act; and

**WHEREAS**, the DHFC is authorized by the Act to issue its revenue bonds on behalf of the City for the purpose of providing funding for the housing development for persons of low and moderate income to be located in the City; and

**WHEREAS**, pursuant to Resolution No. 06-0136, City Council decided for a 12 month period beginning on January 11, 2006 not to approve any new tax credit transactions unless a pre-application waiver is granted by the City Council; and

**WHEREAS**, pursuant to Resolution No. 07-0733, Section 1.2 of the Bylaws was amended to allow the DHFC to purchase, lease, own, hold title to, or otherwise acquire an interest in a residential development, directly or indirectly through a subsidiary of the DHFC, provided that the City Council, by resolution, prior to the transaction being consummated by the DHFC, (1) finds and determines that such transaction should be undertaken, (2) approves the form of the transaction and (3) authorizes such purchase, lease, or ownership of, holding title to, or acquisition of the interest in the residential development; and

**WHEREAS**, on July 22, 2013, The NRP Group, LLC ("NRP") submitted its pre-application waiver for NRP to apply to the Dallas Housing Finance Corporation for; (1) the issuance of tax-exempt bonds by the Dallas Housing Finance Corporation in an amount not to exceed \$23 Million in Multi-family Housing Mortgage Revenue Bonds Series to finance the new construction of approximately 266 units of multi-family rental housing for families, (2) a resolution in support of the Texas Department of Housing and Community Affairs award of 4% Housing Tax Credits in the approximate amount of \$13,360,843 for the new construction of the Bruton Road Apartments to be located at 9415 Bruton Road, Dallas, Texas by providing appropriate waivers pursuant to §11.3 (2)(A-G) of the TDHCA's Qualified Allocation Plan and State of Texas H.B. 3361 which requires that (i) Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A); (ii) The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application; and (3) for the DHFC created entity to be the General Partner to share in the cash flow, own the ground/dirt and for the project to be exempt from ad valorem taxes; and

January 8, 2014

**WHEREAS**, on October 8, 2013, the DHFC authorized the NRP proposal to be considered by City Council to grant the waiver to allow NRP to submit its formal application to the DHFC for the proposal described herein and to authorize a public hearing to be held on December 11, 2013 to fulfill the pre-application requirements contained in H.B. 3361 effective September 1, 2013; and

**WHEREAS**, on November 12, 2013, the City Council authorized a Public Hearing on the Bruton Apartments to be held on December 11, 2013, and at the close of the public hearing, the consideration to authorize the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the amount of \$23 Million, the 4% tax credits in the approximate amount of \$13,360,843, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments as part of DHFC's public purposes, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-1923; and

**WHEREAS**, the DHFC held the Tax Equity and Fiscal Responsibility (TEFRA) Hearing on December 5, 2013, prior to returning to City Council for its consideration of the application and the public hearing on December 11, 2013, and requests among other things, that the City Manager or the Mayor as the highest elected officials of the City of Dallas shall approve the issuance of the Bonds on behalf of the City of Dallas; and

**WHEREAS**, NRP submitted an application to the Texas Department of Housing and Community Affairs for a 4% housing tax credit after it received an inducement from the DHFC and a subsequent Bond Reservation from the Texas Bond Review Board; and

**WHEREAS**, as a condition for being considered for the award of the 4% housing tax credits, the Applicant has committed to renting 95% or (252) of the units to tenants whose household incomes are capped at 60% or below the Area Median Family Income (AMFI) at affordable rents and 5% or (14) of the units to tenants whose household incomes capped are at 50% or below the Area Median Family Income (AMFI) with rents affordable to tenants whose household incomes are 50% or below the AMFI in compliance with the maximum Low Income Housing Tax Credit rents as published by the Texas Department of Housing and Community Affairs; and



January 8, 2014

**WHEREAS**, the owner of the project will ~~chase to either;~~ (1) expend a minimum of \$40,000 in social services annually (\$200 per unit per year), whichever is greater, for and at no cost to the residents of the development, based on a survey of residents needs to include some or all of the following: tutoring and after-school programs; health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, life skills, nutrition classes, etc.) and social services and recreational activities, to be implemented within three months of project completion and in-kind social services may count toward meeting 100% of the social service requirements ~~or (2) implement the TDHCA's tenant services requirement, contained in the 2011 Qualified Allocation Plan, for tax-exempt bonds and 4% tax credit projects which requires the provision of supportive services.~~ No fees may be charged to the tenants for any of the services. Services must be provided on-site or transportation to off-site services must be provided. The provision of these services will be included in the Bond Regulatory Agreement LURA. ~~Acceptable services include those described in the Definitions and Amenities for Housing Program Activities;~~ and

**WHEREAS**, in the Qualified Allocation Plan, Sec. 11.3 (A-G) Housing Deconcentration factors (b) Twice the State Average Per Capita. (§2306.6703(a)(4)) If the Development is located in a municipality, or if located completely outside a municipality, a county, that has more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds at the time the Application Round begins (or for Tax-Exempt Bond Developments at the time the Certificate of Reservation is issued by the Texas Bond Review Board), the Applicant must obtain prior approval of the Development from the City of Dallas, Governing Body of the appropriate municipality or county containing the Development. Since the City of Dallas can exceed the twice the state per average at any time, it has been determined that such approval must include a resolution adopted by the Governing Body of the municipality or county, as applicable, setting forth a written statement of support, referencing Texas Government Code, §2306.6703(a)(4), and authorizing an allocation of Housing Tax Credits for the Development; and the City of Dallas by vote has specifically allowed the construction of the new Development and submits to the Department a resolution referencing this rule; and

**WHEREAS**, to satisfy H.B. 3361, the City held a public hearing and approves this resolution that certifies that: (i) Notice has been provided to the City of Dallas in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A); (ii) The City of Dallas has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The City of Dallas held this hearing at which public comment could be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the City of Dallas does not object to the proposed Application; and

January 8, 2014

**WHEREAS**, on October 21, 2013, the Housing Committee was briefed on the Bruton Road Apartment proposal; and subject to certain conditions being met, it is deemed necessary and advisable that this resolution be adopted to approve the application and take all actions necessary to carry out the transaction and hold the public hearing pursuant to State of Texas H.B. 3361; and

**WHEREAS**, on December 11, 2013, City Council held a Public Hearing which authorized the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the approximate amount of \$23 Million, the 4% tax credits in the approximate amount of \$13,360,843, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-2140; and

**WHEREAS**, on December 16, 2013, the Dallas Housing Finance Corporation met and approved the changes to the social service program paragraph to delete the Option 2 which makes a reference to the TDHCA's 2011 Qualified Allocation Plan, to replace the word "LURA" with "Bond Regulatory Agreement" and to delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" in both the WHEREAS paragraph and the Section No. 3.

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager, upon approved as to the form by the City Attorney's Office is hereby authorized to execute amendments to Resolution No. 13-2140, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Development (TDHCA) on the proposal for the new construction of the Bruton Apartments, located at 9415 Bruton Road, Dallas, Texas to: (1) delete the Option 2 which makes a reference to the TDHCA's 2011 Qualified Allocation Plan; (2) replace the word "LURA" with "Bond Regulatory Agreement"; and (3) delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services".

January 8, 2014

**Section 2.** That after the public hearing; (1) the City of Dallas authorized the final approval of the Bruton Road Apartments, Ltd., an entity created by NRP, application to the DHFC for the issuance of tax-exempt bonds by the DHFC in an amount not to exceed \$23 Million in tax-exempt Multi-family Housing Mortgage Revenue Bonds Series and its support of the application for 4% housing tax credits in the approximate amount of \$13,360,843 pursuant to §11.3 (2)(A-G) Deconcentration Factors contained in TDHCA's Qualified Allocation Plan and (2) Certifies that the requirements of H.B. 3361 have been satisfied because (i) Notice has been provided to the City of Dallas in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A); (ii) The City of Dallas had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The City of Dallas held a hearing at which public comment could be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the City of Dallas does not object to the proposed Application that must be submitted no later than the Resolutions Delivery Date pursuant to §10.4 which is 14 days prior to the Board Meeting when TDHCA will consider the applicants proposal.

**Section 3.** That final approval of the project includes the requirement that the owner of the project ~~choose to either~~; (1) expend a minimum of \$40,000 in social services annually (\$200 per unit per year), whichever is greater, for and at no cost to the residents of the development, based on a survey of residents needs to include some or all of the following: tutoring and after-school programs; health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, life skills, nutrition classes, etc.) and social services and recreational activities, to be implemented within three months of project completion and in-kind social services may count toward meeting 100% of the social service requirements or ~~(2) implement the TDHCA's tenant services requirement, contained in the 2011 Qualified Allocation Plan, for tax-exempt bonds and 4% tax credit projects which requires the provision of supportive services.~~ No fees may be charged to the tenants for any of the services. Services must be provided on-site or transportation to off-site services must be provided. The provision of these services will be included in the Bond Regulatory Agreement Land Use Restriction Agreement (LURA). ~~Acceptable services include those described in Definitions and Amenities for Housing Program Services.~~

**Section 4.** That all of the requirements contained in H.B. 3361 regarding Notification, Hearing and Resolution from the governing body of the Municipality have been satisfied with this resolution dated December 11, 2013, and that the opportunity for the public to ask questions and be provided answers at a public hearing by the City of Dallas held on December 11, 2013, after 30 days comment period from date of call of public hearing pursuant to City's Citizens Participation Plan; and after proper notice was placed in the Dallas Morning News on November 20, 2013.

January 8, 2014

**Section 5.** The DHFC processed the application and the necessary Tax Equity and Fiscal Responsibility (TEFRA) Hearing pursuant to Section 147 (f) of the Internal Revenue Code, after proper notice was placed in the DMN on November 20, 2013, was held on December 5, 2013, prior to returning to the City Council for its consideration of the application and to hold the public hearing on December 11, 2013 and request among other things, that the City Manager or the Mayor as the highest elected officials of the City of Dallas shall approve the issuance of the Bonds on behalf of the City of Dallas.

**Section 6.** That prior to receiving a conditional City of Dallas building permit required by TDHCA prior to closing on the tax credits, the Project Developer will consult with the City of Dallas' Office of Sustainable Development and Construction with regard to security related design standards.

**Section 7.** That it is RESOLVED, that as provided for in 10 Texas Administrative Code Sec. 11.3(b), it is expressly acknowledged and confirmed that the City of Dallas could at any time have more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds; and

**Section 8.** That it is FURTHER RESOLVED, (1) that the City of Dallas supports the Bruton Apartment Project and confirms that its governing body has voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code Sec. 2306.6703(A)(4), and in accordance with Texas Government Code Sec. 2306.67671(a) that notice was provided to the City of Dallas and Texas Government Code Sec. 2306.67071(b) and Texas Administrative Code Sec. 10.204(4) confirming that a public hearing has been held and that a resolution of no objection was granted. This formal action was taken to put on record the support expressed by the City of Dallas on December 11, 2013.

**Section 9.** That it is FURTHER RESOLVED that the project site could be subject to the greater than 20% HTC Units per Households in Census Tract Rule applicable to projects that are new construction contained in the 2014 Qualified Allocation Plan ("QAP"), if the project does not get an approval from TDHCA prior to the 2013 QAP deadline, therefore a waiver of this requirement is granted and the City of Dallas confirms that it has voted specifically to allow the new construction of this development and has authorized an allocation of Housing Tax Credits for the Development.

**Section 10.** That it is FURTHER RESOLVED that for and on behalf of the Governing Body, the Mayor or the City Manager, are hereby authorized, empowered and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

January 8, 2014

**Section 11.** That all other terms and conditions as set forth in Resolution No. 13-2140 approved by City Council on December 11, 2013, shall remain in full force and effect, except as amended or updated herein.

**Section 12.** 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.



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Office of Economic Development  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 63 U

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**SUBJECT**

Authorize an amendment to Resolution No. 13-2141, previously approved on December 11, 2013, concerning the application with The Texas Department of Housing and Community Affairs (TDHCA), on the proposal for the rehabilitation of The Park at Cliff Creek Apartments located at 7300 Marvin D. Love Freeway, Dallas, Texas, The TDHCA has requested the following: **(1)** delete reference to the TDHCA’s tenants services requirement; **(2)** to replace the word “LURA” with “Bond Regulatory Agreement”; and **(3)** delete the last sentence, “Acceptable social services include those described in Definitions and Amenities for Housing Program Services” - Financing: This action has no cost consideration to the City

**BACKGROUND**

On December 10, 2013, city staff received an email from TDHCA requesting (1) elimination of reference to the TDHCA as part of the City of Dallas’ social service program requirement and (2) to use language that conforms with templates from TDHCA’s 2014 Qualified Allocation Plan. By inserting the promulgation language provided by TDHCA, additional amendments are avoided, in the event The Park at Cliff Creek Apartment Project does not close by April, 2014.

The Park at Cliff Creek Apartments is a proposed rehabilitation of an existing multi-family community comprised of 280 multi-family units that will be financed through approximately \$13.5 Million in Private Activity Bonds and approximately \$7,009,620 in four percent tax credits. The total estimated project cost is \$22,540,420. The development plan proposes to offer 280 (100%) of the units to tenants whose incomes are no more than 60% of Area Median Family Income (AMFI). The project will provide 64 one-bedroom units, 128 two-bedroom units, and 88 three-bedroom units.

## **BACKGROUND** (Continued)

The project owner will be a limited partnership formed for the sole purpose of developing, owning and operating the project for long-term use as low-income housing. Limited Partner equity provider will have 99.97% ownership. A governmental entity created by the Dallas Housing Finance Corporation (DHFC), with the DHFC as the sole member, will become the General Partner with .01% ownership. The Equity Investor Affiliate will have a .01% ownership and Special Ltd. Partner/Co/Developer will have a .01% ownership.

The City of Dallas will not be asked to issue the bonds. The bonds will not be a debt or liability of the City. The City's name will not appear on the bonds. The approval that was requested is only for the purpose of complying with federal law with regard to tax-exempt debt.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 6, 2013, The Cesar Chavez Foundation submitted the pre-application waiver questionnaire, with attachments and submitted the \$500 waiver fee payable to the Dallas Housing Finance Corporation.

On October 8, 2013, the City of Dallas Housing Finance Corporation (DHFC) authorized taking the Park at Cliff Creek proposal to the City Council for its consideration of the pre-application waiver and the calling of the Public Hearing. A bond inducement was approved by the DHFC on this date contingent on City Council Approval of the pre-application waiver and the calling of the Public Hearing on November 12, 2013.

On October 21, 2013, the Housing Committee was briefed on The Park at Cliff Creek rehabilitation proposal.

On November 12, 2013, City Council authorized the Public Hearing to be held on December 11, 2013, and at the close of the public hearing, the consideration to authorize the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the amount of \$13.5 Million, the 4% tax credits in the approximate amount of \$7,009,620, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-1924.



**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (Continued)

On December 11, 2013, City Council held a Public Hearing which authorized the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the amount of \$13.5 Million, the 4% tax credits in the approximate amount of \$7,009,620, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-2141.

On December 16, 2013, the Dallas Housing Finance Corporation met and approved the changes to the social service program paragraph to delete the Option 2 which makes a reference to the TDHCA's 2011 Qualified Allocation Plan, to replace the word "LURA" with "Bond Regulatory Agreement" and to delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" in both the WHEREAS paragraph and the Section No. 3.

**FISCAL INFORMATION**

This action has no cost consideration to the City

**OWNER**

**The Cesar Chavez Foundation**

**Board of Directors**

Paul F. Chavez, Chairman  
Manuel H. Bernal, Treasurer  
Paul S. Park, Secretary  
Leticia Maldonado/Stamos  
Daniel Otega, Esq.  
Luis Conde  
Taniz Ybarra  
Juanita Valdez-Cox  
Roberto De La Rosa

**OWNER** (Continued)

**Executive Staff**

Paul F. Chavez, President & Chief Executive Officer

Alfredo Izmajtovich, Executive Vice President – Housing and Economic Development Fund

Christina Graham - Director of Operations – Education Fund

Michael Nowakowski, Executive Vice President – Communications Fund

Paul S. Park, General Counsel

Gina Rodriguez, Director - Fund Development

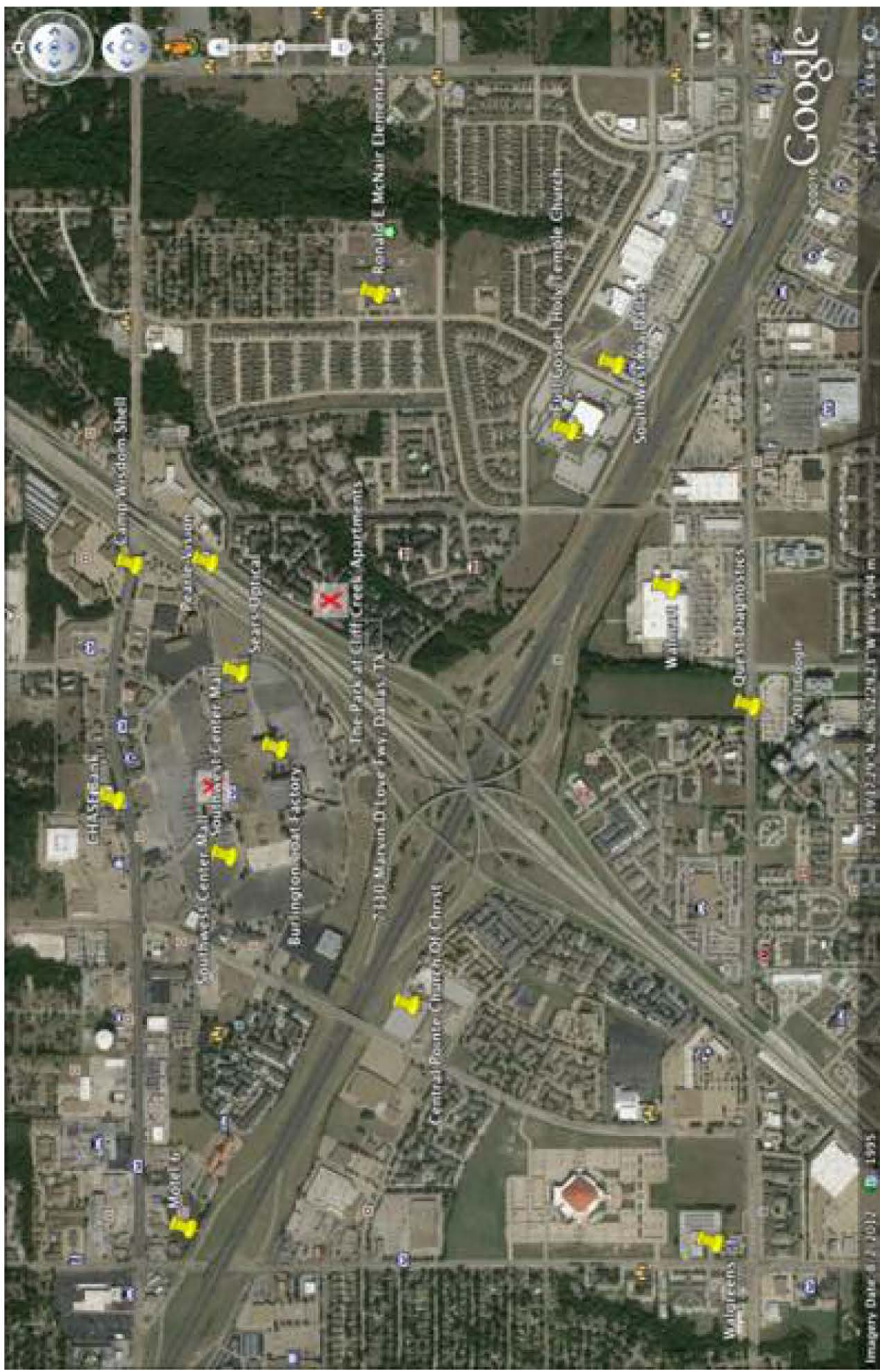
Cliff Timmermans, Chief Financial Officer

**Proposed General Partner** Entity created and controlled by the Dallas Housing Finance Corporation

**MAP**

Attached.

# The Park at Cliff Creek Apartments





January 8, 2014

**WHEREAS**, on April 25, 1984, the City of Dallas (City) approved and authorized the creation of the Dallas Housing Finance Corporation (DHFC) as a Texas non-profit corporation, pursuant to the Texas Housing Finance Corporation Act, Chapter 394, Local Government Code, V.T.C.A., as amended (the Act), to act on behalf of the City in carrying out the public purpose of the Act; and

**WHEREAS**, the DHFC is authorized by the Act to issue its revenue bonds on behalf of the City for the purpose of providing funding for the housing development for persons of low and moderate income to be located in the City; and

**WHEREAS**, pursuant to Resolution No. 06-0136, City Council decided for a 12 month period beginning on January 11, 2006, not to approve any new tax credit transactions unless a pre-application waiver is granted by the City Council; and

**WHEREAS**, pursuant to Resolution No. 07-0733, Section 1.2 of the Bylaws was amended to allow the DHFC to purchase, lease, own, hold title to, or otherwise acquire an interest in a residential development, directly or indirectly through a subsidiary of the DHFC, provided that the City Council, by resolution, prior to the transaction being consummated by the DHFC, (1) finds and determines that such transaction should be undertaken, (2) approves the form of the transaction and (3) authorizes such purchase, lease, or ownership of, holding title to, or acquisition of the interest in the residential development; and

**WHEREAS**, on September 9, 2013, CCF submitted its pre-application waiver for The Park at Cliff Creek to apply to the Dallas Housing Finance Corporation for; (1) the issuance of tax-exempt bonds by the Dallas Housing Finance Corporation in an amount not to exceed \$13.5 Million in Multi-family Housing Mortgage Revenue Bonds Series to finance the rehabilitation of The Park at Cliff Creek consisting of 280 units of multi-family rental housing for families, (2) a resolution in support of the Texas Department of Housing and Community Affairs award of 4% Housing Tax Credits by providing appropriate waivers pursuant to §11.3 (A-G) of the TDHCA's Qualified Allocation Plan Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A); and for certification that (i) Notice has been provided to the City of Dallas in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A) (ii) The City of Dallas has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The City of Dallas held a hearing at which public comment could be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the City of Dallas does not object to the proposed Application; and (3) for a the DHFC created entity to be the General Partner to share in the cash flow, own the ground/dirt and for the project to be exempt from ad valorem taxes; and

January 8, 2014

**WHEREAS**, on October 8, 2013, the DHFC authorized the CCF proposal to be considered by the Dallas City Council to grant the waiver to allow CCF to submit its formal application to the DHFC for the proposal described herein and to fulfill the pre-application requirements contained in H.B. 3361 effective September 1, 2013; and

**WHEREAS**, on November 12, 2013, the City Council authorized the Public Hearing on the Park at Cliff Creek to be held on December 11, 2013, and at the close of the public hearing, the consideration to authorize the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the approximate amount of \$13.5 Million, the 4% tax credits in the approximate amount of \$7,009,620, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project; and

**WHEREAS**, the DHFC processed the application and held the necessary Tax Equity and Fiscal Responsibility ("TEFRA") Hearing on December 5, 2013, after a newspaper advertisement was placed in the Dallas Morning News on November 20, 2013, in satisfaction of the Public Hearing requirements and requests among other things, that the City Manager or the Mayor, as the highest elected officials of the City of Dallas, shall approve the issuance of the Bonds on behalf of the City of Dallas; and

**WHEREAS**, Riverside CCF/CB Partners, LP, an entity created by CCF, submitted an application to the Texas Department of Housing and Community Affairs for a 4% housing tax credits after it received an inducement from the DHFC and a subsequent Bond Reservation from the Texas Bond Review Board; and

**WHEREAS**, as a condition for being considered for the award of the 4% housing tax credits, the Applicant has committed to renting 100% (280) of the units to tenants whose household incomes capped are 60% or below the Area Median Family Income (AMFI) with rents affordable to tenants whose household incomes are 60% or below the AMFI in compliance with the maximum Low Income Housing Tax Credit rents as published by the Texas Department of Housing and Community Affairs; and

January 8, 2014

**WHEREAS**, the owner of the project will ~~chase to either~~; (1) expend a minimum of \$40,000 in social services annually (\$200 per unit per year), whichever is greater, for and at no cost to the residents of the development, based on a survey of residents needs to include some or all of the following: tutoring and after-school programs; health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, life skills, nutrition classes, etc.) and social services and recreational activities, to be implemented within three months of project completion and in-kind social services may count toward meeting 100% of the social service requirements ~~or (2) implement the TDHCA's tenant services requirement Plan contained in the 2011 Qualified Allocation Plan, for tax-exempt bonds and 4% tax credit projects which requires the provision of supportive services.~~ No fees may be charged to the tenants for any of the services. Services must be provided on-site or transportation to off-site services must be provided. The provision of these services will be included in the Bond Regulatory Agreement LURA. ~~Acceptable services include those described in the Definitions and Amenities for Housing Program Activities; and~~

**WHEREAS**, in the Qualified Allocation Plan, Sec. 11.3 (A-G) Housing Deconcentration factors (b) Twice the State Average Per Capita. (§2306.6703(a)(4)) If the Development is located in a municipality, or if located completely outside a municipality, a county, that has more than twice the state average of units per capita supported by Housing Tax Credits or private activity bonds at the time the Application Round begins (or for Tax-Exempt Bond Developments at the time the Certificate of Reservation is issued by the Texas Bond Review Board), the Applicant must obtain prior approval of the Development from the City of Dallas, Governing Body of the appropriate municipality or county containing the Development. Such approval must include a resolution adopted by the Governing Body of the municipality or county, as applicable, setting forth a written statement of support, referencing Texas Government Code, §2306.6703(A)(4), and authorizing an allocation of Housing Tax Credits for the Development; and

**WHEREAS**, to satisfy H. B. 3361, the City held a public hearing and approves this resolution that certifies that: (i) Notice has been provided to the City of Dallas in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4); (ii) The City of Dallas had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The City of Dallas held a hearing at which public comment could be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the City of Dallas does not object to the proposed Application; and

**WHEREAS**, a newspaper advertisement was placed in the Dallas Morning News on November 20, 2013, in satisfaction of the Public Hearing requirements; and



January 8, 2014

**WHEREAS**, on October 21, 2013, a briefing was presented to the Housing Committee on The Park at Cliff Creek Apartment rehabilitation proposal; and subject to certain conditions being met, it is deemed necessary and advisable that this resolution be adopted to approve the application and take all actions necessary to facilitate the transaction and hold the public hearing pursuant to State of Texas H.B. 3361; and

**WHEREAS**, on December 11, 2013, City Council held a Public Hearing which authorized the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the amount of \$13.5 Million, the 4% tax credits in the approximate amount of \$7,009,620, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project by Resolution No. 13-2141; and

**WHEREAS**, on December 16, 2013, the Dallas Housing Finance Corporation met and approved the changes to the social service program paragraph to delete Option 2 which makes a reference to the TDHCA's 2011 Qualified Allocation Plan, to replace the word "LURA" with "Bond Regulatory Agreement" and to delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" in both the WHEREAS paragraph and the Section No. 3.

**NOW, THEREFORE,**

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

**Section 1.** That the City of Dallas authorizes the City of Dallas Housing Finance Corporation (DHFC) to issue the tax exempt bonds in the approximate amount of \$13.5 Million in accordance with the proposal for the rehabilitation of The Park at Cliff Creek, an existing 280 unit multi-family development for families located at 7300 Marvin D. Love Freeway, including the acquisition of 11.7 acres comprised of 72 one-bedroom units, 120 two-bedroom units, 88 three-bedroom units; and the DHFC to become the General Partner to share in the cash flow to be used for mixed income developments as part of DHFC's public purpose, to own the ground/dirt and for the project to be exempt from ad valorem taxes.



January 8, 2014

**Section 2.** That after the public hearing; (1) the City of Dallas authorizes the final approval of Riverside CCF/CB Partners, L.P., an entity created by CCF, application to the DHFC for the issuance of tax-exempt bonds by the Dallas Housing Finance Corporation in an amount not to exceed \$13.5 Million in tax-exempt Multi-family Housing Mortgage Revenue Bonds Series and its support of the application for 4% housing tax credits, in the approximate amount of \$7,009,620, pursuant to §11.3 (2)(A-G) Deconcentration Factors contained in TDHCA's Qualified Allocation Plan; and (2) Certifies that the requirements of H.B. 3361 have been satisfied because (i) Notice was provided to the City of Dallas in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4); (ii) The City of Dallas had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The City of Dallas held a hearing at which public comment could be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4); and (iv) After due consideration of the information provided by the Applicant and public comment, the City of Dallas does not object to the proposed Application. This resolution must be submitted no later than the Resolutions Delivery Date pursuant to §10.4 which is 14 days prior to the Board Meeting when TDHCA will consider the applicant's proposal.

**Section 3.** That the final approval of this project includes the requirement that the owner of the project ~~choose to either;~~ (1) expend a minimum of \$40,000 in social services annually (\$200 per unit per year), whichever is greater, for and at no cost to the residents of the development, based on a survey of residents needs to include some or all of the following: tutoring and after-school programs; health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, life skills, nutrition classes, etc.) and social services and recreational activities, to be implemented within three months of project completion and in-kind social services may count toward meeting 100% of the social service requirements ~~or (2) implement the TDHCA's tenant services requirement, contained in the 2011 Qualified Allocation Plan, for tax-exempt bonds and 4% tax credit projects which requires the provision of supportive services.~~ No fees may be charged to the tenants for any of the services. Services must be provided on-site or transportation to off-site services must be provided. The provision of these services will be included in the Bond Regulatory Agreement ~~Land Use Restriction Agreement ("LURA"). Acceptable services include those described in Definitions and Amenities for Housing Program Services.~~

**Section 4.** That all of the requirements contained in H.B. 3361 regarding Notification, Hearing and Resolution from the governing body of the Municipality were satisfied as stated in this resolution dated December 11 2013, and that the opportunity for the public to ask questions and be provided answers at a public hearing by the governing body, after 30 days comment period from date of call of public hearing, pursuant to City's Citizens Participation Plan was provided by the City of Dallas, after proper notice was placed in the Dallas Morning News on November 20, 2013.

January 8, 2014

**Section 5.** That the DHFC processed the application and held the necessary Tax Equity and Fiscal Responsibility (TEFRA) Hearing pursuant to Section 147 (f) of the Internal Revenue Code, after proper notice is placed in the DMN on November 20, 2013, the TEFRA Hearing will be held on December 5, 2013, prior to returning to the City Council for its consideration of the application and the Public hearing on December 11, 2013, and request among other things, that the City Manager or the Mayor as the highest elected officials of the City of Dallas shall approve the issuance of the Bonds on behalf of the City of Dallas.

**Section 6.** That prior to receiving a conditional City of Dallas building permit required by TDHCA prior to closing on the tax credits, the Project Developer will consult with the City of Dallas' Office of Sustainable Development and Construction with regard to security related design standards.

**Section 7.** That it is RESOLVED, that as provided for in 10 Texas Administrative Code Sec. 11.3(b), it is expressly acknowledged and confirmed that the City of Dallas could at any time have more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds.

**Section 8.** That it is FURTHER RESOLVED, (1) that the City of Dallas supports the Parks at Cliff Creek Project and confirms that its governing body has voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Texas Government Code Sec. 2306.6703(A)(4), and in accordance with Texas Government Code Sec. 2306.67671(a) that notice was provided to the City of Dallas and Texas Government Code Sec. 2306.67071(b) and Texas Administrative Code Sec. 10.204(4) confirming that a public hearing has been held and that a resolution of no objection was granted. This formal action was taken to put on record the support expressed by the City of Dallas on December 11, 2013.

**Section 9.** That it is FURTHER RESOLVED that for and on behalf of the Governing Body, the Mayor or the City Manager, are hereby authorized, empowered and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

**Section 10.** That all other terms and conditions as set forth in Resolution No. 13-2141 approved by City Council on December 11, 2013, shall remain in full force and effect, except as amended or updated herein.

**Section 11.** 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.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 9  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 37 B

---

**SUBJECT**

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 1.57 acres of the current 4.57 acres of land located at the northwest corner of Northwest Highway and Lawther, of which 2.36 acres is within the floodplain of White Rock Creek, Fill Permit 13-02 - Financing: No cost consideration to the City

**BACKGROUND**

This request is to fill approximately 1.57 acres of the current 2.36 acres of floodplain to be used for a high-rise residential development. The proposed fill is located at the northwest corner of Northwest Highway and Lawther, within the floodplain of White Rock Creek.

A neighborhood meeting was held at the Ridgewood/Belcher Recreation Center, on July 2, 2013. There were six citizens present. Other attendees included two of the applicant's engineers, and three city staff members; there were no objections to the fill permit.

This application was originally planned for public hearing in August, 2013, but was delayed at the request of the developer. Minor changes to the site layout have been made.

The fill permit application meets all engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). The applicant has not requested a waiver of any criteria. Accordingly, the City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application in order to preserve the status quo until acquisition.

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

**OWNER/APPLICANT**

Post Whiterock, LLC  
Bldg J-102  
2301 S. Capital of Texas Highway  
Austin, Texas 78746-7700

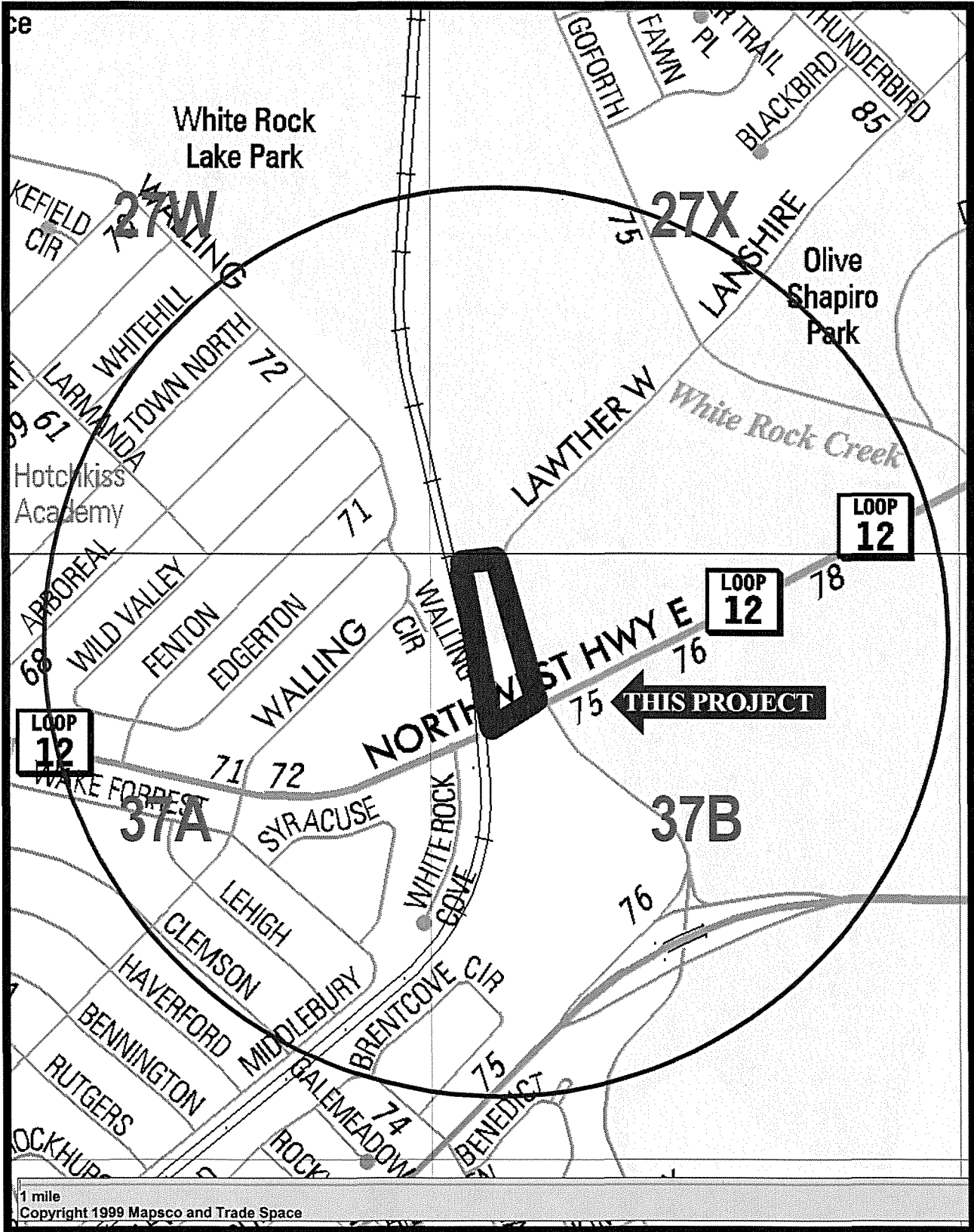
**ENGINEER**

Mark W. Roberts, P.E.,  
Nathan D. Maier Consulting Engineers, Inc.  
8080 Park Lane, Suite 600  
Dallas, Texas 75231

**MAP**

Attached.

Fill Permit 13-02



Mapsco 37-B



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 8, 2014  
**COUNCIL DISTRICT(S):** 4  
**DEPARTMENT:** Housing/Community Services  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 65G

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**SUBJECT**

A public hearing to receive comments regarding an application to The Texas Department of Housing and Community Affairs (TDHCA) for 2013 4% Low Income Housing Tax Credits for Patriots Crossing, a 162 unit multifamily project, located at 4623 South Lancaster Road and authorize an amendment to Resolution No. 13-1867, previously approved on October 23, 2013, to add language requested by Texas Department of Housing & Community Affairs (TDHCA) in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), in further support of the proposed project to be located at 4623 South Lancaster Road for a multifamily residential development for low income families - Financing: No cost consideration to the City

**BACKGROUND**

On January 21, 2013, Yigal Lelah, Managing Member, submitted an application to the City of Dallas on behalf of Sapphire Road Development Patriot's Crossing South, LLC ("Applicant"), for support of their application to TDHCA for the 2013 Low Income Housing Tax Credit Program (LIHTC).

This project is included in the City of Dallas adopted Community Revitalization Plan adopted by the City Council on December 12, 2012. On February 27, 2013, the City Council provided a resolution in support of the LIHTC application for 9% low income housing tax credits, authorized a loan in the amount of \$1,350,000 for the vertical development, and explicitly identified the project as contributing most significantly to the concerted revitalization efforts of the city.

## **BACKGROUND (continued)**

On October 23, 2013, the City Council provided a resolution in support of the LIHTC application for 4% low income housing tax credits. The applicant, Sapphire Road Development Patriots Crossing South, LLC, filed the required paperwork for a 2013 4% LIHTC application in October 2013 and the TDHCA Board approved the inducement of bonds in November 2013. As the TDHCA staff reviewed paperwork, they requested that the City of Dallas place specific language in the City Council approved resolution to match new requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4). More specifically, those notices are as follows: notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a); the Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; the Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); after due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application.

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

On February 10, 2010, the City Council approved a modification to the policy for the acceptance of applications seeking City of Dallas support for low income housing tax credit financing, when the State of Texas does not require direct City of Dallas approval by Resolution No. 10-0498.

On February 4, 2013, the Housing Committee was briefed on the Low Income Housing Tax Credit Program.

On February 19, 2013, the Low Income Housing Tax Credit multifamily project to be located at 4623 S. Lancaster Road was briefed to the Housing Committee.

On February 27, 2013, the City Council provided a resolution in support of the LIHTC application for 9% low income housing tax credits, authorized a loan in the amount of \$1,350,000 for the vertical development, and explicitly identified the project as contributing most significantly to the concerted revitalization efforts of the city by Resolution No. 13-0458.

October 23, 2013, the City council provided a resolution in support of the LIHTC application for 4% low income housing tax credits by Resolution No. 13-1867.

## **FISCAL INFORMATION**

No cost consideration to the City



**OWNER(S)/DEVELOPER**

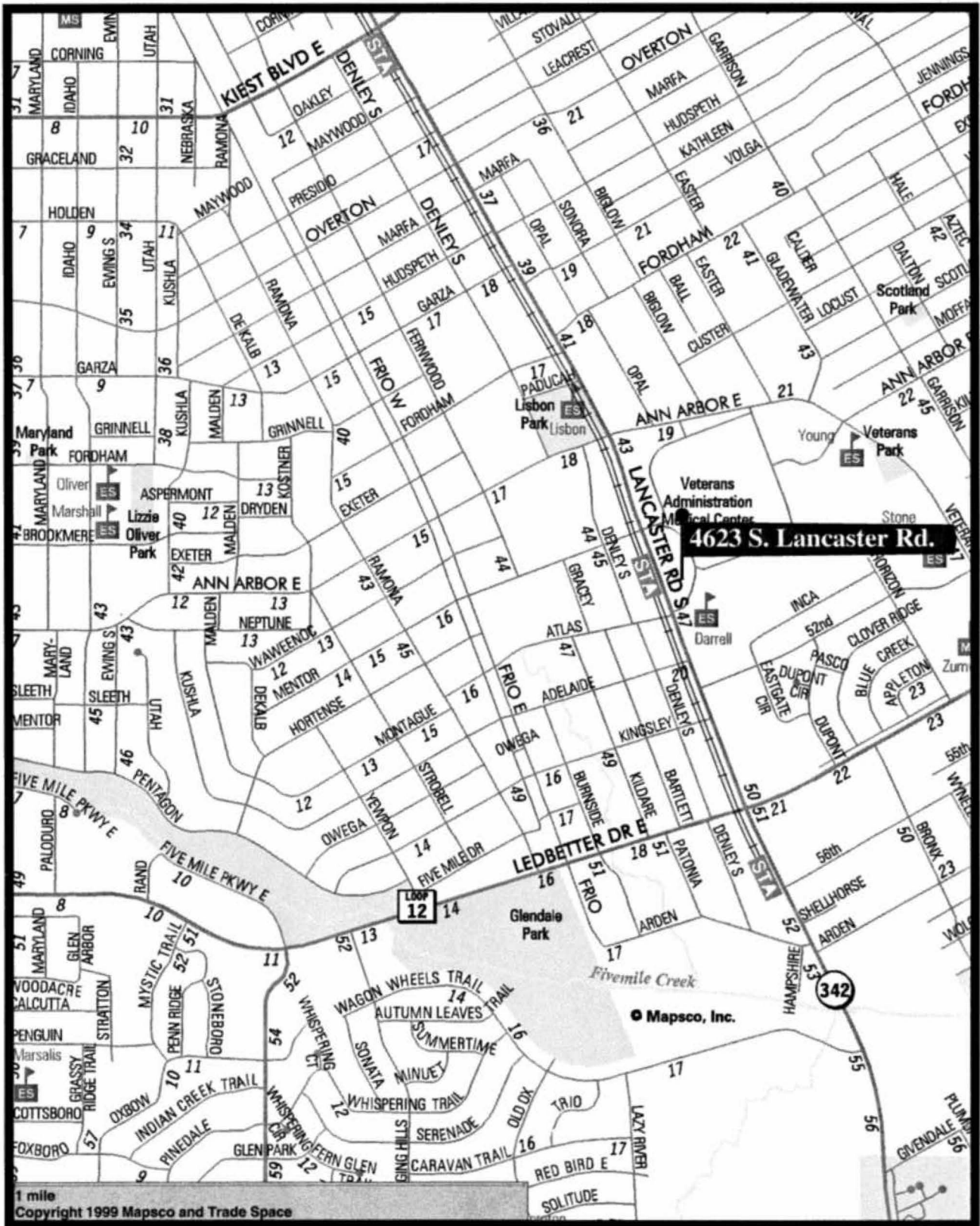
**Sapphire Road Development Patriots Crossing South, LLC**

**Sapphire I GP, LLC, Managing Member**

Yigal Lelah, President

**MAP**

Attached



**MAPSCO 65G**

January 8, 2014

**WHEREAS**, on February 10, 2010, the City Council approved a modification to the policy for the acceptance of applications seeking City of Dallas support for low income housing tax credit financing, when the State of Texas does not require direct City of Dallas approval by Resolution No. 10-0498; and

**WHEREAS**, the Managing Member, Yigal Lelah, submitted an application to the City of Dallas on behalf of Sapphire Road Development Patriots Crossing South, LLC (“the Applicant”), for support of their application to TDHCA for the 2013 Low Income Housing Tax Credit Program; and

**WHEREAS**, on February 4, 2013 and February 19, 2013, the Low Income Housing Tax Credit multifamily project to be located at 4623 S. Lancaster Road was briefed to the Housing Committee; and

**WHEREAS**, the Tax Credit multifamily project to be located at 4623 S. Lancaster Road was selected as contributing most significantly to the concerted revitalization efforts of the city, pursuant to §11.9(d)(6)(A)(ii)(III) of the 2013 Housing Tax Credit Qualified Allocation Plan; and

**WHEREAS**, as a condition for being considered for the award of the 4% tax credit, the Applicant has committed to renting all 162 units at 60% of area median family income; and

**WHEREAS**, as with the City of Dallas’ funding and endorsement of the TDHCA LIHTC application for Sapphire Road Development Patriots Crossing South, LLC the owner of the project will provide social services with the project approved by the Housing/Community Services Department, if the Project Owner is utilizing City funding in the financing of the low income housing tax credit project; and

**WHEREAS**, the City of Dallas desires to provide approval of the TDHCA 4% LIHTC application for the project located at 4623 S. Lancaster Road; **NOW, THEREFORE**,

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

**SECTION 1.** That the City Manager, upon approval as to form by the City Attorney, is authorized to amend Resolution No. 13-1867, previously approved on October 23, 2013, to add language requested by Texas Department of Housing & Community Affairs (TDHCA) in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), in further support of the proposed project to be located at 4623 South Lancaster Road for a multifamily residential development for low income families.

January 8, 2014

**SECTION 2.** That some of the terms of the loan documents previously approved include:

- a. Sapphire Road Development Patriots Crossing South, LLC must adhere to all applicable HOME Program requirements.
- b. Sapphire Road Development Patriots Crossing South, LLC must execute a note, deed of trust, and deed restrictions for a thirty-five year affordability period.
- c. The outstanding principal balance of the City's \$1,350,000 loan shall bear an interest rate of zero percent 0% per year forgivable in equal amounts annually over a thirty-five year period.
- d. The balance will be due and payable upon the sale or refinancing of the project.

**SECTION 3.** That the City of Dallas' funding and endorsement of the TDHCA LIHTC application for the project to be located at 4623 S. Lancaster Road will be contingent on the following if the owner is utilizing City funding in financing of the low income housing tax credit project: (1) the Project Owner expending a minimum of \$40,000 (a minimum of \$40,000 or \$200 per unit per year, whichever is greater) for social services for, and at no cost, to the residents of the development, based on a survey of residents needs, to be implemented within three months of project completion; (2) inclusion of this requirement in the City's Deed Restrictions containing the social services requirement (up to 50% of the social service requirement can be fulfilled with in kind social services provided the Housing/Community Services Department gives prior approval of the social service plan).

**SECTION 4.** That prior to receiving a conditional City of Dallas building permit required by TDHCA prior to closing on the tax credits, the Project Developer will consult with the City of Dallas Sustainable Development and Construction Department with regard to security related design standards.

**SECTION 5.** That the City of Dallas' funding and endorsement for this project will be contingent on the Project Owner paying to the City an annual monitoring review fee in the amount of \$500, beginning on the anniversary of the closing on the 4% tax credits and ending at the end of the tax credit compliance period, for the cost of monitoring compliance with the social service requirement, if the Project Owner is utilizing City funding in the financing of the low income housing tax credit project

January 8, 2014

**SECTION 6.** That in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), it is hereby found that:

1. Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a); and
2. The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; and
3. The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); and
4. After due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application.

**SECTION 7.** That the City of Dallas hereby supports the proposed Patriots Crossing and has voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development.

**SECTION 8.** This formal action has been taken to put on record the support expressed by the City of Dallas on January 8, 2014, and that for and on behalf of the Governing Body, the Interim City Manager, A.C. Gonzalez, or his designee are hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

**SECTION 9.** 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.



**KEY FOCUS AREA:** Culture, Arts and Recreation

**AGENDA DATE:** January 8, 2014

**COUNCIL DISTRICT(S):** 9

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 37-B

**SUBJECT**

Authorize a contract for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park located at 7700 Mockingbird Lane - A S Con, Inc., lowest responsible bidder of nine - Not to exceed \$946,495 - Financing: 2006 Bond Funds

**BACKGROUND**

On October 24, 2013, nine bids were received for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park. This item authorizes award of the construction contract to A S Con, Inc., with a total bid amount of \$946,495.

The following chart illustrates A S Con, Inc.'s contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	0	0	5
Change Orders	0	0	12
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	October 2009
Completed Design	April 2011
Begin Construction	February 2014
Complete Construction	August 2014

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

The Park and Recreation Board authorized advertisement for bids on March 7, 2013.

The Park and Recreation Board authorized award of the contract on December 5, 2013.

**FISCAL INFORMATION**

2006 Bond Funds - \$946,495

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

A S Con, Inc.

White Male	0	White Female	0
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	1	Other Female	1

**BID INFORMATION**

The following nine bids were received and opened on October 24, 2013:

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Base Bid</u></b>	<b><u>Alt. Nos. 3,4 10,11,13 &amp; 16**</u></b>	<b><u>Total Bid</u></b>
*A S Con, Inc. 15724 Golden Creek Road Dallas, TX	\$754,425.00	\$192,070.00	\$946,495.00
The Fain Group, Inc.	\$919,087.00	\$394,310.00	\$1,313,397.00
Parkscape Construction, Inc.	\$922,046.78	\$434,746.36	\$1,356,793.14
Cole Construction, Inc.			***Non-responsive
Phillips/May Corporation			***Non-responsive
Omega Contracting, Inc.			***Non-responsive
Schmoltdt Construction, Inc.			***Non-responsive
<u>SMR Construction, Inc.</u>			<u>***Non-responsive</u>
Mart, Inc.			***Non-responsive

\*\*Alternate No. 3 - provides for paving at paddock entries.

\*\*Alternate No. 4 - provides for installation of paddock entry from hike and bike trail.



## **BID INFORMATION** (Continued)

- \*\*Alternate No. 10 - provides for dog launch and other associated items.
- \*\*Alternate No. 11 - provides for installation of benches, flagstone paving and stone walls and columns.
- \*\*Alternate No. 13 - provides for installation of enclosure.
- \*\*Alternate No. 16 - provides for installation of pet waste stations and trash cans.
  
- \*\*\*Cole Construction was deemed non-responsive for mathematical errors in their bid proposal.
- \*\*\*Phillips/May was deemed non-responsive for mathematical errors in their bid proposal.
- \*\*\*Omega Contracting was deemed non-responsive for mathematical errors in their bid proposal.
- \*\*\*Schmoldt Construction was deemed non-responsive for mathematical errors in their bid proposal.
- \*\*\*SMR Construction, Inc. was deemed non-responsive for mathematical errors in their bid proposal.
- \*\*\*Mart, Inc.'s was deemed non-responsive for not following directions in submitting their bid proposal.

## **OWNER**

**A S Con, Inc.**

Ali Safdarinia, President

## **MAP**

Attached

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a contract for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park located at 7700 Mockingbird Lane - A S Con, Inc., lowest responsible bidder of nine - Not to exceed \$946,495 - Financing: 2006 Bond Funds

A S Con, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Construction

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$742,862.00	78.49%
Total non-local contracts	\$203,633.00	21.51%
<b>TOTAL CONTRACT</b>	<b>\$946,495.00</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Berumen Construction	HMMB57290N0414	\$238,386.00	32.09%
<b>Total Minority - Local</b>		<b>\$238,386.00</b>	<b>32.09%</b>

#### **Non-Local Contractors / Sub-Contractors**

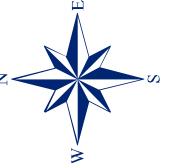
None

### **TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$238,386.00	32.09%	\$238,386.00	25.19%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$238,386.00</b>	<b>32.09%</b>	<b>\$238,386.00</b>	<b>25.19%</b>



**White Rock Lake**



December 5, 2013

*White Rock Lake Park—Dog Park  
(7700 E Mockingbird Lane)*

MapSCO  
37 B

District  
9



January 8, 2014

**WHEREAS**, on October 24, 2013, nine bids were received for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park located at 7700 Mockingbird Lane.

<u>Bidders</u>	<u>Base Bid</u>	<u>Alt. Nos. 3,4 10,11,13 &amp; 16**</u>	<u>Total Bid</u>
A S Con, Inc.	\$754,425.00	\$192,070.00	\$946,495.00
The Fain Group, Inc.	\$919,087.00	\$394,310.00	\$1,313,397.00
Parkscape Construction, Inc.	\$922,046.78	\$434,746.36	\$1,356,793.14
Cole Construction, Inc.			***Non-responsive
Phillips/May Corporation			***Non-responsive
Omega Contracting, Inc.			***Non-responsive
Schmoltdt Construction, Inc.			***Non-responsive
<u>SMR Construction, Inc.</u>			<u>***Non-responsive</u>
Mart, Inc.			***Non-responsive

\*\*Alternate No. 3 - provides for paving at paddock entries.

\*\*Alternate No. 4 - provides for installation of paddock entry from hike and bike trail.

\*\*Alternate No. 10 - provides for dog launch and other associated items.

\*\*Alternate No. 11 - provides for installation of benches, flagstone paving and stone walls and columns.

\*\*Alternate No. 13 - provides for installation of enclosure.

\*\*Alternate No. 16 - provides for installation of pet waste stations and trash cans.

\*\*\*Cole Construction, Inc. was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Phillips/May Corporation was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Omega Contracting, Inc. was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Schmoltdt Construction, Inc. was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*SMR Construction, Inc. was deemed non-responsive for mathematical errors in their bid proposal.

\*\*\*Mart, Inc.'s was deemed non-responsive for not following directions in submitting their bid proposal.

**Now, Therefore,**

**BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:**

January 8, 2014

**SECTION 1.** That the City Manager is hereby authorized to enter into a contract with A S Con, Inc. for dog park improvements, drainage, erosion control and parking improvements at White Rock Lake Park, in an amount not to exceed \$946,495.

**SECTION 2.** That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a contract with A S Con, Inc., after approval as to form by the City Attorney's Office.

**SECTION. 3.** That the City Controller is hereby authorized to pay the amount of \$946,495 to A S Con, Inc., as follows:

(2006) Park and Recreation Facilities Improvement Fund Fund BT00, Department PKR, Unit T332, Object 4599 Activity RFSI, Program PK06T332, CT-PKR14019424 Commodity 91200, Vendor 261853	\$746,056.47
(2006) Park and Recreation Facilities Improvement Fund Fund 1T00, Department PKR, Unit T332, Object 4599 Activity RFSI, Program PK06T332, CT-PKR14019424 Commodity 91200, Vendor 261853	<u>\$200,438.53</u>
Total amount not to exceed	\$946,495.00

**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.